

# YANKEE ATOMIC ELECTRIC COMPANY



1671 Worcester Road, Framingham, Massachusetts 01701

2.C.2.1  
FYC 82-19  
GLA 82-51

October 4, 1982

(58)

DOCKET NUMBER  
PROPOSED RULE PR-50

DOCKETED  
USNRC

Secretary of the Commission  
United States Nuclear Regulatory Commission  
Washington, D. C. 20555

(47 FR 33980) '82 OCT 12 12:04

Attention: Docketing and Service Branch

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Subject: Comments Pertaining to Fitness-For-Duty of Personnel with  
Unescorted Access to Protected Areas: Proposed Rule  
(47FR33980; 5 August 1982)

Dear Sir:

We welcome this opportunity to exercise our privilege of submitting comments on the subject document. Yankee Atomic owns and operates a nuclear power plant in Rowe, Massachusetts. The Nuclear Services Division also provides engineering and licensing services for other nuclear power plants in the Northeast including Vermont Yankee, Maine Yankee, and Seabrook 1 and 2.

## INTRODUCTION

We recognize that employees must be "fit for duty". Although unauthorized possession of controlled substances is prohibited by Federal laws, while possession or consumption of alcohol is not necessarily illegal, most utility companies like Yankee Atomic have voluntarily established policies that apply to their own personnel and their contractors' personnel, which are designed to ensure fitness-for-duty. Yankee Atomic agrees with the intent of NRC's proposal to codify fitness-for-duty requirements, applicable to all licensees.

The central theme to our comments below is that licensee-employers must retain ultimate control over their workplace policies. This will not be possible, in our view, if NRC promulgates any fitness-for-duty rule with rigid, prescriptive requirements. We would only endorse a rule that permits utilities to exercise their own judgments, in the areas of collective-bargaining and worker privacy rights. A single rule, unless it is drafted using flexible standards liberally construed, cannot adequately address all factors licensee employers must consider when setting workplace policies for their facilities. Any rule must recognize that administration of any fitness-for-duty program could not achieve absolute success in all cases.

Our discussion of the proposed rule follows. We wish at the outset, however, to strongly assert that no persons with access to protected areas should enjoy an exemption from NRC requirements. NRC personnel must also be fit-for-duty when entering these protected areas, and if given immunity from the licensee's standards, then equivalent NRC standards for fitness-for-duty

*DS10  
Add: E. Neuschoff  
5/20/82*

8210220372 821012  
PDR PR  
50 47FR33980 PDR

Acknowledged by card. 10/24/82 emp

must apply as to them. In addition, regarding the proposed standard by which the adequacy of a licensee's fitness-for-duty programs would be measured, we prefer that the text of Section 50.54(x)(1) be changed from "designed to ensure that..." to "designed to provide reasonable assurance that..." We believe this change is needed to provide a more flexible standard for licensees to meet. Our justification for this needed change is discussed below.

#### DISCUSSION

The rights of union workers at nuclear power plant facilities to freedom from unauthorized access to their personal information, and intrusive searches of person or property, are not secondary to employer interests, or NRC interests, in safe operation of the plant free from threats of sabotage or breaches in security. Good faith bargaining between the employer and unions is required by the National Labor Relations Act. Mandatory subject include "wages, hours, and other kinds and conditions of employment". The contours of this duty to bargain include worker privacy matters (searches, lie detector tests, access to medical information, etc.). Employers, in this case licensees to operate a nuclear plant, do not have an unrestricted right to unilaterally implement, change, or eliminate workplace rules. Once implemented, workplace rules concerning fitness-for-duty procedures may be challenged through the grievance procedure.

The potential costs to utilities, who implement NRC fitness-for-duty requirements, are associated with possible workplace conflicts with collective bargaining units and other nonunion licensee employees or contractor personnel. A broader question of effect to licensees is raised, if unscheduled outages result from grievances, strikes, or arbitration pursuant to changing workplace conditions at nuclear plant facilities. This financial risk to a utility company is also a possible threat to interstate distribution of its electric power.

