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William J. Cahill, Jr.
Chief Nuclear Officer

March 1, 1995
JPN-95-009
IPN-95-023

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 through December 1994**

Dear Sir:

This letter transmits the James A. FitzPatrick and Indian Point 3 Fitness-for-Duty Program performance reports for the period July through December 1994 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 commitments are being made by the Authority in this submittal. If you have any questions, please contact Ms. C. Faison.

Very truly yours,

William J. Cahill, Jr.
Chief Nuclear Officer

cc: See next page
Attachments: As stated

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R PDR

AD21/1

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ATTACHMENT I TO JPN-95-009/IPN-95-023

JAMES A. FITZPATRICK FITNESS-FOR-DUTY PROGRAM
PERFORMANCE REPORT FOR
JULY THROUGH DECEMBER 1994

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

Attachment I to JPN-95-009/IPN-95-023

New York Power Authority
James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333

**Fitness-For-Duty Program Performance Report
For the Period July through December 1994**

INTRODUCTION

10 CFR 26.71(d) requires that nuclear power plant licensees periodically collect, compile and submit fitness-for-duty 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 1994 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, summarizes event related to the FitzPatrick fitness-for-duty program and lessons learned.

RANDOM TESTING RATE

For this period, 54.0 percent of the personnel in the test pool were tested randomly. The 1994 annual percentage rate of personnel tested randomly was 108.

**Fitness-For-Duty Program Performance Report
For the Period July through December 1994 (cont'd)**

SUMMARY OF MANAGEMENT ACTIONS

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

Pre-Access Testing

Nine contractors were confirmed positive for drugs or alcohol during pre-access testing; five were for marijuana, two for cocaine, one for amphetamines, and one for alcohol. Access was denied in all nine cases.

For-Cause Testing

For cause testing was performed on a contractor who was being escorted as a working visitor. The contractor was given escorted (visitor) access for approximately seven days to perform critical path outage related work until the results of his pre-access tests were received. Pre-access drug and alcohol testing, collected on December 12, 1994, was reported as positive for cocaine on December 19, 1994. A For Cause specimen was collected since he had been given escorted access. The results of the For Cause testing were negative. Further access was denied.

Sixteen other tests, including 12 contractors and 4 New York Power Authority employees, were repeat observed drug tests due to atypical urine specimens. (10 CFR 26, Appendix A, Section 2.4(f) includes criteria for atypical urine specimens.) All repeat tests were negative.

Employee Random Testing

No employee tested positive for drugs or alcohol during this reporting period.

Contractor Personnel Random Testing

Two contractors were confirmed positive under the random testing category; one for cocaine and one for alcohol. Access was denied in both cases.

Follow-up Testing

Test results from all 20 follow-up tests conducted during this period were negative.

**Fitness-For-Duty Program Performance Report
For the Period July through December 1994 (cont'd)**

EVENTS REPORTED

No events, as defined by 10 CFR 26.73(a) "Reporting Requirements," were reported during this period.

LESSONS LEARNED AND PROGRAM EVENTS

On December 27, 1994 the Authority used Niagara Mohawk Power Corporation's laboratory (at the Nine Mile Point Nuclear Power Plant site) to conduct pre-access tests for 6 contractors. To expedite receipt of the test results, these tests were performed at this laboratory rather than the laboratory usually used. Prompt processing was necessary because these contractors were to provide services which were required for critical-path outage work.

**Fitness for Duty Program
Performance Data
Personnel Subject to 10CFR 26**

New York Power Authority		December 31, 1994	
Company		6 Months Ending	
James A. FitzPatrick Nuclear Power Plant (Docket No. 50-333)			
Location			
Carol A. Soucy		315/349-6412	
Contact Name		Phone (include area code)	
Cutoffs: Screen/Confirmation (ng/ml) <input checked="" type="checkbox"/> Appendix A to 10CFR 26			
Marijuana	/	Amphetamines	/ _____ /
Cocaine	/	Phencyclidine	/ _____ /
Opiates	/	Alcohol (% BAC)	/ _____ /

Testing Results		Licensee Employees		Long-Term Contractor Personnel *		Short-Term Contractor Personnel	
		# Tested	# Positive	# Tested	# Positive	# Tested	# Positive
Average Number with Unescorted Access		1009		N/A		441	
Pre-Access		122	0	N/A	N/A	1030	9
For Cause	Post accident	0	0	N/A	N/A	0	0
	Observed behavior	4	0	N/A	N/A	13	0
Random		466	0	N/A	N/A	320	2
Follow-up		12	0	N/A	N/A	8	0
Other		0	0	N/A	N/A	0	0
Total		604	0	N/A	N/A	1371	11

*All contractors are categorized as short-term for the purpose of the Fitness for Duty Program.

