

U.S. NUCLEAR REGULATORY COMMISSION
OFFICE OF INSPECTION AND ENFORCEMENT
AND REGION V

Report No.: 50-206/86-47, 50-361/86-36, and 50-362/86-35

Docket Nos.: 50-206, 50-361, and 50-362 License Nos.: DPR-13, NPF-10, and
NPF-15


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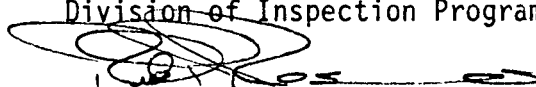
Facility Name: San Onofre Nuclear Generating Station


Inspection at: San Clemente, California

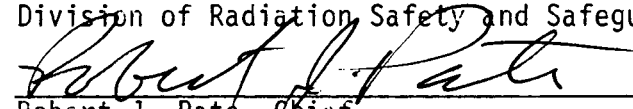
Inspection Conducted: November 17-20, 1986

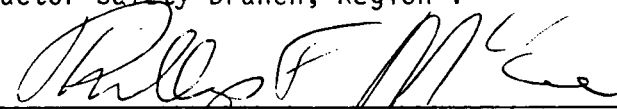
Type of Inspection: Announced Special Inspection of Fitness for Duty Program

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Inspection Summary

Areas Inspected: Included review of policies, procedures, and practices of the Fitness for Duty (FFD) Program and the Employee Assistance Program (EAP) applicable to SCE employees and contractors; comparison of the FFD and EAP programs with those recommended in the EEI Guide; and evaluation of program elements that go beyond the EEI Guide.

Significant inspection observations included:

1. Chemical testing of body fluids is used for preemployment, for cause, and other purposes. Separate testing programs have been established to determine impairment (blood) and trustworthiness (urinalysis). The trustworthiness testing consists of several types of tests, primarily an unannounced annual test. The process of determining impairment appears to omit cases of marginal impairment developed under the trustworthiness evaluation process.
 - a. It takes three urinalysis test failures before management concludes that an employee may not be trustworthy and should be terminated.
 - b. Although SCE's cut off levels for chemical testing are suitably conservative, the higher levels used by the confirmatory testing laboratory create a situation where corrective action may not be taken for employees identified by SCE's laboratory as a probable drug abuser. The higher cutoff level used for confirmatory tests in conjunction with the program permitting many repeat failures indicate that the program is permissive.
2. SCE supervisors appear to be well trained and highly motivated. However, most contractor supervisors had not been trained.
3. There are some differences between the written policy and that recommended by the EEI Guide, for example, manner of testing and off duty sale of drugs.
4. There is no single authority clearly in charge of the FFD program either at corporate headquarters or at the site.
5. The SCE EAP program appears to be effective.
6. Statistical data are kept and analyzed.
7. No overall audit has been done of the program.

A. Key Persons Contacted

- D. J. Fogarty, Executive Vice President
- H. B. Ray, Vice President and Site Manager
- C. E. Hathaway, Vice President, Human Resources
- W. C. Moody, Deputy Site Manager
- *M. A. Wharton, Deputy Station Manager
- A. E. Talley, Manager Department Assistant
- C. A. Couser, Compliance Engineer
- J. M. Mendez, Manager, Personnel and Employee Relations
- D. L. Peterson-More, Manager, Employee Services
- L. J. Piercy, Substance Abuse Program Administrator
- **G. Horn, EAP Coordinator
- **M. P. Short, Training Coordinator
- **K. A. Kappy, Manager, Human Resources Measurements
- J. W. Evans, Senior Counsel
- M. Mikulka, Counsel
- *F. P. Eller, Security Manager (SCE)
- S. E. Brown, Security (SCE)
- **G. Robinson, Supervisor, Security Operations (SONGS)
- **J. Durst, Security (SONGS)
- **B. R. Garcia, Chief Steward, UWUA
- *F. R. Huey, NRC Senior Resident Inspector

Several other supervisory and non-supervisory personnel were interviewed.

B. Exit Interviews

The inspectors met with the licensee representatives, as indicated above, onsite on November 20, 1986 to summarize the inspection results.

