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February 26, 2010

L-10-052

10 CFR 26.717(e)

ATTN: Document Control Desk  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001**SUBJECT:**Beaver Valley Power Station, Unit Nos. 1 and 2  
Docket No. 50-334, License No. DPR-66  
Docket No. 50-412, License No. NPF-73  
Fitness-For-Duty Annual Performance Data

In accordance with 10 CFR 26.717(e), FirstEnergy Nuclear Operating Company (FENOC) hereby submits the Fitness-For-Duty Annual Performance Data for the period of January 1, 2009 through December 31, 2009.

There are no regulatory commitments contained in this letter. If there are any questions or if additional information is required, please contact Mr. Thomas A. Lentz, Manager – Fleet Licensing, at (330) 761-6071.

Sincerely,

  
Paul A. Harden**Enclosure:**Fitness-For-Duty Annual Performance Data, January 1, 2009 through  
December 31, 2009cc: NRC Region I Administrator  
NRC Resident Inspector  
NRR Project Manager (w/o enclosures)  
Director BRP/DEP (w/o enclosures)  
Site BRP/DEP Representative (w/o enclosures)A021  
NRR

Enclosure  
L-10-052

Fitness-For-Duty Annual Performance Data  
January 1, 2009 through December 31, 2009  
(7 pages follow)

**BEAVER VALLEY POWER STATION  
ACCESS AUTHORIZATION & HEALTH SERVICES UNITS**

**Fitness-for-Duty Annual Performance Data  
Report Approval:**

**FITNESS-FOR-DUTY ANNUAL PERFORMANCE DATA**

**JANUARY 1, 2009 through DECEMBER 31, 2009**

**BEAVER VALLEY HEALTH SERVICES UNIT**

Prepared by: Laurie K. Kapp Sr Date: 2-22-10

Reviewed by: Alexander Ellis Date: 2-22-10

Approved by: Nicholas J. DiPietro Date: 2-22-10

# FENOC

FirstEnergy Nuclear Operating Company

## FITNESS-FOR-DUTY REPORT PERFORMANCE DATA AND SUMMARY OF MANAGEMENT ACTIONS

### Medical Review Officer (MRO) Fitness-for-Duty Annual Performance Data

Our records indicate the following:

From January 1, 2009 through December 31, 2009, the Licensee Personnel pool experienced six (6) confirmed positives in the Pre-Access program category and one (1) confirmed positive in the Random Personnel Pool Category.

From January 1, 2009 through December 31, 2009, the Short-Term Contractor Personnel pool experienced eleven (11) confirmed positives in the Pre-Access category for a single substance and two (2) confirmed positive for a single substance in the Follow-Up category and one (1) confirmed positive in the For Cause category for a single substance.

#### Pre-Access Program

In the Licensee Personnel Pool, Pre-Access Program Category, six (6) individuals experienced a confirmed positive, four (4) for a single substance and two (2) alcohols. All participated in a face to face or telephonic interview with the Medical Review Officer, were denied unescorted access and referred to the licensee Employee Assistance program. The forwarding of the split sample for substance was offered and declined. The Medical Review Officer adjudicated all individuals as confirmed positive.

In the Short-Term Contractor Personnel Pool Pre-Access Program Category, eleven (11) individuals experienced confirmed positives for a single substance; participated in a face to face or telephonic interview with the Medical Review Officer, were denied unescorted access and a referral to their respective employers' Employee Assistance Program was recommended. The forwarding of the split sample was offered and declined. The Medical Review Officer adjudicated all individuals as confirmed positive.

#### Random Program

In the Licensee Personnel Pool, Random Program Category, one (1) individual experienced a confirmed positive for alcohol, participated in a face to face interview with the Medical Review Officer, was denied unescorted access and referred to the licensee Employee Assistance Program. The individual completed all EAP and MRO recommended treatment, unescorted access reinstated and the individual was placed in the licensee Follow-up program per 10CFR Part 26.

