

September 24, 2002

Mr. Tom Dalzell, Esq.
International Brotherhood of Electrical Workers
AFL-CIO, Local 1245
P.O. Box 4790
3063 Citrus Circle
Walnut Grove, CA 94596

Dear Mr. Dalzell:

The purpose of this letter is to update the International Brotherhood of Electrical Workers (IBEW) on the status of its March 13, 1990, letter to the NRC requesting an exemption from random testing for clerical, warehouse, and maintenance workers at the Diablo Canyon Nuclear Plant. On January 26 and December 6, 1993, IBEW updated its letter to the NRC. The updated letters requested a 10 CFR 26.6 exemption from random testing for clerical employees at Diablo Canyon who (1) do not have unescorted access to vital areas, (2) do not have access to radiologically controlled areas, and (3) are not required to staff the plant's emergency response center.

In a Staff Requirements Memorandum (SRM) dated April 24, 2000, the Commission directed the staff to initiate rulemaking regarding the scope of random drug and alcohol testing as discussed in a Commission Paper (SECY-00-0022, February 1, 2000). The Commission also directed the staff to seek detailed comment on this matter and, as the rulemaking proceeds, to undertake a careful analysis of the balance of public and private interests. In particular, the SRM directed the staff to carefully assess the risks associated with unescorted access to protected areas if the scope of random drug testing is changed, in light of the fact that some safety-significant equipment may be found in protected areas but outside of vital areas. In the same SRM, the Commission stated that the underlying rulemaking issues should be resolved before deciding on the exemption request. These documents are available at the NRC's public website at <http://www.nrc.gov/reading-rm/doc-collections/commission/>.

To achieve organizational effectiveness and efficiency, on November 8, 2001, the NRC decided to combine the rulemaking associated with the IBEW exemption request into the larger revision to 10 CFR Part 26. The schedule for the larger Part 26 rulemaking effort is as follows: proposed and final rules to the Commission by June 30, 2003, and June 30, 2004, respectively. The NRC's interactive rulemaking Web site at <http://ruleforum.llnl.gov> provides the draft language for the Part 26 revision as well as other information associated with the rulemaking.

Mr. T. Dalzell

-2-

If you have any questions, please do not hesitate to contact Mr. Michael Burrell (301) 415-1262 of my staff regarding this status update of the IBEW exemption request.

Sincerely,

/RA by Gail M. Good For/

Glenn M. Tracy, Director
Division of Nuclear Security
Office of Nuclear Security
and Incident Response

Mr. T. Dalzell

-2-

If you have any questions, please do not hesitate to contact Mr. Michael Burrell (301) 415-1262 of my staff regarding this status update of the IBEW exemption request.

Sincerely,

/RA by Gail M. Good For/

Glenn M. Tracy, Director
Division of Nuclear Security
Office of Nuclear Security
and Incident Response

Distribution:

RSPS r/f R. Zimmerman M. Weber J. Cordes M. Rothschild C. Mullins
B. Thomas D. Skeen D. Allison B. Baxter J. Arildsen

ADAMS Fitness-for-Duty Folder

ADAMS ACCESSION NUMBER:

DOCUMENT NAME: C:\ORPCheckout\FileNET\ML022700588.wpd

To receive a copy of this document, indicate in the box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

*See previous concurrence

OFFICE	NSIR/DNS/RSPS	E	NSIR/DNS/RSPS:SC	E	OGC		OGC*	
NAME	M Burrell/G West		V Ordaz		C Mullins		M Rothschild	
DATE	7 /12 /02*		7 /16 /02*		7/18/02*		7/18/02*	

OFFICE	NSIR/DNS:D		OGC	
NAME	G Tracy		S Treby*	
DATE	9/ /02		9/24/02	

OFFICIAL RECORD COPY