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July 14, 1987

Docket Nos. 50-277
50-278

Mr. James G. Partlow, Director
Division of Inspection Programs
Office of Inspection and Enforcement
U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555

SUBJECT: Response to Peach Bottom Atomic Power Station
Inspection Report No. 50-277/87-06; 50-278/87-06
on Fitness For Duty Program

Dear Mr. Partlow:

Your letter dated May 13, 1987 forwarded an inspection report concerning the Philadelphia Electric Company (PECo) Fitness For Duty Program. Your letter requested that within 60 days we provide comments regarding the results of your inspection. This letter provides restatements of the NRC inspection team comments that appear to identify weaknesses in the Company's Fitness For Duty Program, followed by our response.

1. Comments on Written Policy

PECo's written policies do not address some of the features contained in the Commission's Policy Statement or recommended by the EEI Guide. Most of these observations relate to sanctions not being described or being less stringent than recommended.

The following examples were given:

A. Discharge is not required for the illegal sale of narcotics, drugs or

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controlled substances when off duty
and when off company premises.

Response:

The Company has strengthened its policy for nuclear plant employees to address the illegal sale of drugs when off station property. The EEI Guide states that "the illegal sale of narcotics drugs or controlled substances off duty and off company premises will also result in discharge" (Item 1.b). The EEI guide continues by stating that "violation of the company's policy may result in disciplinary action up to and including termination" (Item 1.f). It is PECO's understanding that "discharge" is intended by EEI to mean removal from the work place and suspension from duties. By removing the person from the work place, the potential adverse impact on safe and reliable plant operation is removed. Accordingly, the Company has revised the Nuclear Plant Rules to prohibit the sale of illegal drugs on and off station property. The Rules now specify that violators will be subject to immediate removal from the nuclear plant, and possible termination of employment. Any employee determined by a Company investigation to be selling illegal drugs or charged by a law enforcement agency for selling illegal drugs will be in violation. This policy has been clarified in a memorandum from the Vice President of Nuclear Operations to all nuclear plant employees. This memorandum also transmitted to the nuclear plant employees the revised Nuclear Plant Rules, which are referred to throughout this letter.

- B. Sanctions for any off-duty and off-company premises involvement with illegal drugs are not specified. If such involvement results in on-the-job impairment, PECO's policy states that immediate suspension may result.

Response:

Any employee who, as a result of the apparent use, sale or distribution of illegal drugs, may become unsuitable for proper performance of duties shall not be permitted to work and shall be immediately referred to the Medical Department. In accordance with the Company's strong commitment to promote a high standard of employee health and safety, these employees will be referred to the Medical Department for a medical evaluation. The employee will be denied unescorted access to the nuclear plant until vindicated of the alleged drug involvement or rehabilitated. The Company has revised the Nuclear Plant Rules to prohibit use, possession and sale of illegal drugs off station property and to specify that violators will be subject to immediate removal from the nuclear plant and possible termination of employment.

- C. Sanctions for the abuse of legal drugs within the protected area are not described.

Response:

The PECO Drugs Policy (for all employees) states: "The use of legal drugs (prescription or over the counter medications) that may affect an employee's performance must be reported to the Medical Department. In the event that an employee is uncertain of the effect of the drug, the Medical Department should be contacted for advice." It is, thus, implicit that any abuse of legal drugs, impairing job performance, is prohibited and would be dealt with in a manner consistent with the policy on the use of illegal drugs. However, the Company has clarified this policy by official memorandum from the Vice President of Nuclear Operations to all nuclear plant employees and the Nuclear Plant Rules have been revised to prohibit the abuse of legal drugs on station property.

- D. Although both the PECO policy and plant rules prohibit use of alcoholic beverages on the job and on Company property, neither prohibits sale. Only the plant

rules prohibit possession of alcoholic beverages on station property, except that unopened containers are permitted in vehicles in the parking lot at Peach Bottom.