#### Follow-Up Program

In the Short-Term Contractor Personnel Pool Follow – Up Program Category, two (2) individuals experienced a confirmed positive for a single substance, one (1) single substance and (1) alcohol. The individuals participated in a face-to-face interview with the Medical Review Officer. The Medical Review Officer recommended denial of unescorted access and mandated participation in the respective employer's Employee Assistance Program. Both individuals were denied unescorted access for (5) five years based on prior fitness-for-Duty confirmed positive test result in accordance with 10CFR Part 26. The Medical Review Officer adjudicated both individual test results as confirmed positive.

### For-Cause Program

In the Short-Term Contractor Personnel Pool For-Cause Category, one (1) individual experienced a confirmed alcohol positive. The individual participated in a face-to-face interview with the Medical Review Officer. The Medical Review Officer recommended denial of unescorted access and referral to the respective employers' Employee Assistance Program. The Medical Review Officer adjudicated the individual as confirmed positive.

### List of Events Reported

During the period of January 1, 2009 through December 31, 2009, no events were reported under the provisions of 10CFR 26.73 by the Beaver Valley Power Station (BVPS).

During the performance of the FENOC Fleet Fitness for Duty (FFD) Audit, MS-C-09-10-18, it was identified that one of twelve blind samples submitted to the primary laboratory for the 2nd Quarter 2009 blind performance testing was outside the required range for Dilute as stated in 10CFR26.168(g)(5).

10CFR26.168 Blind performance testing, Item (g) (5) states, "Dilute. The dilute blind performance test sample must contain a creatinine concentration that is equal to or greater than 5 mg/dL but less than 20mg/dL, and the specific gravity must be greater than 1.0010 but less than 1.0030."

One of twelve blind samples submitted during the 2nd Quarter 2009, did not meet the stated range for creatinine concentration. The dilute blind sample submitted on June 3, 2009 contained a creatinine value of 3.500 mg/dL versus the required value of equal to or greater than 5 mg/dL but less than 20 mg/dL which is outside the required range for Dilute as stated in 10CFR26.168(g)(5).

As of March 31, 2009 FENOC was procedurally aligned with 10CFR26.168 (g) (5) however, the blind samples submitted on June 3, 2009 came from a lot that met the criteria of the previous FFD rule, which was superseded 3/31/09. It should be noted that although the blind samples met the criteria of the old FFD rule, the lab was adequately tested as the expected results were received from the blind submittal.

A review of remaining blind samples had been conducted at Beaver Valley to ensure remaining samples meet the criteria of the current rule as stated in 10CFR26.168 (g) (5) published 3/31/09.

On April 8, 2009 a specimen was collected from a Short Term contractor to satisfy Pre-Access Fitness-for-Duty testing and during the collection; the contract employee advised the temporary collector that in order to complete the required amount (45ml) he dipped the collection cup into the blue water of the toilet. Immediately the collector contacted the Access Authorization Supervisor and was instructed to perform an observed collection. Both samples were forwarded to the laboratory for analysis. The initial sample result was returned as Invalid – Abnormal PH and the second, observed sample test result was reported as negative. The Medical Review Officer conducted a telephonic interview advising the individual of the results and questioned the individual on his actions. The individual admitted to dipping the specimen into the toilet to increase its volume, however, he denies attempting to subvert the test. The individual was reactive to the inability to supply adequate volume and also denies attempting to adulterate that would account for the invalid result. Prior to contacting the individual the Medical Review Officer contacted the DHHS Laboratory and discussed the invalid result but the certifying scientist was unable to rectify the problem of analysis. Based on the denial of adulteration, the Medical Review Officer adjudicated the initial specimen test result as cancelled.

