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PROPOSED RULE

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53 FR 36795

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## LONG ISLAND LIGHTING COMPANY

EXECUTIVE OFFICES: 175 EAST OLD COUNTRY ROAD • HICKSVILLE, NEW YORK 11801

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RUSSELL C. YOUNGDAHL  
PRESIDENT AND CHIEF OPERATING OFFICER

OFFICE  
DOCKET NO. 11-11-11  
BRAND

November 21, 1988

Mr. Samuel J. Chilk, Secretary  
Docketing and Service Branch  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dear Mr. Chilk:

Re: Proposed Rule: Fitness for Duty Program  
53FR 36795 (September 22, 1988)  
Request for Comments

This letter is written in response to the Nuclear Regulatory Commission's request for comment on the proposed rule change on fitness for duty, 10 CFR Part 26, which appeared in the "Federal Register," Volume 53, No. 184, on September 22, 1988. LILCO supports the initiative being taken by the NRC to clarify and to standardize fitness for duty programs in the industry. We also agree that random testing is the only viable deterrent for drug and alcohol abuse. Although LILCO recognizes that standardization has been a difficult issue because of the varied industry arbitration and court rulings, there is no doubt that regulatory measures are greatly needed.

Since the NRC issued the proposed rule change in September, LILCO has been working with NUMARC to develop comments. In fact, LILCO's manager of employee relations participated in a NUMARC-hosted workshop of the EEI Fitness for Duty Steering Committee on October 20, 1988. So, rather than simply restate the NUMARC recommendations as submitted November 18, LILCO wishes to voice its support for NUMARC's recommendations. We urge the NRC to closely evaluate these recommendations because we believe they accurately reflect the industry's position on fitness for duty.

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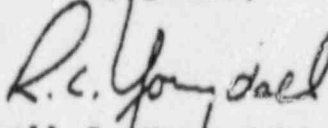
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LILCO appreciates the opportunity to comment on this proposed rule change, and we look forward to participating in a cooperative effort to keep the nuclear power industry free from drugs and alcohol.

Very truly yours,

  
Russell C. Youngdahl

RCY:MF

Attachment

**DRAFT**

November 18, 1988

Mr. Samuel J. Chilk  
Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Attention: Docketing and Service Branch

Re: Proposed Rule - Fitness-for-Duty Program  
53 FR 36795 (September 22, 1988)  
Request for Comments

Dear Mr. Chilk:

These comments are submitted on behalf of the Nuclear Management and Resources Council, Inc. ("NUMARC") in response to the request of the U.S. Nuclear Regulatory Commission ("NRC") for comments on the NRC proposed rule titled Fitness for-Duty Program (53 FR 36795).

NUMARC is the organization of the nuclear power industry that is responsible for coordinating the combined efforts of all utilities licensed by the NRC to construct or operate nuclear power plants and of other nuclear industry organizations in all matters involving generic regulatory policy issues and on the regulatory aspects of generic operational and technical issues affecting the nuclear power industry. Every utility responsible for constructing or operating a commercial nuclear power plant in the United States is a member of NUMARC. In addition, NUMARC's members include major architect-engineering firms and all of the major nuclear steam supply system vendors.

NUMARC supports the NRC's initiative in addressing concerns relating to the fitness-for-duty of nuclear power plant personnel. The industry has undertaken, individually and collectively, a number of efforts to develop and implement fitness-for-duty programs which, as the Commission has acknowledged, have resulted in much progress being made in achieving an environment in which nuclear power plant operations are conducted free from the effects of alcohol and drug abuse. The industry supports the Commission's Policy Statement on Fitness-for-Duty of Nuclear Power Personnel that was published in the Federal Register on August 4, 1986 and recognizes the desire of the NRC to proceed with a rulemaking to supplement its Policy Statement.

**DRAFT**

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In general, NUKARC supports the proposed rule. Our submittal includes three attachments that provide our views on this important subject:

- A. General comments on the proposed rule
- B. Recommendations for specific wording changes in the proposed rule
- C. Responses to the questions posed in the Discussion section and the Appendix of the proposed rule.

Our comments reflect the industry's experience with the effects of drug abuse in the workplace and current fitness-for-duty programs. Based on that experience, we believe that the Commission's proposed program is well focused, albeit in need of some modification as detailed in the Attachments. Random testing is an important and helpful, but not indispensable, element in an effective fitness-for-duty program in that it provides a strong deterrent effect; as such, the principal focus of random testing should be on deterrence and not on detection.

Although the proposed rule requests comments concerning alcohol abuse (and we have responded to those questions), explicit provisions for dealing with alcohol abuse are not detailed in the proposed rule. As stated in our comments, we support inclusion in the proposed rule of basic requirements for alcohol testing. However, we believe that the complexity of this subject precludes our providing more definitive comments without a proposed rule to consider. If the Commission determines that it is appropriate to require specific fitness-for-duty program elements dealing with alcohol abuse (e.g., threshold levels, testing procedures) that are more extensive than licensees presently address in their individual fitness-for-duty programs, we strongly encourage the Commission not to include prescriptive program elements dealing with alcohol in this rule but to develop an independent rule that would be noticed for public comment.

We wish to advise the Commission that the industry intends to supplement the EEI Guidelines for fitness-for-duty programs to provide guidance to the industry on the implementation of the NRC's regulations.

We appreciate the opportunity to comment on the proposed rule and would welcome the opportunity to discuss our comments further with appropriate NRC staff personnel.

Sincerely,

Joe F. Colvin

JFC/RWB:eeq  
Attachments