

**Constellation  
Nuclear**

**Nine Mile Point  
Nuclear Station**

*A Member of the  
Constellation Energy Group*

NMP1L 1646  
February 27, 2002

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

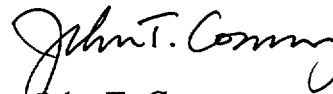
Nine Mile Point Unit 2  
Docket No. 50-410  
NPF-69

***Subject: Fitness for Duty Program Performance Data Report***

Gentlemen:

In accordance with the requirements set forth in 10CFR26.71(d), Nine Mile Point Nuclear Station, LLC (NMPNS) has compiled and is submitting the attached semiannual Fitness for Duty Program Performance Data Report covering the period July 1, 2001 through December 31, 2001.

Very truly yours,

  
John T. Conway  
Site Vice President

JTC/BMB/jm  
Attachment

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

A021

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

Nine Mile Point Nuclear Station, LLC (NMPNS)  
Company

December 31, 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	
Average Number with Unescorted Access		1343		N/A*		328	
Categories		# Tested	# Positive	# Tested	# Positive	# Tested	# Positive
Pre-Access		36	0	0	0	167	2
For Cause	Post Incident	2	0	0	0	0	0
	Observed Behavior	0	0	0	0	0	0
Random		344	1	0	0	197	0
Follow-up		25	1	0	0	7	0
Other**		5	0	0	0	4	2
Total		412	2	0	0	375	4

\* NMPNS 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	Amphetamine	Phencyclidine	Alcohol	Refusals						
Licensee Employees	1					1							
Long-Term Contractors													
Short-Term Contractors	3					1							
Total	4					2							6

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

# **FITNESS FOR DUTY (FFD) PROGRAM PERFORMANCE DATA REPORT July 1 - December 31, 2001**

## **SECTION I.      Process Stage Data**

Nine Mile Point Nuclear Station, LLC (NMPNS) conducts 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, NMPNS participates in proficiency testing provided by the College of American Pathologists (CAP).

## **SECTION II.      Situation Descriptions, Management Actions, NRC Reportable Events, and Appeals**

### **A.      Situation Descriptions**

1.      **An Employee** tested positive for **Marijuana** following a **Follow-up** drug and alcohol test.
2.      **An Employee** tested positive for **Alcohol** following **Random** drug and alcohol tests.
3.      **Two Contractors** tested positive for **Marijuana** following a second sample requested due to the first being **hydrated**.
4.      **A Contractor** tested positive for **Marijuana** and a **Contractor** tested positive for **Alcohol** following a **Pre-access** test for drugs and alcohol.

### **B.      Management Actions (in Response to Situation Descriptions 1-4)**

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 referred the NMPNS employees to the Employee Assistance Program and recommended the Contractors 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.

**C. NRC REPORTABLE EVENTS (PER 10CFR PART 26.73)**

During this reporting period, the employee from Section IIA, Situation Description 2, was fulfilling a supervisory position at the time of the alcohol violation. Therefore, the NRC was notified within 24 hours per 10CFR26.73.

**D. APPEALS (PER 10CFR26.28)**

During this reporting period, one of the contractors, in Section IIA, Situation Description 4, who tested positive for marijuana, appealed his positive drug test. The Appeals Officer denied the appeal due to all procedures being followed correctly and there being no evidence to overrule the Medical Review Officer's decision.

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

During this reporting period, NMPNS's Fitness for Duty Staff conducted a Self-Assessment to measure the general workforce population's understanding of the responsibilities associated with the Continuous Behavioral Observation Program (CBOP). The self-assessment consisted of benchmarking other nuclear power plants' General Employee Lesson Plans (which included the CBOP requirements) and performing face-to-face interviews with supervisory and non-supervisory personnel at NMPNS. Non-emergency Call-out / For Cause wallet cards were distributed as quick reference aides to supplement our procedures. The assessment concluded that the workforce has a fundamental understanding of their responsibilities associated with CBOP and revealed areas that could be enhanced. NMPNS's Corrective Action Program was used to document these enhancements and to develop plans to evaluate incorporating them into the General Employee Lesson Plan.

**SECTION IV.     Data Assessment and Program Evaluation**

NMPNS'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 NMPNS employee overall positive test rate for this reporting period was 0.49%. The rate for contractors was 1.07%. The combined positive test rate for

contractors and NMPNS employees is approximately 0.76% for this time period (0.68% since the inception of this program). This performance, combined with the FFD/Personnel Reliability Program Performance Indicator, is indicative that NMPNS's FFD Program is working as intended.