

U. S. NUCLEAR REGULATORY COMMISSION

REGION III

Reports No. 50-315/91005(DRSS); 50-316/91005(DRSS)

Docket Nos. 50-315, 50-316

Licenses No. DPR-58; DPR-74

Licensee: Indiana Michigan Power Company
1 Riverside Plaza
Columbus, OH 43216

Facility Name: Donald C. Cook Nuclear Power Station, Units 1 and 2

Inspection At: Donald C. Cook Plant Site, Bridgman, Michigan

Inspection Conducted: February 19-22, 1991

Inspector: James R. Kniceley
James R. Kniceley
Physical Security Inspector

3/1/91
Date

Approved By: James R. Creed
James R. Creed, Chief
Safeguards Section

3/1/91
Date

Inspection Summary

Inspection on February 19-22, 1991 (Reports No. 50-315/91005(DRSS);
No. 50-316/91005(DRSS)).

Scope: This special, announced inspection reviewed the licensee's Fitness-For-Duty (FFD) program required by 10 CFR Part 26. The review was conducted in accordance with Temporary Instruction (TI)2515/106. Specifically, the inspection included the licensee's drug and alcohol abuse policies and procedures; program administration; employee awareness and understanding of the program; selection and notification for random testing; documentation; sanctions and appeals; audits; specimen collection facility and procedures; training program; and reported FFD events.

Results: Based on the selective examination of key elements of the licensee's Fitness-For-Duty Program, it was concluded that the licensee is satisfying the general performance objectives of 10 CFR 26.10. Several program strengths were identified. Program strengths included strong senior management support and oversight; aggressive involvement and quality of the licensee's Quality Assurance FFD audit; active canine program for detection of controlled substances; Employee Assistance Program (EAP) benefits for site contractors; and an aggressive proactive alcohol "Odor Identification" program. Management support for the Fitness-For-Duty program was apparent as demonstrated by the professionalism, competency and dedication of the staff who were involved in the administration of the FFD program.



DETAILS

1. Key Persons Contacted

In addition to the persons listed below, the inspector interviewed other licensee employees and contractor personnel. The asterisk (*) denotes those present at the Exit Interview conducted on February 22, 1991.

- *A. Blind, Plant Manager
- *K. Baker, Assistant Plant Manager
- *L. Matthias, Administrative Superintendent
- *M. Horvath, Site QA Superintendent
- *L. VanGinhoven, Site Design Superintendent
- *E. Kinchelde, Training Superintendent
- *P. Carteaux, Safety and Assessment Superintendent
- *L. Bruno, Human Resources Supervisor
- *M. Jury, Corporate Security
- *W. Hodge, Security Manager
- *J. Labis, Security Department
- *B. Hall, Security Department
- *J. Kauffman, Construction Manager
- *K. Alexejun, Quality Assurance
- *M. Kennedy, Quality Assurance
- *J. Fletcher, Site Manager, Stanley Smith Security
- D. Hills, M.D., Medical Review Officer
- M. Sullivan, Vice President, Personal Performance Consultants, Inc.
- C. Bowen, Site Manager, UE & C - Catalytic

J. Isom, Senior Resident Inspector, NRC Region III

2. Entrance and Exit Interviews (IP 30703)

At the beginning of the inspection, Mr. A. Blind, Plant Manager, and other members of the licensee's staff were advised of the purpose of the visit and the functional areas to be inspected.

The inspector met with the licensee representatives denoted in Section 1 at the conclusion of the inspection on February 22, 1991, and advised the representatives that the inspection had been a selective examination of their fitness-for-duty (FFD) program utilizing TI 2515/106 to determine whether it meets regulatory requirements.

Our review concluded that the FFD program had been effectively developed, implemented, and monitored, and was meeting the general performance objectives of 10 CFR 26.10.