We believe that these risks are avoidable only if NRC refrains from imposing requirements for use of intrusive measures to enforce fitness-for-duty policies. These measures would include lie detector tests, breathalyzer sobriety tests, blood tests for drugs or alcohol, psychological exams for emotional stability, or worker searches and seizures. Foreseeably, worker hostilities will result if NRC mandates suddenly that personnel be subjected to these measures. A better solution, as NRC is proposing, is to promulgate objectives for fitness-for-duty programs, instead of prescribing methods for achieving them. Thus, licensee-employers will be free to implement the most effective program to meet NRC fitness-for-duty objectives, which also will ensure stable labor relations that are so essential.

Licensee-employers may be subject to legal liability if NRC's final fitness-for-duty rule requires intrusions into worker privacy matters, in violation of state statutes, state and federal courts, or the National Labor Relations Act. Contradictory trends in the status of lie detector tests (LDT), for example, can be found from court decisions, legislatures, arbitrators, and the NLRB. Use of LDT is regulated, restricted, or banned in about forty states. Employers in 22 states are restricted from requiring LDTs

as a condition of employment (N.J. bans use of LDTs altogether). In Massachusetts, employers can be fined for requiring an employee or prospective employee to submit to a LDT. Thus, utility companies must be free to implement fitness-for-duty programs not inconsistent with state and federal laws and regulations of other agencies.

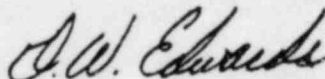
Finally, we recognize that, by and large, constitutional standards for personal privacy and freedom from unwarranted intrusions do not apply at work, when private action and not state action occurs. Employee's due process must exist, however, based upon the following standards: nondiscriminatory searches, consistency in discipline, and fair search procedures. Rules for entry and exit searches do not apply to searches elsewhere on an employer's property. Even if the collective bargaining agreement is silent on the issue, an employer's established past-practices for searches may be upheld by arbitrators. We believe that employers must be free to implement fitness-for-duty programs that observe worker privacy rights and ensure employee due process.

#### CONCLUSION

Licensee-employers must retain ultimate control over workplace policies regarding a fitness-for-duty rule. A single NRC rule, unless drafted to accomplish objectives rather than to prescribe methods, will not permit employers to maintain a stable collective bargaining situation at their licensed facilities. A viable NRC rule must be liberally construed, so that licensees may achieve compliance without jeopardizing business interests or hindering interstate commerce. Intrusive measures to enforce fitness-for-duty programs should not be required by NRC, even if they could be constitutionally implemented, because employers must ensure their worker's privacy and due process rights.

Very truly yours,

YANKEE ATOMIC ELECTRIC COMPANY



D. W. Edwards, Director  
Operational Projects

REHelfrich/dd

**GPU Nuclear**

DOCKETED  
USNRC

'82 OCT 12 P2:16

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

**GPU Nuclear Corporation**  
100 Interpace Parkway  
Parsippany, New Jersey 07054  
201 263-6500  
TELEX 136-482  
Writer's Direct Dial Number:

October 7, 1982

Mr. Samuel J. Chilk  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

DOCKET NUMBER  
PROPOSED RULE

(59)  
PR-50

(47 FR 33980)

Dear Mr. Chilk:

Subject: Proposed Rule on Personnel with Unescorted Access  
to Protected Areas; Fitness for Duty--10 CFR Part 50.

The staff of GPU Nuclear Corporation herewith submits comments on the subject proposal. Comments were requested in an August 5, 1982 Federal Register notice (47 FR 33980).

We agree with the objective of this rulemaking which is to assure that personnel with unescorted access to protected areas are not under the influence of drugs or alcohol or are otherwise unfit for duty. Consistent with this objective, we have established a company policy to make it clear to our employees that abuse of these substances will not be tolerated, and we have instituted a program of psychological testing and free individual counseling that reduces the likelihood that employees will abuse these substances. In addition, our supervisors are given specific training on how to recognize aberrant behavior.

While we agree with the objective of the proposed rule, we have concluded that the issue it addresses is not yet ready to be reduced to specific procedures. We are not aware of any practical method that currently exists that will detect all persons who are unfit for duty. Even the use of blood or breath tests has limitations, and may, in some states, present legal difficulties for the utility. In addition, some abused drugs are not easily detected and require sophisticated specimen analyses with long turn-around times. Moreover, sample collection from each person entering a protected area would create severe logistical problems, and could constitute an unwarranted invasion of personal privacy. Consequently, we have concluded that, at this point in time, it is more practical and effective to approach this issue from a program level rather than at the level of specific detailed procedures. (Such programs could include psychological testing, free individual counseling, training of supervisors to detect performance affecting behaviors, etc.). We believe this approach is more effective in detecting a broader range of performance affecting factors that includes fatigue, psychological stress, and even some prescription drugs, as well as alcohol and drug abuse.