Response:

The PECO Alcoholic Beverages Policy will be revised to explicitly prohibit, in addition to use, the possession and sale of alcoholic beverages. Because the Nuclear Plant Rules prohibit use and possession of alcohol, it is implicit that sale is also prohibited. The Company has clarified this policy by official memorandum from the Vice President of Nuclear Operations to all nuclear plant employees and the Nuclear Plant Rules have been revised to explicitly prohibit the sale of alcoholic beverages on station property.

- E. Violations of PECO's policies result in possible recommendation for termination; the EEI Guidelines recommend that on duty or onsite violations will result in discharge (i.e., termination); the Commission's Policy Statement expects that violations of policy concerning illegal drugs on site will result in discharge from nuclear plant duties. In practice, violation of policies on use, sale or possession of illegal drugs or use of alcoholic beverages on the job or on company property do result in discharge from nuclear plant duties. However, in the event of impairment caused by off-site use of alcohol or drugs, management retains the prerogative, based upon medical evaluation (not necessarily including a chemical test) and performance factors, to determine whether retention or termination is appropriate.

Response:

The use, sale or possession of illegal drugs will result in immediate removal from the nuclear plant and referral to the Medical Department for evaluation. This action will be followed by a determination by management of the appropriate discipline, which may be up to and including termination of employment. The Company has revised the Nuclear Plant Rules to reflect this policy. The Company considers unconditional termination to be inconsistent with the Company's commitment to promote high standards of employee health. The EEI Guide states that "whenever possible, the company will assist employees in overcoming drug, alcohol and other problems which may adversely affect employee job performance" (Item 1.h). Additionally, the examples of acceptable written company policies given in the EEI Guide reflect this philosophy. Therefore, the Company believes that its written policies on fitness for duty of nuclear plant employees have been revised to comply with the NRC's policy statement.

The NRC's comment that in the event of on-duty impairment the Company's medical evaluation does not necessarily include chemical testing reflects an apparent misunderstanding. It is the Company's established practice to chemically test employees referred to the Medical Department when on-duty impairment is confirmed by a medical diagnosis, because the impairment could possibly be due to the use of drugs or alcohol. The diagnosis and possible chemical test is performed as promptly as possible. The Medical Department is available (on location or on call) 24 hours a day.

- F. Immediate revocation of access to Vital Areas is not addressed, nor is immediate removal from a designated position. PECO management believes that these matters are addressed in that the policy states that violations shall result in immediate suspension.

Response:

This comment is addressed in our response to comments 1.A and 1.B, and this point has been clarified for nuclear plant employees by official memorandum from the Vice President of Nuclear Operations.

- G. Employees in designated positions who are involved with illegal drugs off duty and off company premises are not required to be immediately removed from their job assignment and tested for the presence of illegal drugs. PECO's policy says such employees shall not be permitted to work and shall be immediately referred to the Medical Department.

Response:

This comment was addressed by our responses to comments 1.A, 1.B and 1.E.

- H. Rehabilitation is not mandated prior to reinstatement, nor is retention in the designated position contingent on passing tests to verify abstinence although this appears to be done in practice.

Response:

The PECO Policy states that "It is the responsibility of the Medical Director to make the final diagnosis of aberrant behavior and/or fitness for duty. Additionally, the Medical Director shall determine the course of action to be taken concerning treatment or rehabilitation." The Medical Director evaluates each case to determine if there is a need for rehabilitation. If an incident is determined to be an isolated incident of abuse and not a medical problem, then formal rehabilitation is not appropriate. However, if

impairment on-the-job was involved, follow-up tests are performed to verify abstinence. If there is a confirmed need for rehabilitation, six months of adequate treatment and follow-up including breathalyzer testing as appropriate is required as a minimum for alcohol, and one year with the same requirements and follow-up including drug testing is required as a minimum for drugs. During this period, a nuclear plant employee would be reassigned offsite or suspended from duties. Therefore, rehabilitation and/or verification of abstinence (by testing) is required prior to reinstatement.

- I. Policy does not inform employees that appropriate measures will be taken to determine the scope of the problem, which is interpreted to include an investigation to determine the source of the drugs and co-workers who may be involved.

