

Omaha Public Power District
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402/536-4000

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November 21, 1988
LIC-88-1031

ANY
VICE

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

Reference: Docket 50-285

Dear Mr. Chilk:

SUBJECT: Proposed rule on Fitness-for-Duty (10 CFR Part 26)

Omaha Public Power District (OPPD) has reviewed the subject proposed rule on Fitness-for-Duty (53 FR 36795) and endorses comments that were submitted on behalf of the Nuclear Management and Resources Council, Inc. (NUMARC). In addition to endorsing their comments, OPPD submits the following comments on questions in the discussion section, pages 36796 and 36797.

Discussion Question 3:

What rates of random testing and retesting provide an acceptable probability of detection and adequate deterrence? What should be the basis for any future modifications in the rate for random testing?

Comment: Random Frequency - A 100% annual testing frequency is appropriate as an adequate deterrent; more than 100% would in all probability exceed adequate and install a burden of excess for certain employees dependant upon the number of times the random program would identify that individual within a specific period of time. A 300% random testing, which would result in 95% of the employees being tested within one calendar year would probably be interpreted as annual testing on a random period throughout the year rather than a pure random testing program.

Discussion Question 5

Are there any additional quality control measures or appeal procedures that should be considered to protect the rights of individuals being tested to ensure that individuals are not misidentified in the process as drug users and to provide a mechanism to correct any errors? Specifically, who should have access to knowledge of the results of unconfirmed initial test results (employee, immediate supervisor, higher management levels)? What procedures are necessary to assure appropriate privacy?

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Comment: Privacy - Privacy of individuals must be protected in order to support not only the affected employees, but to generate confidence within managers and supervisors. Documentation should be limited to Corporate personnel files with proper communications between Employee Relations Division and those managers and supervisors within the affected division who should be made aware of any actions.

Discussion Question 7:

How long should a person be barred from performing activities within the scope of the proposed rule following removal under the fitness for duty policy and under what circumstances should reinstatement be allowed? How long should records of this removal be retained to facilitate future employment decisions?

Comments: Affected Period Upon Detection - Individuals should be barred from performing activities within the scope of the proposed rules following the removal under the fitness for duty program until such time as competent medical authority verifies freedom from any substance and can reasonably advise the Corporation that the employee has given every indication of remaining fit for duty. Recommend that records without any recurrence should be retained no longer than a three-year period.

Sincerely,



K. J. Morris
Division Manager
Nuclear Operations

KJM/brh/sa

c: LeBoeuf, Lamb, Leiby & MacRae
R. D. Martin, NRC Regional Administrator
P. D. Milano, NRC Project Manager
P. H. Harrell, NRC Senior Resident Inspector