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 MECREDY, R.C. Rochester Gas & Electric Corp.
 RECIP. NAME RECIPIENT AFFILIATION
 VISSING, G.S.

SUBJECT: Informs that util is in process of revising fitness-for-duty program, developed in accordance with 10CFR26. Util will continue to use Dept of Health & Human Svcs certified test facility for majority of tests during yr..

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February 25, 1999



U.S. Nuclear Regulatory Commission
Document Control Desk
Attn: Guy S. Vissing
Project Directorate I-1
Washington, D.C. 20555

Subject: Proposed revision to 10 C.F.R. Part 26 Fitness-for-Duty Program

Dear Mr. Vissing:

RG&E is in the process of revising our Fitness-for-Duty Program, developed in accordance with 10 C.F.R. Part 26. One change we are contemplating would be to utilize, in very limited cases, the Niagara Mohawk Power Corporation drug testing facility, located at the Nine Mile Point Unit 2 site, to perform initial screening tests for drugs for contractors who would be working at our Ginna facility. We believe that such change would bring significant benefits, and our use of that facility for that purpose would not be inconsistent with the governing NRC regulations. This would be used only prior to and during refueling outages, when a large number of personnel would need to be tested in a short time period. We would continue to use a Department of Health and Human Services certified test facility for the majority of our tests during the year.

Appendix A of Part 26 defines "licensee's test facility" as a "drug testing facility operated by the licensee...to perform the initial testing of urine samples...." Since RG&E is a licensee of Nine Mile Point Unit 2, we believe this definition should be interpreted to include RG&E. Paragraph 26.24(d) (2) and 26.24(f) refer to onsite testing for the initial screening tests. Since RG&E is a licensee of Nine Mile Point Unit 2, it should also be considered that the Nine Mile Point site is also an RG&E site. As discussed below, by virtue of the geographic proximity of the sites and because of the arrangements for direct delivery of the sample to the laboratory, we believe the situation is analogous to one permitted by the regulations, i.e., the use of multiple collection sites and analysis of samples collected at such locations at an onsite laboratory.

There are significant safety and economic benefits associated with this proposed change to RG&E's Fitness-for-Duty Program. Currently, urine specimens are collected at the Ginna site, prepared for transportation, and delivered to an airport for transportation to a laboratory in Minnesota. In Minnesota, the specimens are off-loaded and transported to an HHS-certified drug testing laboratory, which conducts initial screening and confirmatory testing.

This process results in a delay between the collection of a urine sample and notification of both an initial screening positive and a confirmed positive or a negative. This delay can be approximately three days. During this time, RG&E must escort all workers until the results of the drug test are received. This results in an inefficient use of contractor and licensee resources.

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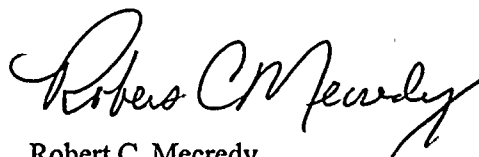
Under the contemplated changes, urine specimens will still be collected at the Ginna site under existing procedures; however, they will then be transported directly by courier to the Nine Mile Point Unit 2 site (which is approximately 65 miles from Ginna Station) for initial screening. Screening results can be available the same day as the test, often within hours. Specimens which screen positive will then be sent to an HHS-certified drug testing laboratory for a repeat of the screening and further confirmatory testing, consistent with NRC requirements.

Use of such a revised process will result in several benefits. Positive initial screening results can be known the same day, allowing RG&E to remove from normal duties and deny unescorted access to a person who has a positive result from the initial screening for marijuana or cocaine. This will ensure that persons who fail drug tests are more promptly removed from the site. The improved turnaround time for test results will also reduce the inefficiency associated with the requirement for escorts.

RG&E previously provided a technical expert to participate in an audit of the Niagara Mohawk Power Corporation Fitness-for-Duty Program. The scope of this audit included the Niagara Mohawk onsite program and onsite testing facility. This audit concluded that the Niagara Mohawk program complies with the requirements of 10 C.F.R. Part 26. Prior to RG&E's use of the Niagara Mohawk facility for initial screening tests, RG&E would conduct an external audit of the Niagara Mohawk drug testing facility. In addition, the Niagara Mohawk facility would conform to the requirements of paragraph 2.8(e) of Subpart B of Appendix A to 10 C.F.R. Part 26, and would increase the total number of samples sent to the HHS-certified laboratory per these requirements.

Although RG&E believes that use of the Nine Mile Point Unit 2 drug testing facility to screen personnel who will be working for RG&E at the Ginna site is permissible and warranted for the reasons cited above, we understand that such use has not occurred in the nuclear industry. We are therefore interested in obtaining NRC concurrence that such use would be consistent with 10 C.F.R. Part 26.

Very truly yours,



Robert C. Mecredy

xc: Mr. Guy S. Vissing (Mail Stop 14B2)
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