

U.S. NUCLEAR REGULATORY COMMISSION

REGION III

Report No. 50-255/88003(DRSS)

Docket No. 50-255

License No. DPR-20

Licensee: Consumers Power Company
212 West Michigan Avenue
Jackson, MI 49201

Facility Name: Palisades Nuclear Plant

Inspection At: Palisades Site, Covert, Michigan
NRC Region III, Glen Ellyn, Illinois

Inspection Conducted: October 22-23, 1987 onsite
January 7-27, 1988 in NRC Region III Office

Date of Previous Physical Security Inspection: April 21 through May 29, 1987

Type of Inspection: Special Allegation Review

Inspectors: G. L. Pirtle
G. L. Pirtle
Physical Security Inspector

2/11/88
Date

G. L. Pirtle
for B. Drouin
Physical Security Inspector

2/11/88
Date

Reviewed By: J. R. Creed
J. R. Creed, Chief
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2/16/88
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2/16/88
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Inspection Summary

Inspection between October 22, 1987 and January 27, 1988 (Report No. 50-255/88003(DRSS))

Areas Inspected: Special inspection pertaining to four allegations relating to the licensee's Fitness For Duty program. The allegations included: (1) some plant personnel on the midnight shift were abusing drugs or alcohol and

would be advised by an anonymous person not to come to work on October 20, 1987; (2) selection of personnel for drug/alcohol testing on October 20, 1987 was not conducted on a random basis; (3) existing controls for urine sample collection could allow substitute samples being provided for testing purposes; (4) testing for alcohol use was not completed in a timely manner during Fitness For Duty testing conducted on October 20, 1987.

Results: The licensee complied with the provisions of their Fitness For Duty (FFD) Policy and Procedure during testing conducted on October 20, 1987. The allegation that personnel were not randomly selected for FFD testing was substantiated, but the licensee's FFD Policy and Procedure does not require "random" selection of personnel. Observations were noted which would strengthen controls to further prevent the possibility of providing substitute urine samples during FFD testing. The licensee's criteria in reference to initiating an investigation for drug abuse allegations were considered lenient. The licensee has been requested to respond to the observations pertaining to urine sample collection controls and investigation criteria for drug related allegations.

DETAILS

1. Key Persons Contacted

- *W. Mosher, Medical Administrator, Corporate Office, Consumers Power Company (CPCo)
- D. Smith, Human Resources Director, Palisades Plant, (CPCo)
- *D. Nickel, Human Resources Supervisor, Palisades, (CPCo)
- *K. Berry, Director, Nuclear Licensing, (CPCo)

The asterisk (*) denotes the licensee management personnel present during the telephone Exit Meeting conducted on January 27, 1988.

2. Exit Meeting

A telephone exit meeting with the personnel denoted in Section 1 above was held on January 27, 1988. The licensee representatives were advised that NRC Region III had completed review of four allegations received on October 20-21, 1987. They were advised of the specific allegations and our tentative conclusions as described in Section 3 of the Report Details. They were further advised that the inspection findings were subject to NRC Region III management review and that the final inspection report would contain the formal perspective of the inspection results. Finally, they were advised that the inspection report would be placed in the NRC Public Document Room.

The licensee representatives acknowledged the inspector's comments. No questions or discussion items changed the tentative conclusions described to the personnel.

3. Investigation - Allegation Review: The following information, provided in the form of allegations, was reviewed by the inspectors as specifically noted below:

- a. Background: (Closed) Allegation No. RIII-87-A-0139. On October 20, 1987, an anonymous person called the NRC Senior Resident Inspector (SRI) and asked if the midnight shift would be subject to Fitness For Duty (FFD) drug and alcohol testing. When the SRI advised the person that he did not know, the individual stated that he (person who called) knew some guys that were "dirty" (drug or alcohol abusers) that might not want to come to work that night. FFD drug and alcohol testing had been initiated onsite on October 20, 1987, prior to the person's call to the SRI. The allegation implied that some personnel working the midnight shift were drug or alcohol abusers.

On October 21, 1987, the SRI and another NRC inspector were approached by three personnel who provided the following allegations:

- (1) Three of nine millwrights were randomly selected to be tested, but only 10 of 60 pipefitters were tested. Of the ten pipefitters tested, at least three of them were being laid off

the same day the FFD testing was being performed. Additionally, the selection of pipefitters was done by supervisors and not performed on a truly random basis.

