



DOCKET NUMBER 55
PROPOSED RULE 55
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DOCKETED
USNRC

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June 29, 1990

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

Subject: Virgil C. Summer Nuclear Station
License No. NPF-12
Docket No. 50/395
Comments on Proposed Rule on Licensed
Operator Fitness-for-Duty

Dear Mr. Chilk:

South Carolina Electric & Gas Company (SCE&G) has reviewed the proposed rule, "Operators' Licenses 10CFR Part 55 Modification for Fitness-For-Duty" (55 FR 14288, April 17, 1990), and provides the following comments. SCE&G concurs with the comments provided by NUMARC that conclude the NRC proposed rule is unnecessary and singles out licensed operators for no justifiable purpose. SCE&G believes that the existing regulations (10CFR55 and 10CFR26) allow for NRC enforcement action against licensed operators for violation of the fitness-for-duty rule.

Some additional concerns/questions about the proposed rule are provided in the attachment. If you have any questions, please contact April Rice at (803) 345-4232.

Very truly yours,

O. S. Bradham

ARR/OSB:lcd
Attachment

c: O. W. Dixon, Jr./T. C. Nichols, Jr.
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Files (855.00AA, 811.02 (50.019), 812.16)

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1. If the purpose of the rule change is to "establish a new condition of an operator's license which will prohibit conduct of licensed duties while under the influence of alcohol or any prescription, over-the-counter or illegal substance which would adversely affect performance of licensed duties" in order to "subject them to enforcement action" then the NRC should simply state in 10CFR55 that any violation of 10CFR26 requirements (by a licensed operator) would subject them to special enforcement regarding their license (there is no need to reiterate or add to the requirements of 10CFR26).
2. What is the basis or need for the rule change? Is there any indication of an industry-wide problem/trend that requires this change?
3. SCE&G believes that the requirements of 10CFR26 and supervisory observation and assessment of physical and/or emotional stability are sufficient to prevent the use of drugs/medicine from becoming a unique licensed operator problem.
4. How will operators who do not report medicine use be treated? Will a special program such as having a percentage of the crew tested prior to going on shift be required? If so, what method of testing should be used and what rate of prescription and over-the-counter medicines should be tested?