On April 24, 2009; the Laboratory Director of the Health and Human Services (HHS)-certified laboratory contracted by FirstEnergy Nuclear Operating Company (FENOC) for testing under 10 CFR 26 reported that two dilute specimens had been previously reported as negative without performing a special analysis in accordance with 10 CFR 26.163(a)(2). The initial laboratory report for each specimen showed negative test results for illegal substances. The MRO requested the Laboratory Director to complete special analysis testing as required by FENOC contract and this resulted in the detection of an illegal substance

for each specimen. This incident was entered into FENOC's corrective action program and the FENOC Supplier Action Request was initiated to Medtox to record the performance deficiencies. It was determined no further corrective actions were required. Reference narrative L-09-170 forwarded to the U. S. Nuclear Regulatory Commission on June 11, 2009.

# Fitness for Duty Program

## Performance Data

### Personnel Subject to 10CFR26

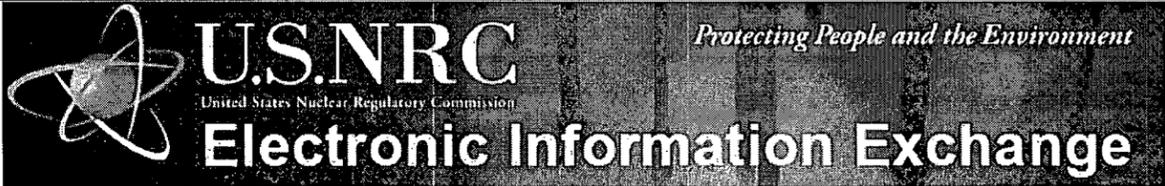
<u>FirstEnergy Corporation (FirstEnergy Nuclear Operating Company)</u> <i>Company</i>	<u>December 31, 2009</u> <i>12 Months Ending</i>
<u>Beaver Valley Power Station, Shippingport, PA 15077</u> <i>Location</i>	
<u>Alexander G. Ellis, Access Authorization Supervisor</u> <i>Contact Name</i>	<u>724-682-7922</u> <i>Phone (include area code)</i>

Cutoffs: Screen/Confirmation (ng/ml)     Appendix A to 10CFR26  
 \*Random testing is conducted at an annual rate equal to at least 50 percent of the workforce. 10CFR Part 26.24(2)

Marijuana	50/15 ng/ml	Amphetamines	1000/500 ng/ml
Cocaine	300/150 ng/ml	Phencyclidine	25/25 ng/ml
Opiates	2000/2000 ng/ml 6-AM/10	Alcohol (%BAC)	.04% .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		<b>1023</b>				<b>525</b>	
Categories		# Tested	# Positive	# Tested	# Positive	# Tested	# Positive
Pre-Access		<b>271</b>	<b>6</b>			<b>1687</b>	<b>11</b>
For Cause	Post accident	<b>12</b>				<b>13</b>	
	Observed behavior	<b>2</b>				<b>4</b>	<b>1</b>
Random		<b>539</b>	<b>1</b>			<b>277</b>	
Follow-up		<b>56</b>				<b>63</b>	<b>2</b>
Other-		<b>0</b>				<b>0</b>	
<b>Total</b>		<b>880</b>	<b>7</b>			<b>2044</b>	<b>14</b>





NRC FFD Program Performance Data Reporting System  
10 CFR Part 26, Subpart I - Managing Fatigue  
Annual Fatigue Reporting Form

Online Help

Select Facility  
Beaver Valley

Period of report  
2009

Note  
Use Adobe Reader 9.3 for this form to work properly.

Was this facility in an outage for any part of the reporting period? (Yes / No)  
Yes

Did any single site outage last more than 60 days in total? (Yes / No)  
No

Did any of the first 60 days of an outage occur during the reporting period? (Yes / No)  
Yes

Did any of the outage days after day 60 occur during the reporting period? (Yes / No)  
No

Summary of Waiver Issuance - 26.203(e)(1)(i-ii)

Number of Waivers Issued [Note: Even if no waivers were issued, please enter a value (e.g., 0) in at least one of the cells in this table]

