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(59 FR 24373)

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August 3, 1994  
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U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

ATTN: Docketing and Service Branch

Docket No. 50-267

SUBJECT: Comments on Proposed Rule Regarding Consideration of  
Changes to Fitness-For-Duty Requirements

Gentlemen:

The Public Service Company of Colorado (PSC) has the following comments regarding the Nuclear Regulatory Commission's consideration of changes to the fitness-for-duty requirements in 10 CFR Part 26, as requested in 59 FR 24373, dated May 11, 1994.

Paragraph 26.2 (b) of the 10 CFR Part 26 currently in effect states, in part, the following:

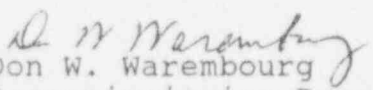
"The regulations in this part also do not apply to spent fuel storage facility licensees or non-power reactor licensees who possess, use, or transport formula quantities of irradiated SSNM as these materials are exempt from the Category I physical protection requirements as set forth in 10 CFR 73.6."

PSC considers that justification for not applying Category I physical protection requirements to spent fuel storage facility and non-power reactor licensees has been established. Changes to fitness-for-duty requirements should not affect the above exemption currently in effect, and fitness-for-duty requirements should not be applied to spent fuel storage facility licensees nor to non-power reactor licensees.

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If you have any questions concerning these PSC comments, please contact Mr. M. H. Holmes at (303) 620-1701.

Sincerely,

  
Don W. Warembourg  
Decommissioning Program Director

DWW/JRJ

cc: U.S. Nuclear Regulatory Commission  
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Regional Administrator, Region IV

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