Acknowledged by card 10/21/82...amp

DS 10  
Add: E. Merschhoff  
57650

Therefore, rather than specific procedures, we urge that the rule require programs that provide reasonable assurance that personnel are not under the influence of these substances or are otherwise unfit for duty.

We also suggest that the rule apply to all persons seeking access to protected areas. There is no reason to believe that drug or alcohol abuse, or other performance affecting problems, are restricted to any particular class of individuals.

To implement these changes we recommend that the proposed Section 50.54(x)(1) be revised to read as follows:

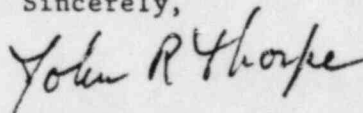
"Each licensee with an operating license issued under § 50.21(b) or § 50.22 shall establish, document, and implement programs designed to provide reasonable assurance that, while on duty, all persons with unescorted access to protected areas are not--"

In response to the specific numbered items in the notice that the Commission solicited comments on, we offer the following:

1. We would recommend further study of the feasibility of adopting regulations similar to FAA requirements in 14 CFR 91.11(a) for nuclear plant workers. We believe that the FAA requirements provide a useful reference point but believe that they apply to a very limited number of people (flight crew) and do not cover maintenance workers or anywhere near the number and types of people having unrestricted access to nuclear plants.
2. As outlined above, we have concluded that, at this time, the method of implementation of the Fitness for Duty Rule should be approached from a program level, and not from a level of specific procedures. We recommend that the Commission further study the use of specific methods such as blood and breath tests and consult with other experts outside the agency. Factors such as cost-effectiveness, logistics, and the potential for unwarranted invasion of personal privacy all should be studied. The results of the study could then be used to evaluate the feasibility of implementing specific procedures.
3. We do not see any particular basis for limiting the scope of this rule to personnel with unescorted access to vital areas and consider that such limitation would be more difficult to enforce. In our opinion the programmatic approach we have recommended should apply to all personnel in the protected area.

We appreciate the opportunity to comment on the proposal.

Sincerely,



John R. Thorpe  
Director  
Licensing & Regulatory Affairs

JSW:dls

cc: Mr. Richard Jacobs, NRC  
Mr. James Lombardo, NRC

TEXAS UTILITIES GENERATING COMPANY

2001 BRYAN TOWER · DALLAS, TEXAS 75201

DOCKETED  
USNRC

'82 OCT 12 P2:20

R. J. GARY  
EXECUTIVE VICE PRESIDENT  
AND GENERAL MANAGER

October 4, 1982

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Attention: Docketing and Service Branch

Dear Sir:

In response to the request for comments concerning the proposed rule to amend 10 CFR Part 50, "Personnel with Unescorted Access to Protected Areas; Fitness for Duty," which was published at 47 Federal Register 33980 and 33981 on August 5, 1982, the enclosed comments are respectfully submitted for your consideration by Texas Utilities Generating Company. These comments are in addition to those submitted on our behalf by Debevoise & Liberman in their letter of October 4, 1982 to you concerning this same subject.

Very truly yours,

*R. J. Gary*  
R. J. Gary

RJG:pko

Enclosure

(60)  
DOCKET NUMBER PR-50  
PROPOSED RULE (47 FR 33980)

DS 10  
add to Merschoff  
5650 NL

10/21/82 emp

COMMENTS TO NRC RULEMAKING  
10 CFR PART 50  
"PERSONNEL WITH UNESCORTED ACCESS TO  
PROTECTED AREAS; FITNESS FOR DUTY"

GENERAL

We have studied the problem of providing assurance that personnel with unescorted access to protected areas are fit for duty in light of the proposed rulemaking and drafts of proposed rulemaking for access authorization. We agree with the Commission that fitness for duty is a concern that needs to be addressed by licensees; however, we believe that the standard set by the proposed rule should include the following revisions:

