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**James Knubel**  
Senior Vice President and  
Chief Nuclear Officer

February 29, 2000  
JPN-00-006  
IPN-00-019

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555

SUBJECT: James A. FitzPatrick Nuclear Power Plant  
Docket No. 50-333  
Indian Point 3 Nuclear Power Plant  
Docket No. 50-286  
**Fitness-for-Duty Program Performance Report  
For the Period July - December 1999**

Dear Sir:

This letter transmits the James A. FitzPatrick and Indian Point 3 Fitness-for-Duty Program performance reports for the period from July through December 1999 in accordance with the requirements of 10 CFR 26.71(d). The FitzPatrick report is Attachment I and the Indian Point 3 report is Attachment II.

No new commitments are being made by the Authority in this submittal. If you have any questions, please contact Ms. Charlene D. Faison.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Knubel', written over a large, stylized flourish.

J. Knubel  
Senior Vice President and  
Chief Nuclear Officer

cc: See next page  
Attachments: As stated

A021

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

Mr. George F. Wunder, Project Manager  
Project Directorate I  
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U.S. Nuclear Regulatory Commission  
James A. FitzPatrick Nuclear Power Plant  
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Office of the Resident Inspector  
U.S. Nuclear Regulatory Commission  
Indian Point Unit 3 Nuclear Power Plant  
P.O. Box 337  
Buchanan, NY 10511

ATTACHMENT I TO JPN-00-006 / IPN-00-019

**JAMES A. FITZPATRICK FITNESS-FOR-DUTY PROGRAM  
PERFORMANCE REPORT FOR  
JULY THROUGH DECEMBER 1999**

NEW YORK POWER AUTHORITY  
JAMES A. FITZPATRICK NUCLEAR POWER PLANT  
DOCKET NO. 50-333  
DPR-59

New York Power Authority  
James A. FitzPatrick Nuclear Power Plant

**Fitness-for-Duty Program Performance Report  
for the Period July through December 1999**

**INTRODUCTION**

10 CFR 26.71(d) requires that nuclear power plant licensees periodically collect, compile and submit Fitness-for-Duty performance data. Specifically, this performance data must include:

1. Random testing rate;
2. Drugs tested for and cutoff levels, including results of tests using lower cutoff levels;
3. Workforce population tested;
4. Numbers of tests and results by population and type of test (i.e., pre-access, random, for-cause, etc.);
5. Substances identified;
6. Summary of management actions; and
7. A list of events reported.

Fitness-for-Duty performance data for the Authority's James A. FitzPatrick Nuclear Power Plant for the period from July through December 1999 are provided below and in the attached tables. Data on random testing rate, a summary of management actions, and a list of events reported (items 1, 6 and 7) are given below. Data for the remaining items (2, 3, 4 and 5) are given in the attached tables.

An additional section not required by 10 CFR 26 is included in this report. The additional section summarizes events related to the FitzPatrick Fitness-for-Duty program and lessons learned.

The Authority considers all contractors to be short-term contractors for the purposes of the Fitness-for-Duty Program. For this reason, the attached tables show "N/A" for data associated with long-term contractors.

**RANDOM TESTING RATE**

For this period, 27.3% of employees were tested randomly. The 1999 annual percentage rate for employee random testing was 52.5%. For this period, 76.7% of contractors were tested randomly. The 1999 annual percentage rate for contractor random testing was 146.1%

## **SUMMARY OF MANAGEMENT ACTIONS**

The Authority used the definition of "Management Actions" implicit in 10 CFR 26.27 ("Management actions and sanctions to be imposed") to determine the content of this section.

### Pre-Access Testing

A total of 147 pre-access tests were administered. In one instance, the laboratory reported the specimen as atypical (i.e., specific gravity of less than 1.003 or a creatinine concentration below .2g/l). A repeat specimen was collected under direct observation. This specimen was confirmed positive for marijuana.

### Employee Random Testing

A total of 266 employee random tests were administered. All test results were negative.

### Contractor Personnel Random Testing

A total of 145 contractor random tests were administered with one positive result. In this incident, the name was selected on July 16, 1999. Since the individual was not on site, the badge was 'flagged.' When the individual reported to work on July 19, 1999, the testing was administered and the confirmed results were positive for cocaine.

### For Cause Testing

No for cause tests were administered this reporting period.

### Follow-up Testing

A total of fifteen follow up tests were completed this reporting period. One was confirmed positive for alcohol. As this employee had returned to work on April 8, 1999 after a prior alcohol positive, access was terminated.

