

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

SEP 08 1983

INTERNAL NOTE

TO: C.M. Overbey ✓
J.A. Norberg ✓

FROM: T.G. Ryan

SUBJECT: ACRS COMMITTEE RECOMMENDATIONS TO THE COMMISSION ON THE FITNESS
FOR DUTY RULE (YELLOW TAG CONTROL)

Attached, as Enclosure 1, is a copy of a memorandum responding to ACRS recommendations on the Fitness for Duty Rule. These recommendations were transmitted to Commission Chairman Palladino from ACRS Chairmain Ray, by letter dated 9 August 1983 (copy attached as Enclosure 2).

It is recommended that the attached memorandum be distributed to Office Directors, etc., for their concurrence, in anticipation to Commission hearings on the Rule.

NOTE: Karl Goller has indicated to C. Overbey and myself, that concurrences in these responses from other staff offices, are not necessary.

Thomas G. Ryan
Thomas G. Ryan

Enclosures: As stated

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MEMORANDUM FOR: H. Denton, Director, NRR
R. DeYoung, Director, IE
G. Cunningham, Director, ELD
J. Davis, Director, NMSS
J. Felton, Director, DRR
J. Fouchard, Director, OPA

FROM: Karl R. Goller, Director
Division of Facility Operations
Office of Nuclear Regulatory Research

SUBJECT: RESPONSES TO ACRS RECOMMENDATIONS ON THE FINAL PROPOSED
FITNESS FOR DUTY RULE

The purpose of this memorandum is to obtain your concurrence in our responses to ACRS recommendations on the final proposed Fitness for Duty Rule (amending 10 CFR Part 50.54). A copy of the ACRS letter of recommendations to the Commission Chairman is attached as an enclosure.

The ACRS recommends extending the rule to construction sites, and to NRC personnel. It also recommends collecting plant data on the nature and trends of the alcohol and drug problem in the nuclear utility industry, and data to assess the adequacy of utility fitness for duty programs responding to the rule.

ACRS recommendations are presented below followed by our responses. Please respond with your concurrence and/or comments by the close of business on September 16, 1983.

ACRS Recommendation: "The proposed rule does not apply to workers during the construction of a plant. While we agree that the concern regarding the fitness for duty of workers during construction is less than the concern for those covered by the proposed rule, we believe a potential for undiscovered substandard work makes this a significant issue also."

NRC Staff Response: Construction sites are not included in the rule since they present no immediate adverse on the public health and safety due to radiation releases. Additionally, quality assurance programs at construction sites, and subsequent qualification and licensing testing, will minimize potential adverse effects of construction errors, during the operating life of the plants. *When the rule is applied to construction sites, it is not practical to apply it to construction sites.*

ACRS Recommendation: "We note that the rule, as proposed, would not apply to NRC inspectors. In light of the principle that the licensee has ultimate responsibility for safe operation of the plant, we believe that such an exemption is inappropriate."

NRC Staff Response: NRC personnel (e.g., inspectors) are not included in the rule since they need unfettered access to nuclear power plants to perform their assigned duties, and they do not perform functions that directly and immediately affect plant safety.

Staff Question: "We believe that efforts should be made to ensure that information on incidents involving on-duty abuse of alcohol or drugs by nuclear power plant personnel is accessible to the NRC. These data are necessary to document the extent and nature of the problem as well as to judge the adequacy of licensees' fitness for duty programs.:"

NRC Staff Response: The rule does not contain a provision for collecting alcohol or drug incident information since other NRC mandated programs such as the Licensee Event Reporting and Incident Reporting Systems provide the NRC with such information. ~~Additionally, there are no current plans to take inspection and enforcement actions on the fitness for duty rule. Rather,~~ the rule will be used as a tool by Regional Administrators, as they deem necessary, to ensure that licensees have implemented fitness for duty programs.

Karl R. Goller, Director
Division of Facility Operations
Office of Nuclear Regulatory Research

Enclosure: Letter from ACRS to
Commission Chairman on
Fitness for Duty Rule