1. Change Section 50.54(x) (1) from "written procedures designed to ensure" to "written procedures designed to provide reasonable assurance."
2. Renumber Section 50.54(x) (1) (iii) to be Section 50.54(x) (1) (iv), and rewrite the current Section 50.54(x) (1) (ii) into two sections as follows:  
  
    "(ii) Under the influence of any illegal controlled substance;  
    "(iii) Under the influence of any prescribed or over-the-counter medication that affects their faculties in any substantial way contrary to safety, or"
3. Add a new Section 50.54(x) (2) to read: "Each licensee's procedures will be evaluated on their own merits without reference to any specific criteria or methods that might be used to determine fitness for duty."
4. Renumber existing Section 50.54(x) (2) to be Section 50.54(x) (3), and change "for the life of the plant" to "for two years."

We believe that the above approach would provide a standard that is possible to attain and that it states what is actually intended with regard to drug abuse and misuse. Furthermore, we feel that this approach will reduce the record-keeping requirement to a reasonable time-frame and will ensure that the Commission's stated intent of leaving the implementation of the rule to the licensees is not violated.

SPECIFIC COMMENTS

1. Standard

The standard proposed in the rule is that the written procedures will be designed to "ensure" that personnel are fit for duty. Any set of procedures that attempted to meet this standard would necessarily have to rely on daily physical tests of all persons before unescorted access was granted. From the Statement of Consideration for the proposed rule and other related documents, it is clear that the Commission did not intend to impose such a requirement on the licensees. Therefore, the proposed rule should be changed so the standard for the required procedures is that they be designed to "provide reasonable assurance."

## 2. Drugs

The proposed rule speaks only of "alcohol" and "drugs." The term "drugs" is not defined in the proposed rulemaking or in any of the associated documentation. We believe the term is too broad for the intended regulatory purpose, especially in the context where it is used in the proposed rule. The term is used in Section 50.54(x) (1) (ii): "Using any drugs that affect their faculties in any way contrary to safety." Although the Statement of Consideration states that the problem being addressed by the proposed rule is the use of "controlled substances," this does not come through in the rule when the broad term "drugs" is used instead of "controlled substances." "Controlled substances" is a legal term used to refer to those "drugs of abuse" which fall within the categories of narcotics, depressants, stimulants, hallucinogens, and cannabis. In addition to those drugs for which there is no proven medical use, and which are, therefore, illegal, controlled substances include many over-the-counter and prescribed medications, which are illegal to use or possess only if legal controls are violated. Although differentiating between types of drugs adds complication to the rule, we believe it is necessary to clarify what is actually intended by the rule.

We believe that the use of any illegal controlled substance renders a person unfit for duty; however, the use of legal, controlled substances and other medications render a person unfit for duty only if they affect his faculties in any substantial way contrary to safety. Most prescribed medication, and even some over-the-counter drugs such as antihistamines, would fail a test written in terms of the proposed rule: that the user's faculties not be affected "in any way." Therefore, we propose rewriting the rule to address "drugs" from two aspects: (1) under the influence of any illegal controlled substance, and (2) under the influence of any medication that adversely affects the faculties in any substantial way. It will be noted that we have recommended changing the term "using" to "under the influence." This is in keeping with the intent of the rule, which is to assure that the person is capable of performing assigned duties, not that he is necessarily reliable. It also clarifies the intent of the proposed rule. As the proposed rule now reads, the licensee would only have to "ensure" that, "while on duty," the personnel are not "using any drugs." It is not the use of drugs while on duty that is the problem being addressed, but the fitness for duty when under the influence of drugs, whether used on or off duty.

## 3. Specific Methods

The proposed rule contains no specific criteria for determining fitness for duty and no specific methods of implementing the rule. This is as it should be; however, there is a great concern that specific criteria or methods may be imposed by the Commission at a later time. The Statement of Consideration states that, "At this time, establishment of specific criteria...and specific methods...have been left to the licensee." The implication is that at a later time, either through a change to the rule, Commission guidance, or inspection and enforcement activities, specific criteria and methods may be imposed. Before agreeing to the "broadly worded" proposed rulemaking, we require some assurance that it will remain broadly worded. Consequently, we propose that a disclaimer pertaining to specific criteria and methods be written into the rule.



#### 4. Record Keeping

The proposed rulemaking requires maintaining "written records of these procedures for the life of the plant." The rationale for this requirement is not discussed in the Statement of Consideration for the proposed rule or any other documentation pertaining to it. In the absence of any justification for the continuous maintenance of records, a two-year period should be imposed.

