



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30323

NOV 22 1991

Report No.: 50-261/91-23

Licensee: Carolina Power and Light Company
P. O. Box 1551
Raleigh, NC 27602

Docket No.: 50-261

License No.: DPR-23

Facility Name: H. B. Robinson

Inspection Conducted: October 28-29, 1991

Inspector: *A. Tillman*
A. Tillman, Safeguards Inspector

11/19/91
Date Signed

Approved by: *D. McGuire*
D. McGuire, Chief
Safeguards Section
Nuclear Materials Safety and Safeguards Branch
Division of Radiation Safety and Safeguards

11/19/91
Date Signed

SUMMARY

Scope:

This special announced inspection was conducted in the area of the licensee's Fitness For Duty (FFD) Program as required by 10 CFR Part 26. Specifically, the licensee's policy, program administration and key progresses were reviewed utilizing NRC Temporary Instruction 2515/106, Fitness For Duty, Initial Inspection of Implemented Program, dated July 11, 1990.

Results:

In the area inspected, violations or deviations were not identified. Based on selective examination of key elements of the licensee's FFD Program it was concluded that the licensee was in compliance with, and was meeting the intent of the general performance objectives of 10 CFR Part 26. Several strengths were noted in the licensee's FFD Program including a professional and well trained staff in the site collection facility, a knowledgeable and dedicated corporate and site FFD Program administrator, and senior management support. Procedural requirements and practices at the site collection facility were determined to be positive and adequate.

REPORT DETAILS

1. Persons Contacted

Licensee Employees

- *J. Kloosterman, Manager, Regulatory Compliance
- *L. Lewis, Manager, Technical Training
- *G. Newsome, Director, Site Personnel Relations (FFD Program Administrator)
- *A. Padgett, Manager, Environmental and Radiation Control,
(Representative Plant General Manager)
- *F. Underwood, Corporate FFD Administrator, Carolina Power and Light (CP&L)
- *J. Walker, Jr., Corporate Nuclear Security Manager
- *D. Walters, Senior Personnel and Safety Representative FFD Programs
- *L. William, Manager, Site Nuclear Security and Emergency Preparedness

Other licensee employees contacted during this inspection included security force members, technicians, and administrative personnel.

Other Organizations

- N. Gandy, Registered Nurse, Medical Personnel Pool, Florence S.C.
- S. Keith, Practical Nurse, Medical Personnel Pool, Florence S.C.
- M. Stegner, Registered Nurse, Medical Personnel Pool, Florence S.C.
- M. Young, Commercial Courier Express, Lumberton, N.C.

Nuclear Regulatory Commission

- L. Gardner, Senior Resident Inspector
- K. Jury, Resident Inspector

*Attended exit interview

2. Licensee Written Policy and Procedures

The licensee's Drug and Alcohol Policy, to include an EAP has existed since 1982. The following has evolved from the initial policy; psychological testing, pre-employment background investigation, pre-employment/pre-access/for cause drug testing, finger printing, aberrant behavior training, and "Quality Check" programs. The impact of Part 26 has been random testing, alcohol testing, Medical Review Officer (MRO) review of positive tests, pre-badge testing of contractors, and quality assurance (QA) audits.

The licensee's FFD Program is implemented by Procedure No. FD-003, "Drug and Alcohol Abuse Policy" which is supported by a series of procedures that define the requirements of the FFD Program relative to chemical testing, employee assistance, contractor access, appeals, training,

corporate and site responsibility, records maintenance, and program audits. A FFD Reference Manual defines the licensee's program and employees subject to the program. Review confirmed that the implementing procedures were detailed in scope, contained adequate guidance, and were current.

3. Program Administration

a. Management Responsibilities

Review and observation of routine FFD activities during the course of the inspection revealed that the Site Director of Personnel Relations was assigned the additional responsibility of FFD Program Administrator for the H. B. Robinson Plant. The Site FFD Program Administrator received direction from the Corporate FFD Coordinator relative to FFD policy, and otherwise is responsible to the Corporate Personnel Relations Director.

The Site FFD Program Administrator is assisted in the daily implementation of the FFD Program, by a Project Coordinator in regard to scheduling random FFD tests. Responsibilities were clearly defined and management support for the program was evident. Observation of routine and scheduled activities verified the program's functional efficiency.

b. Resource Allocation

Tours of the licensee's FFD program facilities and discussion with assigned personnel confirmed that adequate staffing and facilities were provided and functioning in a highly efficient manner. The FFD Program Administrator was assigned an assistant who was trained and qualified to act as backup in his absence. The collection facility was staffed with two registered nurses and one practical nurse. All personnel observed demonstrated a high level of competency and professionalism.

