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Vice President

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February 26, 2010
L-10-068

10 CFR 26.717(e)

ATTN: Document Control Desk
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

SUBJECT:
Perry Nuclear Power Plant, Unit 1
Docket No. 50-440, License No. NPF-58
Fitness-For-Duty Performance Data

Pursuant to 10 CFR 26.717(e), enclosed is the 2009 Annual Fitness-For-Duty (FFD) Program Performance Data for the FirstEnergy Nuclear Operating Company's (FENOC) Perry Nuclear Power Plant. The enclosed report provides FFD Program performance data for personnel subject to the requirements of 10 CFR 26 for the period 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. Robert B. Coad, Manager - Regulatory Compliance, at (440) 280-5328.

Sincerely,



Mark Bezilla

Enclosures:

- A. Fitness-for-Duty Program Performance Data
- B. Summary of Performance Data and Management Actions
- C. Fatigue Management Data

cc: NRR Project Manager
NRC Resident Inspector Office
NRC Region III

A021
NRR

Enclosure A
L-10-068

Fitness-for-Duty Program Performance Data

Page 1 of 3

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

NOP-LP-1002-01 Rev.00

<u>FirstEnergy Corporation (FirstEnergy Nuclear Operating Company)</u> <i>Company</i>	<u>December 31, 2009</u> <i>12 Months Ending</i>
<u>Perry Nuclear Power Plant - 10 Center Road - Perry, Ohio 44081</u> <i>Location</i>	
<u>Maureen Gilday-Gulliford, Access Authorization Supervisor</u> <i>Contact Name</i>	<u>(440) 280-5830</u> <i>Phone (include area code)</i>
Cutoffs: Screen/Confirmation (ng/ml) <input type="checkbox"/> Appendix A to 10CFR26	
Marijuana 50/15	Amphetamines 1,000/500
Cocaine 300/150	Phencyclidine 25/25
Opiates 2000/2000	Alcohol (%BAC) 0.04%
6-AM /10	0.03% (work status 1 hr. or greater)
	0.02% (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		973		0		400	
Pre-Access		208	3	0	0	1371	5
For Cause	Post accident	12	0	0	0	18	0
	Observed behavior	6	0	0	0	3	1
Random		520	2	0	0	215	1
Follow-up		78	0	0	0	81	0
Other-		139	1	0	0	0	0
Total		963	6	0	0	1688	7

Breakdown of Confirmed Positive Tests for Specific Substances

	Marijuana	Cocaine	Opiates	Amphe- tamines	Phency- clidine	Alcohol	Refusal to Test	Dilute	1	2	3	4	5	
Licensee Employees	3	1	0	0	0	2	0	1						
Long-Term Contractors	0	0	0	0	0	0	0	0						
Short-Term Contractors	4	1	0	0	0	2	2	0						
Total	7	2	0	0	0	4	2	1						16

- One employee's test result was both dilute and positive for cocaine as reflected on the above table; this test is only counted once in the Testing Results on Page 2 of 3.
- Two contractors identified as "refusal to test" on the above table are not reflected on the Testing Results table on Page 2 of 3.

Enclosure B
L-10-068

Summary of Performance Data and Management Actions

Page 1 of 4

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

From January 1, 2009, through December 31, 2009, the Licensee Personnel Program experienced three confirmed positives in the Pre-Access Category, two confirmed positives in the Random Category, and one (1) confirmed positive in the Other Category.

Over the same time period, the Short-Term Contractor Personnel Program experienced five confirmed positives in the Pre-Access Category, one confirmed positive in the Random Category, and one confirmed positive in the For Cause Category. Two individuals attempted to subvert the Pre-Access testing process.

Pre-Access Program

Licensee Personnel

Three individuals experienced a confirmed positive for a single substance. These individuals participated in a face-to-face or telephonic interview with the Medical Review Officer. The Medical Review Officer adjudicated the individuals as confirmed positive. Pursuant to plant procedure requirements, the individuals were denied unescorted access. The individuals were informed of their right to appeal and the required procedural requirements in order to re-establish unescorted access.

