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CONTAINS 10 CFR 2.790 PERSONAL PRIVACY INFORMATION

10 CFR 55

July 3, 2003

Mr. Richard J. Conte, Chief  
Operational Safety Branch  
Division of Reactor Safety  
U. S. Nuclear Regulatory Commission  
Region 1  
475 Allendale Road  
King of Prussia, PA 19406

Limerick Generating Station, Units 1 and 2  
Facility Operating License Nos. NPF-39 and NPF-85  
NRC Docket Nos. 50-352 and 50-353

Peach Bottom Atomic Power Station, Units 2 and 3  
Facility Operating License DPR-44 and DPR-56  
NRC Docket Nos. 50-277 and 50-278

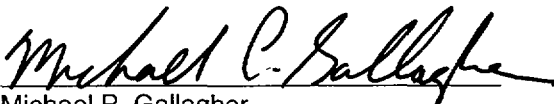
Subject: Response to Request For Information Concerning Peach Bottom and Limerick Fitness  
For Duty Reports (ENS No. 39847 & 39848)

By letter dated June 6, 2003, the NRC requested additional information regarding an NRC licensed operator, who was not performing licensed duties, that was determined to be under the influence of alcohol following a fitness for duty test. The attachments to this letter provide the requested information.

Attachment 1 contains personal information the disclosure of which would constitute an unwarranted invasion of personal privacy of the individual involved. Exelon Generation Company, LLC (Exelon), requests that the personal privacy information in Attachment 1 be withheld from public disclosure in accordance with the requirements of 10 CFR 2.790(a)(6). Attachment 2 to this letter provides a redacted version of the response which contains no personal privacy information.

If you have any questions or need additional information, please contact Mr. Glenn Stewart at (610) 765-5529.

Sincerely,



Michael P. Gallagher  
Director, Licensing and Regulatory Affairs  
Exelon Generation Company, LLC

Attachments

cc: H. J. Miller, Administrator Region I, USNRC  
A. L. Burritt, USNRC Senior Resident Inspector, LGS  
A. McMurtry, USNRC Senior Resident Inspector, PBAPS  
Document Control Desk, USNRC, Washington, DC

w/attachments  
w/o attachments  
"  
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## **Attachment 1**

**Limerick Generating Station, Units 1 and 2  
Facility Operating License Nos. NPF-39 and NPF-85  
NRC Docket Nos. 50-352 and 50-353**

**Peach Bottom Atomic Power Station, Units 2 and 3  
Facility Operating License DPR-44 and DPR-56  
NRC Docket Nos. 50-277 and 50-278**

**Response to Request for Information  
Concerning Peach Bottom and Limerick  
Fitness For Duty Reports**

**(Contains 10 CFR 2.790 Personal Privacy Information)**

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## **Attachment 2**

**Limerick Generating Station, Units 1 and 2  
Facility Operating License Nos. NPF-39 and NPF-85  
NRC Docket Nos. 50-352 and 50-353**

**Peach Bottom Atomic Power Station, Units 2 and 3  
Facility Operating License DPR-44 and DPR-56  
NRC Docket Nos. 50-277 and 50-278**

**Response to Request for Information  
Concerning Peach Bottom and Limerick  
Fitness For Duty Reports**

**(Contains No Personal Privacy Information)**

## Attachment 2

### Licensed Senior Reactor Operator - Limited to Fuel Handling Fitness for duty Request for Additional Information

Exelon is requested to provide the following information concerning the fitness for duty occurrence of May 14, 2003, regarding the involved operator:

1. Name and responsibilities of the operator.

Response: The licensed operator's name is [ ]. The individual is an ANSI- qualified Radiation Protection (RP) technician assigned to the Limerick Generating Station (LGS) Radiation Protection Department. The individual's responsibilities include the performance of radiation and contamination surveys in support of plant operations. In addition, the individual holds a Senior Reactor Operator - Limited to Fuel Handling license, and performs fuel moves at both LGS and Peach Bottom Atomic Power Station (PBAPS) during their respective refuel outages.

2. A summary of the operator's entire fitness for duty testing history. Please include the dates and times the operator was tested, the reasons for tests (i.e., random, for-cause, or follow-up), the results of the test, and the dates that any tests were confirmed positive.

Response: The following summary is being provided in response to 2.

Collection Date	Test Type	Time of Urine Test	Site Result Urine Test	Time of Alcohol Test Test 1/Test 2 (hours)	Site Result Alcohol Test	Time of Alcohol Test Test 3/Test 4 (hours)	Confirmation Site Result Alcohol Test
10/24/1991	RANDOM	0054	NEG	*	NEG		
8/11/1992	RANDOM	1022	NEG	*	NEG		
3/8/1993	RANDOM	1017	NEG	*	NEG		
11/17/1995	RANDOM	0118	NEG	*	NEG		
8/22/1998	RANDOM	0979	NEG	*	NEG		
11/6/1998	RANDOM	0141	NEG	*	NEG		
4/21/1999	RANDOM	0915	NEG	0910/0912	NEG		
6/21/2000	RANDOM	0126	NEG	0121/0123	NEG		
12/6/2001	RANDOM	2204	NEG	2204/2206	NEG		
3/21/2002	RANDOM	2150	NEG	2150/2152	NEG		
5/1/2003	FOLLOW-UP **	1420	NEG	1412/1414	NEG		
5/5/2003	FOLLOW-UP	1305	NEG	1254/1257	NEG		
5/14/2003	FOLLOW-UP	0930	NEG	0915/0918	POS	0921/0923	POS

