

January 11, 1990

Docket No. 50-312

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Mr. Dan R. Keuter
Assistant General Manager, Nuclear
Rancho Seco Nuclear Generating Station
14440 Twin Cities Road
Herald, California 95638-9799

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JZwolinski	PERickson
GKnighton	ACRS (10)
JLee	PMcKee
SReynolds	BGrimes

Dear Mr. Keuter:

SUBJECT: FITNESS FOR DUTY PROGRAMS, 10 CFR PART 26 (TAC NO. 75067)

"Fitness for Duty Programs," 10 CFR Part 26, was published in the Federal Register on June 7, 1989, and the requirements in this Part must be implemented by each licensee authorized to operate a nuclear power reactor no later than January 3, 1990.

In your October 6, 1989 letter, you requested a total exemption from the requirements of 10 CFR Part 26 based on Rancho Seco's present and future operational status. You stated: "Since Rancho Seco will be defueled prior to implementation of 10 CFR Part 26, it is the District's position that the existing Fitness for Duty Program is adequate to protect the health and safety of the public in the program's goal to achieve a work place free from the effect of drugs and alcoholic substances." The staff has reviewed your letter, including the attachment describing the Sacramento Municipal Utility District Fitness for Duty Program, and has concluded that your program would not achieve the objectives of the program required by 10 CFR Part 26 (for example, your program does not have random testing requirements). Your request for a total exemption from 10 CFR Part 26, "Fitness for Duty Program," is, therefore, denied.

Sincerely,

Original signed by:

Gary M. Holahan, Acting Director
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation

cc: See next page

*see previous concurrence

DRSP/PDV* JLee 11/1/89 7/5/90	DRSP/PDV* SReynolds 11/8/89	DRSP/PDV* GKalman:bld 11/1/89	DRIS/RSGB* PMcKee 12/07/89	DRIS* BGrimes 12/11/89	DRSP/D:PDV* GKnighton 11/8/89
OGC* 12/21/89	(A)AD:DRSP35 JZwolinski 01/0/90	(S)AD:DRSP GHolahan 01/11/90			

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Mr. Dan R. Keuter
Assistant General Manager, Nuclear
Rancho Seco Nuclear Generating Station
14440 Twir. Cities Road
Herald, California 95638-9799

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However, a request for a partial exemption from the requirements of 10 CFR Part 26 would be appropriate for the defueled condition. The requirements specified for a facility under construction may be an appropriate level.

Sincerely,

John A. Zwolinski, Assistant Director
for Region III
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation

cc: See next page

*see previous concurrence

DRSP/PDV*	DRSP/PDV*	DRSP/PDV*	DRIS/RSGB*	DRIS*	DRSP/D:PDV*
JLee	SReynolds	GKalman:bld	PMcKee	BGrimes	GKnighton
11/1/89	11/8/89	11/1/89	12/07/89	12/11/89	11/8/89
OGC	(A)AD:DRSP35	(A)D:DRSP			
<i>[Signature]</i>	JZwolinski	GHolahan			
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However, a request for a an exemption from the full requirements of 10 CFR Part 26 would be appropriate after defueling activities are completed.

Sincerely,

John A. Zwolinski, Assistant Director
for Region III
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation

cc: See next page

*see previous concurrence

DRSP/PDV*	DRSP/PDV*	DRSP/PDV*	DRSP/RSGB	DR/S	DRSP/D:PDV*
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12/14/89	JZwolinski	GHolahan			
	12/ /89	12/ /89			



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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Assistant General Manager, Nuclear
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John A. Zwolinski
John A. Zwolinski, Assistant Director
for Region ~~III~~ ~~IV~~
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation

cc: See next page



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John A. Zwolinski, Assistant Director
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Division of Reactor Projects - III,
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Office of Nuclear Reactor Regulation

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Assistant General Manager, Nuclear
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When Rancho Seco's decommissioning plan is approved, a request for a program meeting the requirements of 10 CFR Part 26.2 (b) for construction sites would be acceptable.