C. Approach

The inspection team compared the SCE Fitness for Duty Program to each of the Key Program Elements recommended by the "EEI Guide to Effective Drug and Alcohol/Fitness for Duty Policy Development," revised August 1985 (hereinafter referred to as the EEI Guide). The SCE program was also compared to miscellaneous features contained in the EEI Guide. In addition, the team reviewed the SCE program for elements not included in the EEI Guide which could be used to supplement those recommended in the EEI Guide, particularly those that would be included in proactive measures to detect the presence of drugs onsite. The report is formatted to reflect this approach.

D. Implementation of EEI Guide

Following are the inspectors' findings with respect to the implementation of each of the Key Program Elements recommended by the EEI Guide.

* Denotes those present at entrance interview only.

**Denotes those not present at entrance or exit interviews.

1. Written Policy

SCE believes that their policies, which predate the EEI Guide, are comparable to the industry guidelines and are effective. One element of SCE's program that is more detailed than that recommended in the EEI Guide, is that SCE has clearly distinguished the difference between impairment testing (which cannot be established through the typical urinalysis) and trustworthiness (where the mere presence of drugs or their metabolites in urine provides an indication of unacceptable behavior). Although the inspectors felt that the use of different testing approaches were acceptable, there were concerns that the trustworthiness testing program permitted too many repeated failures before management concluded that the employee was not trustworthy and should be terminated.

The inspectors also noted that several changes to the program had been recently made. A November 14, 1986 revision* to Site Directive NGS-D-006 changed the annual urinalysis test to a randomly scheduled unannounced test as part of the program for annual renewal of site access. That change also added a requirement to notify supervision of use of prescription or over-the-counter medication that could cause them to be unfit for duty. Some differences between the site policy and the EEI Guide recommended policy are:

- a. Site directive does not explicitly prescribe termination for off duty and off company premises sale of drugs. However, corporate policy on disciplinary actions (19.98.1) prescribes procedures for termination for serious criminal actions, such as sale of drugs.
- b. Notification of law enforcement officials is not included in the site directive, therefore employees are not formally placed on notice that discovery of drugs and drug abuse will be referred to law enforcement.
- c. Although the site directive encourages employees with problems to seek assistance through the EAP, there is no clearly stated SCE commitment to the employees to assist them in overcoming drug, alcohol and other problems. The inspectors note that SCE does appear to be very committed to assisting troubled employees.
- d. The site directive does not provide for satisfactory professional assurance that the employee's presence on the job following any test failure does not present a safety hazard. However, in practice the EAP psychologists assure site management by a letter that the employee is fit to return to duty.

* This inspection report is based upon the November 14, 1986 revision to Site Directive NGS-D-006.

e. Although the site directive states that management has an obligation to investigate reports of employee involvement with drugs and require a drug screen urinalysis, there is no statement that appropriate measures will be taken to determine the scope of the problem. The determination of the scope of the problem is interpreted to include an investigation to determine the source of the drugs and coworkers who may be involved (which should be shared with law enforcement), and review of previous work for adequacy. In practice, SCE may investigate selected cases, and would limit review of previous work to "impairment" cases.

2. Top Management Support

Based upon employee interviews, the inspectors concluded that SCE top management appears to be supporting the FFD and EAP programs. The employees interviewed were of the opinion that management fully supports the program, and that the policy, with a few possible exceptions, is enforced equitably and fairly. The possible reasons for some of these exceptions are discussed in paragraph D.9.a, below. Although many managers have responsibilities for portions of the FFD program, the inspection team felt that there was no single authority clearly in charge either at corporate headquarters or at the site. Adequate funds, resources and facilities appear to be available.

3. Effective Policy Communication

The inspectors interviewed many licensee employees and several contractor employees. Although most SCE non-supervisory employees interviewed appeared to be very knowledgeable of the program, few claimed they had been "trained." Many employees stated that most of their knowledge had been acquired through reading the site directive and general discussions with other employees. It appears that newer employees have been trained and those employed for longer periods have been "grandfathered." All non-supervisory contractor employees and most contract supervisors interviewed knew little about the program, and had received no training or briefing. Several SCE employees felt that the program, especially the EAP, was not well publicized. All SCE supervisors interviewed felt that the program was well publicized.