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	0						
Long-Term Contractors	0	0	0	0	0	0	0						
Short-Term Contractors	5	3	0	1	0	2	0						A
Total	5	3	0	1	0	2	0						11

ATTACHMENT II TO IPN-95-023/JPN-95-009

INDIAN POINT THREE FITNESS-FOR-DUTY PROGRAM
PERFORMANCE REPORT FOR
JULY THROUGH DECEMBER 1994

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

New York Power Authority
Indian Point Three Nuclear Power Plant

**Fitness-for-Duty Program Performance Report
for the Period July through December 1994**

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-badging, 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 Three Nuclear Power Plant (IP3) for the period from July through December 1994 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 typically included in this report. The additional section summarizes events related to the IP3 Fitness-for-Duty program and lessons learned. However, for this reporting period, there were no significant program events or lessons learned. Therefore, this section is not included in this period's report.

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, 52.6 percent of the personnel in the testing pool were tested randomly. The 1994 annual percentage rate of personnel tested randomly was 101.4.

SUMMARY OF MANAGEMENT ACTIONS

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

Pre-Access Testing

Four contractor pre-access test results were confirmed positive; two for marijuana and two for cocaine. The four individuals that provided these pre-access test samples were denied access.

For-Cause Testing

There was one observed behavior test conducted during this period. The results of this test were negative.

Employee Random Testing

Immediately following the collection of a random test sample on November 21, 1994, a New York Power Authority employee admitted to using marijuana two days prior to the sample collection date. Although the results of the employee's test were negative, the sample was reported as being atypical of normal urine due to a low creatinine level. Based on the confession by the employee, the Authority took action that was consistent with the action taken as the result of a first-time positive test result. The employee's unescorted access was revoked the day of the test and the employee was referred to the Employee Assistance Program (EAP). The employee resigned from the Authority effective January 9, 1995 without completing the prescribed EAP program. The employee's access had never been reinstated since the November 21, 1994 event.

The results of all other employee random tests administered during this reporting period were negative.

Contractor Personnel Random Testing

The random test results for four contractors were confirmed positive for cocaine. Each individual's unescorted access was terminated and their work was reviewed. The results of the work review did not reveal any problems.

Follow-Up Testing

The results of all follow-up tests conducted during this period were negative.

EVENTS REPORTED

There were no 10 CFR 26.73 reportable events during this period.

**Fitness for Duty Program
Performance Data
Personnel Subject to 10CFR 26**

New York Power Authority		December 31, 1994
<small>Company</small>		<small>6 Months Ending</small>
Indian Point Unit Three Nuclear Power Plant (Docket No. 50-286)		
<small>Location</small>		
Dale Plumer		(914) 736-8195
<small>Contact Name</small>		<small>Phone (include area code)</small>
Cutoffs: Screen/Confirmation (ng/ml) <input checked="" type="checkbox"/> Appendix A to 10CFR 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		983		N/A		607	
Categories		# Tested	# Positive	# Tested	# Positive	# Tested	# Positive
Pre-Access		41	0	N/A	N/A	451	4
For Cause	Post accident	0	0	N/A	N/A	0	0
	Observed behavior	0	0	N/A	N/A	1	0
Random		462	1*	N/A	N/A	375	4
Follow-up		18	0	N/A	N/A	29	0
Other		12	0	N/A	N/A	23	0
Total		533	1	N/A	N/A	879	8

* See "Employee Random Testing" section under "Summary of Management Actions"

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	0	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	6	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	A
Total	2	6	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	8

NOTE: The test conducted on a New York Power Authority employee was treated as a confirmed positive test based on the employee's admission of drug use. The results of this test are not indicated in the above table due to the fact that the lab reported the results as negative but atypical of normal urine. (See "Employee Random Testing" section under "Summary of Management Actions")