The implied allegation was that the random FFD testing was not conducted as required by the licensee's policy and procedure.

- (2) Testing for the presence of alcohol was not conducted in a timely manner. The persons stated that such testing was not conducted until 3 p.m. even though the shift being tested started work at 6:30 a.m.
- (3) No patdowns or visual surveillances are performed of personnel providing urine samples. One of the individuals recounted being allowed to wear bulky objects into the toilet facility where the urine sample was provided. The implication was that the licensee failed to implement adequate urine sample collection controls to prevent substitute urine samples being provided for FFD testing.

A Physical Security Inspector was onsite during the time the allegations were received and initiated additional followup action, to include interviews with two of the three persons who had talked to the SRI and another NRC inspector on October 21, 1987. The inspector did not interview the third individual since sufficient information had been obtained to clarify the details of the allegations. The security inspector also interviewed the licensee's Medical Administrator (MA) and the Human Resources Director (HRD) in reference to the allegations. During the interview process, the persons providing the allegations would not identify anyone who could have been using drugs offsite. They also stated they were not aware of any alcohol beverages consumption or drug use onsite and that they believed that no one worked onsite under the influence of drugs or alcohol and that the work place was safe.

- b. The specific allegations, NRC review actions, and conclusions are addressed below:

- (1) Allegation: Personnel were not randomly selected for FFD testing on October 20, 1987.

NRC Review Action: The inspector's review of the licensee's "FFD Policy and Procedure" and interviews with the Human Resources Director (HRD) and Medical Administrator (MA) developed the following information.

There is no licensee FFD Policy and Procedure requirement to randomly select personnel for FFD testing. The "Employee Testing" section of the licensee's FFD Policy requires that tests be given at least every six months and without any advance notice. There is no specific testing requirement for contractors in the FFD Policy, other than contractors being subject to testing anytime the licensee is conducting a FFD test at their nuclear plants.

There was a deviation however, from the "practice" normally used to select personnel during the October 20, 1987 FFD testing. Onsite interviews with the Palisades Human Resources Director (HRD) and the CPCo Medical Administrator disclosed that the October 20, 1987 test was no-notice. Normally, the HRD employs the unescorted access badge list and begins at the front of the list or at the back of the list to select the personnel to be tested. The personnel are normally selected consecutively from either direction on the list until the maximum number of tests for that particular day are obtained. If an individual who has been selected is not at work, there is no retest requirement for that individual (Section V, FFD Procedure).

Because the October 20, 1987 FFD test was the first to be conducted during a plant outage, the HRD deviated from the usual selection practice. He allocated the total number of FFD tests to be administered between all the contractors on site. The System Engineer Representative (CPCo employee) was given the allocation for each contractor and instructed to coordinate with contractor management to obtain the required number of personnel. The HRD deviated from the usual selection practice to minimize the impact of FFD testing on critical path outage requirements.

The System Engineer (SE) coordinated with the individual contractor management representatives to obtain the allocated number of contractors during a specified time period. Contractor management selected the personnel to be tested rather than the HRD.

Conclusions: The allegation was substantiated because contractor personnel were not selected "randomly." However, there is no FFD Policy and Procedure requirement to select personnel on a random basis. The decision to deviate from the former "practice" of the HRD selecting the personnel for testing appears warranted to prevent interruption of plant outage critical path items since there was no information available to the HRD of potential drug/alcohol abuse at the time the selection process was initiated.

- (2) Allegation: Testing for alcohol use while onsite was not timely when FFD testing was conducted on October 20, 1987. Personnel were not tested for being under the influence of alcohol until 3 p.m. on October 20, 1987.

NRC Review Actions: Onsite interviews with the Human Resource Director (HRD) disclosed the following information pertaining to the allegation.

The HRD stated that the System Engineer Representative was instructed to provide a certain number of contractor personnel at the test site (Admin Building) at specified time periods. The personnel and times were selected to minimize the impact of FFD testing on plant outage operations by providing a constant, but controlled, flow of personnel to be tested. Selected personnel were tested for both the presence of alcohol and provided urine samples before being released back to their job site. Testing began in the morning with those selected in the morning providing urine samples and being tested for the presence of alcohol. Those being tested in the afternoon followed the same pattern. The testing was for routine screening purposes and no one tested was suspected of alcohol or drug abuse.

