

U. S. NUCLEAR REGULATORY COMMISSION  
REGION I

Report Nos. 50-220/91-15  
50-410/91-13

Docket No. 50-220  
50-410

License Nos. DPR-63  
NPF-69

Licensee: Niagara Mohawk Power Corporation

Facility Name: Nine Mile Point Nuclear Station, Units 1 and 2

Inspection At: Oswego, New York

Inspection Conducted: July 9-12, 1991

Inspector: Ronald J. Albert  
R. J. Albert, Physical Security Inspector

08-06-91  
date

Approved by: R. R. Keimig  
R. R. Keimig, Chief, Safeguards Section

8-7-91  
date

Inspection Summary: Initial Fitness-for-Duty (FFD) Inspection (Combined  
Inspection Report Nos. 50-220/91-15 and 50-410/91-13

Areas Inspected: Written policies and procedures, program administration, training, key program processes and on-site collection and testing facility.

Results: Based on selective examination of key elements of Niagara Mohawk Power Corporation's (NMPC'S) FFD Program, it was concluded that, generally, the objectives of 10 CFR Part 26 are being met. Management support for this program was apparent by the modern and spacious collection and on-site testing facilities, and by the caliber of personnel selected to administer the program. The following program strengths and potential weaknesses were identified:

Strengths

1. The licensee exhibited strong upper management support and endorsement of the program.



2. The FFD Program was executed with well written and precise operating procedures.
3. The licensee maintained excellent program documentation.
4. Licensee employees were aware of the Employee Assistance Program (EAP) and expressed trust in using the program.
5. The audit program was effective and comprehensive.

#### Potential Weaknesses

1. When trace amounts of alcohol (levels below .04 percent blood alcohol concentration (BAC) are detected, no determination is made whether the level is rising or if it is falling before unescorted access is continued (see Section 4.0).
2. Although not explicitly prohibited by the rule, company employees are given the option of being interviewed by the Medical Review Officer (MRO) before being tested for cause. This practice may be used as a delay tactic by the employees (see Section 4.0).
3. Two supervisors, with behavioral observation responsibilities, were found not to have been trained within three months of assignment (see Section 6.0).
4. The licensee's policy for testing contractor personnel with infrequent access did not include those personnel unless they had been randomly selected for testing (see Section 7.1).
5. Because breathalyzers share a table and are not separated by partition, the possibility exist that a compromise in confidentiality could concur when two people are tested at the same time (see Section 7.2).



## DETAILS

### 1.0 Key Personnel Contacted

The following personnel attended the exit meeting on July 12, 1991:

#### Licensee

B. Boismenu, Fitness-for-Duty (FFD) Specialist  
J. Burgess, Quality Assurance Technician  
C. Burnell, FFD Security Aide  
P. Carroll, General Supervisor Security Operations  
H. Christensen, General Supervisor Security Administration  
C. Craigmile, Director, Nuclear FFD  
S. French, FFD Supervisor  
G. Gilmer, Security Supervisor  
M. Hedrick, General Employee Training Supervisor  
C. Keane, FFD Specialist  
D. Keeney, Security Compliance  
J. Ryan, FFD Security Aide  
J. White, FFD Security Aide  
N. Zufelt, Security Compliance Specialist

#### Contractor

M. Shanbhag, Quality Assessment Manager, Management Analytical and Technical Services

#### U.S. Nuclear Regulatory Commission

R. Laura, Resident Inspector

The inspector also interviewed other licensee and contractor personnel who did not attend the exit meeting.

### 2.0 Entrance and Exit Meetings

The inspector met with the licensee's representatives at Nine Mile Point Nuclear Station on July 9, 1991, to summarize the purpose and scope of the inspection and on July 12, 1991, to present the inspection findings. The licensee's commitments, as documented in this report, were reviewed and confirmed with the licensee during the exit meeting.