Response:

The Company has now informed all nuclear plant employees by official memorandum from the Vice President of Nuclear Operations that allegations of employee drug involvement will be investigated to determine the source of the drugs and co-workers who may be involved, as appropriate.

2. Comments on Top Management Support

- A. The inspectors concluded that top management is supporting the FFD and EAP programs. However, it was noted that a Substance Abuse Committee has not been established, there is no program manager designated at either Corporate Headquarters or at the site, and supervisory responsibilities are not assigned in writing.

Response:

In March 1987, the PECO Drug and Alcohol Fitness For Duty Steering Committee was formally established to implement the Fitness For Duty Program. The Committee is composed of executive management members from a cross-discipline of corporate departments including Nuclear Operations, Medical, Claims-Security, Independent Group Association (IGA), and Personnel and Industrial Relations. The Committee is chaired by the Manager of the Personnel and Industrial Relations Department. The Vice President of the Personnel and Industrial Relations Department in consultation with the Steering Committee, Medical Director and appropriate departmental vice presidents is responsible for final decisions concerning an employee's return to work under the Fitness For Duty Program Policy.

Fitness For Duty Program supervisory responsibilities are now described in the Employee Assistance Program supervisory edition manual which has been distributed to Company supervisors.

- B. Management enforcement of the policies was reported as being equitable and fair by those employees who were interviewed. Although PECO's policies specify immediate suspension for violations, the inspectors learned during interviews that exercise of that sanction does not occur in all cases, primarily because first line supervisors have handled problems outside the policies.

Response:

Supervisors (many of whom have received training since the NRC inspection) are instructed during Fitness For Duty training to handle all matters in accordance with the Drugs and Alcoholic Beverages Policies. Nuclear plant supervisors have now been reminded of this by official memorandum from the Vice President of Nuclear Operations.

3. Comments on Policy Communication

Employee and supervisory training needs improvement. For example, six of seventeen shift supervisors have not been trained, employee awareness was somewhat limited despite recent measures to inform employees, training with respect to the hazards associated with alcohol and drug abuse has not been provided to all employees, and contractor personnel, with few exceptions, have not received training.

The following examples were given:

- A. During the entrance briefing, PECO management reported that their Employee Awareness Training had been weak and that they had taken measures to correct that problem. As a result of interviews of many licensee and contractor employees, the inspectors confirmed that there had been recent efforts to improve employee awareness of fitness for duty. However, it appears that additional efforts should be taken, particularly with respect to contractors.

Response:

Over 120 contractor supervisors at Peach Bottom have been trained in Fitness For Duty since January 1, 1987. Essentially all nuclear plant supervisors have been trained and will be periodically retrained.

- B. FFD policies are not included in the General Employee Training.

Response:

The Nuclear Plant Rules are read aloud, to all employees in General Employee Training (GET). The Rules have been revised to incorporate the key elements of the Fitness For Duty Program (as discussed in this letter) and will continue to be read aloud during GET. In addition, a copy of the PECO Drugs and Alcoholic Beverages Policies will be distributed to all contractor and vendor personnel in GET. PECO employees have recently been issued a copy of the Employee Assistance Program booklet which includes the PECO Drugs and Alcoholic Beverages Policies. This booklet also includes educational information on drugs, alcohol, alcohol abuse, alcoholism, drug abuse and drug addiction, including the hazards and symptoms associated with the use of drugs and alcohol. Similar information will also be provided to contractor and vendor personnel in booklet form during GET.

- C. Contractor line employees interviewed had not received any training and were generally unfamiliar with PECO's FFD program.

Response:

Contractors will receive copies of the policies in GET as discussed in our response to comment 3.B.

- D. All licensee and contractor employees indicated that training in the hazards associated with alcohol and drug abuse would be of great benefit.

Response:

All nuclear plant personnel will be made aware of the hazards associated with alcohol and drug abuse in GET and, as discussed in our response to comment 3.B, all nuclear plant personnel have received or

will receive written educational information on drugs and alcohol.

