

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

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OFFICE OF SECRETARY
DOCKETING & SERVICE
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Docket No. 50-397

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

ATTN: Docketing and Service Branch

Dear Mr. Chilk:

Subject: **COMMENTS REGARDING CONSIDERATION OF
CHANGES TO FITNESS-FOR-DUTY (FFD) REQUIREMENTS**

The Washington Public Power Supply System (Supply System) hereby submits comments regarding the consideration of changes to Fitness-For-Duty (FFD) requirements in 10 CFR 26, as requested in the May 11, 1994 Federal Register (59 FR 24373).

We believe that the Supply System, our employees, and other workers have benefitted from the current scope of drug testing and that a reduction in the scope of testing is not warranted. Our current Fitness-For-Duty (FFD) Program, including pre-employment and random drug testing, has created an essentially drug-free workplace. Our staff has accepted that testing and the resulting drug-free environment are necessary and do contribute to personnel and public health and safety. A reduction in testing scope could be taken to indicate that the NRC and/or individual licensees have become less concerned with drugs in the workplace.

The Supply System estimates that a reduced scope of random testing would not result in significant savings, since any savings may be offset by an increased administrative effort to establish and maintain separate testing groups. We believe that any savings do not justify the possible additional risk in personnel and public health and safety.

As an alternative to a reduced testing scope, the Supply System suggests a performance-based system using the current scope of testing. Licensees which have established a history of good performance, i.e., a low rate of positive tests, could reduce the rate of testing while maintaining the current testing scope. We feel that this would accomplish an appropriate reduction in licensee burden where justified by performance, with a smaller chance of impacting successful FFD Programs.

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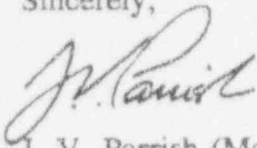
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**COMMENTS REGARDING CONSIDERATION OF CHANGES TO FITNESS-FOR-DUTY
(FFD) REQUIREMENTS**

Additional specific comments in response to the questions posed in the request for comments (59 FR 24373) are attached.

The Supply System appreciates this opportunity to share our views with the Commission. Please contact Mr. Douglas Coleman at (509) 377-4342 should you have any questions or wish to discuss this matter further.

Sincerely,



J. V. Parrish (Mail Drop 1023)
Assistant Managing Director, Operations

HEK/JAG/kd

Attachment

cc: LJ Callan - NRC RIV
KE Perkins, Jr. - NRC RIV, Walnut Creek Field Office
NS Reynolds - Winston & Strawn
JW Clifford - NRC
DL Williams - BPA/399
NRC Sr. Resident Inspector - 901A

SUPPLY SYSTEM COMMENTS REGARDING CONSIDERATION OF CHANGES TO
FITNESS-FOR-DUTY (FFD) REQUIREMENTS

NRC Questions from 59 FR 24373

Question:

1. Should the Commission retain the current scope of the random drug testing requirements in 10 CFR Part 26, which requires that all persons granted unescorted access to protected areas at nuclear power plants be subject to random drug testing? (Option 1)

Supply System Response:

Yes, the current scope should be retained. The Supply System believes that reducing the current scope of random drug testing would be detrimental to Fitness-For-Duty (FFD) Programs as discussed in the preceding cover letter.

Question:

- 2.a. Should the Commission...[e]xclude from random drug testing certain groups of workers (e.g., clerical, administrative) who have unescorted access to protected areas but not vital areas[?] (Option 2)

Supply System Response:

No, these workers should be retained in the scope of random testing. Many, if not most or all, of these workers have access to important (but not vital) plant equipment. The Supply System believes that removing these workers from random testing could well be viewed as decreased NRC and/or licensee interest in maintaining a drug-free environment for nuclear plants, which may lead to additional drug use and/or impairment. Additional drug use or impairment could then lead to an increased risk to personnel and public health and safety.

If increased drug use occurs among these workers, their continual proximity to those workers with vital area access could also influence additional drug use in the vital area workers.

Question:

- 2.b. Should the Commission...[l]imit random drug testing to only those workers who have unescorted access to vital areas of nuclear power plants[?] (Option 3)

Supply System Response:

No, the current scope of random testing should be retained. The rationale for this response is as that for Question 2.a.

