



Northern States Power Company

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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

August 3, 1994

ATTENTION: DOCKETING AND SERVICE BRANCH

Re: NRC proposed options for reduction in scope of random testing under part 26 of 10 CFR Federal Register notice 59 Fed. Reg. 24373 (May 11, 1994)
Request for Comments

Northern States Power Company (NSP), headquartered in Minneapolis, serves customers in Minnesota, Wisconsin, North Dakota, South Dakota and Michigan's Upper Peninsula. NSP generates, transmits and distributes electricity to about 1.3 million customers and distributes natural gas to more than 380,000 customers. NSP's Fitness for Duty Program is regulated by the Nuclear Regulatory Commission (NRC) under 10 CFR part 26.

NSP appreciates the opportunity to review and comment on 10 CFR part 26 (Fitness for Duty Rule) relating to proposed options for reduction of random drug testing scope.

In response to the NRC's request for comments, NSP has evaluated the options and firmly endorses **Option 1 (retention of the present system of universal random testing)**. We believe this option best serves industry needs and supports plant safety. Furthermore, we believe that this approach is fair, promotes the original intent of the rule (trustworthiness and reliability), and provides a strong deterrent to chemical abuse.

Below are our supporting comments which outline NSP's rationale for recommending retention of the current universal testing methodology.

1). Effective Deterrence. Industry experience has demonstrated that random drug testing is an effective deterrent to substance abuse. Among the NRC's outlined proposals, the current program provides the broadest potential testing exposure to site employee populations.

2). Impairment Detection. Current regulation subjects all workers with unescorted access equally to the deterrence and detection potential of random testing. NSP contends that any individual granted unescorted access to protected areas has some potential to either inadvertently or deliberately take actions that could affect plant

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safety; furthermore, NSP believes that this potential is significantly enhanced when an employee (**regardless of job classification**) is impaired by a Fitness for Duty concern. NSP believes that universal random testing is the most effective of the proposed options for identification of employees with impairment problems.

3). Program Integrity. The current program provides a balanced approach to providing reasonable assurance of worker trustworthiness and reliability, as well as consideration for public health and safety. Many of the alternative testing options proposed by the NRC rely too heavily on licensee conducted background investigations to provide behavior assurance. Background information measures only assess the individuals past behavior up to the time unescorted access is granted; they cannot assess future changes in behavioral patterns. In contrast, Universal Random testing and behavior observation allow for assessment of changes in behavior patterns after unescorted access has been granted.

4). Employee Morale. Under the present rule, all employees are subject to exposure of being selected for random testing on a statistically equal basis. This approach reflects a basic fairness and is superior to other proposed testing options in that it eliminates the need for split population testing and the resultant feeling of inequity by those employees remaining in the random testing population. Implementation of split population testing could also result in an increased potential for litigation by employees feeling "singled out" by the selected testing methodology. This would be contrary to the NRC's original intention to effect a reduction in potential for litigation.

5). Relaxation of Safeguard Controls for Vital Area Access. NSP believes that a decision on relaxation of vital area controls should precede any effort to go forward with a change to the scope of random testing. While NSP generally supports relaxation of certain safeguards which control access from protected areas into vital areas, it is our contention that introduction of these measures would virtually necessitate the retention of universal random testing methodology to facilitate some degree of protection against the "Insider Threat" scenario.

The following are some Concerns relative to alternative testing proposals suggested by the NRC (Options 2-5):

1). Program Cost to the Licensee. Administrative startup costs for several of the alternative testing options outlined (Options 4 & 5) are prohibitive. NSP contends that selective application of random testing to employee populations by job classification would be administratively problematic, and could potentially lead to regulatory inconsistency. Additionally, it is inconsistent with NSP's FFD program objectives to expend additional resources for changes which could result in a more complex and potentially less effective program.

2). Temporary Access to Vital Areas. Many plant employees that normally only require access to a site protected area may occasionally require limited "temporary access" to vital areas for special projects or outage needs. If direct access to vital areas (**and safety sensitive equipment**) were adopted as the criteria for determining random testing populations, licensees would be obligated to move employees back and forth between the active random testing and exempt populations to remain in compliance. NSP believes that this continual movement of employees between testing and non-testing pools would be an unnecessary administrative burden.

3). Public Health and Safety VS Worker Privacy Issues. NSP contends that health and safety considerations for the general public should, in all cases, take precedence over individual worker privacy issues. Nuclear industry employees cannot reasonably expect regulatory exemption from random testing (arguing invasion of privacy) after they have already willingly submitted to significant privacy encroachments inherent to the nuclear access authorization screening process.

4). Litigation Concerns. Finally, NSP believes that the NRC's concern over the risk of legal challenge to the current scope of random testing may be overstated. NSP believes that the recent random testing rate reduction from 100% to 50% will significantly reduce interest in legal challenges to the present random testing scope.

Please contact our Fitness for Duty Coordinator at 612-330-7999 if you have any questions concerning our comments.

Sincerely,

Handwritten signature of Roger O. Anderson, with the text "for ROA" written next to it.

Roger O. Anderson
Director licensing and Management Issues
Northern States Power Company