\* Specific times not available for tests performed more than 3 years ago (required retention of records)

\*\* See the following discussion concerning the transition from random testing to follow-up testing

The employee in question participated in random testing as part of the fitness for duty program for individuals with unescorted access. On April 20, 2003, the individual was charged with driving under the influence (DUI) during off-duty hours. The individual contacted Exelon Nuclear Employee Assistance Program (EAP) on April 21, 2003, and reported the DUI arrest to Supervision and Nuclear Security on April 23, 2003. Nuclear Security implemented Exelon Nuclear procedure SY-AA-103-507, "Review Criteria For Unescorted Access." As required by this procedure, the Medical Review Officer (MRO) reviewed information submitted by the EAP and the individual's past work history. Based on this review, the MRO determined weekly follow-up testing would be performed for four (4) weeks commencing April 24, 2003.

Exelon Nuclear procedure SY-AA-102-203, Fitness for Duty Follow-up Testing, Step 4.1.7 states that the MRO may require additional tests as deemed necessary, may re-evaluate duration of testing or discontinue follow-up testing when an individual's past behavior is no longer a risk. The MRO stated that the weekly testing frequency could be reduced to monthly at the completion of the four weeks provided the individual was compliant with the outpatient treatment program through the EAP, there were positive reports regarding the individual's progress from the EAP counselor, and there were no negative job performance issues.

As part of the increased frequency testing, the individual was scheduled for a follow-up drug and alcohol test on May 14, 2003. In accordance with the requirements of 10 CFR Part 26, two breath specimens shall be collected from the individual. The individual tested positive for alcohol at 0915 hours and 0918 hours. Confirmation of a positive breath test is accomplished by repeating the breath test procedure on another evidential-grade breath analysis device. Therefore, two additional breath tests were administered to the individual at 0921 hours and 0923 hours. The second set of breath tests confirmed positive for alcohol. The individual's unescorted access was suspended and the employee was referred to the EAP for assessment and counseling.

3. Whether the operator consumed alcoholic beverages within the protected area. If so, please provide the details of the circumstances surrounding such consumption.

Response: The individual was not observed consuming alcohol within the protected area. The individual's personal belongings, including clothing and gym bag, were searched with approval prior to the individual being escorted off site. In addition, the individual's lockers were searched by Security and LGS RP management. No prohibited material was discovered in these locations.

4. Whether the operator was at the controls or supervising the licensed activities while under the influence of alcohol. If so, please provide the details of the operator's performance of licensed duties while under the influence of alcohol.

Response: The individual was not at the controls or supervising licensed activities while under the influence of alcohol. The last time the individual performed licensed activities was during the LGS 2R07 outage in March, 2003. The individual was performing duties as a RP Technician at the time, and was assigned to cover decontamination activities on the Refuel Floor. The technician was working on the Refueling Floor for approximately 20 minutes prior to exiting the area to go on break. While proceeding out of the plant, the technician was notified to take a fitness for duty test, and went to the testing facility

immediately. The time period the technician was on the Refuel Floor was the only time the technician entered the plant on that day. Between the time the technician reported to work that day and subsequently entered the plant to work on the Refuel Floor, the technician was assigned to administrative duties in the Radiation Protection Field Office within the protected area. Subsequent to the failure of the fitness for duty test, the technician's work and travel paths were walked down by RP supervision. There were no negative impacts as a result of the technician's activities within the plant.

5. Whether the operator fulfilled a position that was required to meet minimum licensed operating staffing requirements (fire brigade, emergency plan positions, etc.) while under the influence of alcohol.

Response: The individual was not filling a minimum staffing position while under the influence of alcohol.

6. Whether the operator was involved in procedural errors. If so, please provide the details of the procedural errors and the consequences of the errors.

Response: The individual was not involved in any procedural errors relative to assigned work activities.

7. Your intentions with regard to the operator's resumption of duties under the 10 CFR Part 50 and Part 55 licenses, including your plans for follow-up testing.

Response: The individual violated the fitness for duty program on May 14, 2003, by testing positive for alcohol on the weekly follow-up test. Unescorted access was suspended and the employee was referred to the EAP for assessment and counseling.

An NRC Form 396 was submitted on June 3, 2003, requesting temporary suspension of the operator's license. Additional disciplinary measures are under review that may include termination of the license. The individual will not return to licensed duties until the disciplinary review is complete and the individual is cleared by the MRO. If it is planned to return the individual to licensed duties, an NRC Form 396 will be submitted at that time. If the decision is to terminate the operator's license, the NRC will be notified in accordance with 10 CFR 50.74.

As of July 2, 2003, the individual has returned to administrative duties outside of the protected area, but has not yet been cleared by the MRO for unescorted access to the protected area or for return to licensed activities. If the MRO determines that all medical and security concerns are addressed, the individual will continue to participate in the EAP and remain in the follow-up testing program until the MRO determines otherwise. In addition, the individual will remain under the Continued Behavioral Observation Program by appropriate supervision.