

SOUTH CAROLINA ELECTRIC & GAS COMPANY

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O. W. DIXON, JR.  
VICE PRESIDENT  
NUCLEAR OPERATIONS

October 15, 1982

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(66)

Mr. Samuel J. Chilk  
Secretary of the Commission  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

DOCKET NUMBER PR-50  
FILED FILE

(47 FR 33980)

Attn: Docketing and Service Branch

Subject: Virgil C. Summer Nuclear Station  
Proposed Rule, "Personnel with  
Unescorted Access to Protected  
Areas; Fitness for Duty"

Dear Mr. Chilk:

On August 5, 1982, the Commission published a proposed rulemaking, referred to as the "Fitness for Duty" rule, in the Federal Register. While the South Carolina Electric and Gas Company (SCE&G) concurs with the intended purpose of the rulemaking, it is SCE&G's position that the proposed rule is unreasonable, unnecessary and inappropriate for the following reasons:

1. The proposed rule is intolerably vague in that no guidance or standards are provided to licensees relative to how the stated objectives are to be achieved. Programs set up by licensees would vary greatly and their adequacy would be judged upon interpretations by different inspectors in different regions. The results of the proposed rule would be inconsistent efforts by licensees and a series of unnecessary misunderstandings between individual licensees and their regional I&E offices based upon differences in interpretation.
2. In the supplementary information to the proposed rule, it is noted that the number of reported drug-related incidents has "increased substantially" over the past three years, climbing to a high of 12 reported cases in 1981. NUREG 0903 entitled, "Survey of Industry and Government Programs to Combat Drug and Alcohol Abuse," states that the ten utilities surveyed were cognizant of drug-related problems and all but one had written

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Add: Tom Ryan  
5650 NL

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policies to address the problem. Considering the number of nuclear generating stations and their associated personnel in existence during 1981, the increasing use of illegal drugs throughout the U.S., and the nuclear industry's acknowledged efforts to address the drug problem, it is SCE&G's position that, while our goal should be zero drug incidents during any year, the fact that only 12 incidents were reported (and therefore addressed) in 1981 is evidence that the industry's efforts in this area have been effective, negating any need for additional regulations.

3. Drug-related incidents are a certainty for the future. While licensees can implement written procedures designed to prevent or detect drug abuse, it is not possible to implement a set of written procedures that will ensure the absence of drug abuse.
4. The requirement to maintain the written records of this program for the life of the plant would serve no useful purpose and would be an unnecessary burden on licensees.

As stated earlier, SCE&G concurs with the intended purpose of the proposed rule. An effective program to minimize the drug abuse problem would consist of a concerted effort to detect and eliminate drug abusers in the pre-employment phase and the establishment of an on-going program to detect and address on-the-job situations.

#### Pre-Employment Program

The "access authorization" rulemaking currently under consideration should include items which are intended to identify subjects that are drug users. The major components of such a program would include contacting listed and developed references, former employers, law enforcement agencies near the subject's former addresses, etc.

#### On-Going Program

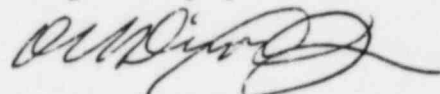
Current programs in place to detect aberrant behavior should be expanded to include the detection of drug abuse. The major additions would be annual supervisory training in the recognition of drug abuse indicators and policies or procedures that would require employees to report the use of prescribed drugs to their supervisors.

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To address the question of whether or not the "Fitness for Duty" rule should apply to NRC personnel, SCE&G's position is that since NRC personnel are also subject to the drug abuse problem, the rule should include NRC personnel who have unescorted access privileges to any nuclear generating station. Because of the regulator/licensee relationship, it is important that the program for NRC personnel be administered by the NRC. Such a program should include a mechanism by which a licensee may identify a possible problem to NRC management.

In summary, SCE&G endorses the objectives of the proposed rulemaking, but proposes that these objectives be achieved through the expansion of related programs now in existence.

