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August 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 10CFR26.71(d), Niagara Mohawk has compiled and is submitting the attached semiannual Fitness for Duty (FFD) Program Performance Data Report covering the period January 1, 2001 through June 30, 2001.

Very truly yours,

John H. Mueller  
Senior Vice President and  
Chief Nuclear Officer

JHM/BMB/mlg  
Attachment

cc:       Mr. H. J. Miller, NRC Regional Administrator, Region I  
          Mr. G. K. Hunegs, NRC Senior Resident Inspector  
          Mr. P. S. Tam, Senior Project Manager, NRR (2 copies)  
          Records Management

A 021

**FITNESS FOR DUTY PROGRAM  
PERFORMANCE DATA  
PERSONNEL SUBJECT TO 10CFR26**

Niagara Mohawk  
Company

June 30, 2001  
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 10CFR26

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	
	# Tested	# Positive	# Tested	# Positive	# Tested	# Positive
Average Number with Unescorted Access	1468		N/A*		612	
Pre-Access	195	1	0	0	907	7
For Cause						
Post Incident	0	0	0	0	0	0
Observed Behavior	3	0	0	0	7	3
Random	369	0	0	0	288	2
Follow-up	13	0	0	0	12	0
Other**	7	0	0	0	16	2
<b>Total</b>	<b>587</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1230</b>	<b>14</b>

\* 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). A second (observed) sample is conducted following results indicating low specific gravity or creatinine.

### Breakdown of Confirmed Positive Tests for Specific Substances

	Marijuana	Cocaine	Opiates	Amphetamines	Phencyclidine	Alcohol	Refusal/Other						
Licensee Employees	1												
Long-Term Contractors													
Short-Term Contractors	5	2				6	1						
<b>Total</b>	<b>6</b>	<b>2</b>				<b>6</b>	<b>1</b>						<b>15</b>

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

# **FITNESS FOR DUTY (FFD) PROGRAM PERFORMANCE DATA REPORT January 01 - June 30, 2001**

## **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 tests found to be "non-negative" shall be sent to a 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 Temporary Employee** violated the 5 hour abstinence rule for alcohol prior to a scheduled work tour.
3.      **Three Contractors** tested positive for **Marijuana**, **one** for **Cocaine** and **three** for **Alcohol** following **Pre-Access** drug and alcohol tests.
4.      **Three Contractors** tested positive for **Alcohol** following **For Cause** drug and alcohol tests.
5.      **A Contractor** violated the 5 hour abstinence rule for alcohol prior to a scheduled work tour.
6.      **A Contractor** tested positive for **Marijuana** following a second sample requested due to the first being hydrated.
7.      **One Contractor** tested positive for **Marijuana** and **One Contractor** tested positive for **Cocaine** following **Random** drug and alcohol tests.

8. **A Contractor** refused to present a sample under observation, which was requested due to the first sample having been determined to be hydrated.

**B. Management Actions in Response to Situation Descriptions 1-8**

The following list describes the procedural actions required 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 and the Niagara Mohawk temporary employee seek a substance abuse evaluation to determine proper treatment and rehabilitation.
3. 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.
4. Additionally, the individuals represented by Section II, A. Situation Descriptions, 2 and 5, were immediately denied unescorted access and employment was terminated for violating the 5 hour abstinence rule.

**C. NRC Reportable Events Per 10CFR Part 26.73**

There were no reportable events per 10CFR26.73 during this reporting period.

**D. Appeals Per 10CFR26.28**

There were no appeals per 10CFR26.28 during this reporting period.

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

During this reporting period, Niagara Mohawk's Fitness for Duty Staff trained three more alternate collectors to maintain maximum efficiency during peak inprocessing periods and to avoid subversion of testing concerns. Additionally, FFD requested that Nine Mile Point's General Employee Training re-emphasize to personnel the significance of the sanctions associated with Hemp ingestion and the requirements for the call-out and casual entry process. The instructor accentuates the importance of fitness for duty prior to entering the workplace and not just the protected area.

#### **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 1.14%. The combined positive test rate for contractors and Niagara Mohawk employees is approximately 0.83% for this time period (0.68% since the inception). Though elevated, the new percentages are of the same order as those for the same time period last year (Spring 2000), which were 0.84% for Niagara Mohawk employees, 0.38% for Contractors and 0.53% overall. Typically, there are higher rates of FFD violations in the spring due to the influx of workers to support Nine Mile Point's refueling outages.

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.