The allegeders did not realize that the tests of personnel at 3 p.m. were a function of the time slot given to a contractor by the SE.

Conclusion: The allegation was not substantiated. Some personnel were, in fact, not tested until 3 p.m. However, many more personnel were being tested throughout the day for the presence of alcohol and were done much earlier. Although some tests were not done until 3 p.m., the tests were timely within the limits and context of the program. None of the testing for presence of alcohol was based on suspected alcohol abuse. If such testing had been "for cause," it would be conducted in a more timely manner.

- (3) Allegation: Adequate procedures have not been developed to prevent substitution of urine samples during FFD testing. No patdown of personnel and/or visual surveillance of personnel providing urine samples is performed. Bulky items of clothing can be worn in toilet facilities during FFD testing.

NRC Review Actions: NRC inspectors observed FFD testing on October 20, 1987 and interviewed the Medical Administrator (MA) and Human Resources Director (HRD) in reference to the allegation.

The licensee's FFD Policy and Procedure does not require the direct observation of voiding by the tested individual. The procedure requires that a nurse be positioned at the entrance to the rest room to control egress/ingress and to monitor restroom activity. Portions of the test process were observed by NRC inspectors for the October 20, 1987 test.

Most of the tested personnel reported directly from their job site to the test site wearing coveralls and heavy outer garments. Since they were not escorted or under supervision from the time they were notified until they reported to the test site, it is possible that they could have obtained a urine sample from someone else. The substitute sample could have been

at relative body temperature, the substitution would be effective since the urine sample container is only hand-checked for warmth by medical personnel. Followup interviews with the MA disclosed that the medical personnel at the test site also check the urine specimens for color in addition to warmth.

Interviews with the MA on January 19, 1988, disclosed that he thought personnel entering the toilet facilities were required to leave bulky clothing items outside of the toilet facilities. However, an interview with the Human Resources Supervisor (HRS) at the Palisades Plant on January 20, 1988 showed that personnel may or may not enter the toilet facilities wearing bulky clothing. The HRS was not aware of any program or procedural requirements that requires bulky clothing items (coveralls, coats, etc.) to be removed prior to entering the toilet facilities. Both personnel advised the inspector that a nurse remains within the toilet facility, but does not observe the voiding process, and the urine sample is checked for temperature and color immediately after voiding. The MA advised the inspector that they were considering the use of an infrared thermometer for urine sample temperature checks to further decrease the likelihood of sample substitution.

A concern was developed by the onsite inspector and involved the substitution of another individual to be tested in place of the person who had actually been selected.

The existing FFD Policy and Procedure does not address the positive identification of contractor personnel to be tested. Each individual who is selected is required to print his name, badge number and social security number in the log book prior to being FFD tested. Licensee employees use a licensee identification card for positive identification. However, contractor employees only fill in the appropriate blocks in the log book without being positively identified.

Conclusion: The allegation was partially substantiated, however, the licensee met the current program requirements. Personnel providing urine samples for FFD testing are not subject to patdown searches prior to entering the toilet facilities and there are no programmatic restrictions on wearing bulky clothing into the toilet facilities. Additionally, contractor personnel are not positively identified during the testing process. Collectively, the above factors could potentially allow a substitute urine sample to be provided for FFD testing purposes. However, such substitution would be very difficult to implement and the licensee's program requirements were being complied with.

The possibility of urine sample substitution would be further significantly reduced by prohibiting bulky clothing items being worn in the toilet test facility when a sample is provided, and by positively identifying contractor personnel selected for the FFD tests. The licensee will be requested to respond in writing to these concerns (255/88003-01).

- (4) Allegation: On October 20, 1987, an anonymous allegor indicated that some personnel working the midnight shift were drug and/or alcohol abusers and would be advised by an anonymous person not to report to work on October 20, 1987, because of FFD testing.

NRC Review Actions: The vagueness of the allegation precluded review of specific cases. Neither the names of personnel allegedly using drugs or alcohol during the midnight shift were provided, nor were the personnel identified as licensee or contractor employees.

