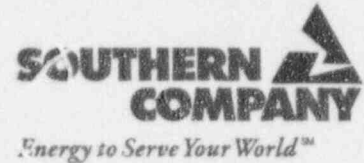


Lewis Sumner
Vice President
Hatch Project Support

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June 20, 1997

Docket Nos. 50-321
50-366

HL-5423

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

Edwin I. Hatch Nuclear Plant
Reply to a Notice of Violation

Gentlemen:

In response to your letter dated May 30, 1997, and according to the requirements of 10 CFR 2.201, Southern Nuclear Operating Company (SNC) is providing the enclosed response to the Notice of Violation associated with Inspection Report 97-04. In the enclosure, a transcription of the NRC violation precedes the SNC response.

Sincerely,

H. L. Sumner, Jr.

JKB/lid

Enclosure: Violation 97-04-01 and SNC Response

cc: Southern Nuclear Operating Company
Mr. P. H. Wells, Nuclear Plant General Manager
NORMS

U. S. Nuclear Regulatory Commission, Washington, D. C.
Mr. N. B. Le, Licensing Project Manager - Hatch

U. S. Nuclear Regulatory Commission, Region II
Mr. L. A. Reyes, Regional Administrator
Mr. B. L. Holbrook, Senior Resident Inspector - Hatch

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Enclosure

Edwin I. Hatch Nuclear Plant Violation and Southern Nuclear Operating Company Response

VIOLATION

10 CFR 26.20(b) states in part that the licensee shall establish and implement written policies and procedures designed to meet the general performance objective of this part; ... a description of programs which are available to personnel desiring assistance in dealing with drug, alcohol, or other problems that could adversely affect the performance of activities within the scope of this part.

Southern Nuclear Corporate Guideline 720-001,, "Fitness for Duty," Revision, dated July 12, 1996, Employee Assistance Program, states in part that referrals to the Employee Assistance Program are maintained in confidence, and discussion of the problem is treated as a confidential matter between the employee and the counselor. Information will not be released without written permission from the employee unless required by law.

Contrary to the above, during the period of February 24-28, 1997, established policies and procedures were not adequately implemented in that Employee Assistance Program information was released without written permission from an employee.

This is a severity level IV violation (supplement 3).

RESPONSE TO VIOLATION

Reason for the Violation

This violation was caused by a less than adequate guidelines and procedure. The circumstances which resulted in the violation involved a case constituting a mandatory referral for evaluation as determined by the Southern Nuclear Operating Company (SNC) Safety and Health staff. However, the applicable Southern Nuclear Corporate Guideline 720-001, "Fitness for Duty," revision dated July 12, 1996, discussed the Employee Assistance Program (EAP) available to employees relative to the basis of voluntary self-referral and emphasized that information between the employee and the counselor would be treated as confidential except where there was written permission to release such information from the employee or where release was required by law (as under 10 CFR 26.25, which requires that Employee Assistance Program staff shall inform licensee management when a determination has been made that any individual's condition constitutes a hazard to himself or herself or to others {including those who have self-referred})." Corporate Guideline 720-001 did not clarify that such a mandatory referral would be treated as personal information in accordance with 10 CFR 26.29, i.e., information that would in appropriate

Enclosure

Violation and Southern Nuclear Operating Company Response

circumstances be communicated "to those licensee representatives who have a need to have access to the information in performing assigned duties..." In this instance, the communication from February 24-28, 1997 of information concerning the subject individual was made only to the Safety and Health staff who had assigned responsibility to coordinate evaluations concerning FFD issues, and were "licensee representatives who have a need to have access to the information in performing assigned duties ..." within the meaning of 10 CFR 26.29. Southern Nuclear management agrees that the policies, guidelines, and communications related to the EAP need revision to clarify that personal information developed in the course of a mandatory evaluation, whether through the EAP or otherwise, may be communicated to licensee representatives who have a need to have access to such information in performing assigned duties, including duties under the Fitness for Duty Program.

Corrective Steps Which Have Been Taken and the Results Achieved

On March 4 and 11, 1997, signed releases were obtained from the subject individual.

Corrective Steps Which Will Be Taken to Avoid Further Violations

Southern Nuclear Operating Company will revise references to the EAP Program contained in the applicable policies, guidelines, and procedures to clearly differentiate confidential EAP services provided on a self-referral basis from the mandatory referral for evaluation administered through the Safety and Health Department. The applicable revisions will be completed by November 30, 1997.

The Safety and Health Department will review EAP Program brochures and posters provided by benefit administrators to assure that such communications accurately reflect licensee policy with respect to protection of personal information. Safety and Health Department will also review other means of communications including the Company newsletter. These actions will be completed by November 30, 1997.

Southern Nuclear management feels that, with strict attention to the areas outlined above, procedures can be effectively implemented to satisfy the requirements of the Fitness for Duty rule and to protect employees legitimate expectations of confidentiality and protection of personal information.

Date When Full Compliance Will Be Achieved

Plant Hatch is presently in full compliance with the requirements of the Fitness for Duty rule.