

NOVEMBER 24 1978

Docket No. 50-312

Mr. J. J. Mattimoe  
Assistant General Manager and  
Chief Engineer  
Sacramento Municipal Utility  
District  
6201 S Street  
P. O. Box 15830  
Sacramento, California 95813

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GKnighton  
LJCunningham

Dear Mr. Mattimoe:

By letter dated February 2, 1978, you requested amendment to the respiratory protection portion (Section 6.12) of the Rancho Seco Technical Specifications in response to our request of July 28, 1977. Instead of completely deleting Section 6.12, as we requested, you proposed to replace this section with the following:

"The Respiratory Protection Program administered shall conform to the USNRC Regulatory Guide 8.15 except as stated in the District letter January 26, 1978 to the Assistant Director for Operating Reactors."

This is to advise you that this wording of the proposed specification is not acceptable. The reason for its unacceptability is that it contains an exception to Regulatory Guide 8.15 (R. G. 8.15). Because R. G. 8.15 is directly incorporated into NRC regulations (10 CFR 20.103(c)), exceptions to its provisions can only be granted by an Exemption issued pursuant to 10 CFR 20.501.

Based upon our review of your letter of February 2, 1978, we conclude that the procedures you seek to use are actually deviations from sections of NUREG-0041, "Manual of Respiratory Protection Against Airborne Radioactive Materials," which is referenced by R. G. 8.15. As stated in our letter on this subject of June 13, 1978, the provisions of NUREG-0041 provide guidance as to acceptable means for conforming to the regulations; you may deviate from their guidance if your alternate measures provide an equivalent level of protection.

Inasmuch as Rancho Seco has received an operating license, the determination as to whether deviations from NUREG-0041 provide an equivalent level of protection should be made by the Commission's Office of

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*Muller*

**DUPLICATE**

Inspection and Enforcement in the course of its normal inspections. In the present case, however, you have referred these questions to the Office of Nuclear Reactor Regulation and requested that we endorse the alternatives in the facility Technical Specifications. In response to this request, we have indicated in the enclosure the staff's positions on your presently proposed alternative measures. We do not believe, however, that it is desirable that these findings be made part of the Technical Specifications either by incorporation or reference. This is because subsequent approval of other or additional alternatives in the future would require formal amendment of the Technical Specifications. Further, insofar as providing documentation that a given alternative to regulatory guidance has been approved, our letter to that effect is as acceptable as inclusion in the Technical Specifications.

Accordingly, barring receipt of written objection from you within 20 days of the date of this letter we will initiate action to revise the Rancho Seco Technical Specifications by complete deletion of Section 6.12, without inclusion of the sentence you requested in your letter of February 2, 1978.

If you have any further questions concerning the implementation of the provisions of NUREG-0041 referenced by Regulatory Guide 8.15, it is requested that these be referred to the NRC Regional Office.

Sincerely,

*[Signature]*

Robert W. Reid, Chief  
 Operating Reactors Branch #4  
 Division of Operating Reactors

Enclosure: Evaluation of  
 Proposed Clarification  
 Exceptions to NUREG-0041

cc w/enclosure: See next page

\*SEE PREVIOUS YELLOW FOR CONCURRENCES

\*\*SEE Page 1 of ltr. for OELD's concurrence

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Mr. J. J. Mattinee

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Robert W. Reid, Chief  
 Operating Reactors Branch #4  
 Division of Operating Reactors

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cc w/enclosure: See next page

*Concur subject to the changes suggested for similar changes*

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