

*Docket*

February 26, 1992

Docket No. 50-458

Gulf States Utilities  
ATTN: Mr. James C. Deddens  
Senior Vice President (RBNG)  
Post Office Box 220  
St. Francisville, Louisiana 70775

Dear Mr. Deddens:

SUBJECT: EXEMPTION FROM THE REQUIREMENTS OF 10 CFR 26.29(b) - PROTECTION OF INFORMATION ASSOCIATED WITH FITNESS FOR DUTY PROGRAMS - RIVER BEND STATION, UNIT 1 (TAC NO. M82716)

By letter dated January 28, 1992, Gulf States Utilities requested an exemption from the requirements of 10 CFR 26.29(b) in order to provide, in a confidential manner, information concerning a former employee's drug test results to the Louisiana Office of Employment Security.

Section 26.29(b) of Title 10 of the Code of Federal Regulations restricts the disclosure of personal information collected and maintained as required by the other sections of Part 26, Fitness for Duty Programs. As a one-time exemption associated with the specific case addressed in the January 28, 1992 request, this exemption would allow the confidential release of information to the Louisiana Office of Employment Security.

The Commission has granted this exemption pursuant to 10 CFR 26.6. A copy of the exemption is enclosed and is being forwarded to the Office of the Federal Register for publication.

Sincerely,

Original Signed By

Douglas V. Pickett, Project Manager  
Project Directorate IV-2  
Division of Reactor Projects III/IV/V  
Office of Nuclear Reactor Regulation

Enclosure:  
Exemption

cc w/enclosure:  
See next page

OFC	: PDIV-2/LA	: PDIV-2/PM	: RSGB	: PDGC	: PDIV-2/B
NAME	: EPeyton	: Pickett:nb	: LBush	: <del>XXXXXXXXXX</del>	: SBlack
DATE	: 2/12/92	: 2/12/92	: 2/12/92	: 2/13/92	: 2/18/92

*WDR for*  
*PDGC*  
*PDIV-2/B*  
*PDIV-2/LA*  
*PDIV-2/PM*  
*PDIV-2/R*  
*PDIV-2/S*  
*PDIV-2/T*  
*PDIV-2/U*  
*PDIV-2/V*  
*PDIV-2/W*  
*PDIV-2/X*  
*PDIV-2/Y*  
*PDIV-2/Z*  
*PDIV-2/AA*  
*PDIV-2/AB*  
*PDIV-2/AC*  
*PDIV-2/AD*  
*PDIV-2/AE*  
*PDIV-2/AF*  
*PDIV-2/AG*  
*PDIV-2/AH*  
*PDIV-2/AI*  
*PDIV-2/AJ*  
*PDIV-2/AK*  
*PDIV-2/AL*  
*PDIV-2/AM*  
*PDIV-2/AN*  
*PDIV-2/AO*  
*PDIV-2/AP*  
*PDIV-2/AQ*  
*PDIV-2/AR*  
*PDIV-2/AS*  
*PDIV-2/AT*  
*PDIV-2/AU*  
*PDIV-2/AV*  
*PDIV-2/AW*  
*PDIV-2/AX*  
*PDIV-2/AY*  
*PDIV-2/AZ*  
*PDIV-2/BA*  
*PDIV-2/BB*  
*PDIV-2/BC*  
*PDIV-2/BD*  
*PDIV-2/BE*  
*PDIV-2/BF*  
*PDIV-2/BG*  
*PDIV-2/BH*  
*PDIV-2/BI*  
*PDIV-2/BJ*  
*PDIV-2/BK*  
*PDIV-2/BL*  
*PDIV-2/BM*  
*PDIV-2/BN*  
*PDIV-2/BO*  
*PDIV-2/BP*  
*PDIV-2/BQ*  
*PDIV-2/BR*  
*PDIV-2/BS*  
*PDIV-2/BT*  
*PDIV-2/BU*  
*PDIV-2/BV*  
*PDIV-2/BW*  
*PDIV-2/BX*  
*PDIV-2/BY*  
*PDIV-2/BZ*  
*PDIV-2/CA*  
*PDIV-2/CB*  
*PDIV-2/CC*  
*PDIV-2/CD*  
*PDIV-2/CE*  
*PDIV-2/CF*  
*PDIV-2/CG*  
*PDIV-2/CH*  
*PDIV-2/CI*  
*PDIV-2/CJ*  
*PDIV-2/CK*  
*PDIV-2/CL*  
*PDIV-2/CM*  
*PDIV-2/CN*  
*PDIV-2/CO*  
*PDIV-2/CP*  
*PDIV-2/CQ*  
*PDIV-2/CR*  
*PDIV-2/CS*  
*PDIV-2/CT*  
*PDIV-2/CU*  
*PDIV-2/CD*  
*PDIV-2/CE*  
*PDIV-2/CF*  
*PDIV-2/CG*  
*PDIV-2/CH*  
*PDIV-2/CI*  
*PDIV-2/CJ*  
*PDIV-2/CK*  
*PDIV-2/CL*  
*PDIV-2/CM*  
*PDIV-2/CN*  
*PDIV-2/CO*  
*PDIV-2/CP*  
*PDIV-2/CQ*  
*PDIV-2/CR*  
*PDIV-2/CS*  
*PDIV-2/CT*  
*PDIV-2/CU*  
*PDIV-2/CD*  
*PDIV-2/CE*  
*PDIV-2/CF*  
*PDIV-2/CG*  
*PDIV-2/CH*  
*PDIV-2/CI*  
*PDIV-2/CJ*  
*PDIV-2/CK*  
*PDIV-2/CL*  
*PDIV-2/CM*  
*PDIV-2/CN*  
*PDIV-2/CO*  
*PDIV-2/CP*  
*PDIV-2/CQ*  
*PDIV-2/CR*  
*PDIV-2/CS*  
*PDIV-2/CT*  
*PDIV-2/CU*  
*PDIV-2/CD*  
*PDIV-2/CE*  
*PDIV-2/CF*  
*PDIV-2/CG*  
*PDIV-2/CH*  
*PDIV-2/CI*  
*PDIV-2/CJ*  
*PDIV-2/CK*  
*PDIV-2/CL*  
*PDIV-2/CM*  
*PDIV-2/CN*  
*PDIV-2/CO*  
*PDIV-2/CP*  
*PDIV-2/CQ*  
*PDIV-2/CR*  
*PDIV-2/CS*  
*PDIV-2/CT*  
*PDIV-2/CU*