Several program strengths were identified during the inspection. These strengths pertained to (1) strong senior management support and oversight; (2) professional, knowledgeable and dedicated FFD staff; (3) aggressive QA audit and staff; (4) active canine program; (5) extension of company EAP



benefits for site contractors; and (6) aggressive proactive alcohol "Odor Identification" program.

3. Inspection Approach (MC 0610)

By letter dated December 10, 1990, the licensee was notified of the dates and scope of this inspection. They were requested to provide the latest revisions of the required FFD policies and procedures, which were reviewed in-office prior to the onsite inspection. The inspector also reviewed the licensee's semi-annual report of program performance data, for the period ending December 31, 1990. The results of the Resident Inspectors evaluation of the initial training sessions conducted at the D.C. Cook site were also reviewed.

Onsite inspection activities included interviews of the key individuals responsible for program implementation and included, for example: the Medical Review Officer; the Fitness-For-Duty Coordinators; the Employee Assistance Program provider; Quality Assurance FFD auditors; site and corporate FFD staff members; and specimen collection personnel at the D.C. Cook plant. Additionally, 10 randomly selected employees, to include supervisors and non-supervisors, were interviewed.

The inspector also conducted a tour of the onsite specimen collection facility and record storage areas.

Audit reports, training videos, and other FFD related records were also reviewed by the inspector.

4. Written Policies and Procedures (TI 2515/106-05.01c)

The licensee's written policies and procedures were reviewed and compared to the requirements of 10 CFR Part 26 to assure that they were comprehensive and of sufficient clarity and detail to support the implementation of the program.

A written comprehensive policy and procedures for Fitness-For-Duty (FFD) requirements are adequately delineated in the FFD Program Manuals for the Plant, contractors, American Electric Power Service Corporation (AEPSC), and Indiana Michigan Power Company (St. Joseph and Fort Wayne Divisions). A copy of the policy is distributed to each employee and contractor during General Employee Training. Interviews with employees indicated that the policy was effectively communicated through training.

Written procedures were developed which adequately detail responsibilities for important aspects of the program involving, but not limited to, the treatment of presumptive positive tests, selection and notification of individuals for testing, collection and processing of specimens, and the medical review officer's review of tests and notification.



5. Program Administration (TI 2515/106-05.02a)

- a. The overall program administration was effectively monitored with several strengths noted. The Fitness-For-Duty Program coordinators were extremely knowledgeable of program requirements, procedural guidance, and interdepartmental responsibilities. The Security Manager and Human Resources Supervisor are the coordinators for the contractor and licensee FFD programs. These focal points appeared to be effective in resolving FFD issues and had established effective liaison with corporate personnel and supporting departments. A very high level of consistency in FFD program implementation existed between the corporate office and the nuclear station. All FFD staff personnel displayed an excellent knowledge of program requirements and functions. The plant manager reviews every FFD issue which occurs. The program oversight and monitoring by senior management and the FFD staff were considered a program strength.
- b. Program responsibilities are clearly described in the licensee's procedures and major functions have been appropriately assigned. The FFD program administration is centralized at the nuclear site and includes the Corporate office. The Security manager and Human Resources Supervisor ensure that the program is adequately implemented throughout the company.
- c. The key FFD staff members have the necessary training and experience to fulfill their program responsibilities. Key members of the licensee's FFD organization were interviewed by the inspector and found to be very knowledgeable of their responsibilities.
- d. Licensee management support for the FFD program was evident, managers and supervisors share program responsibilities, and an adequate specimen collection facility is available onsite. Corporate security was assigned to perform overall program coordination and monitoring at the corporate facility. The appeals Review Board consists of management personnel and is chaired by the Plant Manager or his designee. If further review is needed, a written appeal can be submitted to the President of Indiana Michigan Power Company who will meet with the employee.
- e. The Medical Review Officer (MRO) was interviewed by the inspector on February 20, 1991. He is a licensed physician in the State of Michigan. He has been involved with the licensee's drug and alcohol program as the MRO since October 1, 1990. He stated that he has been involved in emergency medical and private practice for many years and has attended drug/alcohol abuse conferences and training sessions. The MRO is a part-time licensee employee and maintains an office offsite and is supported by two medically licensed backup MRO's.