The manner in which the collection ability staff received and processed personnel during the collection process was noteworthy. Interviews of personnel undergoing testing, including several employees who had been selected for testing one to eight times previously did not reveal any resentment, disgruntlement or adverse comment relative to the testing process, or the testing program in general.

The collection facility, located in a pre-fabricated building outside the protected area, was sufficient in size, and appropriately equipped to provide efficient collecting, testing and control of specimens. Adequate security for the facility, collected specimens, and associated documentation was demonstrated.

c. Proactive Measures

Upon receipt of a confirmed positive test it is the licensee's policy to conduct a review of the individual's work assignments starting from the day of the test. This review is conducted by a supervisor to determine if there has been any safety impact.

Whenever the registered nurse detects a quantifiable blood alcohol concentration, even if below the .04 percent cut off level, it is the licensee's policy that the nurse will counsel the individual.

For those urine specimens which have passed the preliminary drug test but have low creatinine, the licensee has a "special process" which determines the presence of marijuana and cocaine. Positive presence of illegal substance is referred to the MRO for disposition.

d. Employee Assistance Program (EAP)

The licensee's EAP is designed and implemented to achieve early intervention through confidential assistance by offering assessment, short term counseling and referral services. The licensee had established formal correspondence with each individual provided outside assistance to ensure that notification is made to the licensee by the provider in the event that an employee is evaluated as a hazard to self or to the nuclear facility. A unique feature of the licensee's EAP is a provision for employees terminated as a result of a positive drug screen to have the opportunity for referral. The licensee's Employee Assistance Director, two consultants, and a psychologist are located at the corporate offices in Raleigh, N.C. Representatives of the EAP office are available onsite bi-weekly and can be contacted for assistance via telephone on a daily basis. During an interview of licensee employees at the Robinson Plant, awareness of the EAP was demonstrated by all personnel interviewed.

4. Training/Policy Communications

a. Policy Communication

A FFD Reference manual, entitled Drug And Alcohol Abuse, was made available to all employees as part of the FFD training and awareness program. Review confirmed that the reference manual provided adequate information relative to the licensee's Policy and employee rights under the program.

b. Training

Prior to the effective date of Part 26 the NRC Resident Inspectors witnessed FFD training for employees/contractors and supervisors. During this inspection specific attention was directed towards course curriculum for the training and retraining of supervisors in such

matters as detection of aberrant behavior and the role of the supervisor in referring employees to EAP. A "supervisor" is defined by the licensee as a foreman or an individual who is responsible for the work of others and who evaluates other workers.

A limited sampling of supervisors and employees authorized to perform escort duties were interviewed and found to be knowledgeable of the FFD Program and their inherent responsibilities. It was noted during interviews that the personnel had retained knowledge of, and were very familiar with the FFD Program requirements and responsibilities; which indicates that the training presented was effective.

5. Key Program Processes

a. Notification/Identification/Collection

The licensee's FFD Program Manager located in the General Office provides the site FFD Program Administrator with computer generated randomly selected lists of personnel to be tested via computer terminal. The lists, consisting of primary and alternate selectees for daily testing is provided on a weekly basis and includes approximately two percent of the total number of personnel authorized unescorted access to the site. It was noted that personnel selected for testing on a specific date are re-entered in the selection pool and become candidates for selection on subsequent dates. However, newly badge personnel entered into the system after the weekly random selection is accomplished are not subjected to testing for a maximum period of seven days.

Based upon interviews with randomly selected supervisors and employees, and after witnessing the collection process, the inspector determined that the licensee notifies candidates for random testing no more than two hours prior to their appointment time. The notification is processed through the candidate's immediate supervisor who can excuse the candidate from testing with a documented excuse, leave, vacation, etc. The documented excuse is furnished to the Site Personnel Relations Director (Site FFD Administrator) who on a quarterly basis provides a summary of the supervisor/employee excuse to the appropriate department director so that patterns of abuse will be detected by both the department director as well as the by the Site FFD Administrator.

Upon arrival at the facility, positive identification is verified by the Facility's Medical technicians through use of a photo-identification card. The employee then furnishes a list of those drugs/prescriptions ingested within the last 30 days. The inspector witnessed several randomly selected employees being processed through the intoxilizer and urine collection process and concluded that the testing process was being performed in accordance with the provisions of 10 CFR Part 26, and the licensees' established program. Test results are documented in a permanently bound record book and retained as specified in Part 26, Appendix A, Subpart A.

b. Chemical Testing

The licensee's test and collection facility at the H. B. Robinson Nuclear Plant conducts pre-access and random testing during each routine duty day, and randomly on back shifts, weekends and holidays. During calendar year 1990, the licensee randomly tested 110 percent of the H. B. Robinson Plant workforce. Statistical data reflected that 87.3 percent of the Robinson workforce was tested during the first nine months of calendar year 1991.

