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February 28, 2001  
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U.S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington, D.C. 20555

RE:                   Nine Mile Point Unit 1  
                          Docket No. 50-220  
                          DPR-63

Nine Mile Point Unit 2  
Docket No. 50-410  
NPF-69

***Subject: Fitness for Duty Program Performance Data Report***

Gentlemen:

In accordance with the requirements set forth in 10 CFR 26.71(d), Niagara Mohawk has compiled and is submitting the enclosed semiannual Fitness for Duty (FFD) Program Performance Data Report covering the period July 1, 2000 through December 31, 2000.

Very truly yours,

A handwritten signature in black ink, appearing to read "John H. Mueller".

John H. Mueller  
Senior Vice President and  
Chief Nuclear Officer

JHM/BMB/cld  
Enclosure

xc:   Mr. H. J. Miller, NRC Regional Administrator, Region I  
      Ms. M. K. Gamberoni, Section Chief PD-I, Section 1, NRR  
      Mr. G. K. Hunegs, NRC Senior Resident Inspector  
      Mr. P. S. Tam, Senior Project Manager, NRR  
      Records Management

A021

**FITNESS FOR DUTY PROGRAM  
PERFORMANCE DATA  
PERSONNEL SUBJECT TO 10 CFR 26**

Niagara Mohawk  
Company

December 31, 2000  
6 Months Ending

Nine Mile Point Nuclear Station  
Location

Beth Menikheim  
Contact Person

(315) 349-7003  
Phone

Annual (Jan-Dec) Random testing rates: At least 50% for employees and approximately 100% for contractors.

Cutoffs: Screen/Confirmation (ng/ml)

■ Appendix A to 10 CFR 26

Marijuana 100 / 15

Amphetamines 1000 / 500

Cocaine 300 / 150

Phencyclidine 25 / 25

Opiates 300 / 300

Alcohol ( % BAC ) .04%

Testing Results		Licensee Employees		Long-Term Contractor Personnel		Short-Term Contractor Personnel	
Average Number with Unescorted Access		1397		N/A*		410	
Categories		# Tested	# Positive	# Tested	# Positive	# Tested	# Positive
Pre-Access		107	1	0	0	256	2
For Cause	Post Incident	4	0	0	0	2	0
	Observed Behavior	0	0	0	0	4	2
Random		455	0	0	0	232	0
Follow-up		22	0	0	0	3	0
Other**		4	0	0	0	3	0
Total		592	1	0	0	500	4

\* Niagara Mohawk does not differentiate between long and short-term contractors. All contractors who have obtained unescorted access are considered short-term.

\*\* Primarily refers to tests conducted for samples that were hydrated (diluted). An observed sample is conducted following results indicating low specific gravity or creatinine.

### Breakdown of Confirmed Positive Tests for Specific Substances

	Marijuana	Cocaine	Opiates	Amphe- tamines	Phency- clidine	Alcohol	Refusal/ Other						
Licensee Employees	1												
Long-Term Contractors													
Short-Term Contractors	1					3							
<b>Total</b>	<b>2</b>					<b>3</b>							<b>5</b>

For details see Section II, (A) Situation Descriptions.

# **FITNESS FOR DUTY (FFD) PROGRAM PERFORMANCE DATA REPORT July 01 - December 31, 2000**

## **SECTION I.      Process Stage Data**

Since early in 1991, Niagara Mohawk has conducted on-site drug screening using a Syva ETS instrument. Procedures require that all tests found to be "non-negative" shall be sent to our contracted Health and Human Services (HHS)-certified laboratory for both screening and confirmatory testing as applicable. To monitor our accuracy and increase the integrity of our laboratory, Niagara Mohawk has participated in proficiency testing, provided by the College of American Pathologists (CAP), since 1992.

## **SECTION II.      Situation Descriptions, Summary of Management Actions, NRC Reportable Events, and Appeals**

### **A.      Situation Descriptions**

1.      A temporary employee tested positive for marijuana following a pre-access drug and alcohol test.
2.      A contractor tested positive for marijuana and another contractor tested positive for alcohol following pre-access drug and alcohol tests.
3.      Two contractors tested positive for alcohol following for cause drug and alcohol tests. One contractor was escorted while the other had obtained unescorted access.

Additionally, an employee tested positive for marijuana following a corporate administered Department of Transportation (DOT) random drug test. (The tables on page 1 of 5 and 2 of 5 do not capture this confirmed positive drug test result because the sample was not tested under 10 CFR 26 Program requirements. However, the results of this DOT confirmed positive test met the cut-off level criteria for a confirmed positive test under 10 CFR 26, per Niagara Mohawk's Medical Review Officer (MRO)).

**B. Management Actions in Response to Situation Description 1-3**

The following list describes the actions taken by management as a result of the above situations:

1. Unescorted access was immediately denied or removed and the opportunity to appeal was explained to all individuals.
2. The FFD Staff recommended the contractors seek a substance abuse evaluation to determine proper treatment and rehabilitation.
3. The Niagara Mohawk employee was referred to Niagara Mohawk's Employee Assistance Program for an evaluation and a proper course of treatment.
4. Supervision implemented a review of safety-related work performed by the individuals (if unescorted access was granted prior to the violation). No remedial actions were required.
5. In the case of the contractor who was escorted in Situation Description #3, (in addition to 1-4 of this section) the individual was escorted off site and the FFD Violation was communicated to his employer.

In the additional case in the Situation Description Section, the employee had previously tested positive for marijuana following a random drug and alcohol test associated with 10 CFR 26. The MRO reviewed the results of the DOT test and deemed the test as a second confirmed positive (per 10 CFR 26) resulting in suspension of unescorted access for 3 years.

**C. NRC REPORTABLE EVENTS PER 10 CFR PART 26.73**

There were no reportable events per 10 CFR 26.73 during this reporting period.

**D. APPEALS PER 10 CFR 26.28**

An employee whose unescorted access was revoked due to his second confirmed positive drug test appealed the confirmed positive drug test results. The Appeals Officer denied the appeal due to the fact that all procedures were followed and evidence to overrule the MRO's decision was not established.

### **SECTION III.     FFD Program Modifications and Lessons Learned**

During this reporting period, Niagara Mohawk's Fitness for Duty Staff utilized performance graphs to facilitate monthly monitoring of our random testing rates for contractors and employees. This tool assists Niagara Mohawk in maintaining regulatory compliance for random testing. In addition, Niagara Mohawk's Quality Assurance Auditors, with the assistance of two technical specialists, performed an internal FFD Audit verifying program effectiveness. In particular, the audit focused on MRO responsibilities, program subserviveness, urine validity and program oversight. The audit resulted in program enhancements.

### **SECTION IV.     Data Assessment and Program Evaluation**

Niagara Mohawk's FFD/Personnel Reliability Program Performance Indicator for this reporting period indicated zero reportable failures. Additionally, the statistical data in this report shows that the Niagara Mohawk employee overall positive test rate for this reporting period was 0.17%. The rate for contractors was 0.8%. The combined positive test rate for contractors and Niagara Mohawk employees is approximately 0.46% for this time period (0.67% since the inception). This performance, combined with the FFD Personnel Reliability Program Performance, is indicative that Nine Mile Point Nuclear Station's FFD Program is working as intended.