



**Public Service Company of Colorado**

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USNRC

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October 4, 1982  
Fort St. Vrain  
Unit #1  
P-82434

Mr. Samuel J. Chilk, Secretary  
Office of the Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
1717 H Street, N. W.  
Washington, D. C. 02555

DOCKET NUMBER  
PROPOSED RULE PR-50

(56)  
(47 FR 33980)

SUBJECT: Proposed Rule Personnel With Unescorted Access  
To Protected Areas; Fitness for Duty, 47 Federal  
Register 33980 (August 5, 1982)

Dear Secretary Chilk:

Public Service Company of Colorado (PSCo) hereby submits the following comments in response to the proposed rule entitled "Personnel With Unescorted Access To Protected Areas; Fitness For Duty" (47 Federal Register 33980 (August 5, 1982)). Public Service Company of Colorado is an investor owned electric and gas utility that operates the Fort St. Vrain Nuclear Generating Station in Platteville, Colorado. The corporate headquarters are at 550 15th Street, Denver, Colorado 80202.

Public Service Company of Colorado supports the general objectives of the proposed rule and shares the NRC's concern that personnel with unescorted access to protected areas of commercial and industrial facilities licensed under 10CFR50.22 not be under the influence of alcohol or drugs or otherwise unfit for duty. Because of its concern, PSCo has developed programs to address potential problems in this area. These programs include company policy statements on the possession and use of alcohol and drugs, background investigations, use of psychological tests, behavioral observation programs in accordance with approved security plan, and employee assistance programs. The NRC research conducted by an NRC task force and issued as NUREG-0903 ("Survey of the Industry and Government Programs to Combat Drugs and Alcohol Abuse") has indicated that the utilities would address many of the concerns upon which this proposal focuses. Subsequently, we believe that if the commission determines that action must be taken in this area the most cost effective and practical approach would be the issuance of the general policy statement rather than a rule.

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add: Ellis Merschoff  
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Acknowledged by card 10/21/82 emp

Although we believe the commission action on this subject matter should not presently extend beyond the issuance of a general policy statement, we would like to call attention to several features in the proposed rule which we believe would present serious problems.

The proposed rule states in part that:

"Each licensee with an operating license issued under 50.21 (b) or 50.22 shall establish common document, and implement adequate written procedures designed to ensure that while on duty, the licensee and its contract personnel with unescorted access to protected areas are not:

- (i) under the influence of alcohol
- (ii) using any drugs that would affect their facilities in any way contrary to safety
- (iii) otherwise unfit for duty because of mental and temporary physical impairments that could affect their performance in any way contrary to safety.

Compliance with the above rule as written for all individuals who enter the protected area is manifestly impossible. For instance, the detection of drugs in the human body can only be established with any degree of certainty through the laboratory analysis of body fluids. It is clearly unreasonable to require analysis of body fluids each time an individual enters the protected area. It is equally unreasonable and in fact impossible to guarantee that an individual is not otherwise unfit for duty due to mental or temporary physical impairments that could affect their performance in anyway contrary to safety. As presently worded, the proposed rule would place upon the licensee a responsibility which is impossible to fulfill. Consequently, it should not be adopted as presently written. Should the commission decide to proceed with the issuance of a rule and that rule is in the form of a general descriptive regulation, that regulation's objective should be reasonably attainable. Therefore, the word "ensure" should be deleted from the paragraph and the words "provides reasonable assurance" substituted therein.

Given the above revised criteria, it appears the only way to "provide reasonable assurance" is to include the responsibility in the continual observation by personnel supervisors program as addressed by 73.55 and NUREG-0220 ("Interim Acceptance Criteria for a Physical Security Plan for Nuclear Power Plants"). This NUREG document references ANSI Standard 18.17 1973 (which requires a continued observation program) as a minimum standard to be met by licensees. Consequently, should the commission proceed with the issuance of the rule along the lines of that proposed, it should delete sub-paragraph (iii) recognizing that current requirements as specified in NUREG-0220 currently meet the intent of the proposed rule. Public Service Company of Colorado does not recommend the expansion of the proposed rule to cover NRC inspection personnel. Although we believe that all personnel granted unescorted access should be fit for duty, the NRC must assume primary responsibility for assuring that their employees or contractors are fit for duty. We are concerned that expanding the proposed rule to include NRC inspection personnel will place the utility in an untenable position of policing inspectors. However, the fitness for duty of personnel other than licensee and contractor personnel is unquestionably an important issue in granting that the NRC is primarily responsible for this and should formulate a fitness for duty program for these personnel. We recommend that the NRC certify to the licensee in a manner similar to the present procedure for granting unescorted access that these personnel are fit for duty.

Section 50.54 (x) (2) of the proposed rule would require that each licensee "maintain the written records of these procedures for the life of the plant". We believe that if this provision and this proposed rule is included in the continual observation by personnel supervisors program that the records are adequate and that maintaining additional records for the life of the plant would serve no purpose. We would propose that the retention period for these records be similar to that required for security records required to be maintained by NUREG-0220 ("Interim Acceptance Criteria for a Physical Security Plan for Nuclear Power Plants"). Finally, PSCo is a member of the Edison Electric Institute and subsequently supports their comments on the proposed rule as addressed by Mr. John J. Kearny, Senior Vice President, on October 4, 1982.

Should you have any questions or comments please address them to Mr. Donald R. Alps, Security Supervisor, (303) 785-2223.

Very truly yours,

*Don W. Warembourg*

Don W. Warembourg  
Manager, Nuclear Production  
Fort St. Vrain Nuclear Generating  
Station

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