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William J. Cahill, Jr.
Chief Nuclear Officer

February 26, 1996
JPN-96-007
IPN-96-020

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 - December 1995**

Dear Sir:

This letter transmits the James A. FitzPatrick and Indian Point 3 Fitness-for-Duty Program performance reports for the period from July through December 1995 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. Charlene Faison.

Very truly yours,

A handwritten signature in black ink, appearing to read 'William J. Cahill, Jr.', written in a cursive style.

William J. Cahill, Jr.
Chief Nuclear Officer

010015

cc: See next page
Attachments: As stated

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R PDR

AD21

cc: Regional Administrator
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Indian Point Unit 3 Nuclear Power Plant
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ATTACHMENT I TO JPN-96-007 / IPN-96-020

**JAMES A. FITZPATRICK FITNESS-FOR-DUTY PROGRAM
PERFORMANCE REPORT FOR
JULY THROUGH DECEMBER 1995**

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

New York Power Authority
James A. FitzPatrick Nuclear Power Plant

**Fitness-for-Duty Program Performance Report
for the Period July through December 1995**

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. Number 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 1995 are provided below and in the attached tables. Data on 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 included in this report. The additional section summarizes events related to the James A. FitzPatrick Fitness-for-Duty program and lessons learned.

The Authority considers all contractors to be short-term contractors for the 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, 50.0 percent of the personnel in the test pool were tested randomly. The 1995 annual percentage rate of personnel tested randomly was 103.

SUMMARY OF MANAGEMENT ACTIONS

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

Pre-Access Testing

The results of 111 pre-access tests were negative.

Employee Random Testing

The results of 458 employee random tests were negative.

Contractor Personnel Random Testing

The results of 139 contractor random tests were negative.

For Cause Testing

Six tests 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.

One other For Cause test was completed after observed behavior by a Supervisor and co-workers. The result of the testing was negative.

Follow-up Testing

The test results from all 6 follow-up tests were negative.

EVENTS REPORTED

Two false negative blind quality control test samples occurred this reporting period. The first occurred on November 15, 1995. DER 95-1629 was initiated to investigate the issue. An investigation was conducted by Corning/Metpath Laboratory, Bensinger Dupont Associates, and Forensic Control Company (the company which supplied the test samples). The investigation revealed the false negative was the result of an interfering factor in the analytical process at Metpath Laboratory. Written notification was submitted to the NRC on December 14, 1995.

The second false negative occurred on December 15, 1995. DER 95-1744 was initiated to investigate the issue. The investigation by the above stated laboratories again revealed an interfering factor in the analytical process at Metpath Laboratory. Written notification was submitted to the NRC on January 15, 1996.

LESSONS LEARNED AND PROGRAM EVENTS

The Authority is concerned with the failure by both the blind test supplier and the Health and Human Services (HHS) laboratory to provide a quality explanation as to the reason for the presence of the interfering agent in the blind test specimens. As a result, the Authority has established a new contract with an alternate blind test specimen supplier, and pending a pre-award audit, a new HHS laboratory.

Fitness for Duty Program Performance Data Personnel Subject to 10CFR26

<u>New York Power Authority</u> Company	<u>December 31, 1995</u> 6 Months Ending
<u>Indian Point Unit Three Nuclear Power Plant</u> Location	
<u>Dale Plumer</u> Contact Name	<u>(914) 736-8195</u> Phone (include area code)
Cutoffs: Screen/Confirmation (ng/ml) <input checked="" type="checkbox"/> Appendix A to 10 CFR 26	
Marijuana /	Amphetamines / _____ /
Cocaine /	Phenocyclidine / _____ /
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		971		N/A		212	
Pre-Access		24	0	N/A	N/A	168	2
For Cause	Post accident	0	0	N/A	N/A	0	0
	Observed behavior	1	0	N/A	N/A	0	0
Random		527	0	N/A	N/A	107	2
Follow-up		18	0	N/A	N/A	2	0
Other		17	0	N/A	N/A	8	0
Total		587	0	N/A	N/A	285	4

ATTACHMENT II TO JPN-96-007 / IPN-96-020

**INDIAN POINT 3 FITNESS-FOR-DUTY PROGRAM
PERFORMANCE REPORT FOR
JULY THROUGH DECEMBER 1995**

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 1995**

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-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 Indian Point 3 Nuclear Power Plant for the period from July through December 1995 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 Indian Point 3 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 53.5 percent of the personnel in the testing pool were tested randomly. The 1995 annual percentage rate of personnel tested randomly was 101.2.

SUMMARY OF MANAGEMENT ACTIONS

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

Pre-Access Testing

Two contractors' pre-access tests were confirmed positive; one for marijuana and one for cocaine. Both individuals were denied unescorted access.

Employee Random Testing

The results of all random employee tests conducted this period were negative.

Contractor Personnel Random Testing

Two contractors, randomly selected, tested positive for marijuana. The unescorted access for the individuals was terminated and their work was reviewed.

For Cause Testing

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

Follow-up Testing

The results from all 20 follow-up tests were negative.

EVENTS REPORTED

The results of a contractor supervisor were confirmed positive for marijuana. The NRC was notified, by telephone, on August 10, 1995 and the individual's unescorted access was terminated.

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

New York Power Authority	December 31, 1995
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		1035				146	
Pre-Access		38	0	N/A	N/A	73	0
For Cause	Post accident	0	0	N/A	N/A	0	0
	Observed behavior	7	0	N/A	N/A	0	0
Random		458	0	N/A	N/A	139	0
Follow-up		6	0	N/A	N/A	0	0
Other		0	N/A	N/A	N/A	0	0
Total		509	0	N/A	N/A	212	0

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	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	0	0	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	A
Total	0	0	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	0