

March 10, 2000

Dr. Robert C. Mecredy  
Vice President, Nuclear Operations  
Rochester Gas and Electric Corporation  
89 East Avenue  
Rochester, NY 14649-0001

SUBJECT: PROPOSED REVISION TO THE GINNA FITNESS-FOR-DUTY PROGRAM  
(TAC NO. MA4941)

Dear Dr. Mecredy:

I am responding to your proposal of February 25, 1999, to revise the Ginna Fitness-for-Duty Program. Your proposed revision would allow Rochester Gas and Electric Corporation to collect urine specimens at the Ginna site and then forward these specimens to the Niagara Mohawk Power Corporation's drug screening facility located at Nine Mile Point Unit 2. Niagara Mohawk would then screen the specimens and forward any presumptive positive specimen to a laboratory certified by the U.S. Department of Health and Human Services (HHS) for confirmatory testing. The U.S. Nuclear Regulatory Commission staff has reviewed your proposed revision and has concluded that it is contrary to the requirements of 10 CFR Part 26.

The provisions of 10 CFR Part 26 [specifically, §26.24(d)(1) and (f)] require all testing, except onsite testing, be performed by an HHS-certified laboratory. The provision that allows onsite testing was never intended to allow a licensee to collect specimens at one site and transport those specimens to another site's drug testing facility. Licensees that choose to conduct onsite screening tests are required to develop written testing procedures for protecting the employee, maintaining the integrity of the specimen, and ensuring that the test results are valid and attributable to the correct individual. Testing procedures written and approved by the Ginna site management apply only to the Ginna site and its personnel. Similarly, testing procedures written and approved by the Nine Mile Point site management apply only to the Nine Mile Point site and its personnel. Thus, testing procedures written for one site are not necessarily applicable at another site.

In conclusion, the provisions of 10 CFR Part 26 do not allow the Ginna licensee to implement a drug testing program that utilizes a non-HHS-certified drug testing facility offsite to conduct initial screening tests of specimens collected at the Ginna site. The proposed transportation of these specimens from the Ginna site to the Nine Mile Point Unit 2 drug testing facility

Dr. Mecredy

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constitutes offsite testing, which, in accordance with the requirements of 10 CFR Part 26, must be conducted by an HHS-certified laboratory.

Please contact Mr. Guy Vissing at 301-415-1441 if you have any questions on this issue.

Sincerely,

*/RA/*

Elinor G. Adensam, Director  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-244

cc: See next page

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\*Concurred on memo dated 2/7/00 by DIPM and OGC dated 2/3/00.

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R.E. Ginna Nuclear Power Plant

Ho K. Nieh, Jr., Sr. Resident Inspector  
R.E. Ginna Plant  
U.S. Nuclear Regulatory Commission  
1503 Lake Road  
Ontario, NY 14519

Regional Administrator, Region I  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406

Mr. F. William Valentino, President  
New York State Energy, Research,  
and Development Authority  
Corporate Plaza West  
286 Washington Avenue Extension  
Albany, NY 12203-6399

Charles Donaldson, Esquire  
Assistant Attorney General  
New York Department of Law  
120 Broadway  
New York, NY 10271

Nicholas S. Reynolds  
Winston & Strawn  
1400 S Street N.W.  
Washington, DC 20005-3502

Ms. Thelma Wideman, Director  
Wayne County Emergency Management  
Office  
Wayne County Emergency Operations Center  
7336 Route 31  
Lyons, NY 14489

Ms. Mary Louise Meisenzahl  
Administrator, Monroe County  
Office of Emergency Preparedness  
111 West Falls Road, Room 11  
Rochester, NY 14620

Mr. Paul Eddy  
New York State Department of  
Public Service  
3 Empire State Plaza, 10th Floor  
Albany, NY 12223