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

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

Attention: Docketing and Service Branch

Gentlemen:

Gulf States Utilities (GSU) has reviewed the proposed ruled (47FR33980) concerning "Personnel With Unescorted Access to Protected Areas; Fitness for Duty", and offers the following comments.

GSU has historically taken a strong stand with regard to employee fitness for duty. Providing the public with safe and reliable electricity to meet the needs of homes, industries, schools, churches, hospitals, etc., is a serious matter. GSU corporate work rules forbid all employees from performing their job while under the influence of alcohol or drugs. GSU endorses the intent of this regulation, but feels that a practical approach to the problem is needed. Also, GSU feels that currently established programs are effective and adequate to ensure protection of the general public.

The proposed rule as written for Title 10 Code of Federal Regulations Part 54, does not provide the licensee an adequate description of the required controls the Nuclear Regulatory Commission is proposing. The information published in the supplementary section of the Federal Register notice certainly reveals a more sophisticated approach to controlling these conditions in a nuclear facility than could be interpreted from the proposed rule as written.

Currently, various measures are being implemented at nuclear facilities which establish, document and implement procedures designed to detect any unstable physical behavior of employees having access to protected areas in the plant. Examples of such measures are:

- 1) Background investigations on the applicant prior to his/her employment.
- 2) Psychological testing performed on the individual prior to hiring.

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As a secondary precaution, security groups investigate, in further detail, those individuals who will have unescorted access.

In addition to the above, the nuclear industry has participated in programs such as:

- 1) Employee Awareness on Drugs and Alcohol.
- 2) Employee Assistance with Alcohol and Drug Problems.
- 3) Behavioral Observation for Plant Supervisors.

A supervisor knows his staff and their capabilities under normal physical conditions. If an employee reported to work "unfit for duty" his/her supervisor and fellow employees would be the first to notice their behavior and the individual could be counseled.

There are also both practical and public relations problems with the possibility of personnel under the influence of drugs or alcohol having access to protected areas of a nuclear plant. The difficulty is that there are no reasonable standards or tests for determining whether or not personnel should be granted access.

The use of medical tests present major problems to an operating facility. Whether or not such testing violates constitutional rights is an issue which certainly should be addressed. The current problems in detecting the use of drugs are well documented in studies and articles. It is certainly possible to detect many drugs by medical tests, but these tests are time consuming, difficult to conduct, and expensive.

This rule attempts to cover the general problem of individuals who have reported to work under the influence of alcohol or drugs. It is possible that a program could be enacted that will identify the alcoholics and chronic drug users. Programs that consist of psychological and medical tests may detect the alcoholic or the habitual drug user in the majority of cases. However, even in this restricted effort it is extremely difficult to point to any programs that have great success in other industries and endeavors. If the use of alcohol or drugs is occasional or a newly developed habit, it is extremely difficult to discriminate sufficiently in any testing program, as to whether or not the faculties of the employee have been impaired.

The incidents that are referred to in the body of the Federal Register refer to employees being arrested or terminated. In some instances these cases were for offenses that were not committed in direct connection with their duties at the plant and therefore, were not job related.

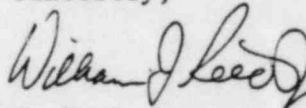
GSU believes that if licensees in the nuclear industry are bound by certain rules and regulations which have been designed to provide greater assurance of safer and more

reliable operation of nuclear facilities, then also those who regulate, inspect and enforce the industry should also abide by the requirements they develop.

There is no question that currently utilized procedures at nuclear power plants have done well to protect the public from any dangers that might ensue from having employees on duty that are in a condition of reduced alertness or in other ways have their faculties impaired. These procedures are the normal methods of a supervisor in any industry. The supervisor knows his people, knows what their normal reactions are, and can usually detect signs of possible reduced alertness or other abnormalities much more readily than an elaborate alcohol and drug abuse program. It is recommended that we continue with the existing programs until there is clear evidence that methods which are both effective and reasonable have been developed for use in other parts of our society. GSU believes that the current measures being practiced throughout the industry are adequate without the use of breath and blood tests.

GSU appreciates the opportunity to comment on this proposed rule.

Sincerely,



for J. E. Booker
Manager-Engineering & Licensing
River Bend Nuclear Group

JEB/~~RAK~~/kt