

Attachment 1
Letter to IBEW Denying Their
Exemption Request

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

SUBJECT: DENIAL OF EXEMPTION REQUEST

Dear Mr. Dalzell:

In a letter dated September 24, 2002, the U.S. Nuclear Regulatory Commission (NRC) updated the International Brotherhood of Electrical Workers (IBEW) on the status of its earlier exemption request dated January 26, 1993, as supplemented December 6, 1993, stating the NRC had decided to address it in the larger revision to 10 CFR Part 26.

By letter dated January 26, 1993, IBEW requested that the NRC exempt from random drug testing certain clerical employees at Diablo Canyon Nuclear Power Plant (Diablo Canyon) who have unescorted access to the protected area (PA) only, but not the vital areas (VAs) of the plant, do not have access to radiologically controlled areas (RCAs), and who are not required to staff the plant's emergency response center (ERC).

On December 6, 1993, IBEW supplemented this modified request by letter, noting that it incorporated by reference the record submitted in its initial exemption request of March 13, 1990. IBEW also noted the licensee's plans to implement substantial changes in its security system at Diablo Canyon in early 1994. IBEW stated that PG&E planned to expand the boundaries of the VAs and control entry by card-keyed turnstiles rather than card-keyed doors. According to IBEW, these changes would further limit access to the VAs by preventing personnel from "tailgating" through the card-keyed doors. The staff determined that these changes were completed in early to mid-1994.

After careful review of IBEW's modified exemption request and the applicable criteria in 10 CFR 26.6 for acting on exemption requests, the NRC is denying the request for the reasons set forth below.

In the post September 11, 2001, threat environment, to reduce the risk of an insider threat and maintain the public health and safety and the common defense and security, the NRC has placed an increased emphasis on the reliability and trustworthiness of nuclear power plant (NPP) workers who have unescorted access to the PA, including clerical workers who perform safety-related tasks. Clerical workers' trustworthiness and reliability are crucial because of the safety-related work they perform, the safety equipment they may have access to in the PA, and

the close proximity to files located in this area which may contain safeguards or other sensitive information. For example, at Diablo Canyon, clerical workers who perform safety-related work and who have access to the PA update procedures, regulatory files of the plant, and personnel information for processing security clearances and access authorizations, including correspondence with the NRC and the FBI. In addition, these clerical workers who have unescorted access to the PA also maintain important technical drawings and design files and generally have access to plant design and layout information.

Random drug testing helps provide assurance that clerical workers who perform safety-related work and who have access to the PA are trustworthy and reliable. Substance abuse may make a clerical worker who performs safety-related work and has unescorted access to the PA more susceptible to coercion by a terrorist to commit acts of radiological sabotage than are other individuals. A clerical worker who performs safety-related work who is a substance abuser may be more easily persuaded due to substance abuse to cooperate, actively or passively, as an insider with a terrorist in an attempted sabotage of a NPP.

Second, granting your request would not be in the public interest. To assure that nuclear power plants are operated safely and to maintain public health and safety and the common defense and security, the reliability and trustworthiness of clerical workers with unescorted access to the PA who perform safety-related tasks are of paramount importance. It has been widely recognized that substance abuse can impair workplace behavior and reduce cognitive and physical task performance reliability while increasing the likelihood of accidents.

For these reasons, IBEW's request is being denied. If you have any questions regarding this matter, please contact Dr. Garmon West, Jr., Section Chief, Licensee Personnel Security Section, Division on Nuclear Security, Office of Nuclear Security and Incident Response. Dr. West can be reached at 301-415-0211.

Sincerely,

Roy P. Zimmerman, Director
Office of Nuclear Security Incident Response