SCE has a General Employee Orientation Training program which has included fitness for duty since September 1984. Since August 1986 the training has included 2 hours on SCE's fitness for duty program.

4. Behavioral Observation Training for Supervisors

SCE supervisory training program, which was initiated in December 1985 includes 4 hours of drug awareness training and 4 hours on the policy, implementation, indications of aberrant behavior, handling of issues, case studies, etc. Of the SCE supervisors interviewed, all had been trained, were very knowledgeable of the program, understood their responsibilities, and appeared to be capable of performing those responsibilities. A check of training records established that most SCE supervisors had been trained. Most contractor supervisors

interviewed had not received any training and knew little about the program. A check of training records confirmed that most contractor supervisors had not been trained.

5. Policy Implementation Training for Supervisors

See paragraph D.4 above.

6. Union Briefing

Although the Utility Workers Union of America (UWUA) and the International Brotherhood of Electrical Workers (IBEW) were invited to comment on the draft policy, neither provided any comments. Both unions were properly notified of the implementation of the FFD program. The contracts between SCE and the unions cover alcohol and drug abuse, and were reviewed by SCE legal staff.

7. Contractor Notification

Contractors are given the option of using the SCE fitness for duty program or implementing their own, provided it is acceptable to SCE. Some contractors choose to do portions of the program themselves, such as background checks. Contractor organizations are notified of the fitness for duty program through a standard clause in all purchase orders.

8. Law Enforcement Liaison

There is an established channel of communication between site security and the local law enforcement authorities (LLEA) that was established during meetings between SCE personnel and the FBI. These agreements were documented in a memo to files and the personnel onsite appear to be familiar with their responsibilities.

Due to San Onofre's unique relationship with the FBI as their LLEA, coordination with State and local law enforcement agencies may not be fully developed. SCE personnel are aware of how to request assistance from the FBI, and therefore the FBI is aware of what SCE personnel to contact when they receive allegations. However, since the local police departments are rarely called in by SCE, that channel of communication appears to be underdeveloped and the local police authorities may not know who to contact at SONGS when information should be provided.

Written agreements with FBI and local police departments, as well as definitive procedures, would improve this situation.

9. Chemical Testing of Body Fluids

As described in paragraph D.1, Written Policy, SCE's chemical testing program distinguishes between impairment testing and trustworthiness testing.

a. Impairment

When a supervisor suspects that an employee is impaired he obtains a corroborating observation (preferably by another supervisor), and the employee is accompanied by the supervisor to the site Health Care Services for a blood test. Review of the process indicates that the chain of custody, division of sample, sealing the sample, and protecting the sample as forensic evidence appear to be adequate. If the results are positive, the employee is considered impaired and the policy requires that she/he be terminated. The site fitness for duty procedure (SO 123-XV-6.0 dated 11/14/86) advises supervisors to take appropriate action based upon the cause of unfitness and that termination is warranted if the reason for the unfitness is violation of SCE's drug and alcohol policy or if the employee refuses to submit to the drug screen. Although no impairment test has been conducted at SONGS since December 1984, a few of the SCE supervisors interviewed reported that they had sent employees home because the employees apparently were not able to perform their job. This may be a circumvention of the program and may be a source of some of the comments about inconsistency in the enforcement of the policy. (See paragraph D.2, above) Inspector concerns about marginal impairment are discussed below.

b. Trustworthiness

SCE establishes trustworthiness through background investigations, psychological testing, and urinalysis. Urinalysis testing is conducted as part of the process of obtaining and maintaining unescorted access to the protected area (PA). (SCE refers to this process as the Red Badging procedure). In addition, pre-employment testing includes urinalysis. Effective on or about December 1, 1986 SONGS will use a computer generated random scheduling of an unannounced annual test as part of the Red Badge procedure. This will include 100% of all employees that have unescorted access to the PA. The employees will be required to provide a sample within 24 hours of notification (as scheduled by the supervisor). Some of the SCE employees and supervisors interviewed felt that the 24 hour notification was too long.

