

ACCELERATED DISTRIBUTION DEMONSTRATION SYSTEM

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

ACCESSION\NBR:9209210189 DOC.DATE: 92/09/15 NOTARIZED: NO DOCKET #
 FACIL:50-315 Donald C. Cook Nuclear Power Plant, Unit 1, Indiana M 05000315
 50-316 Donald C. Cook Nuclear Power Plant, Unit 2, Indiana M 05000316
 AUTH.NAME AUTHOR AFFILIATION
 FITZPATRICK,E. Indiana Michigan Power Co. (formerly Indiana & Michigan Ele
 RECIP.NAME RECIPIENT AFFILIATION
 NORELIUS,C.E. Region 3 (Post 820201)

SUBJECT: Forwards response to NRC 920812 ltr re positive test for
 controlled substance by employee. Tested personnel now
 required to provide local telephone number on chain of
 custody form at time of testing.

DISTRIBUTION CODE: A022D COPIES RECEIVED: LTR 1 ENCL 1 SIZE: 5
 TITLE: Fitness for Duty Program: Blind Performance Test/Other

NOTES:

RECIPIENT ID CODE/NAME	COPIES LTTR ENCL	RECIPIENT ID CODE/NAME	COPIES LTTR ENCL
PD3-1 LA	1 1	PD3-1 PD	1 1
STANG,J	1 1		
INTERNAL: NRR/DRIS/RSGB	1 1	NUDOCS-ABSTRACT	1 1
<u>REG FILE</u> 01	1 1	RGN3 . 02	1 1
EXTERNAL: NRC PDR	1 1	NSIC	1 1

NOTE TO ALL "RIDS" RECIPIENTS:

PLEASE HELP US TO REDUCE WASTE! CONTACT THE DOCUMENT CONTROL DESK.
 ROOM P1-37 (EXT. 504-2065) TO ELIMINATE YOUR NAME FROM DISTRIBUTION
 LISTS FOR DOCUMENTS YOU DON'T NEED!

TOTAL NUMBER OF COPIES REQUIRED: LTTR 9 ENCL 9

R

I

D

S

/

A

D

D

S

R

I

D

S

/

A

D

D

S

MA-4
dhp



AEP:NRC:1177A

Donald C. Cook Nuclear Plant Units 1 and 2
Docket Nos. 50-315 and 50-316
License Nos. DPR-58 and DPR-74
FITNESS FOR DUTY

Mr. C. E. Norelius
Division of Radiation Safety & Safeguards
United States Nuclear Regulatory Commission
Region III
799 Roosevelt Road
Glen Ellyn, IL 60137

September 15, 1992

Dear Mr. Norelius:

This submittal is in response to your August 12, 1992, letter concerning the positive test for a controlled substance by a Donald C. Cook Nuclear Plant employee. Attached are our responses to the questions included in the enclosure to your letter. We believe that these responses represent all pertinent information regarding this incident. The responses contain no personal privacy, proprietary, or safeguards information.

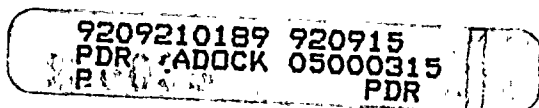
Sincerely,

E. E. Fitzpatrick
Vice President

KJT/swn

Attachment

cc: w/o attachment
D. H. Williams, Jr.
A. A. Blind - Bridgman
A. B. Davis - Region III
G. Charnoff
NRC Resident Inspector - Bridgman



1022

850001

AMS No. RIII-92-A-0070

Concern: A licensed operator boasted among other licensed operators about using cocaine, and boasted about finding a way to pass the licensee's Fitness For Duty (FFD) testing by using cocaine during the three or four days when the crew is normally scheduled to be off duty.

As requested by your letter of August 12, 1992, a review has been conducted of actions taken in response to information received from the U.S. Nuclear Regulatory Commission (NRC) Region III relative to the noted concern. The schedule of events leading to the reporting of a Licensed Operator positive cocaine test and subsequent actions taken are as follows:

6/24/92 - 1045 hours - The NRC Region III Safeguards Branch Chief advised the Human Resources (HR) Supervisor that an allegation had been received by the Region indicating a Cook Plant licensed Reactor Operator had been bragging about the use of cocaine. It was verified the Operator was not in the plant Protected Area (PA) and determined it was a scheduled day off.

6/25/92 - 0516 hours - The Operator entered the PA for a scheduled work shift. The Operations Superintendent (witnessed by the HR Supervisor) informed the Operator of the allegation reported by NRC Region III, and that the illegal substance involved was cocaine. The operator denied any use of the illegal drug and without hesitation volunteered to submit to "for-cause" chemical testing.

0900 hours - For-cause chemical testing was conducted. The Operator was removed from licensed duties immediately upon completion of the testing; however, unescorted access was not suspended at that time.

1221 hours - The Operator exited the Plant PA. Upon review of the exit prior to the end of the scheduled work shift, the HR Supervisor determined the early departure had been pre-arranged and was not as a result of the allegation incident.

6/26/92 - 0930-1000 hours - The Operator informed the Shift Supervisor that, regardless of the chemical test results, the operator intended to resign from employment at the Cook Plant.