### 3.0 Approach to NRC Review of the FFD Program

The inspector evaluated the licensee's FFD Program using NRC Temporary Instruction 2515/106: Fitness-for-Duty: Initial Inspection of Program Implementation. This evaluation included a review of the licensee's written policies and procedures, and program implementation, as required by 10 CFR Part 26, in the areas of: management support; selection and notification for testing; collection and processing of specimens; chemical testing for illegal drugs and alcohol; FFD training and worker awareness; the Employee Assistance Program; management actions, including sanctions, appeals, and audits; and maintenance and protection of records. The evaluation of program implementation also included interviews with key FFD program personnel and a sampling of licensee and contractor employees with unescorted station access; a review of relevant program records; and observation of key processes, such as specimen collection and on-site screening processes.

### 4.0 Written Policies and Procedures

The inspector determined, through in-office review, that NMPC's FFD policies and procedures generally met the intent of the NRC's FFD rule. The procedures were well written and organized, clearly defined responsibilities and authorities, and gave good guidance on program implementation.

However, the FFD procedures did not address any action to be taken when trace amounts of alcohol, levels below .04 percent blood alcohol concentration (BAC), are detected during alcohol testing. The licensee considers trace amounts of alcohol to be negative test results and, therefore, does not require additional testing or impose conditional unescorted station access. The inspector explained to the licensee that this approach did not assure that the trace amount of alcohol would not rise to or above the cut-off level, .04 percent (BAC), once the individual returned to the protected area.

The licensee agreed to evaluate this aspect of its program. This item will be reviewed during a subsequent inspection.

The licensee's for-cause testing policy gives company employees the option of being interviewed by the Medical Review Officer (MRO), who has authority to overrule licensee management's decision to test for cause, before testing is conducted. While not explicitly prohibited by the NRC's FFD rule, this policy tends to weaken the program, in that, it could be perceived as undermining supervisory behavioral observation responsibilities and be used as a delay tactic by the employees, particularly those suspected of being under the influence of alcohol. The for-cause testing program may be better served if the MRO conducted the interview as soon as possible following a for-cause test.





During a post-inspection telephone conversation, the licensee informed the inspector that the MRO, as part of an interview, had committed not to overrule any management decision to test an individual for cause. This matter will be reviewed during a subsequent inspection.

## 5.0 Program Administration

Following are the inspector's findings with respect to the administration of key elements of the FFD Program.

### 5.1 Delinated Responsibilities

The program is organized to facilitate coordination among the various program elements. This includes the active involvement of the FFD Program Manager who is responsible for all of the key line program elements (e.g., security, MRO, collection and testing staff, the random selection process, and FFD records). The FFD Program Manager reports directly to the Vice President of Nuclear Generation. Interviews with key FFD staff members confirmed that they are cognizant of their responsibilities.

### 5.2 Management Awareness of Responsibilities

Interviews with FFD Program staff and selected supervisors, reviews of procedures, and discussions with licensee management by the inspector indicated that management is aware of its responsibilities under the rule and its particular responsibility within the program. The licensee appeared to be fully committed to the goal of a work place free of drugs and alcohol and their effects.

### 5.3 Program Resources

The licensee appears to be providing adequate resources for effective program implementation. Interviews with FFD Program staff indicated that upper management has been supportive in providing the facilities and personnel that are necessary to carry out the program.

### 5.4 Management Monitoring of Program Performance

The FFD Program Manager exercises effective daily oversight of the program and maintains excellent communications with FFD program staff. The licensee had completed its first and second six-month reports on program performance for calendar year 1990, which indicated little substance abuse among its employees and those of its contractors. The licensee's internal audit program appears to be in-depth and thorough.



### 5.5 Measures Undertaken to Meet Performance Objectives of the Rule

The licensee has provided adequate resources and personnel to meet the performance objectives of the NRC's FFD rule. In regard to a drug-free work place, as stated in 10 CFR 26.10(c), the licensee has integrated station security in the FFD initiative. In addition to security officers being alert for evidence of FFD violations as they perform access control functions and patrol the protected and vital areas, the licensee would conduct a more intensive search of the work place by some means if a situation warranted it.