The MRO is responsible for determining confirmatory drug test results at or above the cutoff level as positive or negative by evaluation of the disclosures on the consent form, review of medical history of the person tested, verification of prescriptions, and



communications with the person tested. This determination is accomplished within 10 days of completion of the initial presumptive positive test. The MRO stated that his evaluation included a review of chain-of-custody documentation.

6. Worker Awareness (TI 2515/106-05.02c)

The inspector interviewed 10 randomly selected persons, including supervisors, and licensee and contractor employees. The personnel interviewed generally believed that the FFD program deterred drug and alcohol abuse. They believed that the FFD selection process for testing was random in nature, in that supervisors could be selected for testing just as frequently as non-supervisors and that contractors are tested as frequently as company employees. No "safe periods" for drug abuse were identified in that the personnel believed that random testing could be conducted at any time to include backshifts, weekends, and holidays. The licensee personnel interviewed were familiar with the EAP services available to them and believed such services would be provided in a confidential manner. Contractor personnel interviewed indicated that they were aware that they have access to the licensee's Employee Assistance Program for individuals who are denied access for a violation of the FFD program. Completion of the program could provide them an opportunity to have their eligibility for unescorted access restored.

The licensee has had a canine program for detection of controlled substances since September 1982. Workers interviewed believed this was an important deterrent and greatly enhanced the FFD program. The dogs are used to randomly searching vehicles, personnel and plant areas for uncontrolled substances. This has been a very proactive program and is considered a program strength.

7. Program Elements (TI 2515/106-05.02c)

a. Selection and Notification for Random Testing

The Security Manager, Human Resource Supervisor, and site FFD security personnel control the random drug and alcohol testing using procedures identified in the FFD manuals. Random testing is conducted at an annual rate equal to at least 100% of all individuals with unescorted access to the protected area and Emergency Operations Facility (EOF) responders. The list of individuals with unescorted access is continuously updated. Personnel are selected in a statistically random manner so that all personnel eligible for testing have an equal probability of being selected. A person completing a random test is immediately eligible for another random test. The percent of workers selected each week from each established pool is sufficient to obtain an average of 2% per week per pool. Testing is administered on at least a weekly frequency and at various times during the day with limits and conditions on the time allowed for personnel to report to the collection site.

Interviews with FFD personnel disclosed that all personnel in the random selection pools are subject to the same testing criteria regardless of frequency of access to the site. Perceptions of safe periods are countered by testing periodically on backshifts, weekends and holidays.

The licensee has contracted with Behavior Analysts and Consultants (BAC) Palm City, Florida to generate, as needed, the randomly selected identification numbers. These random numbers are telefaxed to the Human Resource Supervisor the afternoon before the testing is to take place. The names of individuals to be tested is generated from the list of numbers at a printer terminal located in the Human Resource Department. Access to the selection lists is limited to FFD staff personnel. The licensee maintains confidentiality of these reports until all testing of personnel on the list has been completed or properly excused from testing based on established criteria. Worker scheduled test dates are completed the day of the selection and workers are not advised of their selection for testing until a few hours before their testing time. Random selection lists are generated on various days of the week and may also be generated two or more times within a week. If workers are absent from work when they are selected for testing, they are not tested but are immediately available to be randomly selected.

The licensee has contracted with Southbend Medical Foundation, Inc., Southbend, Indiana for collection and testing services. Southbend Medical Foundation, Inc. is also the licensee's primary Health and Human Services (HHS) certified laboratory. The licensee has also contracted with Southgate Medical Center, Cleveland, Ohio for backup laboratory services.

