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

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

Attention: Docketing and Service Branch

Subject: 10 CFR Part 50, "Fitness for Duty"

Dear Sir:

The Atomic Industrial Forum's Committee on Power Plant Design, Construction and Operation has reviewed the proposed rule 10 CFR Part 50, "Fitness for Duty of Personnel with Unescorted Access to Protected Areas" of nuclear power plants which was promulgated in the Federal Register (47 F.R. 33980) of August 5, 1982. We offer the following comments for your consideration.

The intent of the proposed rule is good and reasonable. The industry cannot tolerate employees whose performance is impaired by drugs, alcohol, or other serious mental or physical conditions. This is especially true for personnel who have access to areas of a plant which contains vital equipment important to the health and safety of the public.

However, the rule is not needed. All utilities contacted have programs in place to handle these personnel problems. Administrative procedures are in place that specify action to be taken when a supervisor suspects on-site possession or use of controlled substances. Also, employee awareness, assistance and rehabilitation programs are the norm. NUREG-0903, "Survey of Industry and Government Programs to Combat Drug and Alcohol Abuse" indicated that most of the licensees surveyed have adequate screening and behavioral observation programs in effect. Also, the industry standard ANSI N18.17 (ANS-3.3), "Security for Nuclear Power Plants" has recently been revised and contains the necessary elements for assuring sensitive personnel are fit for duty.

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add: Tom Ryan
5650 NL

Acknowledged by card 10/27/82 emp

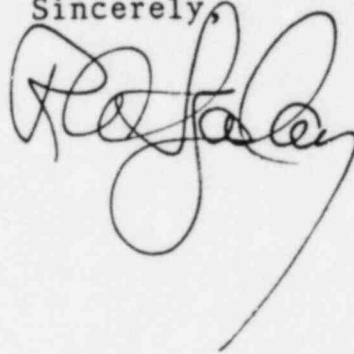
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Although on the surface the fitness for duty rule seems prudent and reasonable, we are concerned that there can be inconsistent and abusive enforcement of the rule by regional NRC inspectors who have varying ideas on what is required. There is particular concern that personnel may be required to submit to the indignation and inconvenience of blood, urine, or breath tests without probable cause.

The American Council on Marijuana and Other Psychoactive Drugs held a symposium August 6, 1982 on drug abuse in the workplace. The participants were from manufacturing industries (GM, GE, ITT, Owens-Corning), government (FAA, NRC, HHS, DOD), railroads (Southern), nuclear power (AIF), and assorted academics, lawyers, doctors, and consultants. The consensus of this group was that urinalysis testing which has been effective in reducing use of drugs in the military has serious legal, morale, and political problems in industry. None of the industry or non-military government representatives at the seminar indicated that they would consider bodily fluid testing of employees once hired for those reasons.

We recommend that the fitness for duty goals described in the proposed rule should be achieved through greater industry compliance with revised ANSI Standard N18.17, perhaps through an NRC policy statement.

Sincerely,



RS:bar