The inspector also found that the licensee had adequate mechanisms in place to receive and provide "suitable inquiry" information relative to an employee's or applicant's drug or alcohol abuse.

### 5.6 Sanctions

The licensee's FFD policies establish sanctions, as stated in Revision 0 of NDD-FFD, consistent with 10 CFR 26.27(b).

#### 5.6.1 Company Employees

The first confirmed positive drug or alcohol test shall, at a minimum, result in removal of unescorted station access for a minimum of 14 days and referral to the Employee Assistant Program (EAP). A subsequent confirmed positive drug test shall result in revocation of unescorted station access for a minimum of three years. A subsequent confirmed positive alcohol test shall result in immediate suspension of unescorted station access, referral to the EAP for evaluation and rehabilitation and progressive disciplinary action up to and including discharge.

#### 5.6.2 Contractor Employees

The first confirmed positive drug or alcohol test shall result in the suspension of unescorted station access for an indefinite period.

### 5.7 Employee Assistance Program (EAP)

The licensee maintains an EAP that offers assessment, counseling and referral services through both a qualified company staff and through qualified contractor counseling professionals and treatment specialists. The EAP services are available to company employees and their immediate family.



The inspector determined through an interview with the Assistant Coordinator of the EAP Program and with selected site employees that the EAP is well accepted and utilized by the employees for various personal problems. Through conspicuously displayed posters and placards and by attaching fliers to pay checks, the licensee has encouraged use of EAP services.

The inspector found that NMPC has maintained an EAP since 1984. Back then, there was one company counselor to serve about 11,000 employees. At the time of the inspection, the licensee informed the inspector that there were two company counselors to serve about the same number of employees. Some employees who were interviewed by the inspector commented that EAP counselors were not always timely in returning telephone calls to them, indicating that they may be very busy. Given the counselor to employee ratio and the employees comments, the licensee may want to evaluate the adequacy of EAP staffing.

#### 6.0 Training

The licensee's FFD Training Program appeared to be adequate in most respects. Interviews with plant employees, consisting of licensee and contractor supervisory and non-supervisory personnel, revealed that they were generally knowledgeable of the program and the actions and responsibilities that were assigned to them.

The inspector reviewed the licensee's lesson plans and training records. The lesson plans contained the appropriate FFD Program elements, and the records were well maintained. However, it appears that the licensee does not have a good mechanism in place to track behavioral observation training for newly promoted supervisors to ensure that they are trained within three months of appointment, as required by 10 CFR 26.22(c). During a review of a sample of supervisory training data, the inspector found one supervisor who was trained nine months after the date of promotion and another who was trained four months after the date of promotion.

The licensee committed to do a 100 percent audit of supervisors' training records. The audit should identify any other supervisor who received initial training beyond three months of promotion, any supervisor who has been a supervisor for more than three months and has not been trained, and any supervisor who has been a supervisor for less than three months and has not been trained. The licensee also committed to take appropriate action on audit findings. Therefore, supervisory training is considered an unresolved item (UNR 50-220/91-15-01 and 50-410/91-13-01) and will be reviewed during a subsequent inspection.



## 7.0 Key Program Processes

### 7.1 Selection and Notification for Testing

The selection and notification process is conducted in a manner that meets the objectives of the rule. A list of the individuals to be tested randomly is generated by a computer on randomly selected test days from a pool of all individuals with unescorted access to the station. The pool is updated daily, as needed, to account for changes in individuals with station access. Data compiled for the first 12 months of program implementation indicate that the goal of testing 100 percent of station personnel with unescorted access is being achieved. The inspector noted that the licensee conducts random testing on backshifts, weekends and holidays.

Random selection for testing was conducted by use of a computer generated list. At the time of the inspection, only three individuals had access to the random selected process. Notification is conducted through the supervisor of the selected individual. The supervisor establishes whether or not the individual is at the station and then notifies the individual to report to the collection facility at an appointed time. Though not yet proceduralized, the licensee has established 1.5 hours as the maximum time between when an individual is notified and required to report to the testing facility. If the individual does not report at the appointed time, the collection staff will notify an appropriate level of management.

