



**ENTERGY**

**Entergy Operations, Inc.**

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**Jerrold G. DeWeese**

Vice President  
Operations Support

February 24, 1994

U.S. Nuclear Regulatory Commission  
Mail Station P1-137  
Washington, D.C. 20555

Attention: Document Control Desk

SUBJECT: Withdrawal of Request For Exemption From 10 CFR 26, "Fitness For Duty Programs"

Arkansas Nuclear One Units 1 & 2  
Docket Nos. 50-313 & 50-368  
License Nos. DPR-51 & NPF-6

Grand Gulf Nuclear Station Unit 1  
Docket No. 50-416  
License No. NPF-29

Waterford 3 Steam Electric Station  
Docket No. 50-382  
License No. NPF-38

CNRO-94/00006

Gentlemen:

As part of the Cost Beneficial Licensing Action (CBLA) Program, Entergy Operations, Inc. submitted by letter, dated August 20, 1993, a proposed exemption to the requirements of 10 CFR 26, "Fitness For Duty Programs," Sections 21(b), 22(c), 24 (a)(2), and 80(a). The respective sections of the rule address: "Policy communications and awareness training," "Training of supervisors and escorts," "Chemical testing," and "Audits."

In the exemption request, we recognized that both the NRC and the industry had been working on proposed changes to 10 CFR 26. While we fully supported these efforts, we realized that rulemaking has a number of uncertainties associated with it including difficulty in predicting the final scope of the rule changes. Based on our understanding of the NRC's plans for 10 CFR 26

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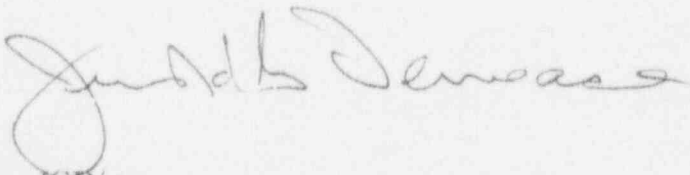
rulemaking at that time, Entergy Operations submitted the aforementioned exemption request. Concurrently, we recognized that changes in the proposed rulemaking could affect our exemption request and thus we would be prepared to modify the exemption request accordingly.

The NRC published the revised Fitness For Duty Final Rule in the Federal Register dated January 5, 1994. This revised rule reduced the random testing rate from 100% to 50% for all employees including contractors. Entergy Operations believes the final rule represents a significant improvement over that which was originally proposed at the time we submitted our exemption request. We commend the NRC for its resolve to identify and eliminate regulations which compel high cost with low safety benefit. Consequently, Entergy Operations, Inc. requests that our proposed exemption to the requirements of 10 CFR 26, "Fitness For Duty Programs," Sections 21(b), 22(c), 24 (a)(2), and 80(a) be withdrawn.

It should be noted that while the revised Fitness For Duty Rule only dealt with the reduced random testing rate, Entergy Operations' exemption request proposed additional areas for regulatory relief. The additional areas addressed by the exemption request were: 1) change the policy communications and awareness refresher training from a nominal 12 month to a nominal 24 month frequency, 2) change the nominal 12 month refresher training for supervisors and escorts to a nominal 24 month frequency, and 3) change the requirement to audit licensee and contractor Fitness For Duty programs on a nominal 12 month schedule to allow performance based audits, conducted on a variable frequency. While Entergy Operations is for now withdrawing our original exemption request in its entirety, we remain convinced that these additional areas of burden reduction are valid areas for consideration. We thus plan, as part of our on going CBLA Program, to reevaluate not only these areas for resubmittal to the NRC but also similar 10 CFR mandated programmatic requirements (e.g., annual audits of Security plans).

We look forward to addressing these and other CBLA issues with you in the future. Please direct any questions regarding this matter to Emmett Roan at (601) 984-9792.

Sincerely,



JGD/egr

cc:

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