Sincerely,

John A. Zwolinski
Acting Assistant Director
for Region V
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation

cc: See next page

*see previous concurrence

DRSP/PDV* JLee 11/1/89	DRSP/PDV* SReynolds 11/1/89 <i>SR</i> <i>4/2/89</i>	DRSP/PDV* GKalman:bld 11/1/89	DRIS/RSGB PMcKee 11/ /89	DRIS BGrimes 11/ /89	DRSP/PDV* GKnighton 11/2/89
OGC 11/ /89	(A)AD:DRSP35 JZwolinski 11/ /89	(A)D:DRSP GHolahan 11/ /89		<i>mk</i>	

Mr. Dan R. Keuter

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Furthermore, the NRC believes that there is sufficient evidence supporting the effectiveness of random testing on deterring and detecting substance abuse and that a carefully designed chemical testing program covering persons authorized unescorted access to nuclear power facilities is warranted. The NRC is convinced that random testing is an essential and effective component of the fitness for duty program. Although the NRC believes that behavioral observation and for-cause testing comprise important elements of a substance abuse deterrence and prevention program, and has included them in its rule, it does not believe that these elements alone are sufficient to provide the level of deterrence and detection necessary.

The NRC requires all 10 CFR Part 50 licensees to comply with 10 CFR Part 26 requirements through license termination. Our review concluded that the existing Fitness for Duty Program at Rancho Seco is not comparable to the regulatory requirements of 10 CFR Part 26. Your request for an exemption from 10 CFR Part 26, "Fitness for Duty Program," is, therefore, denied.

Sincerely,

John A. Zwolinski
Acting Assistant Director
for Region V
Division of Reactor Projects - III,
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Office of Nuclear Reactor Regulation

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SReynolds	PMcKee

*see previous concurrence

OFC	: DRSP/PDV	: DRSP/PDV	: DRSP/PDV	: DRIS/R5GB	: DRIS	: DRSP/D:PDV
NAME	: JLee	: SReynolds	: GKelman:dld	: PMcKee	: BGrimes	: GKnighton
DATE	: 10/1/89	: 10/1/89	: 10/1/89	: 10/1/89	: 10/1/89	: 10/2/89

OFC	: OGC	: (A)AD:DRSP35:(A)D:DRSP	:	:	:	:
NAME	:	: JZwolinski	: GHolahan	:	:	:
DATE	: 10/ /89	: 10/ /89	: 10/ /89	:	:	:



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Sincerely,

A handwritten signature in cursive script that reads "Gary M. Holahan".

Gary M. Holahan, Acting Director
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation

cc: See next page

Mr. Dan Keuter

Rancho Seco Nuclear Generating
Station

cc:

Ms. Jan Schori, General Manager
Sacramento Municipal Utility District
6201 S Street
P.O. Box 15830
Sacramento, California 95813

Mr. John Bartus
Ms. JoAnne Scott
Federal Energy Regulatory Commission
825 North Capitol Street, N. E.
Washington, D.C. 20425

Thomas A. Baxter, Esq.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N.W.
Washington, D.C. 20037

Ms. Helen Hubbard
P. O. Box 63
Sunol, California 94586

Mr. Steven Crunk
Manager, Nuclear Licensing
Sacramento Municipal Utility District
Rancho Seco Nuclear Generating Station
14440 Twin Cities Road
Herald, California 95638-9799

Environmental Conservation
Organization
Suite 320
101 First Street
Los Altos, California 94022

Mr. Robert B. Borsum, Licensing
Representative
Babcock & Wilcox
Nuclear Power Division
1700 Rockville Pike - Suite 525
Rockville, Maryland 20852

Resident Inspector/Rancho Seco
c/o U. S. N. R. C.
14440 Twin Cities Road
Herald, California 95638

Regional Administrator, Region V
U.S. Nuclear Regulatory Commission
1450 Maria Lane, Suite 210
Walnut Creek, California 94596

Mr. John Hickman
Senior Health Physicist
Environmental Radioactive Management
Unit
Environmental Management Branch
State Department of Health Services
714 P Street, Room 616
Sacramento, California 95814

Sacramento County
Board of Supervisors
700 H Street, Suite 2450
Sacramento, California 95814