Regular SCE employees, if tested positive, will lose their unescorted access privileges during an evaluation period of ten days. During that period the employee will normally be assigned other work outside the PA, and will attend a psychological evaluation session and provide samples for urinalysis on a frequency to be determined by the Health Care Services staff. Tests during this period may continue to show the presence of drugs; however, due to the time required to eliminate all traces of drugs from the body, the medical staff must be able to conclude that the employee has abstained from drugs. When abstention is not indicated, positive results are regarded as a second drug test failure. If the tests were negative during the period, any future test failure is regarded as a second drug test failure. In addition to the ten day evaluation period, any employee tested

positive is placed on a program of random tests for several months to confirm abstention.

In the event of a second drug test failure, the employee is denied unescorted PA access privileges and suspended without pay for up to 30 days (normally equal to the period of the inpatient portion of the Company approved drug treatment program, currently not less than 14 days). To be reinstated, the employee must successfully complete a rehabilitation program, and pass a psychological evaluation and background investigation. Any further test failure is regarded as the third drug test failure and will result in termination.*

There may be cases of marginal impairment involving those tested positive for drugs under the trustworthiness (urinalysis) evaluation process and are not brought under the impairment evaluation process. However, these employees lose their unescorted access privileges to the PA and their marginal impairment would not be a threat to safety during the period that their access is denied. It would appear that once an employee has been tested positive that he should be covered under a more integrated program to assure that marginal impairment does not endanger safety.

The licensee's legal counsel stated that California courts require them to demonstrate some business necessity before terminating an employee. Where drug use is concerned, proof of impairment can constitute a business necessity, but the mere discovery of drugs in the system cannot. Therefore, although the licensee is willing to pursue termination when impairment is demonstrated by a single blood test, a series of failures was considered necessary in urine testing to warrant termination.

Statistics on Red Badge trustworthiness testing during the period September 1984 to July 1986 show that a total of 17,267 urine tests were given, 5,260 to SCE employees and 12,007 to non-SCE persons. There were a total of 735 failures (confirmed positive test result), 703 of these were first time failures, 25 second failures, and 7 third failures. 140 of these failures were by SCE employees and applicants (61 were during preemployment processing); 595 failures were by non-SCE persons. Of interest was the fact that approximately 50% of those applicants for employment with SCE who had been tested positive continued their pursuit of employment and were therefore retested, and that approximately 50% of that number failed the retest. Based upon statistics provided by the licensee, it would appear that pre-employment screening may limit the number of SCE employees who may be subsequently found to be using drugs. It should be

*The reduction from four to three test failures being the point where termination will result was one of the key changes made to the program on November 14, 1986.

noted that SCE did not administer preemployment tests to non-SCE personnel, however, they are given a urinalysis as part of the Red Badge process which serves SCE's needs as a pre-employment test.

The inspectors visited the onsite laboratory to observe the process of collecting and initially screening urine samples. Although the confirmatory laboratory was not visited, SCE staff informed the inspectors of the criteria used to select the laboratory, quality control procedures, and the testing process. The SCE onsite laboratory personnel appeared to be quite knowledgeable of their responsibilities for collecting valid urine samples, protecting the samples, and testing. There is no actual monitoring of the voiding process, however the temperature of the sample is checked to corroborate recent voiding and to minimize the possibility of a surrogate sample being provided. Samples are not divided and sealed with an evidence tape as done by the Health Care Services laboratory for the blood tests. The inspectors are of the opinion that the documentation of the chain of custody initiated by the onsite urinalysis laboratory should be consistent with forensic evidentiary procedures.

Although the screening process used by the onsite laboratory has 20 nanograms/milliliter (ng/ml) as its cutoff level (screening sensitivity) for initial screening tests for cannabinoids, the SmithKline lab uses 50 ng/ml for confirmatory tests. This higher cutoff level for confirmation testing means that some employees, initially identified by SCE's onsite laboratory as a probable drug abuser, are not "captured" by the system. This higher threshold for concluding that someone is abusing drugs, in conjunction with the program permitting several repeat failures, lead the inspectors to conclude that the SCE program is permissive.