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(continued)

Question:

- 2.c. Should the Commission...[l]imit random drug testing to workers whose jobs involve safety- or security-related functions regardless of whether these workers have unescorted access to protected areas[?] (Option 4)

Supply System Response:

No, the current scope of random testing should be retained. The rationale for the response to Question 2.a. applies to this response. In addition, defining and maintaining a list of workers with safety-related functions would be extremely difficult. And most importantly, some employees not performing safety- or security-related functions and therefore outside the scope of random testing (i.e., those with an increased risk of impairment) might have access to vital areas and/or other safety-related equipment.

Question:

- 2.d. Should the Commission...[a]llow use of alternative testing methods in lieu of urinalysis for certain groups of workers...[?] (Option 5)

Supply System Response:

No, the current scope and methods of random testing should be retained. The rationale for the response to Question 2.a. also applies to this response, given that known alternative testing methods will not detect as reliably. Therefore, we believe they will not deter drug use as effectively. However, we believe that an alternate method of using a performance-based system to determine the testing rate, rather than the testing scope or methods, would not reduce the deterrence effect of random testing.

Question:

3. For each of the four approaches above (2.a-2.d), what are the potential effects on risk to public health and safety or on vulnerability of nuclear power plants resulting from accidental acts and deliberate acts such as sabotage or vandalism? Will vulnerability or risk increase or decrease to any significant degree, or will they remain unchanged?

Supply System Response:

Although the current FFD Program has been a success in helping create an essentially drug-free environment, there is no proven correlation in testing scope

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and substance use/employee impairment. However, the Supply System believes that, in general, a reduced scope of testing will result in more substance use and an increased likelihood of employee impairment, which in turn increases the risk to personnel and public health and safety. We feel that reducing the current scope of FFD Programs would aggravate this situation more than having originally selected a smaller scope. This reduction may impart a message that drug use is of lesser concern to the NRC and the licensee. This rationale applies to Approaches 2.a through 2.d, with the vulnerability and risk increase for each approach proportional to the number of workers removed from the current testing scope.

Question:

4. What would be the expected effect on the need for random drug testing under each of the four approaches above (2.a-2.d) if vital area access controls are reduced (e.g., allowing certain vital area doors to normally be unlocked, but be capable of (i) being remotely locked on demand in the event of a security contingency, and (ii) generating an alarm if a vital area door is opened without an authorized keycard)?

Supply System Response:

Reducing access controls for vital areas is predicated on the premise of trustworthiness and reliability of those individuals having access to those areas. An industry proposal has been made to reduce security controls at vital area portals, taking credit for scrutiny under the unescorted access program including FFD.

However, if FFD requirements are relaxed or modified to exclude portions of the plant population, the rationale for this proposal may be weakened. It appears relaxing security access requirements and FFD requirements may not be mutually consistent.

Specifically, we also believe that remotely locking doors on demand may create an unjustified risk to personnel safety by possibly limiting egress from dangerous areas, and to public health and safety by impeding prompt responses by the unit staff.

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Question:

5. Does substance abuse increase the probability of a person committing a deliberate act such as sabotage or vandalism? These acts might be caused by indirect influences of drugs on a person's attitude or susceptibility to being influenced by others. What data exist to show a relationship between substance abuse and deliberate acts? Is random drug testing an appropriate means to control the risk of deliberate acts associated with substance abuse and, at the same time, not encroach unreasonably into individual privacy expectations?

Supply System Response:

We are aware of no data showing a relationship between substance abuse and committing deliberate acts of sabotage or vandalism, although the possibility of such acts being influenced by abuse-induced impaired judgement exists. Other factors, such as mental duress, stress, or employment actions are more probable precursors to deliberate acts of sabotage, vandalism, or violence.

An expectation of individual privacy at a workplace is predicated upon the nature of the work. Workers at a nuclear power plant are consistently held to a higher degree of responsibility than in other types of work. Due to the sensitive nature of working at nuclear power plants, and the reduction to 50% random testing, the Supply System does not believe there is an unreasonable invasion of privacy in requiring a random chemical test.

Question:

6. Does the Commission's policy in 10 CFR Part 26 deter the introduction of illegal substances into protected areas of nuclear power plants? Is so, what aspect(s) of the FFD program creates this deterrent effect? If not, should the Commission required licensees to implement measures to cause this deterrent effect, and what type of measures should be required?

Supply System Response:

Random drug testing under 10 CFR 26 is an appropriate, effective means of deterring the use and possession of drugs and alcohol by the plant population. The mere chance of random selection for drug testing deters both the use and possession of illegal substances. The Supply System's policy is a drug-free workplace; modifying the testing program may be contrary to this policy.