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September 1, 1982

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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

Re: Proposed Rule Making 10 CFR 50.54(x),
"Personnel with Unescorted Access to Protected Areas:
Fitness for Duty," Federal Register, Vol. 47, No. 151,
pages 33980-33981

Dear Sir:

As an employee of a licensee that would be required to comply with the sub-
ject proposed rule, I wish to make some comments.

First of all, I appreciate the Commission's concern that individuals working
in licensed facilities be fit for duty and that drug related impairments be
minimized. My major concern, however, revolves around those employees, like
myself, who do not use drugs or alcohol and the violations of my rights that
would occur if I was subjected to tests to determine my fitness for duty.
In contemplating a rule such as this, it seems to me that the Commission
must consider the relative risk associated with not implementing this rule
as compared to motorists operating motor vehicles under the influence of
drugs or alcohol. The risk of untimely death on the Nation's roads and
highways is a known quantity that cannot even be approached by a reactor
accident caused by an unfit operator. It is not feasible to test every
motorist prior to driving his car, nor is it justifiable to test every nu-
clear plant employee with unescorted access as he reports to work each day.

I suggest that the Commission modify its rule to parallel the philosophy
used by most law enforcement agencies in dealing with the drinking driver.
No test or evaluation is required until some behavior is exhibited that war-
rants suspicion coupled with civil penalties against the individual for
having concentrations of alcohol or drugs in his body which exceed minimum

add.
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standards. In this way, the rights of those who obey the rule will not be violated on a daily or periodic basis, and those who choose to indulge in activities that may affect their judgment on the job will be dealt with according to civil proceedings.

Due to the fact that this rule would violate the basic rights of individuals who choose to work at licensed facilities, I recommend that the Commission reject this proposed rule and implement some other means of improving the overall fitness-for-duty of the Nation's reactor employees without violating their rights.

Respectfully submitted,


WALTER B. SCOTT

WBS:ksb

cc: Commissioner Victor Gilinski
Commissioner John F. Aherne
Commissioner Thomas M. Roberts
Commissioner James F. Asselstine
Chairman Ninzio J. Palladino

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BUCKET NUMBER
PROPOSED RULE

PR-50

16

(47 FR 33980)

82 SEP-7 P4:35

8/31/82

U.S.N.R.C. COMMISSIONER

OFFICE OF SECRETARY
DOCKETING & SERVICE
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DEAR SIRs:

IN REGARD TO 10 CFR PART 50 PERSONNEL
WITH UNESCORTED ACCESS TO PROTECTED AREAS;
FITNESS FOR DUTY; PROPOSED RULE, IT WOULD
APPEAR FROM FEDERAL REGISTER / VOL. 47, NO. 151
SUPPLEMENTARY INFORMATION THAT INDUSTRY
IS HANDLING THE PROBLEM SATISFACTORILY
WITHOUT THE BURDEN OF ADDITIONAL REGULATION
TO COMPLY WITH AND INTEGRATE EQUIPMENT
AND PERSONNEL COSTS.

IT IS MY OPINION THAT THE POSSIBLE REDUCTION
OF "INCIDENTS" AS A RESULT OF IMPLEMENTATION
OF THIS RULE DOES NOT JUSTIFY THE ASSOCIATED
COSTS AND INCONVENIENCES TO THE INDUSTRY
AND ITS EMPLOYEES.

RESPECTFULLY

Mark W. Stephens

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Administrated by card... 9/15/82 emg