4. Comments on Behavioral Observation Training:

- A. Only one of the contractor supervisors interviewed had been trained or briefed concerning the program (Catalytic's Site Program Manager). The majority of PECO and contractor supervisors interviewed, as with the line employees, believed that more and better training was needed. Many believed guidance was needed in several areas, particularly, how a problem should be handled on the back shifts when the medical staff is not available.

Response:

As discussed in our response to comment 3.A, many supervisors have received training since the inspection. Additionally, supervisors are being scheduled for Phase II of Fitness For Duty training. Phase II provides additional training which covers, in part, symptoms of drug and alcohol abuse, how to handle related problems, and how and when to refer employees to the Employees Assistance Program. In Phase II, supervisory responsibilities are emphasized.

- B. A disturbing fact was that the operations staff seemed to be the least knowledgeable of the PECO policies and the EAP. Three of the five Shift Supervisors interviewed reported that they had not been trained in Behavioral Observation Techniques or how they are expected to implement the policy. Records indicate that six of seventeen Shift Supervisors have not been trained. Furthermore, PECO has no policy as to who should be trained, when newly

appointed supervisors must be trained, or when retraining is needed.

Response:

The six Shift Supervisors have been trained in Fitness For Duty and Behavioral Observation since the inspection. All Peach Bottom Shift Supervisors will receive additional training in these areas as part of the special administrative training that is ongoing in response to the NRC Shutdown Order dated March 31, 1987.

The Peach Bottom administrative guidelines will be revised to require notification of the Electric Production Training Division of newly appointed supervisors requiring Fitness For Duty and Behavioral Observation training. Supervisors will be scheduled to receive the training within one year of being appointed. Retraining will be provided at least once per five years.

5. Comment on Contractor Notification:

At the time of the inspection, PECO had not been formally notifying contractors and vendors of the need for their employees to abide by PECO's rules on drugs and alcohol.

Response:

The PECO Nuclear Plant Security Specification, which accompanies all purchase orders for personnel to work on-site, will be revised to formally notify contractors and vendors that their employees must abide by PECO's Drugs and Alcoholic Beverages Policies. Attached to the Specification will be a copy of the Policies and the Nuclear Plant Rules. Additionally, the Medical Department is preparing a Fitness For Duty Specification for contractor and vendor purchase orders.

6. Comment on Law Enforcement Involvement:

No written agreements exist, although verbal agreements have been made that call for State Police cooperation in (1) investigation of alleged drug use, (2) disposition/analysis of confiscated drugs, and (3) reporting the departure of impaired personnel from the site who refuse assistance offered by PECO to ensure their safety.

The verbal agreements seem well known to key personnel, but the absence of written procedures may complicate the handling of a case by those without previous experience.

Response:

The PECO Nuclear Plant Security Section will prepare a station administrative procedure specifying the appropriate action to be taken by nuclear plant supervision in response to drug and alcohol related incidents. We expect this procedure to be approved at both Limerick Generating Station and Peach Bottom by December, 1987.

PECO Claims-Security Division and Nuclear Plant Security Section representatives met with the supervision of the Pennsylvania State Police unit at York on July 9, 1987, to re-affirm our long-standing agreements regarding what type of matters require police involvement. A letter will be sent from PECO to the Pennsylvania State Police Unit at York to document the agreements from that meeting.

7. Comments on Chemical Testing of Body Fluids:

A. Chemical testing of body fluids is used for preemployment, for cause, and followup testing of PECO employees in the EAP. Currently, PECO testing does not include

contractors. Random or periodic tests are not conducted.

Retention on the job after violations of the policies is based upon a medical evaluation and performance factors, and may not always include chemical testing.

Response:

The Company is evaluating a plan to institute a requirement for pre-employment chemical testing of nuclear plant contractor personnel.

The Company is instituting a trial program for drug screening as a part of the next series of annual physicals. This drug screening will continue so long as it can be demonstrated that there is value to the Company or the employees.

