



FirstEnergy Nuclear Operating Company

Perry Nuclear Power Station  
10 Center Road  
Perry, Ohio 44081

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February 28, 2008

L-08-059

10CFR26.71(d)

ATTN: Document Control Desk  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

**SUBJECT:**

Perry Nuclear Power Plant, Unit 1  
Docket No. 50-440, License No. NPF-58  
Semiannual Fitness-For-Duty Report

In accordance with the requirements of 10 CFR 26.71(d), "Recordkeeping Requirements," the Semiannual Fitness for Duty Report is being submitted for the Perry Nuclear Power Plant. This report covers the time period of July 1, 2007, through December 31, 2007.

Attachment 1 provides the Fitness for Duty Program performance data regarding testing results. Attachment 2 provides additional information regarding reported events and management actions taken in response to positive results. The provisions of the Fitness for Duty Program apply to persons granted unescorted access to the Protected Area of the plant, as well as to licensee, vendor, and contractor personnel required to physically report to the Technical Support Center or the Emergency Operations Facility in accordance with the Emergency Plan and associated implementing procedures.

There are no regulatory commitments contained in this letter. If there are any questions or if additional information is required, please contact Mr. Jeffrey Lausberg, Manager – Regulatory Compliance, at (440) 280-5940.

Sincerely,

Barry S. Allen

**Attachments**

1. Fitness for Duty Program Performance Data
2. Fitness for Duty Reported Events and Management Action Taken

cc: NRR Project Manager  
NRC Resident Inspector Office  
NRC Region III

A021  
NRR

Attachment 1  
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Fitness for Duty Program Performance Data

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

NOP-LP-1002-01 Rev.00

<u>FirstEnergy Corp. (FirstEnergy Nuclear Operating Company)</u> <i>Company</i>	<u>December 31, 2007</u> <i>6 Months Ending</i>
<u>Perry Nuclear Power Plant - 10 Center Road - Perry, Ohio 44081</u> <i>Location</i>	
<u>Maureen Gilday-Gulliford, Access Authorization Supervisor</u> <i>Contact Name</i>	<u>(440) 280-5830</u> <i>Phone (include area code)</i>
Cutoffs: Screen/Confirmation (ng/ml) <input type="checkbox"/> Appendix A to 10CFR26	
Marijuana    100/15	Amphetamines    1,000/500
Cocaine    300/150	Phencyclidine    25/25
Opiates    300/300	Alcohol (%BAC)    .04% .02% (work status 2 hrs. or greater) .03% (work status 1 hr. or greater)

Testing Results		Licensee Employees		Long-Term Contractor Personnel		Short-Term Contractor Personnel	
		# Tested	# Positive	# Tested	# Positive	# Tested	# Positive
Average Number with Unescorted Access		917		N/A		129	
Pre-Access		33	1			193	1
For Cause	Post accident	6	0			1	0
	Observed behavior	2	0			3	1
Random		237	0			21	0
Follow-up		36	0			9	0
Other-		0	0			0	0
Total		314	1			227	2

**Breakdown of Confirmed Positive Tests for Specific Substances**

	Marijuana	Cocaine	Opiates	Amphe- tamines	Phency- clidine	Alcohol	Refusal to Test	1	2	3	4	5	
Licensee Employees	0	1	0	0	0	0	0						
Long-Term Contractors	0	0	0	0	0	0	0						
Short-Term Contractors	0	1	0	0	0	0	1						
<b>Total</b>	0	2	0	0	0	0	1						<b>3</b>

Attachment 2  
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Fitness for Duty Reported Events and  
Management Action Taken

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### Management Actions Taken

Drug and alcohol testing results for the reporting period are described in Attachment 1.

One (1) licensee employee was subjected to follow-up testing, which resulted in an alcohol result below the Nuclear Operating Procedure (NOP-LP-1002), "Fitness for Duty Program," requirements. As a result, the licensee employee's unescorted access was placed on administrative hold. A Medical Review Officer (MRO) evaluation was completed and the MRO recommended referral to the Employee Assistance Program (EAP) for completion of a drug and alcohol assessment. The licensee employee is in the assessment phase and suitability for unescorted access has not been re-established to date.

One (1) licensee employee, who was off work due to medical leave and did not hold unescorted access, was subjected to preaccess testing, which resulted in a confirmed positive test for a illegal drug during this reporting period. Pursuant to Nuclear Operating Procedure (NOP-LP-1002), "Fitness for Duty Program," requirements, the employee was informed of his/her right to appeal and of the procedural requirements in order to re-establish unescorted access to the Protected Area. To date, the employee has not exercised his/her right to appeal and remains denied.

One (1) contractor employee, who did not hold unescorted access, was subjected to preaccess testing, which resulted in a confirmed positive test for an illegal drug during this reporting period. One (1) contractor employee, who did not hold unescorted access, was subjected to for cause testing, which resulted in a refusal to test. Refusal to submit to testing is considered subversion and carries a three-year denial. Both contractor employees were denied unescorted access to the Protected Area. Pursuant to Nuclear Operating Procedure (NOP-LP-1002), "Fitness for Duty Program," requirements, the contractor employees were informed of his/her right to appeal and of the procedural requirements in order to re-establish unescorted access to the Protected Area. To date, neither contractor employee has exercised his/her right to appeal and both remain denied.

As a result of a Fitness for Duty Program concern, fifteen (15) individuals were subject to unannounced follow-up testing (a total of 45 tests completed) during this reporting period. All testing results were negative with the exception of the alcohol result reported in the second paragraph.

During last reporting period, FENOC contracted with a new Department of Health and Human Services (DHHS) certified drug testing laboratory (implemented in 6/2007). During this reporting period issues/concerns were self-identified and captured in the FENOC's corrective action program for identification, resolution, and tracking purposes.

### Initiatives Taken

Two supervisory communications were provided during this reporting period in the following areas:

- Focus on the fatigue rule portion of the soon to be released revision to 10 CFR 26, and
- FENOC Fitness for Duty Evaluation process and it's associated use during incident, near-miss reporting, and case management of illness.

FENOC's Fitness for Duty Program procedure was revised to provide additional guidance and clarification as necessary to ensure the program requirements are clear and understandable for the end user, our employees.

### Reported Events

None