



John H. Mueller
Senior Vice President and
Chief Nuclear Officer

Phone: 315.349.7907
Fax: 315.349.1321
e-mail: muellerj@nimo.com

March 30, 2001
NMP1L 1586

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555

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

Subject: *Response to An Apparent Violation in NRC Investigation
 Report No. 1-1999-015*

Gentlemen:

By letter dated March 1, 2001, the Nuclear Regulatory Commission (NRC) forwarded the results of an investigation initiated by the NRC Office of Investigations (OI) on May 12, 1999 at Nine Mile Point Nuclear Station Unit 1. The stated purpose of the investigation was to determine whether an NRC-licensed chief shift operator (CSO) had deliberately provided false, inaccurate or incomplete information on health history forms required by Niagara Mohawk Power Corporation (NMPC, Niagara Mohawk, or Company) as part of the Fitness-for-Duty (FFD) program and medical certification process required for licensed operators. The letter stated that based on the results of its investigation, an apparent violation was identified. The letter stated that the evidence developed by OI indicated that the CSO deliberately failed to provide truthful, accurate and complete information on NMPC health history for the purpose of misleading the Medical Review Officer (MRO). The NRC found that this information was false, inaccurate and incomplete in that the CSO denied taking any medications and being under the care of a health care provider when in fact the CSO was taking prescription medications and was under the care of two health care professionals. The NRC found that as a result, the MRO was precluded from making a fully informed decision about the CSO's medical qualifications to perform licensed activities.

The letter gave the option to Niagara Mohawk to respond in writing to the apparent violation within 30 days of the date of the letter in lieu of requesting a predecisional enforcement conference. As discussed with Richard J. Conte, Niagara Mohawk is submitting this response to the apparent violation identified in NRC Investigation Report No. 1-1999-015. The NRC's March 1, 2001 letter asked NMPC to address the opportunity that NMPC had some time in 1996 to address the situation prior to NRC involvement. The NRC investigation revealed that the CSO had confided to a station shift supervisor (SSS) that the CSO was taking prescription

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medications at the time. The investigation found that the SSS advised the CSO to report this information to the medical department. However, the SSS never followed up to inform the medical department or check if the CSO informed the medical department which was contrary to NMPC procedures existing at the time. The NRC letter asked that this issue be addressed in the Company's response.

The Reason for the Apparent Violation

The Company does not dispute the fact that the CSO in question had deliberately provided false, inaccurate or incomplete information on health history forms required by Niagara Mohawk. Relying on the statement of the evidence developed by the Office of Investigations, the CSO deliberately failed to provide truthful, accurate and complete information on NMPC's health history forms for the purpose of misleading the MRO, thereby precluding the MRO from making a fully informed decision about the CSO's medical qualifications to perform licensed duties. These actions caused Niagara Mohawk to be in violation of the Commission's regulations.

A representative of the Company's Employee Concerns Program interviewed the Station Shift Supervisor referred to in the March 1, 2001 letter. That individual stated he advised the CSO, at the time the use of prescription medications was discussed, to notify the Company's Fitness-for-Duty program. The individual stated that, at the time, he did not realize that it was a requirement to follow up to ensure that the individual had notified Fitness-for-Duty personnel. The SSS believed that the medication was not a detriment to the individual's performance of shift duties, and continued to observe the individual during performance of licensed duties. The SSS in question now recognizes that he must notify the Site Medical group as a supervisor in accordance with the procedure that exists and then continue to monitor the specific situation.

Corrective Steps That Have Been Taken and Results Achieved

The CSO was removed from licensed duties and has since left the employment of the Company.

In response to the Company's evaluation of this matter, licensed operators were trained on the notification requirements pertaining to the taking of prescription medication. Fitness-for-Duty procedures have been revised to clarify the obligations of a licensed operator to inform management of the use of prescription medications. The SSS in question now understands that he failed to follow the governing procedure and also underwent the training as a licensed operator.

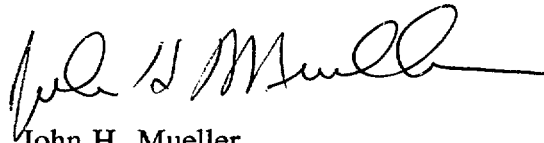
Corrective Steps That Will be Taken to Avoid Further Violations

FFD training is periodically repeated during licensed operator training to avoid further violations.

The Date When Full Compliance Will be Achieved

Full compliance was achieved when the individual was removed from licensed activities. This occurred on March 30, 1998.

Very truly yours,

A handwritten signature in black ink, appearing to read "John H. Mueller", written in a cursive style.

John H. Mueller
Senior Vice President and
Chief Nuclear Officer

JHM/DJW/cld

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

UNITED STATES NUCLEAR REGULATORY COMMISSION

In the Matter of)

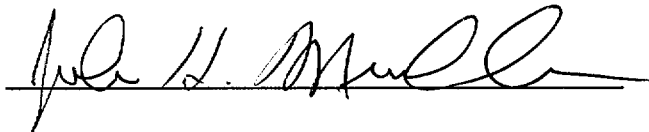
Niagara Mohawk Power Corporation)

Docket No. 50-220

Nine Mile Point Unit 1)

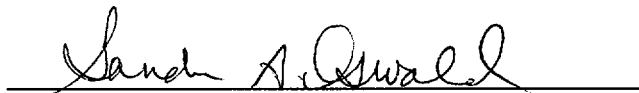
John H. Mueller, being duly sworn, states that he is the Chief Nuclear Officer of Niagara Mohawk Power Corporation; that he is authorized on the part of the said Corporation to sign and file with the Nuclear Regulatory Commission the documents attached hereto; and that the documents are true and correct to the best of his knowledge, information, and belief.

By



John H. Mueller
Chief Nuclear Officer

Subscribed and Sworn before me, a Notary Public in and for the State of New York and the County of Oswego, this 30th day of March, 2001.



Notary Public in and for

Oswego County, New York

SANDRA A. OSWALD
Notary Public, State of New York
No. 01OS6032276
Qualified in Oswego County
Commission Expires 10/25/01

My Commission Expires:

10/25/01