10. Employee Assistance Programs

The Corporate EAP program is intended to provide all employees and their families with confidential professional assistance in resolving personal problems. It has existed for some time. Corporate statistics indicate that the program is used by an appreciable number of employees, retirees, and dependents for reasons (in descending order) such as mental/emotional stress, family/relationship problems, job related stress, alcohol, drugs, medical and legal problems. The SCE data, which does not specifically identify the SONGS experience, also shows that an appreciable number were referred by supervisors, indicating that, corporate wide, supervisors are detecting impaired or troubled employees. Since no data was provided concerning the degree of impairment, no conclusion can be made about the supervisor's ability to detect marginal impairment.

The corporate statistics appear to indicate that, generally, the EAP goal of early intervention is being achieved in most cases.

Professional counseling services are available on site, and appear to be adequate.

E. Miscellaneous EEI Guide Features

Following are the inspectors' findings with respect to miscellaneous features of the EEI Guide.

1. Substance Abuse Committee

A Substance Abuse Committee has not been formally established, however, key people have been informally designated to coordinate FFD program matters.

2. Periodic Audits

No overall audit of the program has been performed, however, there have been security audits of the Red Badge program and a doctor has looked at the chemical testing program.

3. Records and Reports

Program records are kept, analyzed, and results reported to management. SCE management was not aware of any adjustments to the program occurring as a result of this process, nor did the reports provided the inspectors recommend any changes to the program. Management did report that, as a result of allegations about the effectiveness of the program and other reports, the program was changed to "unannounced" drug testing.

F. Supplemental Program Elements - Not in EEI Guide

The NRC Policy Statement and EEI Guide describe a general approach to the design of fitness for duty programs. It is expected that each of the program elements contained in the EEI Guide will be addressed in licensee programs. In order to gain information on the use and effectiveness of additional practices which might be used by industry in developing an overall program, the inspectors also reviewed selected areas not included in the guidance. It is emphasized that the following description of areas reviewed is not an indication that such programs are or may become requirements.

1. Written Procedures

Written procedures are intended to implement the policy, define actions to be taken in certain situations, and assign responsibilities to ensure proper accomplishment of the action. Procedures would also reduce the likelihood that the actions would be mishandled.

Written procedures have been developed to cover most appropriate situations.

2. Professional Counseling Services

Professional counseling services would manage and carry out the program, and provide initial diagnosis of the problem and referral to the proper professional for care. This would be particularly important in the diagnosis and treatment of substance abuse and emotional instability.

Professional evaluation services are available on site. The employee may be referred to professional counseling services off site.

3. Employment Screening Practices

Employment screening practices are intended to assure that employees are reliable and trustworthy and to eliminate from consideration those believed to be unreliable, e.g., a drug abuser without evidence of rehabilitation. The practices would include background investigations, psychological tests, interviews, and periodic rescreening.

With minor exceptions, pre-employment screening practices are consistent with the proposed industry guidelines for an access authorization program.

4. Legal Reviews

Legal reviews would assure that company policies and procedures, contracts, and union agreements meet legal requirements concerning fitness for duty.

Legal reviews have covered all contracts and union agreements. No cases were reported which caused adjustments in the program.

5. Proactive Measures to Detect the Presence of Drugs Onsite

These measures are intended to provide evidence of onsite drug problems before they would be manifested in observable aberrant behavior. These measures could also provide a deterrent to onsite drug abuse.

a. Chemical Testing of Body Fluids

Chemical testing of body fluids is an effective means for detecting and preventing drug abuse. See paragraph D.9, above for a detailed discussion of SCE's chemical testing program.

b. Searches

There are no periodic or random searches of the workplace for drugs. However, SCE staff report that searches in response to allegations have been conducted.

c. Investigations

SCE staff reports that a comprehensive investigative program to include participation by LLEA is available through the SCE corporate staff. Investigations are initiated in response to all leads, such as allegations and information received from informants and law enforcement authorities.

d. Mechanism for Discreet Expression of Concerns

There is an employee hot line available on site for 2 hours each week. Contacts with EAP are kept confidential; however, the inspectors are of the opinion that some hot line calls may not be kept confidential since calls can be received by people not responsible for handling the hot line and the caller is encouraged to leave a message.

e. Information from Law Enforcement Authorities

Law enforcement authorities may provide information concerning offsite drug activity that may ultimately affect employee performance on the job. See paragraph F.5.c above.