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SAMUEL CHILK, SECRETARY
U S NUCLEAR REGULATORY COMMISSION
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DOCKET NUMBER
PROPOSED RULE PR-50

(47 FR 33980)

PROPOSED RULE ON FITNESS FOR DUTY

On August 5, 1982, a proposed rule was published in the Federal Registry which would require that procedures be established to assure that personnel having unescorted access to vital areas are fit for duty.

The Sacramento Municipal Utility District agrees that utilities should have programs providing for actions to control the actions of persons detected to be under the influence of alcohol or drugs or otherwise unfit for duty.

The District has on numerous occasions exercised control when the behavior of one of its personnel deviated from normal, and in one case the District undertook some covert surveillance activities which revealed that some employees were using illicit drugs. This surveillance resulted in discharges and other disciplinary actions. With respect to the proposed rule, however the District has some specific areas of concern and hereby submits the following comments:

1. As written, the rule applies only to utility personnel and contractor personnel working for the utility. It specifically excludes persons not in the direct employment of the utility, such as Federal inspectors, state inspectors and ASME Code Authorized Inspectors. It is the District's opinion that the necessity to deny unescorted access to individuals who are unfit for duty should apply to all individuals who would normally qualify for such access. Providing specifically for the exemption of certain persons who could not be denied an unescorted access to the protected area even if they exhibited behavior indicative of alcohol or drugs would be counter to the purpose of the rule. There is no reason to believe that persons, simply by reason of their not being employed by the utility, would be immune to the possibility of having problems with drugs or alcohol, or of developing physical or mental impairments which could affect the safety of the plant.

2. The District believes that a program assuring the detection of personnel under the influence of alcohol or drugs would be monumental in its administrative rigor and virtually impossible to carry out. Therefore, the rule should more logically address the identification of behavior different from normally expected.

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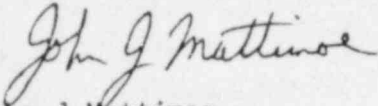
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3. To address the concerns listed in items 1 and 2 above, the District recommends the wording of the rule be changed to read as follows:

"(X)(1) Each licensee with an operating license issued under Sec. 50.22 shall establish, document, and implement written procedures designed to provide reasonable assurance that prompt action will be taken to restrict the activities of all persons with unescorted access to protected areas, if, while on duty, their actions so significantly deviate from their normal behavior that it is reasonable to suspect that they are (1) under the influence of alcohol, (2) using drugs that affect the faculties in any way contrary to safety, or (3) otherwise unfit for duty due to mental or temporary physical impairments that could affect their performance in any way contrary to safety."

If you have any questions regarding our comments, please contact Ron Rodriguez, Manager of Nuclear Operations.



John J Mattimoe
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and Chief Engineer