OFC	: ADR/4/5	: DRPW:D	:	:	:
NAME	: MVirgilio	: BBogen	:	:	:
DATE	: 2/26/92	: 2/26/92	:	:	:

*me*  
*MA*  
*PDIV-2/AA*  
*PDIV-2/AB*  
*PDIV-2/AC*  
*PDIV-2/AD*  
*PDIV-2/AE*  
*PDIV-2/AF*  
*PDIV-2/AG*  
*PDIV-2/AH*  
*PDIV-2/AI*  
*PDIV-2/AJ*  
*PDIV-2/AK*  
*PDIV-2/AL*  
*PDIV-2/AM*  
*PDIV-2/AN*  
*PDIV-2/AO*  
*PDIV-2/AP*  
*PDIV-2/AQ*  
*PDIV-2/AR*  
*PDIV-2/AS*  
*PDIV-2/AT*  
*PDIV-2/AU*  
*PDIV-2/AV*  
*PDIV-2/AW*  
*PDIV-2/AX*  
*PDIV-2/AY*  
*PDIV-2/AZ*  
*PDIV-2/BA*  
*PDIV-2/CB*  
*PDIV-2/CC*  
*PDIV-2/CD*  
*PDIV-2/CE*  
*PDIV-2/CF*  
*PDIV-2/CG*  
*PDIV-2/CH*  
*PDIV-2/CI*  
*PDIV-2/CJ*  
*PDIV-2/CK*  
*PDIV-2/CL*  
*PDIV-2/CM*  
*PDIV-2/CN*  
*PDIV-2/CO*  
*PDIV-2/CP*  
*PDIV-2/CQ*  
*PDIV-2/CR*  
*PDIV-2/CS*  
*PDIV-2/CT*  
*PDIV-2/CU*  
*PDIV-2/CD*  
*PDIV-2/CE*  
*PDIV-2/CF*  
*PDIV-2/CG*  
*PDIV-2/CH*  
*PDIV-2/CI*  
*PDIV-2/CJ*  
*PDIV-2/CK*  
*PDIV-2/CL*  
*PDIV-2/CM*  
*PDIV-2/CN*  
*PDIV-2/CO*  
*PDIV-2/CP*  
*PDIV-2/CQ*  
*PDIV-2/CR*  
*PDIV-2/CS*  
*PDIV-2/CT*  
*PDIV-2/CU*

