

March 6, 1998

Mr. John H. Mueller
Senior Vice President and
Chief Nuclear Officer
Niagara Mohawk Power Corporation
Operations Building
2nd Floor
P.O. Box 63
Lycoming, NY 13093

SUBJECT:

Dear Mr. Mueller:

Your facility reported on February 6, 1998, that an NRC-licensed operator tested positive for alcohol following a fitness-for-duty test. This letter is a request for information pertaining to this occurrence. Please provide, within 30 days after the date of this letter, answers to the questions listed in the enclosure and other records and information on the operator's past fitness-for-duty, which are relevant to this occurrence. We request that any personal, proprietary, or safeguards information in your response be contained in a separate attachment and appropriately marked. The affidavit required by 10 CFR 2.790(b) must accompany your response, where applicable.

You should determine whether the operator meets the requirements of 10 CFR 55.33(a)(1). You should ensure that: (1) the operator meets the general health requirements of ANSI/ANS-3.4-1983; (2) the operator does not have a disqualifying condition under Section 5.3 of that standard; and (3) that documentation describing the designated physician's conclusion that the operator meets the requirements of ANSI/ANS-3.4-1983 is available for review by the NRC. If a conditional license is requested per 10 CFR 55.25, that condition should be documented on NRC Form 396 and transmitted to the NRC.

If you determine that the operator no longer meets the medical qualifications described in 10 CFR 55.33(a)(1), then, in accordance with 10 CFR 55.25, you must notify the NRC, via letter, of the operator's permanent incapacitation. For example, you must notify the NRC if you determine, based on your employee assistance program in consultation with your designated physician, that the operator can no longer meet the medical criteria of ANSI/ANS-3.4-1983.

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The NRC will evaluate the information in your reply to this letter to determine if further action is warranted, pursuant to 10 CFR Parts 50 or 55. The information supplied will be maintained in NRC Privacy Systems of Records-16 and will be subject to the Privacy Act. If you have any questions, please feel free to contact me at (610) 337-5183 or Internet address RJC@NRC.GOV. Your cooperation is appreciated.

Sincerely,

ORIGINAL SIGNED BY:

Richard J. Conte, Chief
Operator Licensing and
Human Performance Branch
Division of Reactor Safety

Docket No. 50-410

cc w/enclosure:

B. Ralph Sylvia, Executive Vice President
R. Abbott, Vice President & General Manager - Nuclear
C. Terry, Vice President- Safety Assessment and Support
J. Conway, Vice President - Nuclear Engineering
K. Dahlberg, Vice President - Nuclear Operations
D. Wolniak, Manager, Licensing
G. Wilson, Senior Attorney
M. Wetterhahn, Winston and Strawn
J. Rettberg, New York State Electric and Gas Corporation
P. Eddy, Electric Division, Department of Public Service, State of New York
C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law
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J. Spath, Program Director, New York State Energy Research
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ENCLOSURE

Licensed Operator Fitness-for-Duty Questionnaire

Niagara Mohawk Power Corporation is requested to provide the following information concerning the fitness-for-duty occurrence of February 5, 1998, regarding the involved licensed operator:

1. Name and responsibilities of the operator.
2. A summary of the operator's entire fitness-for-duty testing history. Please include the dates and times the operator was tested, the reasons for the tests (i.e., random, for-cause, or followup), the results of the tests, and the dates that any tests were confirmed positive.
3. Whether the operator consumed alcoholic beverages within the protected area. If so, please provide the details of the circumstances surrounding such consumption.
4. Whether the operator was at the controls or supervising licensed activities while under the influence of alcohols. If so, please provide the details of the operator's performance of licensed duties while under the influence of alcohol.
5. Whether the operator was involved in procedural errors related to this occurrence. If so, please provide the details of the procedural errors and the consequences of the errors.
6. Your intentions with regard to the operator's resumption of duties under the 10 CFR Part 50 and Part 55 licenses, including your plans for followup testing.

