

Omaha Public Power District
1623 Harney Omaha, Nebraska 68102-2247
402/536-4000

February 2, 1990
LIC-90-0096

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Mail Station P1-137
Washington, DC 20555

References: 1. Docket No. 50-285
2. Letter OPPD (K. J. Morris) to NRC (Document Control Desk)
dated January 2, 1990 (LIC-90-0001)

Gentlemen:

SUBJECT: 10CFR26

Reference 2 provided a certification as required by 10CFR 26.73(d) that Omaha Public Power District (OPPD) had issued Policies and Procedures intended to satisfy the requirements of 10CFR26. In that letter OPPD brought to the NRC's attention that an apparent conflict exists between 42CFR Part 1, which forbids OPPD's Employee Assistance Program (EAP) Administrator from releasing the identity of individuals utilizing the EAP (unless a court orders such a release), and the requirements of 42CFR 2.22(d) which requires confidentiality unless a release is provided by the individual. This letter provides a resolution to the conflict as noted above.

On January 19, 1990 OPPD formalized a written agreement with its EAP Administrator to report to OPPD those personnel with unescorted access to Fort Calhoun Station, who have been determined to be a hazard to themselves or to others. Through this agreement OPPD has met, and complied with the requirements of 10CFR26.

If you should have any questions, please contact us.

Sincerely,

W. G. Gates

W. G. Gates
Division Manager
Nuclear Operations

WGG/pjc

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c: LeBoeuf, Lamb, Leiby & MacRae
A. Bournia, NRC Project Manager
R. D. Martin, NRC Regional Administrator, Region IV
P. H. Harrell, NRC Senior Resident Inspector

Adol 1/10