The licensee's testing cut off levels are in agreement with or more conservative than 10 CFR 26 requirements. Also, barbiturates and benzodiazepines have been added to the panel of substances for testing. Below are listed the cut off levels that are more conservative than those described in 10 CFR 26 Appendix A.

| Initial test cutoff level (ng/ml) | <u>10 CFR 26</u> | <u>Indiana Michigan Power Co.</u> |
|-----------------------------------|------------------|-----------------------------------|
| Marijuana metabolites..... | 100 | 50 |
| Barbiturates..... | n/a | 300 |
| Benzodiazepines..... | n/a | 300 |

Confirmatory test cutoff levels are in agreement with 10 CFR 26 requirements.

Management actions, when a person fails a more stringent standard, are the same as if the individual failed the NRC standard.



b. Documentation

The licensee has developed adequate systems for documenting the key elements of the FFD program and for assuring the protection of information. The licensee's policy for limiting access to information to those with a clear need-to-know is identified in FFD program manuals. Selection lists, chain-of-custody forms, tests results, the permanent log, and individual FFD files are carefully protected. The design of the various records is adequate to assure that all relevant information is collected and can be retrieved when needed. An inspection of a sample of the records showed them to be legible and complete. Physical security for the records is adequate. Files are kept in locked cabinets. The FFD program personnel were knowledgeable concerning the data storage requirements outlined in the rule.

c. Sanctions and Appeals

The licensee's Policy and FFD Procedures are consistent with required actions identified in 10 CFR 26. These procedures indicate that the first confirmed positive drug test results in denial of unescorted protected area access for a minimum of 14 days and referral to the Employee Assistance Program (EAP). Any subsequent confirmed positive test results in denial of access for three years. Any individual involved in the sale, use or possession of illegal drugs within the protected area will result in the person's denial of access for five years.

Although the rule does not identify sanctions for alcohol the licensee has established sanctions for alcohol that are the same as those identified for a confirmed positive drug test. Should a person be retained after an initial FFD policy violation, sanctions imposed are in accordance with the rule.

In addition to for-cause testing for drug and alcohol, the licensee has implemented an intoxicant "Odor Identification Test" utilizing the breath testing equipment to detect the presence of alcohol. If this test identifies the presence of alcohol at or above the .04 BAC cutoff limit the licensee considers that to be a reasonable suspicion needed to initiate a "For-cause" test. The "For-Cause" test includes both drugs and alcohol. Personnel who test below the .04 BAC cutoff limit are not permitted unescorted access until their BAC level is .000. This was identified by the inspector as a program strength because of the licensee's program and sanctions for alcohol. This program is fully supported by management and has been successful in identifying alcohol usage.

The licensee has contracted with Personal Performance Consultants, Inc. (PPC) for Employee Assistance Program (EAP) services. The EAP is sponsored and paid for by the licensee and is available to all employees, contractors, and their immediate family. The availability of EAP services to contractor personnel is considered a program strength.



The licensee's appeal process for a positive alcohol or drug determination has been established in procedures and meets rule requirements. The MRO notifies the individual of a confirmed positive test results and offers an opportunity to discuss the results prior to notifying FFD management. The individual is given the opportunity to request that the reserve sample be screened and confirmed by the laboratory.

d. Audits

The annual audit required by 10 CFR 26.80 was conducted between February 26, 1990 to November 30, 1990 by the D.C. Cook plant Quality Assurance Department. The audit was conducted to assess the adequacy and implementation of administrative controls and requirements as defined in 10 CFR 26. The licensee devoted approximately 620 hours toward the audit and appears to have an excellent audit program. The QA department conducted a very thorough post-implementation audit which was successful in identifying and correcting program weaknesses. The QA department conducts periodic surveillances of the FFD program in addition to the required annual audit. In addition to policy and procedure reviews, discussions were held with plant and contractor personnel and the MRO's. Training sessions were attended and collection site and laboratory activities were observed. The inspector noted that all corrective actions resulting from the audit have been completed. The weaknesses identified were mostly administrative in nature and did not represent major program deficiencies.

