

123 Main Street  
White Plains, New York 10601  
914-681-6840  
914-287-3309 (FAX)



**William J. Cahill, Jr.**  
Chief Nuclear Officer

August 29, 1996  
JPN-96-037  
IPN-96-094

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 January - June 1996**

Dear Sir:

This letter transmits the James A. FitzPatrick and Indian Point 3 Fitness-for-Duty Program performance reports for the period from January through June 1996 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.'.

William J. Cahill, Jr.  
Chief Nuclear Officer

cc: See next page  
Attachments: As stated

9609050283 960829  
PDR - ADOCK 05000286  
R PDR

A021 1/1

cc: Regional Administrator  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406

Ms. Karen Cotton, Acting Project Manager  
Project Directorate I-1  
Division of Reactor Projects - I/II  
U.S. Nuclear Regulatory Commission  
Mail Stop 14 B2  
Washington, DC 20555

Mr. George F. Wunder, Project Manager  
Project Directorate I-1  
Division of Reactor Projects - I/II  
U. S. Nuclear Regulatory Commission  
Mail Stop 14 B2  
Washington, DC 20555

Office of the Resident Inspector  
U.S. Nuclear Regulatory Commission  
James A. FitzPatrick Nuclear Power Plant  
P.O. Box 136  
Lycoming, NY 13093

Office of the Resident Inspector  
U.S. Nuclear Regulatory Commission  
Indian Point Unit 3 Nuclear Power Plant  
P.O. Box 337  
Buchanan, NY 10511

ATTACHMENT I TO JPN-96-037 / IPN-96-094

**JAMES A. FITZPATRICK FITNESS-FOR-DUTY PROGRAM  
PERFORMANCE REPORT FOR  
JANUARY THROUGH JUNE 1996**

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 January through June 1996**

**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 January through June 1996 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, 53.2 percent of the personnel in the test pool were tested randomly.

## **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

A total of 189 pre-access tests were administered. Two contractor tests were positive for drugs, one for cocaine and the other for marijuana. Access was denied in each case.

### Employee Random Testing

One employee was confirmed positive for alcohol this reporting period. Access was denied and the employee was referred to the Employee Assistance Program (EAP) on January 19, 1996. After EAP evaluation and negative return to work pre-access testing on January 26, 1996, the individual returned to work on January 29, 1996 and was placed on an accelerated follow-up program.

### Contractor Personnel Random Testing

The test results for 125 random tests for contractors were negative.

### For Cause Testing

One contractor was subjected to For Cause testing after a suspicion the individual hydrated himself prior to pre-access testing. The testing was negative.

The other For Cause test, for an Authority employee, was a repeat observed drug test due to an atypical urine sample. The atypical urine sample was below the laboratory values for normal urine specimens with regards to specific gravity and creatine. The result was negative.

### Follow-up Testing

The test results from all ten follow up tests were negative.

## **EVENTS REPORTED**

There were no reportable events during this period.

## **LESSONS LEARNED AND PROGRAM EVENTS**

### Health and Human Services Laboratory and Blind Test Specimen Vendor Change

In January 1996, FitzPatrick's blind test specimen vendor was changed due to false negatives on blind test specimens in 1995.

Attachment I to JPN-96-037 / IPN-96-094

Investigation of a new vendor for FitzPatrick's Health and Human Services certified laboratory began and preparations commenced for arranging a pre-award audit for the new vendor.

On February 21, 1996 another false negative occurred on a blind test specimen supplied by the new vendor. An aliquot was sent to another Health and Human Services laboratory and correctly identified.

A pre-award audit was conducted on March 11, 12, and 13, 1996 and FitzPatrick's Health and Human Services laboratory vendor was changed to Laboratory Corporation of America, Raritan, New Jersey on May 30, 1996.

Blind test specimens were increased to 50% with no errors detected on the blinds.

Random Testing Incident

A random testing incident occurred on June 20, 1996. An employee selected for random testing forgot to report for testing. The collection nurse, due to multiple tasks, failed to contact the supervisor that the individual neglected to report.

Access was denied on June 21, 1996. A complete security investigation resulted including immediate drug and alcohol testing and follow up testing. The investigation revealed the individual involved drew attention to his error as soon as he realized it. Procedures were followed correctly, including a determination by the Security Manager that this incident was not an attempt to subvert the system. The issue was thoroughly reviewed by the Performance Enhancement Review Committee. This was the first such incident of this type. All drug and alcohol tests were negative. Access was restored when the investigation was completed.