*C/p*  
*OFO*  
*11*

Mr. James C. Deddens

- 2 -

February 26, 1992

cc w/enclosure:  
Winston & Strawn  
ATTN: Mark J. Wetterhahn, Esq.  
1400 L Street, N.W.  
Washington, D.C. 20005-3502

Ms. H. Anne Plettinger  
3456 Villa Rose Drive  
Baton Rouge, Louisiana 70806

Mr. Les England  
Director - Nuclear Licensing  
Gulf States Utilities Company  
St. Francisville, Louisiana 70775

Mr. Philip G. Harris  
Cajun Electric Power Coop, Inc.  
10719 Airline Highway  
P. O. Box 15540  
Baton Rouge, Louisiana 70895

Senior Resident Inspector  
P. O. Box 1051  
St. Francisville, Louisiana 70775

President of West Feliciana  
Police Jury  
P. O. Box 1921  
St. Francisville, Louisiana 70775

Regional Administrator, Region IV  
U.S. Nuclear Regulatory Commission  
611 Ryan Plaza Drive, Suite 1000  
Arlington, Texas 76011

Mr. J. E. Booker  
Manager-Nuclear Industry Relations  
Gulf States Utilities  
P. O. Box 2951  
Beaumont, Texas 77704

Dr. Stan Shaw, Program Manager  
Emergency Planning and Response  
LA Radiation Protection Division  
P. O. Box 82135  
Baton Rouge, Louisiana 70884-2135

Mr. J. David McNeill, III  
William G. Davis, Esq.  
Department of Justice  
Attorney General's Office  
P. O. Box 94095  
Baton Rouge, Louisiana 70804-9095

DISTRIBUTION:

Docket File  
NRC/PDR  
Local PDR  
PDIV-2 Rdg File  
TMurley/FMiraglia  
JPartlow  
CRossi  
JLieberman  
BBoger  
MVirgilio  
PHarrell, RGN-IV  
DPickett  
PMcKee  
EPeyton  
OGC  
EJordan  
GHill(4)  
ACRS(10)  
OPA  
LFMB  
SShankman  
PDIV-2 Plant File  
BGrimes  
LBush

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
GULF STATES UTILITIES COMPANY	)	Docket No. 50-458
	)	
River Bend Station, Unit 1	)	

EXEMPTION

I.

On November 20, 1985, the Commission issued Facility Operating License No. NPF-47 to Gulf States Utilities Company (the licensee) for River Bend Station, Unit 1. This license provided, among other things, that the facility is subject to all rules, regulations, and orders of the Commission.

II.

Section 26.29(b) of Title 10 of the Code of Federal Regulations restricts the disclosure of personal information collected and maintained as required by the other sections of Part 26, Fitness for Duty Programs.

By letter dated January 28, 1992, the licensee requested an exemption from the requirements of 10 CFR 26.29(b) in order to provide, in a confidential manner, information concerning the results of a former employee's drug test results to the Louisiana Office of Employment Security.

### III.

The NRC staff has reviewed the licensee's request for a one-time exemption from 10 CFR 26.29(b) in order to facilitate appeals before the Louisiana Office of Employment Security. The information provided to the State agency would be proffered as confidential. This exemption would also encompass the possible testimony of licensee personnel before the Louisiana Office of Employment Security concerning the specific case addressed by the letter dated January 28, 1992.

Based upon its review, the staff finds that the licensee has shown good cause for the requested one-time exemption from 10 CFR 26.29(b). Therefore, the exemption to allow the licensee to provide, in a confidential manner, information concerning a former employee's drug test results to the Louisiana Office of Employment Security is acceptable.

### IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 26.6, this exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest.

Accordingly, the Commission hereby grants an exemption as described in Section III above from 10 CFR 26.29(b) to allow the licensee to provide, in a confidential manner, information concerning a former employee's drug test results to the Louisiana Office of Employment Security.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of the Exemption will have no significant impact on the environment (57 FR 6336).

This Exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, reading "Bruce A. Boger". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bruce A. Boger, Director  
Division of Reactor Projects - III/IV/V  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland  
this 26th day of February 1992.