The inspector concluded that the licensee's audit was thorough and successful in identifying and correcting weaknesses in their FFD program. The involvement and quality of the licensee's QA program was considered to be a program strength.

8. Specimen Collection Facility (TI 2515/106-05.02d)

On February 20, 1990, the inspector conducted a tour of the specimen collection facility which is located on the first floor of the D.C. Cook training building. The collection area provided a professional and orderly environment, and was spacious enough for the intended purpose. The collection area and training building are routinely locked when not in use and access to the collection area is recorded on a log. Keys to the collection facility are controlled and access to them is limited to personnel with FFD responsibilities. Adequate security measures were observed.

Effective measures were implemented to prevent subversion of specimens. Blueing agent was used in the toilet facility, and the sink area used for hand washing was easily visible to the personnel performing the specimen collection process.

Administrative forms, such as chain-of-custody forms and the Permanent Record Book, were readily available. Additionally, a locked container was available in the specimen collection area to store collected specimens.

The inspector interviewed the collection personnel during a walk-through of the specimen collection process. The collection personnel were knowledgeable of their duties. Personnel were sensitive to the need to prevent potential tampering with the specimen, and the need to conduct the collection in a professional manner that assures the modesty and privacy of the individual being tested.

Interviews with the FFD personnel confirmed that the specimen collection personnel had background investigations completed using the criteria for unescorted access authorization. Collection personnel are also randomly tested as part of the licensee's FFD program. The collection personnel transport all specimens collected to the laboratory after each day's collection.

9. Training Program (TI 2515/106-05.01a)

The licensee's awareness training conducted prior to the January 3, 1990 effective date of the Rule was reviewed by the Resident Inspectors and evaluated using TI 2515/104. The training was found to be acceptable. During this inspection, a limited sampling of employees and contractors were interviewed and found to be knowledgeable of the FFD Program and their individual responsibilities. The FFD training program is administered by the licensee's training department. The inspector reviewed video tapes that are utilized during the general awareness and supervisory training and found them to be thorough and appropriate for their intended purpose. Also noted was the fact that the EAP Services Coordinator has instructed portions of the training program for the purpose of fostering a better understanding and acceptance of the EAP services.

The inspector reviewed a selected small sample of records to assure that individuals with access to the protected area had received FFD training, and that supervisors had received continuous observation training. It was also determined that a system is in place to identify when refresher training is needed.

All workers interviewed appeared to be generally supportive of the FFD program and its goals. They appeared to have a high level of confidence in the integrity of the onsite collection and testing process and the FFD personnel.

The licensee maintains an Employee Assistance Program (EAP) that is available to all company and contractor employees. Employees are encouraged to use the EAP as needed. A review of usage statistics indicates that employees do make use of the EAP. They appeared confident that their confidentiality would be maintained. Interviews with plant staff indicated both a willingness to use the EAP and a willingness to refer others to the EAP. Availability of the EAP program to contractor personnel is considered a program strength.



10. Reported FFD Events (TI 2515/106-05.01a)

Program performance data required by 10 CFR 26.71(d) for the periods between January 3 and June 30, 1990, and July 1 and December 31, 1990 was reported to the NRC by letters dated August 15, 1990, and January 28, 1991. The performance data included the licensee's corporate office and nuclear station.

For the two reporting periods for 1990, the licensee conducted 1065 random tests of company employees with an average 953 licensee employees with unescorted access. This represents an annual test rate of 111%. For contractors, 1465 random tests were taken with an average of 1414 contractor employees with unescorted access. This represents an annual test rate of 103%. The licensee conducted a total of 5379 tests of which 98 tested positive for drugs or alcohol. Of the 98 positive tests, 69 were alcohol related and were mainly contractor personnel.

The licensee's testing rate and reports appear adequate to meet the requirements of 10 CFR Part 26.