Licensee employees who are not at the station when their names are selected are excused from testing for that day. The licensee has developed a list of excused absences for employees.

The inspector verified that the licensee's FFD Policy includes individuals with infrequent, unescorted station access in the random selection process. However, the licensee did not have a mechanism in place to identify personnel with infrequent unescorted station access who have not been randomly selected for testing. The licensee's practice, with particular regard to contractor employees, does not ensure that personnel with infrequent unescorted station access are covered by both behavioral observation and random testing. The licensee committed to review this matter and take appropriate action. This matter will be reviewed during a subsequent inspection.





## 7.2 Collection and Processing of Specimens

The inspector evaluated collection and handling of specimens by observing licensee personnel go through the collection process. The observations included processing of urine specimens and breathalyzer examinations. The specimens were properly identified, positively controlled, and analyzed according to the laboratory procedure. Use of the breathalyzer equipment was also observed to be proper and in accordance with the licensee's procedure and the NRC's rule.

The inspector observed that the two breathalyzers shared a table and were not separated by partition. This arrangement could compromise confidentiality when two individuals are being tested at the same time. The licensee agreed to evaluate this matter and take necessary action. This matter will be reviewed during a subsequent inspection.

## 7.3 Development, Use and Storage of Records

A system of files and procedures to document the program and to protect personal information has been developed. The inspector examined the security and contents of the files and found them to be adequately secure and current. Access to sensitive information is limited to individuals with a "need-to-know." Additionally, chain-of-custody procedures appear to be followed at all times.

The licensee maintained excellent documentation of its FFD testing program. The documentation was centrally located, well maintained and easily retrievable.

While the licensee maintained an elaborate security system, which included motion detectors, to protect most of its FFD records, the EAP records appeared to be less protected. The EAP records were protected by limited access to an office secured by a controlled hard key and by the records being secured in file cabinets of standard grade and standard single-key locks. The licensee agreed to review this matter and take necessary action. This matter will be reviewed during a subsequent inspection.

## 7.4 Audit Program

The inspector reviewed the pre-award audit of the contracted Department of Health and Human Services (HHS) certified laboratory and the audit of the FFD program. The audits were in-depth, comprehensive and thorough. The audit findings were reported to appropriate levels of management. Where potential weaknesses were identified, they had been corrected or were in the process of being corrected. The licensee's corrective actions appeared to be adequate.



## 8.0 On-Site Testing Facility

The on-site testing facility was centrally located, modern, spacious, well-equipped, and adequately staffed by personnel who displayed a high level of proficiency and professionalism. Access to the facility was well controlled by collection personnel, and visitor access was recorded in a log.

### 8.1 Written Procedures

The licensee had written procedures for key functions and processes. Based on a review and observation of the procedures being implemented, the inspector determined that the procedures were adequate and met regulatory requirements.

### 8.2 Practices

The inspector observed the testing facility activities and determined those activities to be in accordance with the general regulatory requirements. The inspector verified that the licensee's testing meets or exceeds the requirements of 10 CFR Part 26, Appendix A, 2.7(e)(1) and (2).

### 8.3 Quality Controls

The inspector verified that the licensee followed the blind performance test procedures. In addition, quality control measures met the intent of the FFD rule. The licensee splits all urine specimens, does on-site screening, and sends all presumptive positive preliminary tests and blind performance test specimens to an HHS-certified laboratory for further analysis.

The inspector observed that the temperature of the refrigerator used in specimen storage was monitored by collection personnel through a thermometer with an external display. The thermometer is also connected to an alarm which annunciates at the security station. In the event of a prolonged power outage, the licensee has procedures in place to obtain portable generators from local vendors.

### 8.4 Security

The collection and testing facilities are equipped with an intrusion detection security system. The refrigerator where specimens are stored was observed to be locked at all times except when specimens were being transferred.