#### SOLICITED COMMENTS

The Commission invited comments on six specific topics. Each is addressed below:

1. Should specific fitness criteria, such as the Federal Aviation Administration's proposed regulation for civil aircraft crew members, be established?

No. According to our information, the proposed FAA regulation is specific only with regard to alcohol. Alcohol has been defined as the primary problem for the FAA, but according to the Statement of Consideration, the proposed rule is based on the identification by licensees' facilities. Because of the wide variety of controlled substances, and their vastly different effects on the user, establishing specific criteria for controlled substances would be a far greater undertaking and subject to much greater legal and medical dispute than criteria for alcohol.

2. Should specific methods of implementation of the Fitness for Duty Rule, including the use of breath tests, background investigations, psychological tests, behavioral observation programs, and other possible measures, be established?

No. The list of methods is widely divergent, but all are objectionable.

- a. Breath Tests. Breath tests are used to detect the use of alcohol. Again, although use of alcohol is included in the proposed rule, the identified problem to which the rule is directed is the use of controlled substances. To require the use of breath tests simply because they are available and easy to administer would misdirect the activities under the proposed rule. Actually, the required use of any test is objectionable. The use of tests for alcohol or other drug use is usually done for legal or medical purposes, not for making a labor management decision. Although licensees may elect to use various tests, when they will be used and who will administer them should be left to the licensees. Each licensee that decides to use such tests must ensure that such use conforms to company personnel policy, union contracts and agreements, state and federal laws, and prescribed medical standards. The costs of such tests must also be taken into consideration. Depending on the extent of testing done, a test may cost in the approximate range of \$25 to \$100, which would quickly amount to a significant sum if testing were done on a wide scale. Any licensee that determines that

testing is legal and useful for its program must then determine if the benefit of testing is justified by the cost, versus the cost of countering the problem through other means.

- b. Background Investigations and Psychological Tests. The appearance of these items on the list of possible "specific methods of implementation of the Fitness for Duty Rule" is surprising. It has been the industry's understanding that these methods were to be a part of an Access Authorization rule to be published in the future. To propose that they be a part of the Fitness for Duty Rule is to confuse the purpose of the two rules. The Access Authorization Rule should be aimed toward determining a person's reliability, while the Fitness for Duty Rule is aimed toward determining a reliable person's immediate capability. Background investigations and psychological examinations are predictive in nature, while methods used to implement the Fitness for Duty Rule should be detective in nature.
- c. Behavioral Observation Programs. It has been the industry's understanding that the behavioral observation programs were also to be a part of the Access Authorization Rule. With the advent of the proposed Fitness for Duty Rule, it would seem that whatever "behavioral observation program" that was previously envisioned to be a part of the Access Authorization Rule has now been duplicated by the Fitness for Duty Rule, since the latter is largely a behavioral observation program. Indeed, if the Fitness for Duty Rule is approved, any future Access Authorization Rule should concern itself with initial authorization and periodic updating. Any program for withdrawal of access authorization for cause should be integrated into the Fitness for Duty Rule. This would clearly demarcate the predictive program from the detective program.
- d. Other Possible Implementation Methods. There is no need to establish any implementation methods. The industry is aware of the possible methods that can be used to determine fitness for duty, and each licensee is capable of selecting those that meet its needs.

3. Should the scope of the rule be limited to personnel with unescorted access to vital areas?

No. Most persons with access to the protected area will have access to one or more vital areas. The Fitness for Duty Rule is a common sense management rule that would be applied, in principle at least, to all persons granted entry to a licensed plant, whether they have unescorted access to vital areas or unescorted access to the protected area only. To state in the proposed rule that the Commission is concerned only with vital areas may leave the impression that persons under the influence of alcohol or drugs are acceptable in the protected area.

4. What level of specificity should be included in the proposed rule?

We believe that a broad rule in the nature of that proposed is all that is needed and acceptable. We recognize the duty of the Commission to establish minimum qualifications for personnel at licensed facilities.

However, employment decisions and procedures which are in the nature of job performance evaluation, medical or counselling referrals, suspensions, and firings still must remain the prerogative of the licensees.