Short-Term Contractor Personnel

Five individuals experienced a confirmed positive; four for a single substance and one for alcohol. The four individuals that were confirmed positive for a single substance participated in a face-to-face or telephonic interview with the Medical Review Officer. The Medical Review Officer adjudicated the individuals testing positive for a single substance as confirmed positive. Pursuant to plant procedure requirements, all individuals were denied unescorted access. The individuals were informed of their right to appeal and the required procedural requirements in order to re-establish unescorted access.

Two individuals attempted to subvert the testing process. One individual provided a urine specimen that did not register a temperature. The individual refused to proceed with the required observed recollection. Additionally, one individual provided a urine specimen that registered a temperature at the lower end of the acceptable range and went cold too quickly. The individual was interviewed and admitted to using an adulterant known as URN Luck. The individual refused to proceed with the required observed recollection process. The determination was made that both contractors attempted to subvert the testing process and were permanently denied access pursuant to 10 CFR 26.75(b).

Three individuals experienced an alcohol result below plant procedure requirements. These individuals were turned over to their site representative for site exit.

Random Program

In the Licensee Random Program Category, two individuals experienced a confirmed positive alcohol. Pursuant to plant procedure requirements, the individuals were denied unescorted

access. The individuals were informed of their right to appeal and the required procedural requirements in order to re-establish unescorted access. To date, both individuals have been re-established for unescorted access.

In the Short-Term Random Program Category, one individual experienced a confirmed positive alcohol. Pursuant to plant procedure requirements, the individual was denied unescorted access. The individual was informed of the right to appeal and the required procedural requirements in order to re-establish unescorted access.

For-Cause Program

In the Short-Term Contractor Personnel For-Cause Category, one individual experienced a confirmed positive for a single substance. The individual participated in a face to face or telephonic interview with the Medical Review Officer. The Medical Review Officer adjudicated the individual as confirmed positive. Pursuant to plant procedure requirements, the individual was denied unescorted access. The individual was informed of the right to appeal and the required procedural requirements in order to re-establish unescorted access.

Other Category

In the Licensee Other Program Category, one individual experienced a confirmed positive for a single substance. The individual participated in a face-to-face or telephonic interview with the Medical Review Officer. The Medical Review Officer adjudicated the individual as confirmed positive. Pursuant to plant procedure requirements, the individual was denied unescorted access. The individual was informed of the right to appeal and the required procedural requirements in order to re-establish unescorted access.

List of Events Reported

During the period of January 1, 2009 through December 31, 2009, no events were reported under the provisions of 10 CFR 26.719 by the Perry Nuclear Power Plant.

Program and System Management

FENOC implemented portions of 10 CFR 26 requirements on January 9, 2009, in support of the FENOC fleet 2009 refueling outages; full regulatory implementation aligned with the required implementation date of March 31, 2009.

Multiple communications regarding implementation of new 10 CFR 26 requirements, including drug and alcohol processing, sanctions, work hours, and managing fatigue were distributed across the fleet during this reporting period.

Random Testing

The random testing rate for this reporting period was approximately 53 percent of the population that is subject to the FFD Program, exceeding the requirement outlined in 10 CFR 26.31(d)(2)(vii).

Additional Random Testing Program for Security

An accelerated random testing for Security was previously reported on the December 31, 2008 NRC FFD Statistical Data Performance Summary; however, this testing continued into the 2009 reporting period. This testing is reported under the Other Program Category.

In 2008 an investigation revealed that two licensee security officers were associated with illegal drugs. One security officer admitted to illegal drug use while on vacation and following his return to work. A second security officer was involved in a domestic dispute in which the local police department responded. This incident resulted in charges for domestic violence, possession of cocaine, and possession of drug instruments. For Cause testing was completed on both security officers, which resulted in negative results. It should be noted that both security officers were terminated from the company. Information was received that NRC Region III was concerned about the events and potential for a more widespread drug abuse problem. In response to this concern, and FENOC's responsibility to continue to provide high assurance that personnel are fit-for-duty and perform their duties in a safe, reliable, secure, and trustworthy manner, FENOC implemented an accelerated random testing program for Security in addition to 10 CFR 26 random testing program. During 2008, 179 tests were completed; all were negative.

