

Mark B. Bezilla  
Vice President

440-280-5382  
Fax: 440-280-8029

February 25, 2009

L-09-008

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

**SUBJECT:**

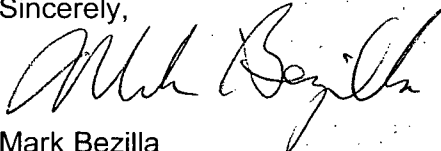
Perry Nuclear Power Plant, Unit 1  
Docket No. 50-440, License No. NPF-58  
Fitness-For-Duty Performance Data

As referenced in 10 CFR 26.71(d) [54 FR 24494, June 7, 1989, as amended at 57 FR 55444, Nov. 25, 1992], the previously applicable regulatory requirement, enclosed are the "Semiannual Fitness for Duty Performance Data" report and the "Summary of Management Actions" report for the Perry Nuclear Power Plant. The enclosures cover the time period from July 1, 2008, through December 31, 2008.

Subsequent submittals of Fitness-For-Duty Program Performance Data will be in accordance with the requirements of 10 CFR 26.717, "Fitness-For-Duty Program Performance Data."

There are no regulatory commitments contained in this letter. If there are any questions, or if additional information is required, please contact Mr. Robert B. Coad, Manager-Regulatory Compliance, at (440) 280-5328.

Sincerely,



Mark Bezilla

**Enclosures:**

- A. Fitness for Duty Program Performance Data
- B. Summary of Management Actions

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

A021  
NRR

Enclosure A  
L-09-008

Fitness for Duty Program Performance Data

Page 1 of 3

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

NOP-LP-1002-01 Rev.00

<u>FirstEnergy Corporation (FirstEnergy Nuclear Operating Company)</u> <i>Company</i>	<u>December 31, 2008</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%
greater)	.03% (work status 1 hr. or greater)
	.02% (work status 2 hrs. 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		941		N/A		308	
Pre-Access		64	0			332	4
For Cause	Post accident	12	0			4	0
	Observed behavior	3	0			1	0
Random		263	0			71	1
Follow-up		33	0			27	0
Other-		179	0			0	0
Total		554	0			435	5

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

	Marijuana	Cocaine	Opiates	Amphetamines	Phencyclidine	Alcohol	Refusal to Test	1	2	3	4	5	
Licensee Employees		0	0	0	0	0	0						
Long-Term Contractors	0	0	0	0	0	0	0						
Short-Term Contractors	2	2	1	0	0	1	0						
<b>Total</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>						<b>6</b>

One contractor employee tested positive for two illegal substances.

Enclosure B  
L-09-008

Summary of Management Actions

Page 1 of 3

### Management Actions Taken

Drug and alcohol testing results for the reporting period are described in Enclosure A.

Three (3) contractor personnel, who received pre-access drug testing, were confirmed to be positive. One (1) contractor person, who received a random drug test, was confirmed to be positive. One (1) contractor person, who received a pre-access alcohol test, was confirmed to be positive. This positive alcohol result was based on the amount of alcohol being greater than .020% and the employee having a status of being at work for two hours, or greater, in accordance with Nuclear Operating Procedure (NOP-LP-1002) "Fitness for Duty Program." Pursuant to NOP-LP-1002 requirements, these individuals were denied plant access. They were informed of their right to appeal and were explained the procedural requirements for re-establishing unescorted access to the Protected Area. Some contractor personnel have exercised their right to appeal. To date, one (1) contractor person has been re-established for unescorted access.

One (1) licensee employee and one (1) contractor person, who received random testing, were found to have alcohol levels, but below the NOP-LP-1002 established cut-off levels. These individuals were turned over to their site representative(s) for exiting of the site.

As part of the Follow-Up Testing program, thirty-three (33) individuals were subject to unannounced follow-up testing (a total of 60 tests completed) during this reporting period. All test results were negative.

### Initiatives Taken

On September 29, 2008, FENOC implemented a new vendor supplied database system that houses and processes information for both the Access Authorization and Fitness-for-Duty Programs. This information system automates and simplifies the FENOC Fleet Access Authorization, Fitness-for-Duty and Behavior Observation Programs. This system replaced multiple databases and eliminated extra work for both Supervisors and Access Authorization/Health Services Personnel. This system incorporates and standardizes processes, programs and procedures; including, the Annual Supervisory Reviews (ASR), monthly Access Control List (ACL), and the generation of the random Fitness-for-Duty program. Efficiencies were gained by eliminating multiple data entry points and by reducing file maintenance.

An investigation revealed that two licensee security officers were associated with illegal drugs. One security officer admitted to illegal drug use while on vacation and following his return to work. The other security officer was involved in a domestic dispute where the local police department responded. This incident resulted in charges for domestic violence, possession of cocaine, and possession of drug instruments. For Cause testing was completed for both security officers. The results were found to be negative. Company employment was terminated for both security officers. NRC Region III is concerned with these two events as they indicate a potential for a more widespread drug abuse problem. In response to this NRC concern, and with FENOC's responsibility to continue providing high assurance that plant personnel are fit for duty to perform their duties in a safe, reliable, secure, and trustworthy manner, FENOC implemented an accelerated random testing program for Security employees (in addition to following 10 CFR 26 random testing program requirements). During this reporting period, the accelerated tests results have all been negative.

Enclosure B  
L-09-008  
Page 3 of 3

During this reporting period, the Fitness for Duty Program included communicating information on the Employee Assistance Program (EAP) to site personnel.

During this reporting period, NOP-LP-1002 was revised (revision 14). Additional verbiage was added to clarify the Working Hour Guidelines section.

#### Reported Events

There were no reported events during this reporting period.