



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

November 3, 1983

Dircks
Roe
Rehm
Stello
Minogue
Denton
GCunningham

MEMORANDUM FOR:

Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal

FROM:

Nunzio J. Palladino *NJP*

SUBJECT:

FITNESS FOR DUTY RULE (SECY-83-339)

I am concerned that failure to exclude NRC employees from this rule will to some extent put the licensee in the position of exercising quasi-supervisory functions vis-a-vis NRC employees.

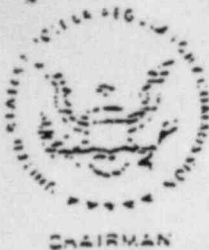
I would propose instead that staff be directed to develop a proposal for our review that would set the same goals and standards for NRC employees, but in a context that avoids the problem of licensee supervision (e.g., standards of conduct regulations).

SECY, please track responses.

cc: SECY
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Given that the utilities bear the ultimate responsibility for the safe operation of their plants, I believe they should have the authority to prevent anyone not fit for duty from jeopardizing plant operations.

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T.M.P.

11/9/83

FITNESS FOR DUTY

I approve the rule, subject to the modifications along the lines of those below, which bring the proposed rule closer to the approach taken by the FAA in 14 CFR 91.11:

- (y) "Protected Vital area" means
- (z) "Under the influence of alcohol" means a blood alcohol content of 0.04.... (e.g. Use FAA limit)

§ 50.54 Conditions of licensees.

(z) Fitness for Duty.

- (1) No person may have unescorted access to the plant vital areas while --
 - (i) Under the influence of alcohol; or
 - (ii) Under the influence of any other drugs that affect their faculties in any way contrary to safety; or
 - (iii) Otherwise unfit for duty because of mental or physical impairments that affect their performance in any way contrary to safety.
- (2) Each licensee with an operating license for a nuclear power unit issued under §§ 50.21(b) or 50.22 of this part, in addition, shall be responsible for the provisions described above.
- (3) The provisions of this part shall become effective _____.

I think the staff is overcomplicating the problem and weakening the rule by concentrating on procedures instead of fitness for duty itself. I am concerned that in repeatedly handling personnel failings as procedural deficiencies we are failing to instill the proper sense of personal responsibility in the plant organization.

The rule is intended to apply to vital areas in the plant but was expanded to protected areas based on the staff evaluation of what was practical. We should go back to that formulation. It is the licensee who should determine if selective application of the rule would be impractical.

The rule should apply to everyone, including the NRC. We do not want drunk inspectors in plants any more than we want drunk operators. Moreover, we need to set an example in these matters. The staff arguments to the contrary are a little too pompous for my taste. (The statement of consideration should note that prompt escorted access for NRC representatives is still mandated by 10 CFR 50.70(a).)