During this reporting period, 139 tests were completed; all were negative except for one confirmed positive drug result. This positive is reported under the Other Program Category.

Blind Specimen

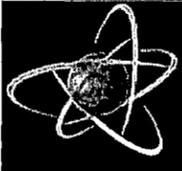
Two blind specimens, certified as positive for codeine/morphine were submitted for testing. The HHS-Laboratory reported the results as negative. As part of the investigation, GC/MS testing was completed and identified the presence of both drugs. It was determined that the blind specimens were prepared/certified in accordance with the previous 10 CFR 26 regulatory requirements. The test results aligned with the previous regulatory requirements for codeine/morphine cut-off levels. These results were received prior to the required implementation date of March 31, 2009. As previously stated, prior to March 31, 2009, the Licensee implemented portions of the new 10 CFR 26 requirements; however, blind specimen testing requirements were not part of the implemented portions. Additional codeine/morphine blind specimens were submitted for testing to meet 10 CFR 26 requirements and correct results were received.

Two blind specimens, certified as dilute, were submitted for testing. The HHS-Laboratory reported the results as invalid. The investigation involved retesting by the blind specimen provider, which also resulted in an invalid result. It was determined that the invalid results were due to bacterial contamination. It should be noted that the blind specimens were from the same batch. According to the blind specimen provider, these blind specimens were the only two issues associated with this batch. Additional dilute blind specimens were submitted for testing to meet 10 CFR 26 requirements and the correct results were received.

Enclosure C
L-10-068

Fatigue Management Data

Page 1 of 2



U.S. NRC
United States Nuclear Regulatory Commission

Protecting People and the Environment

Electronic Information Exchange

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

Online Help

Select Facility: Period of report:

Note: Use Adobe Reader 9.5 for this form to work properly.

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

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

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

Did any of the outage days after day 60 occur during the reporting period? (Yes / No) Yes 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 on-site 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	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	
	Exceeded 28 work hrs in any 48 hr period	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	
	Exceeded 72 work hrs in any 7 day period	<input type="text" value="0"/>	<input type="text" value="1"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="1"/>	
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)	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	
	Less than 34 hr break in any 9 day period	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	
Minimum Days Off Per Shift Cycle 26.205(d)(3)	Average of less than 1 day off per week for 8-hour shifts	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	
	Average of less than 2 days off per week for 10-hour shifts	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	
	Average of less than 2.5 days off per week for 12-hour shifts	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	
	Average of less than 2 days off per week for 12-hour maintenance shifts	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="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)	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	
	Less than 1 day off per 7-day period for maintenance personnel 26.205(d)(4)	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	
	Less than 4 days off per successive 15-day period for security personnel 26.205(d)(5)	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	
Total	<input type="text" value="0"/>	<input type="text" value="1"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="1"/>	<input type="text" value="1"/>	

* 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 on-site directing of maintenance as described in 26.4(a)(4)	Performing security duties as described in 26.4(a)(5)
1	<input type="text" value="1"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
2	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
3	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
4	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
5	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
6	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
7	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
8	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
9	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
10	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
11-20	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
More than 20	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
Total Employees Issued Waivers (Calculated)	<input type="text" value="1"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
Most Waivers Provided to a Single Individual	<input type="text" value="1"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="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)
There was one approved waiver during this reporting period. Review of the documentation did identify deviations from the regulatory requirements. These deviations have been captured in the Licensee's Corrective Action Program.

Analysis of Fatigue Assessment Data: (Limit 10,000 characters)
Fatigue Assessments were generated as a result of Post Event circumstances and the approved Waiver during this reporting period.

Conclusions: (Limit 10,000 characters)
The approved waiver and associated Fatigue Assessment aligned with regulatory requirements.

Summary and Status of Corrective Actions: (Limit 10,000 characters)
Deviations from the regulatory requirements have been captured in the Licensee's Corrective Action Program during this reporting period. The review identified that most deviations from the regulatory requirements were the result of processing issues with the electronic work hour database.

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"

Click to Digitally Sign This Document: **Patricia J. Nowakowski**

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