Corrective actions included: 1) increasing employee awareness to the Fitness-for-Duty program by training sessions at tailgate meetings; and 2) a letter to employees from the Plant Manager emphasizing the Fitness-for-Duty program. In addition, other Fitness-for-Duty personnel are required to check the daily random selection listing to confirm that all testing has been accounted for.

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

<u>New York Power Authority</u>	<u>June 30, 1996</u>
Company	6 Months Ending
<u>James A. FitzPatrick Nuclear Power Plant / Docket No. 50-333</u>	
Location	
<u>Carol A. Soucy</u>	<u>(315) 349-6412</u>
Contact Name	Phone (include area code)
Cutoffs: Screen/Confirmation (ng/ml) [X] 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	
Average Number with Unescorted Access		979		N/A		157	
Categories		# Tested	# Positive	# Tested	# Positive	# Tested	# Positive
Pre-Access		22	0	N/A	N/A	167	2
For Cause	Post accident	N/A	N/A	N/A	N/A	N/A	N/A
	Observed behavior	1	0	N/A	N/A	1	0
Random		479	1	N/A	N/A	125	0
Follow-up		9	0	N/A	N/A	1	0
Other		0	N/A	N/A	N/A	0	N/A
Total		511	1	N/A	N/A	294	2

## Breakdown of Confirmed Positive Tests for Specific Substances

	Marijuana	Cocaine	Opiates	Amphetamine	Phencyclidine	Alcohol	Refusal to Test	1	2	3	4	5	
Licensee Employees	0	0	0	0	0	1	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	1	1	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	A
Total	1	1	0	0	0	1	0	N/A	N/A	N/A	N/A	N/A	3



ATTACHMENT II TO JPN-96-037 / IPN-96-094

**INDIAN POINT 3 FITNESS-FOR-DUTY PROGRAM  
PERFORMANCE REPORT FOR  
JANUARY THROUGH JUNE 1996**

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 January through June 1996**

**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 January through June 1996 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 included in this report. The additional section summarizes events related to the Indian Point 3 Fitness-for-Duty program.

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 52.2 percent of the personnel in the testing pool were tested randomly.

## **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

Four contractors' pre-access tests were confirmed positive; one for cocaine and three for marijuana. All individuals were denied unescorted access.

### Employee Random Testing

The random test result for one New York Power Authority employee was confirmed positive for marijuana. The employee's unescorted access was revoked and the individual was referred to the Employee Assistance Program (EAP). The employee was cleared by the EAP and by the Medical Review Officer to return to work. The results of a return to work test were confirmed negative prior to reinstatement of unescorted access. The employee is now in the follow-up testing program.

### Contractor Personnel Random Testing

One contractor, randomly selected, tested positive for marijuana. The individual's unescorted access was terminated and his 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 for all 49 follow-up tests were negative.

## **EVENTS REPORTED**

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

## **PROGRAM EVENTS**

A pre-award audit was conducted March 11, 12 and 13, 1996 and the Indian Point 3 Health and Human Services laboratory vendor was changed to Laboratory Corporation of America, Raritan, New Jersey on May 31, 1996.

Blind test specimens were increased to 50% with no errors detected on the blinds.

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

New York Power Authority	June 30, 1996
Company	6 Months Ending
Indian Point Unit Three Nuclear Power Plant	
Location	
Dale Plumer	(914) 736-8195
Contact Name	Phone (include area code)
Cutoffs: Screen/Confirmation (ng/ml) [X] 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	
Average Number with Unescorted Access		962		N/A		255	
Categories		# Tested	# Positive	# Tested	# Positive	# Tested	# Positive
Pre-Access		25	0	N/A	N/A	212	4
For Cause	Post accident	0	0	N/A	N/A	0	0
	Observed behavior	0	0	N/A	N/A	1	0
Random		496	1	N/A	N/A	139	1
Follow-up		27	0	N/A	N/A	22	0
Other		12	0	N/A	N/A	11	0
Total		560	1	N/A	N/A	385	5

## Breakdown of Confirmed Positive Tests for Specific Substances

	Marijuana	Cocaine	Opiates	Amphetamine	Phencyclidine	Alcohol	Refusal to Test	1	2	3	4	5	
Licensee Employees	1	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	4	1	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	A
Total	5	1	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	6