## **EVENTS REPORTED**

No events were reported this period.

## **LESSONS LEARNED AND PROGRAM EVENTS**

The results of a pre-access breathalyzer test, administered on September 13, 1999, showed a blood alcohol content of .026%. Although this is under the cut off of .04% and not counted as positive, management denied access.

# Fitness for Duty Program Performance Data Personnel Subject to 10CFR26

<u>New York Power Authority</u> Company		<u>December 31, 1999</u> 6 Months Ending					
<u>James A. FitzPatrick Nuclear Power Plant / Docket No. 50-333</u> Location							
<u>Carol A. Soucy, RN, COHN-S</u> Contact Name		<u>(315) 349-6412</u> Phone (include area code)					
Cutoffs: Screen/Confirmation (ng/ml) <input checked="" type="checkbox"/> Appendix A to 10 CFR 26							
Marijuana	/	Amphetamines	/				
Cocaine	/	Phencyclidine	/				
Opiates	/	Alcohol(%BAC)	/				
Testing Results	Licensee Employees		Long-Term Contractor Personnel	Short-Term Contractor Personnel			
Average Number with Unescorted Access	974		N/A	189			
Categories	# Tested	# Positive	# Tested	# Positive	# Tested	# Positive	
Pre-Access	23	0	N/A	N/A	124	1	
For Cause	Post accident	0	N/A	N/A	N/A	0	N/A
	Observed behavior	0	N/A	N/A	N/A	0	N/A
Random	266	0	N/A	N/A	145	1	
Follow-up	15	1	N/A	N/A	0	N/A	
Other	0	N/A	N/A	N/A	0	N/A	
Total	304	1	N/A	N/A	269	2	

## Breakdown of Confirmed Positive Tests for Specific Substances

	Marijuana	Cocaine	Opiates	Ampheta- mines	Phency- clidine	Alcohol	Refusal to Test	1	2	3	4	5	
Licensee Employees	0	0	0	0	0	1	0	N/A	N/A	N/A	N/A	N/A	
Long-Term Contractors	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Short-Term Contractors	1	1	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	A
Total	1	1	0	0	0	1	0	N/A	N/A	N/A	N/A	N/A	3

ATTACHMENT II TO JPN-00-006 / IPN-00-019

**INDIAN POINT 3 FITNESS-FOR-DUTY PROGRAM  
PERFORMANCE REPORT FOR  
JULY THROUGH DECEMBER 1999**

NEW YORK POWER AUTHORITY  
INDIAN POINT 3 NUCLEAR POWER PLANT  
DOCKET NO. 50-286  
DPR-64

New York Power Authority  
Indian Point 3 Nuclear Power Plant

**Fitness-for-Duty Program Performance Report  
for the Period July through December 1999**

**INTRODUCTION**

10 CFR 26.71(d) requires that nuclear power plant licensees periodically collect, compile and submit Fitness-for-Duty performance data. Specifically, this performance data must include:

1. Random testing rate;
2. Drugs tested for and cutoff levels, including results of tests using lower cutoff levels;
3. Workforce population tested;
4. Numbers of tests and results by population and type of test (i.e., pre-access, random, for-cause, etc.);
5. Substances identified;
6. Summary of management actions; and
7. A list of events reported.

Fitness-for-Duty performance data for the Authority's Indian Point 3 Nuclear Power Plant for the period from July through December 1999 are provided below and in the attached tables. The random testing rate, a summary of management actions, and a list of events reported (items 1, 6, and 7) are given below. Data for the remaining items (2, 3, 4, and 5) are given in the attached tables.

An additional section not required by 10 CFR 26 is included in this report. The additional section summarizes events related to the Indian Point 3 Fitness-for-Duty program and lessons learned.

The Authority considers all contractors to be short-term contractors for purposes of the Fitness-for-Duty program. For this reason, the attached tables show "N/A" for data associated with long-term contractors.

**RANDOM TESTING RATE**

For this period, 24.9% of the personnel in the testing pool were tested randomly. The 1999 annual percentage rate for personnel random testing was 52.1%.

## **SUMMARY OF MANAGEMENT ACTIONS**

The Authority used the definition of "Management Actions" implicit in 10 CFR 26.27 ("Management actions and sanctions to be imposed") to determine the content of this section.

