

ENCLOSURE

NOTICE OF VIOLATION

Rochester Gas and Electric Corporation
R. E. Ginna Nuclear Power Plant

Docket No. 50-244
License No. DPR-18
EA No. 94-254

During an NRC inspection conducted on November 21-22, 1994, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violation is set forth below:

10 CFR 26.24(a)(2) states, in part, that to provide a means to deter and detect substance abuse, the licensee shall implement unannounced drug and alcohol tests imposed in a statistically random and unpredictable manner so that all persons in the population subject to testing have an equal probability of being selected and tested; and, as a minimum, tests must be administered on a nominal weekly frequency and at various times during the day.

10 CFR 26.20 requires that each licensee subject to Part 26 shall establish and implement written policies and procedures designed to meet the specific requirements of this part.

Fitness-for-Duty Procedure FFD 8, Revision 1, dated June 1, 1991, entitled "Random Test Selection and Notification Process", written to satisfy the requirements in 10 CFR 26.20, states, in part, in Section 3.1.4, that testing will be done on randomly selected backshifts, Saturdays, Sundays, and holidays.

Contrary to the above, from January 1, 1993 until November 16, 1994, the Rochester Gas and Electric Corporation did not implement unannounced drug and alcohol tests in a statistically random and unpredictable manner in that:

- a. Statistically random and unpredictable random drug and alcohol testing was not done on Saturdays, Sundays, holidays, or on the night shift between the hours of 10:00 p.m. and 6:00 a.m. During this period, the only holiday, weekend, or night shift testing under the random testing program was during annual outages, with such testing conducted on March 29, 1993 (night shift), April 9, 1993 (Good Friday), April 17, 1993 (weekend), April 18, 1993 (weekend), March 26, 1994 (weekend) and April 1, 1994 (Good Friday). The various times of day thereby eliminated from the random drug and alcohol testing program included at least all non-outage holiday, weekend, and night shift hours.

- b. All persons subject to testing did not have an equal probability of being tested because individuals selected for random testing were not tested if they were unavailable when selected, and also unavailable at the times of the subsequent three weekly tests, after which their names were removed from the list of those waiting to be tested. (01013)

This is a Severity Level III Violation (Supplement VII).

Pursuant to the provisions of 10 CFR 2.201, Rochester Gas and Electric Corporation is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an Order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Dated at King of Prussia, Pennsylvania
this 13th day of January 1995