As a result of a concern identified as an Inspector Followup Item (IFI) during the FFD Program inspection at the licensee's Shearon Harris Nuclear Plant relative to the infrequency of weekend testing, the licensee had emphasized Saturday, Sunday, and holiday testing at all three nuclear plants.

Based on the licensee's confirmed increase in weekend and holiday testing, IFI 400/91-05-01, which was generic at all three of the licensee's nuclear plants, is closed.

c. Random Selection Process

Each Tuesday, the H. B. Robinson FFD Program Administrator accesses the licensee's mainframe computer bank of employee/contractor data and receives a randomly selected two percent listing of the badged population at the Robinson plant. An individual badged at more than one of the licensee's nuclear plants appears as only one individual on the computer and thus, is on a statistically equal level with a person badge at only one station. The population pool is updated the previous Saturday by the security access computers at each station. Once the random list is obtained it is then provided to the project coordinator who is a part of the site management organization, rather than the site Personnel Relations Office. The Project Coordinator assumes responsibility for the daily notification of shift supervisors. The random list of candidates, both primary and alternate, is then scheduled according to the workforce availability, and testing of candidates on the list is initiated on Wednesday.

d. Sanctions and Appeals

Review and discussion with the FFD Site and Corporate Program Administrators revealed that it is the licensee's policy to terminate employment and to cancel contractor access upon a positive drug test. Contractor access is also cancelled after a positive alcohol test. However, licensee employees are provided an opportunity for first offense rehabilitation after which any subsequent positive alcohol test results in termination.

e. Audit

Review and discussion with FFD Program Administrators revealed that the licensee's "Fitness For Duty" Program was audited by the Licensee's Quality Assurance function during the period of August 13-20 and 26, 1991. The Audit Report No. QAA/2015-91-3, reflected that the purpose of the audit was to assess the adequacy and effectiveness of the Corporate "Fitness For Duty" Program. As defined in the licensee's FFD Program Policies and Procedures, Revision 3, dated July 10, 1991. The audit report noted that within the scope of the audit, the program and its implementation were found to be satisfactory and effective with the exception of three nonconformances (two findings and one concern, related to training and administrative issues). The audit also identified five strengths in the FFD Program. The audit concluded by stating that the licensee's FFD Program was managed effectively, that implementation was consistent at the three license nuclear plants and that the program was well conducted throughout the company. Review and discussion with the FFD Programs Administrators confirmed that appropriate corrective actions had been implemented for the audit findings.

6. Submittals of "Blind Samples"

During the course of the inspection, the Corporate FFD Coordinator informed the inspector that during the 3rd quarter of calendar year 1991, it was discovered that a provision of 10 CFR Part 26 relating to the submission of blind test specimens to the Laboratory for verification testing had been misinterpreted, resulting in a significant reduction in the number of blind samples submitted. He further informed that at the time of discovery, the issue was discussed with the Region safeguards office and the NRR office of primary responsibility for the NRC FFD Program. It was agreed that the provision of Part 26 referenced was vague and misleading, and had been the subject of misinterpretation by several licensees. As a result, a forthcoming revision would provide clarification of the issue. The information provided by the licensee relative to the position of the NRR office of responsibility and the Region II Safeguards function was confirmed with the Region II Safeguards Lead Inspector for the FFD Program. It was further confirmed that the licensee had submitted the appropriate number of blind samples for the 3rd quarter of 1991.

7. Action on previous Inspection Findings (92701)

(Closed) IFI 50-400/91-05-01: Review confirmed that the three licensee facilities had increased the percentage of weekend and holiday random testing.

8. Exit Interview

The inspection scope and results were summarized on October 29, 1991, with those persons indicated in Paragraph 1. The inspector described the areas

inspected and discussed in detail the inspection results listed below. Dissenting comments were not received from the licensee. The licensee was informed that no violations of regulatory requirements were identified during the inspection. Observations and strengths relating to the effectiveness of the licensees' FFD Program were noted, specifically with regard to the well staffed and professionally operated collection facility, the knowledge and dedication demonstrated by the FFD Administrator, and the procedural guidance and policy application provided personnel responsible for implementing the programs. "Chain of Custody" procedures and submission of blind samples were briefly discussed.