### Pre-Access Testing

A total of 963 pre-access tests were administered. There were two confirmed positive tests for contractors, one for marijuana and one for cocaine. One specimen from a contractor was determined by the HHS laboratory to be adulterated. This specimen is reported as a refusal to test. All individuals were denied unescorted access.

### Employee Random Testing

A total of 237 employee random tests were administered. There were three confirmed positive tests, two for marijuana and one for cocaine. All individuals were referred to the Employee Assistance Program (EAP). The individuals were cleared by the EAP and the Medical Review Officer (MRO), underwent return to work testing and are now in the follow-up testing program.

### Contractor Personnel Random Testing

The results of the 138 contractor random tests were negative. One contractor supervisor refused a random test. His employment was terminated and his work was reviewed.

### For Cause Testing

There were five for cause tests conducted, all on contractors, as a result of an alcohol like odor on their breath. Two of the tests were confirmed positive for alcohol and the individuals' unescorted access was terminated. The remaining tests were negative.

### Follow-up Testing

There were 65 follow-up tests conducted during the period. One contractor's test results were confirmed positive for cocaine. The specimen was collected prior to granting unescorted access. Therefore, the individual's unescorted access was denied and his employment was terminated.

### Other

This category includes tests repeated because the results of the specimen were negative but the specimen was determined by the laboratory to have either a low specific gravity or a low concentration of creatinine. There were 38 tests performed during this report period. The result of one contractor's test results were confirmed positive for marijuana. The individual was denied unescorted access.

**EVENTS REPORTED**

There was one 10 CFR 26.73a reportable event during this period. A licensee supervisor's random test was confirmed positive for marijuana. The individual was referred to the EAP, cleared by the EAP and the MRO to return to work, underwent a return to work test and is in the follow-up testing program.

**LESSONS LEARNED AND PROGRAM EVENTS**

During this reporting period, the New York Power Authority at Indian Point 3 instituted utilization of an onsite testing laboratory. In conjunction with the implementation of onsite testing, the decision was made to take action based on presumptive positive tests for cocaine and marijuana. During this reporting period, 3 tests initially screened positive for cocaine by the onsite lab. All were confirmed positive by the HHS lab and determined by the MRO to be positive. During this reporting period, five tests initially screened positive for marijuana. Four of the tests were confirmed positive by the HHS lab and determined by the MRO to be positive. The remaining test screened positive for marijuana at the HHS lab, but did not confirm to be positive. Therefore, the reported results for this test were negative. Based on the presumptive positive results of the four pre-access tests and the one follow-up test, the individuals were not given access pending the results from the HHS Lab. The presumptive positive results for the three random tests resulted in suspension of unescorted access pending results from the HHS lab.

# Fitness for Duty Program Performance Data Personnel Subject to 10CFR26

<u>New York Power Authority</u> Company		<u>December 31, 1999</u> 6 Months Ending				
<u>Indian Point Unit 3 Nuclear Power Plant</u> Location						
<u>Dale Plumer</u> Contact Name		<u>(914) 788-2195</u> Phone (include area code)				
Cutoffs: Screen/Confirmation (ng/ml) <input checked="" type="checkbox"/> Appendix A to 10 CFR 26						
Marijuana	/	Amphetamines	/			
Cocaine	/	Phencyclidine	/			
Opiates	/	Alcohol(%BAC)	/			
Testing Results	Licensee Employees		Long-Term Contractor Personnel	Short-Term Contractor Personnel		
Average Number with Unescorted Access	1021		N/A	485		
Categories	# Tested	# Positive	# Tested	# Positive	# Tested	# Positive
Pre-Access	30	0	N/A	N/A	933	2
For Cause	Post accident	0	N/A	N/A	N/A	N/A
	Observed behavior	0	N/A	N/A	N/A	N/A
Random	237	3	N/A	N/A	138	0
Follow-up	21	0	N/A	N/A	44	1
Other	6	0	N/A	N/A	32	1
Total	294	3	N/A	N/A	1152	6

### Breakdown of Confirmed Positive Tests for Specific Substances

	Marijuana	Cocaine	Opiates	Amphetamines	Phencyclidine	Alcohol	Refusal to Test	1	2	3	4	5	
Licensee Employees	2	1	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	
Long-Term Contractors	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Short-Term Contractors	2	2	0	0	0	2	2	N/A	N/A	N/A	N/A	N/A	A
Total	4	3	N/A	N/A	N/A	2	2	N/A	N/A	N/A	N/A	N/A	11