5. Should the proposed rule also apply to NRC personnel?

Yes. First, as stated in the Statement of Consideration, "any person with unescorted access to a protected area may have the opportunity to affect adversely the health and safety of the public through an unobserved act, whether intentional or inadvertent." "Any person," of course, includes NRC personnel. Second, there is no reason to believe that NRC personnel are any less susceptible to arriving at a licensed facility under the influence of alcohol or drugs than any other person. Third, and most important, is the morale problem. For the Commission to impose this type of rule on licensee and contractor personnel, but to exclude its own personnel, is to exacerbate an existing situation that causes poor morale stemming from other NRC regulations that are viewed by licensee employees as questioning their honesty, integrity, and reliability. It is inconsistent to make licensee and contractor personnel the subjects of this type of rule, while excluding NRC personnel (and other federal personnel, including OSHA and EPA inspectors) who may be at a licensed plant under exactly the same circumstances (i.e., with unescorted access). Fourth, to exclude NRC personnel is to lend the appearance that authorized NRC personnel may, or even must, be granted unescorted access to protected areas even if they are "under the influence of alcohol, using any drugs..., or otherwise unfit for duty."

6. Should specific blood alcohol level limits be established?

No. As previously stated, alcohol is not the sole problem. The problem encompasses controlled substances, alcohol, and other drugs. To set blood alcohol limits, but to ignore standards for controlled substances and other drugs, is to misdirect the proposed rule. Also, as previously stated, each licensee should be left to its own procedural devices to establish the specific criteria and methods that will be used to implement the proposed rule.



# THE CLEVELAND ELECTRIC ILLUMINATING COMPANY

ILLUMINATING BLDG. ■ PUBLIC SQUARE ■ CLEVELAND, OHIO 44101 ■ TELEPHONE (216) 623-1990 ■ MAIL ADDRESS: P. O. BOX 5000

Serving The Best Location in the Nation

82 OCT 12 P2:23

Dalwyn R. Davidson  
VICE PRESIDENT  
SYSTEM ENGINEERING AND CONSTRUCTION

October 6, 1982

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Attention: Docketing and Service Branch

DOCKET NUMBER  
PROPOSED RULE PR-50

(61)  
(47 FR 33980)

Comment on Proposed Rulemaking:  
Personnel with Unescorted Access  
to Protected Areas; Fitness for Duty

Dear Sir:

The following comments from the Cleveland Electric Illuminating Company pertain to the proposed rule to 10CFR50 concerning Personnel with Unescorted Access to Protected Areas; Fitness for Duty.

1. The proposed rule cannot be implemented practically. It requires that procedures be implemented "...to assure that personnel with unescorted access to the protected area of the licensed facility are not unfit for duty". We know of no practical methods or procedures which would "assure" fitness.

The proposed rule can be implemented in a revised form. The revision would require that methods and procedures be established to identify aberrant behavior to recognize when employees may be unfit for duty. A behavior observation program, coupled with psychological assessment and testing, will provide reasonable assurance that personnel are fit for duty.

In support of this idea, the following points should be noted:

- a. An individual's fitness for duty can be determined by supervisory personnel trained in the observation of aberrant behavior.
- b. Because of the screening and psychological testing the instance of chemical substance abuse among industry employees should be lower than that of the general population.
- c. Any provision specifying a blood alcohol level would necessitate the use of breathalizers and or blood test. This type of testing would adversely impact employee moral and cause further delays in the accessing of personnel into the protected area.

Additionally, the following comments apply to the proposed rule:

DS10  
add: K. Mischoff  
5650 NL

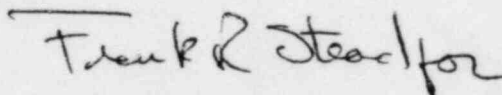
Acknowledged by card 10/21/82 emp

October 6, 1982

2. NRC personnel should be subjected to the same access rules as any other individual entering the protected area.
3. The rule adopted should not differentiate between access to the protected area and access to a vital area. Such a distinction would cause administrative difficulties.
4. The proposed rule should be combined with the Access Authorization Rule (73.56) as they address the same subject.

Although these comments are being supplied after the October 4, 1982 deadline, we believe they are important enough to be brought to your attention.

Very truly yours,



Dalwyn R. Davidson  
Vice President  
System Engineering and Construction

DRD:dlp

cc: Jay Silberg, Esq.