



**Constellation  
Energy Group**

Nine Mile Point  
Nuclear Station

August 29, 2003  
NMP1L 1759

U.S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington, D.C. 20555

**SUBJECT:** Nine Mile Point Units 1 and 2  
Docket Nos. 50-220 and 50-410  
License Nos. DPR-63 and NPF-69

**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 enclosed semiannual Fitness for Duty (FFD) Program Performance Data Report covering the period January 1, 2003, through June 30, 2003.

Very truly yours,

Denise J. Wolhiak  
General Supervisor Licensing

DJW/IAA/bjh  
Enclosure

xc: 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)

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

Nine Mile Point Nuclear Station, LLC  
Company

June 30, 2003  
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		1335		N/A*		580	
Categories		# Tested	# Positive	# Tested	# Positive	# Tested	# Positive
Pre-Access		54	0			771	5
For Cause	Post Incident	4	0			7	0
	Observed Behavior	0	0			14	4
Random		346	1			318	3
Follow-up		12	0			11	1
Other**		4	0			11	2
Total		420	1			1132	15

\* NMPNS does not differentiate between long-term 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	Amphet- amines	Phency- clidine	Alcohol	Refusals/ Other	Totals
Licensee Employees	1							1
Long-Term Contractors								
Short-Term Contractors	6	3				7		16
Total	7	3				7		17*

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

\*The table on the previous page indicates that there were a total of 16 individuals who resulted in positive test. This table indicates there were a total of 17 substances identified. This discrepancy is due to the fact that one individual tested positive for more than one substance.

# **FITNESS FOR DUTY (FFD) PROGRAM PERFORMANCE DATA REPORT**

## **January 01 – June 30, 2003**

### **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 was confirmed positive for Marijuana as a result of a Random drug and alcohol test.
2.      Three Contractors were confirmed positive for Alcohol as a result of Random drug and alcohol tests.
3.      Seven Contractors were confirmed positive for drugs (Two for cocaine, Four for marijuana and One both drugs) as a result of Pre-access drug and alcohol tests.
4.      Four Contractors were confirmed positive for Alcohol as a result of For Cause tests.
5.      A Contractor was confirmed positive for marijuana as a result of a Follow-up test.
6.      Three Contractors were consistent with Alcohol Misuse as a result of reporting to work with alcohol readings .02-.039% BAC.
7.      Alcohol and marijuana were found by Security, during a vehicle search, in a bucket truck attempting to enter the protected area (PA) to make repairs to a 345kV hot spot.

**B. Management Actions (in Response to Situation Descriptions)**

The following actions were taken by management as a result of the above situation descriptions:

1. Unescorted access was immediately suspended or revoked for:
  - a. A minimum of 14 days for Employees. This suspension included relief from duties and was unpaid.
  - b. An indefinite period of time for Contractors.
2. Substance Abuse Referrals:
  - a. The employee was referred to NMPNS's Employee Assistance Program for a substance abuse evaluation to determine proper treatment and rehabilitation.
  - b. Contractors were encouraged to obtain a substance abuse evaluation.
3. Supervision implemented a review of safety-related work performed by all individuals. No remedial actions were required.
4. The three Contractors, who were confirmed to have violated NMP's Alcohol Misuse Policy, were suspended for a minimum of 30 days.
5. The truck attempting to enter the PA was stopped and the individuals requesting escorted access were refused. The individuals in possession of the alcohol and drugs, which violated the established contractual agreement, were denied access. The rest of the individuals requested a voluntary drug and alcohol test. All test results were negative and the individuals were allowed escorted access.

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

There were no reportable events during this performance data period.

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

Two individuals appealed their confirmed positive test determinations. Neither of the appeals provided any additional evidence that was not evaluated at the time of the confirmed positive; therefore the Appeals Officer decision maintained consistency with the Medical Review Officer's determination.

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

Nine Mile Point's FFD departmental procedures were modified to define and address alcohol misuse. Contractors reporting for scheduled work resulting in the presence of alcohol at .02-.039%BAC shall result in a 30-day suspension of unescorted access. During this reporting period, three individuals were determined to be in violation of this expectation and access was suspended for the 30-day period.

As a result of the NRC's Access Authorization Compensatory Measures, FFD procedures were modified to address sharing FFD violations with the industry and communicating to the industry everyone determined to be in a follow-up testing program. Both of these issues were addressed with the utilization of Personnel Access Data System, an industry-wide shared data system.

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

NMPNS's FFD/Personnel Reliability Program Performance Indicators for this performance data period indicated zero reportable failures. This statistical report shows that the NMPNS employee overall positive test rate for this reporting period was 0.24%. The overall rate for contractors was 1.33%. The combined positive test rate for contractors and NMPNS employees is approximately 1.03% for this time period (and 0.72% since the inception of this program).