As discussed in our response to comment 1.H, the decision of retention on the job after violations does include chemical testing.

- B. There is no written procedure specifying conditions under which chemical testing is expected or required.

Response:

The Medical Department has a written procedure for chemical testing which has been in practice for several years and was formally established in January, 1987. This procedure defines when an employee is tested and how the testing is administered.

- C. The sample is put in a plastic container and two seals are applied. The inspectors noted that both seals were easily removable without evidence of tampering, and that evidence tape would be more suitable. No chain of custody is

established to protect the sample as forensic evidence; in addition, the sample is not properly secured to protect it while awaiting shipment. Samples taken at the site are mailed to corporate headquarters. Those taken at headquarters, and those received by mail from the site, are picked up by courier and delivered to National Medical Services (NMS) laboratories for processing. They are not accompanied by hand receipts to ensure traceability, although the courier is an employee of NMS.

Response:

The Medical Department has implemented more strict controls for handling samples. Evidence tape ("sensitivity tape") is now being applied to each container in addition to the tape labels previously applied. Additionally, chain of custody is now established using a chain of custody sign-off sheet. This practice provides traceability to protect the sample as forensic evidence. It has been and remains to be our practice for samples taken at the stations to be mailed directly to the laboratory (not mailed to the main office first).

- D. The inspectors noted that the PECO cutoff limits significantly varied from that recommended by Duo Research for the National Institute on Drug Abuse (NIDA), the American Counsel for Drug Education, and the Department of Defense, as follows:

- (1) THC is 75 ng/ml (recommended standard: 20 ng/ml). The Medical Director stated the cutoff limit would be restored to 50 ng/ml;
- (2) Cocaine is 1000 ng/ml (recommended standard: 300 ng/ml);

- (3) PCP is 1000 ng/ml (recommended standard: 25 ng/ml).

These cutoff limits would probably detect heavy users who are addicted to the drugs in question, however, they may not detect "casual" or occasional use.

Response:

The PECO Medical Department has reviewed these limits with the testing laboratory supervision who recommends that the present limits be retained. The THC limit has been reduced to 50 ng/ml, however. The laboratory established the limits to ensure that an individual is not unjustly "branded" by a positive test due to innocuous levels. It should be noted that regardless of whether the results of a test exceed the limits or not, the actual quantities are shown on each test report.

8. Comment on Audits:

No overall audit has been done of the program.

There has been one "critique" of the PECO program; the PECO QA staff emphasized that the critique, which compared PECO's policies with the EEI Guide, was not intended to audit the effectiveness of the program as implemented.

The QA staff also stated that there have been some audits of the contractors' access screening programs, which includes some FFD program elements. Some of these audits are conducted by other subscribers to the Nuclear Employee Data System (NEDS), are accepted by PECO, and are not subject to separate audit by PECO. Furthermore, several contractors have gone several years without audits because there is no schedule specifying how often each contractor will be audited.

Response:

The Drug and Alcohol Fitness For Duty Steering Committee will have the program audited this year by the Nuclear Operations QA Division to assess its implementation. It will be audited at least once every three years subsequently.

NEDS was not fully implemented at the time of the inspection. Since that time, the NEDS program has commenced and NEDS has specified that each contractor's access screening program will be audited at least once per three years by a NEDS participant.

9. Comment on Reports

Statistical data are not routinely assembled, analyzed, and reported to management.

Response:

The Medical Department will begin this year to routinely present statistical data to the Drug and Alcohol Fitness For Duty Steering Committee. Using this data, the Committee expects to be able to identify trends in drug and alcohol abuse, such as areas of the Company becoming more prone to drug and alcohol problems. The Training Division has begun reporting to the Committee the status of Fitness For Duty training and will continue to do so.

If you have any questions or require additional information, please do not hesitate to contact us.

Very truly yours,

JW Gallagher

cc: Addressee
W. T. Russell, Administrator, Region I, USNRC
T. P. Johnson, Resident Site Inspector