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DOCKET NUMBER
PROPOSED RULE **PR 55**
(55 FR 14288)

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**UNION
ELECTRIC**

Donald F. Schnell
Senior Vice President
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OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

Dear Mr. Chilk:

ULNRC - 2242

CALLAWAY PLANT
DOCKET NUMBER 50-483
PROPOSED RULE - OPERATORS' LICENSES,
10CFR55, MODIFICATION FOR FITNESS - FOR - DUTY
Reference: Federal Register Vol. 55, page 14288

These comments are submitted by Union Electric in response to the request of the U.S. Nuclear Regulatory Commission ("NRC") for comments on the proposed rule "Operators' Licenses Modification for Fitness-for-Duty" (55 - Fed. Reg. 14288 - April 17, 1990).

Union Electric fully supports the NRC's interest in setting high standards of health and fitness-for-duty for licensed operators and strongly supports the position that unimpaired job performance by all employees allowed within the protected area of a commercial nuclear power plant is vital in assuring safe facility operation. This proposed rule, however, is unnecessary and singles out licensed operators from other nuclear power plant personnel for no justifiable purpose.

The background section of the Federal Register notice states that the purpose of amending the current regulation is to "...provide a basis for taking enforcement actions against licensed operators..." in regard to fitness-for-duty. However, the current regulation, § 55.61

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(b)(3) & (4), clearly states that licenses can be revoked, suspended, or modified, in whole or in part, "(3) For willful violation of, or failure to observe any of the terms and conditions of the Act, or the license, or of any rule, regulation, or order of the Commission, or (4) For any conduct determined by the Commission to be a hazard to safe operation of the facility" (emphasis added). Existing regulations thus provide the basis for enforcement actions against licensed operators for violation of the fitness-for-duty rule making this proposed rule unnecessary.

The language in 10 CFR Part 26 was constructed to make the fitness-for-duty rule equally applicable to all personnel with unescorted access to the protected area. There are inconsistencies in policy and intent between the proposed revision to Part 55 and the requirements of Part 26, the result of which would be to place more stringent restrictions on licensed operators. This proposed rule is thus a challenge to the licensed operators' trustworthiness without any justification and may have a negative impact on the morale of this highly professional group at a time when the industry is striving to enhance the professionalism of all personnel.

The industry, through the Institute of Nuclear Power Operations (INPO) developed Principles for Enhancing Professionalism of Nuclear Personnel¹ which addresses a number of aspects of personnel development, education, and experience. A paragraph from this document reads:

"Management practices and policies convey an attitude of trust and an approach that is supportive of teamwork at all levels. These practices and policies recognize and expect

¹ Provided to NRC under cover of a letter from Zack T. Pate to former Chairman Zech, May 25, 1989.

professionalism from all personnel. Policies that spell out expectations and standards of performance are well established and documented. These policies are clearly communicated and are well understood by all personnel and are routinely reinforced in training and in the daily conduct of business" (emphasis added).

The industry is striving to develop an atmosphere of trust that supports professionalism for all personnel in positions that are responsible for safe operation of a commercial nuclear power reactor. There is no basis to single out licensed operators to be treated any differently from other plant personnel with unescorted access; to do so may undermine the trust and professionalism we are striving to develop.

The proposed rule also would require the reporting of prescription or over-the-counter drugs which could possibly cause physical or mental impairment. Each utility has a program to manage such drugs as required by the current fitness-for-duty rule (10 CFR 26.20). Supervisors are trained in behavioral observation, a program that has proven to be sufficient to detect impairment. Because different people react differently to the same medication, supervisors will continue to be the first line of defense, after the individual in question, in making judgments about impairment. To require that medical personnel be available to make those judgments, around the clock, would create an unnecessary burden for utilities.

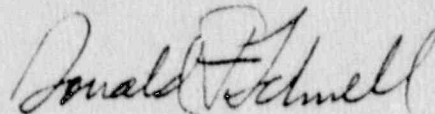
Because 10 CFR Part 26 does not currently apply to individuals at non-power reactor facilities, the NRC has apparently included the operators at those facilities in the proposed modification to Part 55. It is difficult to understand the logic for combining operators at non-power facilities with licensed power facility operators for more stringent FFD requirements when it was not considered important to have them covered under Part 26. If the

non-power operators need to be covered in this regard, it should be done by modifications to Part 26 or in a regulation separate from the power reactor requirements.

In summary, the current regulations provide the basis for enforcement actions against licensed operators and for fitness-for-duty requirements for all employees with unescorted access to a commercial nuclear power plant. Therefore, this proposed rule is unnecessary. Further, it may adversely affect the morale of licensed operators, which is a matter of great importance to the industry and to the Commission.

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

Very truly yours,

A handwritten signature in cursive script, reading "Donald F. Schnell".

Donald F. Schnell

WEK/dvd

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