Very truly yours.



O. W. Dixon, Jr.

JPH:OWD/fjc

cc: V. C. Summer  
G. H. Fischer  
H. N. Cyrus  
T. C. Nichols, Jr.  
O. W. Dixon, Jr.  
M. B. Whitaker, Jr.  
H. T. Babb  
D. A. Nauman  
C. L. Ligon (NSRC)  
W. A. Williams, Jr.  
R. B. Clary  
O. S. Bradham  
A. R. Koon  
M. N. Browne  
NPCF  
File

Georgia Power Company  
333 Piedmont Avenue  
Atlanta, Georgia 30308  
Telephone 404 526-6526

Mailing Address:  
Post Office Box 4545  
Atlanta, Georgia 30302

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Georgia Power

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Power Generation Department

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

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(47 FR 33980)

Gentlemen:

Georgia Power Company (GPC) has reviewed the proposed regulation entitled "Personnel with Unescorted Access to Protected Areas; Fitness for Duty - 10 CFR Part 50," published in the Federal Register on August 5, 1982. Through this action the Commission will require licensees to establish and implement controls designed to assure that personnel with unescorted access to protected areas are not under the influence of drugs or alcohol or otherwise unfit for duty. We wish to offer a general comment followed by comments on specifics regarding the proposed rule:

General Comment

GPC has a strong commitment to its employees to provide a safe work place and to establish programs promoting high standards of employee health. Part of our commitment is to establish and maintain a work environment which is free from the effects of drug and alcohol abuse. To this end, we are implementing, on a company-wide basis, a policy on drug and alcohol abuse. The policy includes screening for drugs in all pre-employment applicants during their physical examination, and screening for alcohol and drugs when a supervisor has reason to question an employee's fitness for duty or has reason to believe the employee is under the influence of prohibited substances. Our Employee Assistance Plan is available to employees seeking help with problems, including drug and alcohol abuse.

We are in full agreement with the intent of the regulation and we believe our policy meets the proposed requirements. However, we strongly believe that implementation of such policies is the responsibility of individual licensees and should not be prescribed or enforced by the NRC. GPC views the proposed rule as being overly prescriptive and an example of over-regulation. We recommend that the proposed rule not be implemented in its present form. Guidance to utilities in the form of a NUREG would be more appropriate for addressing this issue.

Although we do not believe a rule should be promulgated, as stated above, the following comments provide specific changes to the proposed rule which we would suggest if the Commission proceeds to issuance of a rule on worker fitness for duty.

DSIO  
add: Tom Ryan  
5650 NL

Acknowledged by emd. 10/22/82. emp

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U. S. Nuclear Regulatory Commission  
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Specific Concern

1. Regarding Commissioner Gilinsky's request for comments on applicability of the proposed rule to NRC personnel, we submit the following: NRC personnel should not be subject to utility programs for screening for drug and alcohol abuse. Plant security personnel presently have the authority to remove any individual who is endangering himself, the plant, or other employees. Removal of any individual, including NRC personnel, who is endangering the plant, other personnel, or himself, is well within the scope of the existing authority of plant security personnel.
2. An employee's supervisor is in the best position to provide, on a day-to-day basis, the continuity of observation needed to detect aberrant behavior. Psychologists would only rarely see an individual. Psychological tests and physical tests should only be used when aberrant behavior is observed by an employee's supervisor or other authority. Professional assistance for psychological screening of all employees is not available at many nuclear power plants.
3. To ensure that all personnel are fit for duty, the licensee would need to check each individual prior to allowing unescorted access. Such screening is unreasonable and unrealistic. We recommend a change to state that each licensee should provide reasonable assurance that personnel are fit for duty.

Thank you for the opportunity to comment on the proposed rule. I hope our comments will be useful in resolving this issue.

Yours very truly,

*L. T. Gucwa*

L. T. Gucwa  
Chief Nuclear Engineer

PLS/mb