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April 22, 1993
NRC-93-0049

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D. C. 20555

- References:
- 1) Fermi 2
NRC Docket No. 50-341
NRC License No. NPF-43
 - 2) NRC Region III to Detroit Edison, Concern dated
March 23, 1993
 - 3) Detroit Edison Letter to NRC, NRC-92-0128, "Reply to
NRC Notice of Violation EA 91-100", (U. S.
Department of Labor Case No. 86-ERA-111, dated
November 20, 1992

Subject: Response to NRC Concern dated March 23, 1993

Reference 2 contained a Fitness-For-Duty concern at Fermi 2 and requested a response within 30 days. The purpose of this letter is to provide the requested information.

The details of Detroit Edison's investigation of this matter and information which answers specific questions asked in Reference 2 are included in the attachment to this letter.

Should there be any questions regarding this response, please contact Elizabeth A. Hare at (313) 586-1427.

Sincerely,

Attachment

cc: T. G. Colburn
A. B. Davis
W. J. Kropp
M. P. Phillips
Region III

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NOTE: To enhance confidentiality, the name of the individual involved in the concern has been replaced by "subject employee". The use of the male gender is used throughout the text.

NRC CONCERN DATED MARCH 23, 1993

NRC Region III recently received information that a site employee who routinely works outside the protected area often reports to work with a strong odor of alcohol on their breath. The individual also supposedly experiences visible hand tremors, is extremely cyclic in their emotions, and has been observed stumbling from assignment to assignment. Additionally, these symptoms have supposedly been observed by fellow co-workers.

Information was also received by the NRC Region III office that licensee management would terminate employment of an individual if it became known that the individual brought a concern to the Commission.

Your inquiry into this matter should, as a minimum, address the following issues:

1. Determine if the subject employee abuses alcohol in violation of your fitness-for-duty (FFD) program.
2. Has the subject employee been subject to random FFD testing? If so, what were the random test results in reference to alcohol?
3. Please advise us of routine actions you take to avoid the perception that adverse actions will be taken against personnel who identify regulatory concerns or issues to the NRC.

DETROIT EDISON RESPONSE:

1. The Director-Nuclear Security conducted an investigation regarding the expressed specific concern of an employee abusing alcohol in violation of the Detroit Edison Fermi 2 Fitness-For-Duty (FFD) program. This investigation included interviews of seventeen individuals including the subject employee, co-workers and supervisors.

The investigation concluded that the subject employee does not abuse alcohol in violation of the Detroit Edison Fermi 2 FFD program.

Statements from supervisors who have worked closely with the employee indicate that the employee is a consistent, good performer. The employee has not had any attendance or tardiness problems that are typically associated with a person abusing alcohol. Statements from co-workers were in general agreement with those from supervisors.

Some co-workers indicated that they were aware of statements (personal suspicion, or rumor) concerning the employe having the smell of alcohol on his breath. Other than unsubstantiated hearsay, there were four specific reports.

- Approximately three to four years ago, a security shift supervisor entered the office where the subject employe worked. The supervisor thought he smelled something like alcohol, but could not conclusively associate the smell with the employe. This supervisor made mention of his observation with a co-worker, but because the supervisor lacked objective evidence, the issue was not pursued.
- Approximately one year ago, a co-worker thought he smelled alcohol on the subject employe's breath. This co-worker reported his suspicion to another co-worker immediately. The second co-worker was unable to detect the odor of alcohol on the person's breath. The two co-workers then closely monitored the subject employe's behavior for any signs of possible use. None were detected. This incident was brought to management's attention. It was evaluated and determined that prudent actions were taken at the time and no further actions were required.
- Approximately seven months ago a co-worker thought he smelled beer on the subject employe. This co-worker noticed the smell in a small work area, "cubicle." The subject employe left the office and the co-worker isolated the smell to the subject employe's jacket. This was further substantiated by the co-worker meeting the subject employe outside the office area and not detecting any odor. The co-worker did not report this incident to supervision at that time because it was confirmed not to be a problem.
- Approximately five (5) days before the concern was received, a co-worker of the subject employe made a comment to another co-worker that they thought they had smelled alcohol on the subject employe the previous day. The initial co-worker did not report the incident to supervision. However, the second co-worker spoke with yet a third co-worker the next work day commenting on the report. The two of them decided to report the information to supervision. However, their reporting was interrupted by the investigation. The two co-workers supplied identical statements concerning their intent to report the incident, and they did not have an opportunity to speak with each other once the investigation started.

None of these reports led to any conclusive evidence that the subject employe abused alcohol in violation of the Detroit Edison Fermi 2 FFD program.

2. The employee has been subject to the random FFD testing. Records indicate that the employee was selected on three occasions in 1990 and participated each time with negative results. In 1991, the employee was selected twice, participating each time with negative results. The employee was selected twice in 1992, and was excused in both instances. Both times were for valid reasons in accordance with FFD program requirements. The employee has not been selected in 1993, but readily agreed to testing when discussing the concern brought forward by the NRC. The employee was tested and results were negative.

As discussed in items 1 and 2 there was no conclusive evidence that the subject employee abused alcohol in violation of the Detroit Edison Fermi 2 FFD program. Based on the above investigative results, the NRC concern dated March 23, 1993 could not be substantiated. All information regarding this concern has been handled in accordance with the Fermi 2 fitness for duty program. No further actions or investigation are warranted.

3. Detroit Edison believes that its employee concern program is effectively identifying and addressing concerns and that the process used is fundamentally sound. Detroit Edison has discussed its programs and policies for handling employee complaints in referenced document 3. Particular attention was directed toward employee knowledge of how complaints can be filed, confidentially, and the atmosphere that exists for individuals to raise safety and safeguards issues. The programs are outlined below:

- The Corrective Action Program permits anyone to write a Deviation Event Report (DER) on any issue that is adverse to quality or safety. The process is designed to objectively evaluate the information or concern and ensure corrective action, if necessary, is accomplished and documented.
- DERs can be submitted anonymously to the Independent Safety Engineering Group. "Anonymous" DERs must be dispositioned in the same manner as other DERs.
- Detroit Edison also utilizes an Ombudsman program for employees to report quality or safety concerns. This program provides employees with a confidential avenue to report and resolve concerns. The Ombudsman currently reports to the Senior Vice President, Nuclear Generation. Additionally, Detroit Edison offers all workers leaving the site an opportunity to provide job critique information or concerns relative to work at the Fermi 2 site. The site orientation handout, which provides details of these programs, is provided to all employees during in-processing and annual requalification.

- With respect to employee awareness of alternate methods to raise safety issues or file complaints, Detroit Edison believes there is adequate information provided to employees on bulletin boards located throughout the site. The bulletin boards, posted in accordance with 10 CFR 50.7 and other regulations, describe an employee's options on filing a complaint or raising a safety issue to the appropriate government agencies.

Details of the available options are contained in the following: Fermi Management Policy and Directives Manual, Fermi 2 Interfacing Procedures, and the Fermi 2 Student Text for site orientation. Detroit Edison takes its responsibility to maintain an atmosphere that encourages employees to bring safety or safeguards issues to the attention of management or the NRC very seriously. Detroit Edison believes that such an atmosphere currently exists at Fermi 2.