

From: Kathy Schneider for Paul Lohaus (Paul Lohaus)
To: Gordon, Appel,
Date: 5/9/02 10:48AM
Subject: Re: Request for Assistance

Gordon,

I am reviewing Paul's mail while he is at CRCPD. I wanted to let you know that we have received your request. Paul will be back next week and we will review it with him then.

Kathy Schneider

>>> "Appel, Gordon" <Appel@idns.state.il.us> 05/08/02 12:37PM >>>
Paul,

We need your assistance in helping us rectify a regulatory incongruity.

Eighteen IDNS employees require unescorted access to nuclear power plants, these are: nine resident inspectors, two ASME code inspectors, one health physicist, a telecommunications technician, and five emergency response GEMS/Reuter-Stokes technicians. The inspectors all serve explicit regulatory functions. The resident inspectors need unescorted access on an ongoing basis to perform their duties within the context of our participation in NRC's inspection program and, in the case of emergencies to fulfill their emergency preparedness role from the plant TSC. The ASME inspectors need unescorted access to verify compliance with state boiler and pressure vessel rule provisions. The other personnel install and maintain the Department's remote monitoring equipment.

It is unambiguous that our personnel requiring unescorted access to nuclear power plants must meet the requirements of the Fitness For Duty rule (10 CFR 26). NUREG-1354 says "State personnel may be covered by a state government fitness-for-duty program if the licensee in question determines that the state program meets the intent and standards of this part...." So, as a matter of expediency, IDNS compliance with the rule began by agreeing to this approach. However, this means that requirements for chemical testing are met by our personnel's direct participation in the licensee's FFD testing program.

We have long held that it is not appropriate for the regulated entity (the utility) to impose its testing program requirements on the regulator (our inspectors). At a minimum, we want to find an alternative with respect to our resident inspectors and ASME code inspectors. For access authorization purposes, IDNS conducts background investigations and psychological evaluation testing of our personnel. However, it is fiscally impractical for IDNS to establish its own FFD testing program.

One obvious viable alternative would be for IDNS personnel to participate in the NRC FFD program. NUREG-1354 also says "the NRC would consider state employee coverage under the NRC program on a case-by-case basis where continuing access is required (as for resident inspector)." We believe it is time to seriously pursue this alternative and want your assistance in helping us with the necessary contacts and discussions within NRC to work out the appropriate agreements / arrangements.

Let me know how you think it would be best to proceed, or give me a call if

you want to discuss this further.

Gordon Appel
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CC: Droggitis, Spiros; Lickus, Roland