

January 27, 2003

Mr. Thomas W. Ortziger, Director
Illinois Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704

Dear Mr. Ortziger:

In your letter dated November 18, 2002, you requested an exemption from the requirements of 10 CFR Part 26 (Fitness-for-Duty Rule) for employees of the Illinois Department of Nuclear Safety (IDNS) who have been granted unescorted access at NRC-licensed nuclear power reactor facilities. IDNS employees currently receive Fitness-for-Duty (FFD) testing through the FFD testing programs of the power reactor facilities. In your letter, you requested that IDNS employees be included in the Nuclear Regulatory Commission's drug testing program, and that IDNS would pay the actual additional costs that maybe incurred by NRC as a result of such participation.

The staff is currently reviewing your request with respect to current legal requirements and Commission policies to determine whether we can be responsive to your request. We plan to respond to your request for exemption within 90 days of the date of this letter.

Sincerely,

/RA/

Richard A. Meserve