Work Hour Controls	Operating or on-site directing of the operations of systems as described in 26.4(a)(1)			Performing health physics or chemistry duties, as described in 26.4(a)(2)			Performing duties of a fire brigade member, as described in 26.4(a)(3)*			Performing maintenance or onsite direction of maintenance, as described in 26.4(a)(4)			Performing security duties, as described in 26.4(a)(5)			Operating Total (Calculated)	Outage Total (days 1-60) (Calculated)	Outage Total (after day 60) (Calculated)	Combined Total (Calculated)
	Operating	Outage (days 1-60)	Outage (after day 60)	Operating	Outage (days 1-60)	Outage (after day 60)	Operating	Outage (days 1-60)	Outage (after day 60)	Operating	Outage (days 1-60)	Outage (after day 60)	Operating	Outage (days 1-60)	Outage (after day 60)				
Daily Work Hours 26.205(d)(1)	Exceeded 16 work hrs in any 24 hr period	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Exceeded 26 work hrs in any 48 hr period	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Exceeded 72 work hrs in any 7 day period	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Rest Breaks 26.205(d)(2)	Less than 10 hr break b/t successive work periods (or 8 hr break accommodating scheduled transition b/t shifts)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Less than 34 hr break in any 9 day period	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Minimum Days Off Per Shift Cycle 26.205(d)(3)	Average of less than 1 day off per week for 8-hour shifts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Average of less than 2 days off per week for 10-hour shifts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Average of less than 2.5 days off per week for 12-hour shifts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Average of less than 3 days off per week for 12-hour security shifts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Minimum Days Off for Outage Activities (during first 60 days of outage) 26.205(d)(4) and 26.205(d)(5)	Less than 3 days off per successive 15-day period 26.205(d)(4)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Less than 1 day off per 7-day period for maintenance personnel 26.205(d)(4)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Less than 4 days off per successive 15-day period for security personnel 26.205(d)(5)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<b>Total</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

\* NOTE: For individuals performing fire brigade duties and other duties, please count them only under the fire brigade column. Do not double count these individuals.

Distribution of Waivers for Individuals in Each Category - 26.203(e)(1)(iii)

Number of Employees Issued Waivers  
(Note: Even if no waivers were issued for a given column, please enter a value (e.g., 0) in at least one of the cells in the column)

Number of Waivers	Operating or on-site directing of the operations of systems, as described in 26.4(a)(1)	Performing health physics or chemistry duties as described in 26.4(a)(2)	Performing duties of a fire brigade member as described in 26.4(a)(3)*	Performing maintenance or onsite directing of maintenance as described in 26.4(a)(4)	Performing security duties as described in 26.4(a)(5)
1	0	0	0	0	0
2	0	0	0	0	0
3	0	0	0	0	0
4	0	0	0	0	0
5	0	0	0	0	0
6	0	0	0	0	0
7	0	0	0	0	0
8	0	0	0	0	0
9	0	0	0	0	0
10	0	0	0	0	0
11-20	0	0	0	0	0
More than 20	0	0	0	0	0
<b>Total Employees Issued Waivers (Calculated)</b>	0	0	0	0	0
<b>Most Waivers Provided to a Single Individual</b>	0	0	0	0	0

\* NOTE: For individuals performing fire brigade duties and other duties, please count them only under the fire brigade column. Do not double count these individuals.

Summary of Corrective Action - 26.203(e)(2) (as applicable)

Analysis of Waiver Assessment Data: (Limit 10,000 characters)  
Beaver Valley did not complete any waivers for individuals during this reporting period. Reviews of documentation did indicate that deviations from regulatory requirements did occur and they were documented in the Licensee's Corrective Action Program.

Analysis of Fatigue Assessment Data: (Limit 10,000 characters)

Conclusions: (Limit 10,000 characters)

Summary and Status of Corrective Actions: (Limit 10,000 characters)

This report must be digitally signed before it can be sent to NRC. Click on the empty box below to sign this report. A data validation check will be performed when the user digitally signs the form. Any entries needing correction will be highlighted in red and the form cannot be signed until all errors have been resolved. After the report has been digitally signed, changes only can be made to the form by first removing your signature by right-clicking the signature box and selecting "Clear Signature"

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