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DUKE POWER

50-269/270/287
50-369/370
50-413/414

September 26, 1990

By Facsimile: 301/492-0259

Mr. K. Jabbour
NRC Project Manager
U. S. Nuclear Regulatory Commission
Washington, DC 20555

RE: Unresolved Issue

Dear Mr. Jabbour:

The following brief explanation is being submitted in response to your request during our telephone call that we provide you with a summary of our position with respect to the NRC Staff's unresolved item arising out of its audit of the Company's Fitness-for-Duty program as implemented at the Catawba Nuclear Station. As we understand it, the unresolved item arises out of what has been characterized as the Company's "treatment of self-referrals as positive tests." While such a characterization may be helpful to some in understanding the operation of the Company's program, it may also be somewhat misleading. The Company, which has had a drug screening program in place since 1986, affords an employee with a drug problem one opportunity for rehabilitation. Only one opportunity is afforded regardless of how the employee comes to the Company's Employee Assistance Program - whether as the result of a positive drug test or through a self-referral. A self-referral thus "counts" as an employee's chance for rehabilitation. A subsequent positive test will result in the employee's discharge just as a second positive test will result in the discharge of an employee who has come to the EAP as the result of a positive test. It is in this sense that a "self-referral is treated as a positive." By contrast, in response to a "suitable inquiry" from a prospective employer, an employee who has self-referred is not reported as having had a positive test. It is our position that this approach is in compliance with the Commission's Fitness-for-Duty rule and that our program both complies with the rule and provides reasonable assurance that the public health and safety are protected.

We have, however, reviewed our program, with particular attention being paid to the self-referral issue. As a result of this review, we have elected to amend our program to permit the possibility of one additional opportunity for rehabilitation upon a self-referral, provided the individual self-referring has not previously had a positive test. Individuals self-referring will, of

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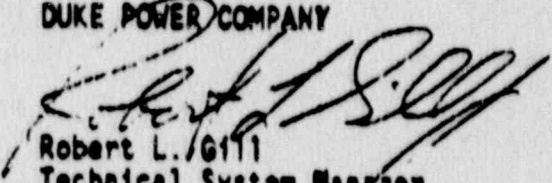
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Mr. K. Jabbour
Page 2
September 26, 1990

course, still be expected to cooperate with the Employee Assistance Program in the rehabilitation effort and a subsequent positive test may be considered a failure to cooperate. As noted above, our position is that our program is and has been in full compliance with the applicable statutory and regulatory requirements.

Very truly yours,

DUKE POWER COMPANY



Robert L. Gill
Technical System Manager
Regulatory Compliance

RLG/RMB/db