1704 hours - The chemical test results were reported by the HHS Laboratory to the Medical Review Officer (MRO). Immediately upon receipt of the test results (approximately 1705 hours), the MRO reported to the HR Supervisor the necessity for an interview with

the individual based on positive chemical test results. Additionally, the MRO requested that precautionary measures be taken and the Operator's access to the Plant PA be denied upon departure for safety reasons, due to the fact that the individual is a licensed operator.

The Operator was notified by the Shift Supervisor to report to the HR Supervisor's office. The HR Supervisor informed the Operator (in the presence of the Operations Superintendent and Shift Supervisor) of the opportunity for an MRO interview resulting from the tests conducted and the operator would need to provide any prescribed medications to the MRO. The Operator declined the opportunity for the MRO interview, denied any use of illegal drugs (including cocaine) and voluntarily resigned, again reiterating intent to resign employment regardless of the outcome of the testing.

1730 hours - The HR Supervisor notified the Security Manager of the Operator's resignation and requested termination of unescorted access upon exit from the Plant PA.

The MRO was notified by the HR Supervisor that the Operator did not want a meeting with the MRO. However, the MRO was requested to remain at his office location for a short period of time in the event the operator had a change of mind.

1747 hours - The Operator exited the PA. (Note: The Operator was provided time to gather personal belongings and was under supervisory escort from the time test results were received until exit from the Plant PA.)

1755 hours - The Operator's unescorted access was terminated.

1820 hours - The Operator arrived at the MRO office. The operator indicated awareness of a positive test but was not aware of the substance. The MRO informed the operator of the cocaine positive test results. The MRO recommended participation in the Employee's Assistance Program (EAP). The MRO reported that the operator had informed him that a resignation had been submitted.

1824 hours - Notification was made to the NRC Operations Center.

2000 hours - The MRO contacted the HR Supervisor at his home and informed him that the Operator had arrived for an interview and declined the opportunity to participate in the EAP.

6/29/92 - 0720 hours - The Region III Safeguards Branch Chief was notified of positive test results. An unsuccessful attempt was made to contact the Region on 6/26/92 at 1715 hours.

We did not fully comply with the intent of 10CFR26, Appendix A, Section 2.9(c), in that the test results were reported to the Licensee prior to the individual being provided an opportunity for an interview with the MRO. However, the HR Supervisor did provide the individual the opportunity for an MRO interview and did not state that cocaine positive test results had been received, since this was not stated by the MRO.

The test was conducted "for cause" as directed by the NRC as a result of an allegation. In the opinion of the MRO, the use of cocaine by the Operator presented a safety concern and for that reason he considered it prudent to advise the Licensee of the positive test prior to conducting the interview. In addition, the MRO was aware that the Licensee knew what the Operator was being tested for and the fact that he was offering the opportunity for an interview, by itself, would have implied to the Licensee a cocaine positive test result. The Operator was aware of the allegation and also the alleged substance. Upon being advised of the MRO request for an interview, the Operator terminated employment with the Cook Plant.

We have taken this opportunity to review our practices to assure full compliance with the intent of the Rule. Our review disclosed the following:

- Appointment scheduling for MRO interviews was previously coordinated between the MRO and appropriate licensee FFD personnel. Contact was made with the Supervisor/Site Manager to make contact with the tested individual. The appointment date and time was scheduled between the tested individual and FFD personnel. This information was then provided to the MRO. The NRC Region III Security/FFD inspectors expressed concern that this procedure may not fully comply with the intent of the Rule.

The following practices are being implemented to provide the tested individual full protection under the Rule as currently written.

- Tested personnel are now requested to provide a local telephone number on the chain of custody form at the time of testing.
- When a positive test result is received by the MRO from the laboratory, the MRO conducts documented attempts to contact the individual. If the MRO is unable to make this contact, the MRO requests licensee FFD management personnel to attempt to provide the MRO's telephone number to the person in question. Scheduling of appointments is then conducted between the noted person and the MRO.

- Test results are reported by the MRO to management upon the conclusion of the interview, or after interview opportunity has been offered and declined, or the MRO has documented repeated attempts to contact the person and has been unable to make contact.

The results of our investigation into the activities of the subject operator did not reveal any evidence to indicate that the operator boasted of usage of cocaine (or any other illegal drug) or of finding a way to pass the Fitness for Duty testing at Cook Plant. If the above referenced operator used cocaine only during scheduled days off, as alleged, it would be almost non-detectable three days later.

Through MRO discussions and review of the MRO Manual and NUREG/CR-5784 Report, it is widely known and published that cocaine metabolites (benzoylecgonine) are typically eliminated from the body within about 48 hours after a single dose. Furthermore, cocaine and benzoylecgonine are not significantly stored in the body after repeated dosing. Therefore, even heavy chronic users achieve negative urine test results within a few days of abstinence. The conclusion made from this review is that testing a cocaine user who abstains for 2-3 days prior to returning to work will likely result in a negative drug test. To guarantee absolute abstinence would require authorization of off-duty random sampling which would be a gross invasion of individual privacy.

We have carefully examined our on-duty sampling methodology specifically to determine if a weakness existed which would allow an individual(s) to defeat our testing program. We do conduct sample testing on a random 24-hour a day seven days a week schedule and everyone subject to the FFD program has been made aware of the potential for being tested any time any day. In conformance with the Rule, we cannot and do not pre-select individuals or a back-shift crew, coming back to duty after extended time off which could lead to a pattern or provide advance notification by exclusion. We will, of course, continue attempts to improve our overall FFD program and will abide by any changes to the 10 CFR Part 26 rule.