The extent of FFD testing performed by the licensee after being advised of the allegation was reviewed by NRC Region III to determine compliance with the licensee's program, since individual test results could not be reviewed due to insufficient information provided by the allegor.

Interviews with the MA on January 19-20, 1988 showed that between October and December 1987, eight shifts were tested during six separate testing dates as indicated below:

October 20, 1987 - Day shift
November 2, 1987 - Day shift
November 10, 1987 - Day shift
December 1, 1987 - Day shift
December 8, 1987 - Midnight and Day shift
December 10, 1987 - Day and Evening shift

A total of 794 personnel (492 licensee employees and 302 contractors) at the Palisades plant were tested between October and December, 1987. Positive test results for drug use were noted for 16 personnel (2 licensee employees and 14 contractors) for an "overall" positive test result rate of two percent. However, .4 percent of licensee personnel, and 4.6 percent of contractor personnel tested positive. The low positive test results for licensee personnel resulted in the "overall" low positive test results. No contractor personnel tested during the midnight shift had positive test results.

Interviews with the HRS at the Palisades Plant on January 19, 1988 disclosed that the appropriate supervisor is advised of all positive FFD test results. The individual's unescorted site access is revoked when the licensee is advised of the positive test results. Personnel with positive FFD test

results who work on plant equipment have their work record reviewed and if safety-related equipment is involved, the individual's work is reviewed and the results of the review are documented and maintained on file.

Interviews with the HRS and MA on January 19, 1988, disclosed that both of them had received information provided to the Senior Resident Inspector about an anonymous caller who stated that if FFD testing was going to be conducted during the midnight shift on October 20, 1988, he (the caller) knew some guys that were "dirty" that might not want to come to work that night.

The HRS and MA stated that they did not consider the information as an allegation and no specific actions were initiated because of the information. Reasons for not taking any specific actions included: (1) the vagueness of the information received; (2) their knowledge that extensive no-notice FFD testing would be continued during the remainder of the calendar year; and (3) investigations of suspected drug/alcohol abuse were normally initiated only if alleged drug abusers names were provided, and/or specific information was received that could allow reasonable assurance that an investigation or inquiry could produce results.

Conclusions: The specific implied allegation could not be addressed because of the vague nature of the information received and the licensee's inaction to attempt to develop more information pertaining to the implied allegation. No drug screening tests were done for the midnight shift on October 20, 1987. Absence of backshift personnel on October 20, 1987, without drug test results for comparison purposes, prevents linking such absence to possible drug abuse. Such absence with the vagueness of the allegation would not constitute "probable cause" and testing under the licensee's program criteria. Therefore, the allegation pertaining to alleged drug abusers on backshifts being notified not to come to work was not further addressed. No personnel tested on the midnight shift on December 8, 1987, tested positive; however, the testing was done approximately six weeks after the implied allegation was received.

The licensee's informal guidelines for drug abuse investigations, as described by the MA and HRS, appear too lenient to achieve the Commission's goal of "effective monitoring and testing procedures to provide reasonable assurance that nuclear power plant personnel with access to vital areas are fit for duty" (Extract from Commission's Fitness For Duty Policy Statement). In reference to this specific allegation, it is obvious that the allegation was vague and implied, but nonetheless, an allegation of drug use by personnel working the midnight shift. Such information appears to have warranted "some" action by the licensee, if only an attempt to develop additional information to have a further basis to make a management decision, or advisement of shift supervisors of the potential problem.

The guidelines pertaining to drug abuse investigations require review by licensee management to preclude automatic dismissal of allegations that do not provide identification of personnel. (255-88003-02)

4. In a related matter, a joint NRR and Region III inspection of the licensee's Fitness For Duty program was conducted between August 24-28, 1987. The results of that inspection are addressed in NRC, HQ Inspection Report No. 50-255/87-21, dated November 8, 1987. The licensee was required to respond to the inspection report observations. The NRR Staff will monitor followup actions regarding observations addressed in the inspection report. NRC Region III will monitor followup actions for the two observations noted in this inspection report.

The licensee's actions pertaining to observations in this report and NRR, Inspection Report No. 50-255/87-21 will apply to the Fitness For Duty programs at both of the licensee's sites (Palisades and Big Rock Point) since the FFD program is a Corporate developed program applicable to both nuclear plants.