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James Knubel
Senior Vice President and
Chief Nuclear Officer

February 18, 1999
IPN-99-021
JPN-99-004

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 1998

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 1998 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 D. Faison.

Very truly yours,

A handwritten signature in black ink, appearing to be 'J. Knubel', written over a large, stylized, looped signature line.

J. Knubel
Senior Vice President and
Chief Nuclear Officer

240071

cc: See next page
Attachments: As stated

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Indian Point Unit 3 Nuclear Power Plant
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ATTACHMENT I TO JPN-99-004 / IPN-99-021

**JAMES A. FITZPATRICK FITNESS-FOR-DUTY PROGRAM
PERFORMANCE REPORT FOR
JULY THROUGH DECEMBER 1998**

**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 1998**

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 James A. FitzPatrick Nuclear Power Plant for the period from July through December 1998 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 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, 26.6% of employees were tested randomly. The 1998 annual percentage rate for employee random testing is 52.6%. For this period, 56.7% of contractors were tested randomly. The 1998 annual percentage rate for contractor random testing is 130.7%. The

relatively high rate for contractors is due to the procedural safeguards in place to accommodate delayed testing of occasional vendors.

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 1632 pre-access tests were administered. Seventeen of these tests were confirmed positive; ten for marijuana, four for cocaine, one for amphetamines, one for marijuana and amphetamines, and one for a refusal to complete the urine collection requirement. One of the marijuana positives occurred on a repeat observed specimen after the laboratory determined that the initial pre-access sample was atypical (i.e., specific gravity of less than 1.003 or a creatinine concentration below .2g/l). Access was denied in all cases.

Employee Random Testing

A total of 273 employee random tests were administered. One full time supervisory employee was confirmed positive for cocaine. Access was denied and employment was terminated. (See section entitled 'Events Reported'.)

Contractor Personnel Random Testing

A total of 392 contractor random tests were administered. The result of one test was confirmed positive for opiates and access was denied. Three other individuals refused testing and were also denied access. Details concerning these refusals to test are as follows.

- 1.) One individual did not report to the collection site when "flagged" at the gate and informed by Security to report to the medical office. This individual was also on an accelerated follow up program.
- 2.) One individual refused a repeat observed specimen after the collector became suspicious the individual had attempted to subvert testing.
- 3.) One individual reported to the medical office after being "flagged" by Security and smelled strongly of alcohol and exhibited belligerent, argumentative behavior. The individual attempted delay tactics and refused to sign the drug and alcohol consent form.

For Cause Testing

Three for cause tests were administered this reporting period. The results of the three tests were negative. Details concerning these tests are as follows.

- 7/6/98 - A contract employee was tested following a personal injury incident.
- 10/25/98 - An employee was tested after exhibiting aberrant behavior.
- 11/4/98 - An employee was tested following an observed behavior incident.

Follow-up Testing

A total of seventeen follow-up tests were completed this reporting period. One contractor whose pre-access testing showed a blood alcohol level of .017 was placed on an accelerated follow-up program. A follow-up test for this individual was confirmed positive for cocaine and marijuana, and further access was denied.

EVENTS REPORTED

A full time supervisory employee was confirmed positive for cocaine on November 11, 1998. Access was denied. Notification was made to the NRC Operations Center within 24 hours. The employee had a prior positive test result for cocaine on September 30, 1991. Employment was terminated.

LESSONS LEARNED AND PROGRAM EVENTS

A pre-access specimen initially confirmed positive for opiates was reversed by the Medical Review Officer (MRO) to a negative result when it was discovered that the laboratory used an incorrect cut off level for opiates. On the basis of this information and the fact that the individual had indicated consumption of poppy seeds, the MRO declared the test result negative. The laboratory was notified and corrective action implemented.

The laboratory reported 48 urine specimens as atypical. These specimens were repeated under direct observation. Of these repeated tests, 47 specimens were reported negative and one was reported positive for marijuana. (This positive test was reported under pre-access testing.)

Fitness for Duty Program Performance Data Personnel Subject to 10CFR26

<u>New York Power Authority</u>			<u>December 31, 1998</u>		
Company			6 Months Ending		
<u>James A. FitzPatrick Nuclear Power Plant / Docket No. 50-333</u>					
Location					
<u>Carol A. Soucy, RN, COHN-S</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	/	Phencyclidine	/		/
Opiates	/	Alcohol(%BAC)	/		/

Testing Results		Licensee Employees		Long-Term Contractor Personnel		Short-Term Contractor Personnel	
Average Number with Unescorted Access		1025		N/A		691	
Categories		# Tested	# Positive	# Tested	# Positive	# Tested	# Positive
Pre-Access		94	0	N/A	N/A	1538	17
For Cause	Post accident	0	N/A	N/A	N/A	1	0
	Observed behavior	2	0	N/A	N/A	0	N/A
Random		273	1	N/A	N/A	392	4
Follow-up		7	0	N/A	N/A	10	1
Other		0	N/A	N/A	N/A	0	N/A
Total		376	1	N/A	N/A	1941	22

Breakdown of Confirmed Positive Tests for Specific Substances

	Marijuana	Cocaine	Opiates	Ampheta- mines	Phency- clidine	Alcohol	Refusal to Test	1	2	3	4	5	
Licensee Employees	0	1	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	12	5	1	2	0	0	4	N/A	N/A	N/A	N/A	N/A	A
Total	12	6	1	2	0	0	4	N/A	N/A	N/A	N/A	N/A	25

ATTACHMENT II TO JPN-99-004 / IPN-99-021

**INDIAN POINT 3 FITNESS-FOR-DUTY PROGRAM
PERFORMANCE REPORT FOR
JULY THROUGH DECEMBER 1998**

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

New York Power Authority
Indian Point 3 Nuclear Power Plant

**Fitness-for-Duty Program Performance Report
for the Period July through December 1998**

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 1998 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, 25.7% of the personnel in the testing pool were tested randomly. The 1998 annual percentage rate for personnel random testing is 51.5%.

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

Employee Random Testing

A total of 262 employee random tests were administered. The random test result for one 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 the Medical Review Officer (MRO) 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

The results of the 55 contractor random tests were negative.

For Cause Testing

There were no for cause tests administered this reporting period.

Follow-up Testing

The test results from 35 follow-up tests were negative.

Other

This category includes tests repeated because the results of the specimen were negative but the specimen was determined by the laboratory to have either a low specific gravity or a low concentration of creatinine. The results of the 20 tests performed during this report period were negative.

EVENTS REPORTED

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

Fitness for Duty Program Performance Data Personnel Subject to 10CFR26

New York Power Authority
Company

December 31, 1998
6 Months Ending

Indian Point Unit 3 Nuclear Power Plant
Location

Dale Plumer

Contact Name

(914) 788-2195
Phone (include area code)

Cutoffs: Screen/Confirmation (ng/ml) ☒ Appendix A to 10 CFR 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		1007		N/A		228	
Categories		# Tested	# Positive	# Tested	# Positive	# Tested	# Positive
Pre-Access		33	0	N/A	N/A	133	2
For Cause	Post accident	0	N/A	N/A	N/A	0	N/A
	Observed behavior	0	N/A	N/A	N/A	0	N/A
Random		262	1	N/A	N/A	55	0
Follow-up		31	0	N/A	N/A	4	0
Other		10	0	N/A	N/A	10	0
Total		336	1	N/A	N/A	202	2

Rev. 1/92

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	1	1	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	A
Total	2	1	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	3