U.S. NUCLEAR REGULATORY COMMISSION

REGION III

Report No. 50-255/90029

Docket No. 50-255 License No. DPR-20

Licensee: Consumers Power Company
1945 West Parnall Road
Jackson, MI 49201

Facility Name: Palisades Nuclear Power Plant

Inspection At: Palisades Plant, Covert, Michigan

Inspection Date: October 16-19, 1990

Inspector: J. R. Kniceley 11/5/90
J. R. Kniceley Date
Physical Security Inspector

Approved By: James R. Creed 11/5/90
James R. Creed, Chief Date
Safeguards Section

Inspection Summary

Inspection on October 16-19, 1990 (Report No. 50-255/90029(DRSS))
Scope: This special, announced inspection reviewed the licensee's fitness-for-duty program required by 10 CFR Part 26. The review was conducted in accordance with Temporary Instruction 2515/106 (TI). Specifically, the inspector evaluated the licensee's drug and alcohol abuse policies and procedures, implementing organization, worker awareness of program, random testing program, collection and testing facilities, training, and fitness-for-duty (FFD) event reporting.
Results: Based on the NRC's selective examination of key elements of the licensee's Fitness-for-Duty Program, it was concluded that the licensee is satisfying the general objectives of 10 CFR Part 26.10.

However, as identified through a licensee audit, the licensee's fitness-for-duty program was significantly discrepant for several months after the January 3, 1990 required implementation date. These discrepancies, which are being addressed in a separate inspection report (No. 50-155/90020(DRSS), 50-255/90027(DRSS)), revealed weak initial management oversight of the program and training of key FFD staff.

DETAILS

1. Key Persons Contacted

In addition to the persons listed below, the inspector interviewed other licensee and contractor employees. The asterisk (*) denotes those present at the Exit Interview conducted on October 19, 1990.

*G. Slade, Plant Manager, Consumers Power Co. (CPCo)
*J. Dorr, Safety and Health Director, CPCo General Office
*J. Smith, FFD Administrator, CPCo General Office
*J. Griggs, Human Resources Director, CPCo
D. Nickel, Human Resources Supervisor, CPCo
*N. Fowler, Senior Human Resources Specialist, CPCo
R. McCaleb, Quality Assurance Director, CPCo
J. Kuemin, Plant Safety and Licensing, CPCo
*S. King, Human Resources Advisor, CPCo
*D. Denoff, Plant Safety and Licensing, CPCo
*S. Cote, Property Protection Superintendent, CPCo
E. Helbing, M.D., Medical Review Officer, Health Care Directions, Inc.
T. Allen, Vice President, Health Care Directions, Inc.
M. Allen, Director, Health Care Directions, Inc.
K. Hart, Director, Occupational Health Centers of America, Inc.
*K. Wallace, Nuclear Security Coordinator, CPCo
*K. Haas, Radiation Services Manager, CPCo
*T. Palmisano, Administration and Planning Manager, CPCo
*V. James, Human Resource Administrator, CPCo
*E. Zienert, Human Resource Director, Big Rock Point
*J. Petro, Quality Engineering Section Head, CPCo

*J. Heller, Senior Resident Inspector, NRC Region III

2. Entrance and Exit Interviews

At the beginning of the inspection, Mr. G. Slade and other members of the licensee staff were informed of the purpose of this visit and the functional areas to be examined.

The inspector met with the licensee representatives denoted in Section 1 at the conclusion of the inspection on October 19, 1990, and advised the representatives that this inspection had been a selective examination of their fitness-for-duty program utilizing TI 2515/106 to determine whether it meets regulatory requirements. They were further advised that because this was a new inspection initiative, all findings would be further reviewed by both Region III and NRC Headquarters' management subsequent to the exit interview.

Our review concluded that the licensee's program is currently satisfying the general objectives of 10 CFR Part 26.10.

The licensee representatives were advised that many of the findings identified in their QA audit report represented potential violations of 10 CFR Part 26 and these findings will be addressed in a separate inspection report.

The quality of the licensee's Quality Assurance audit of their FFD program was considered a program strength. Early involvement of the Quality Assurance Department enabled the licensee to presently meet program objectives.

3. Inspection Approach (MC 0610)

On September 28, 1990, at the Big Rock Point Exit meeting, the licensee was notified of the dates and scope of this inspection. They had already provided 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 semiannual report (January 1-June 30, 1990) of program performance data. The results of the Resident Inspector's report which described his observation of the FFD training sessions were also reviewed.

Onsite inspection activities began with interviews of the key individuals responsible for program implementation and included, for example: the Medical Review Officer, EAP provider, FFD Administrator, Human Resources Director, and plant management. Inspection activities also included interviews with employees, collection personnel and other contractors regarding their understanding of program requirements and protections.

The inspector conducted a tour of the onsite collection and record storage facilities as appropriate. The inspector examined the security and contents of the files and found them to be adequately secured and current. Access to these files is limited to the FFD personnel.

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

The licensee's written FFD 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 communicate duties and responsibilities and to support the implementation of the program.

A written, comprehensive policy on fitness-for-duty was found in Consumers Power Company's employee Fitness-for-Duty Policy (FFD-PO-01) Revision 3, dated January 3, 1990. Copies of the policy were posted in hallways in a manner that made easy access to the policy. In addition, each employee had been given a copy of the policy. Interviews with employees indicated that the policy was effectively communicated through training.

Written procedures were developed which adequately detailed responsibilities for important aspects of the program involving: presumptive positive testing, collection and processing of specimens, onsite collection, and Medical Review Officer's (MRO) review and notification.

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

The program responsibilities are described in the licensee's procedures. There appear to be no gaps in the assignments of responsibilities. Consumers Power Company Human Resource Department has the responsibility for FFD program implementation and management. The FFD administrator reports to the Corporate Health and Safety Director. The site Human Resources Director is responsible for implementation of the FFD program and reports to the Plant Manager. Management appears to currently be devoting adequate attention to monitoring the program performance.

All FFD program personnel had a clear understanding of their own responsibilities. All of the personnel interviewed showed an understanding of the details of the program. The licensee has trained additional backup personnel to maintain adequate human resources.

The licensee has contracted with Occupational Health Centers of America, Inc., St. Joseph, Michigan, for Employee Assistance Services (EAS) which is available for Consumers Power employees. Employees are encouraged to use the EAS as needed. Interviews with plant staff indicated both a willingness to use the EAS and a willingness to refer others to the EAS. Prior to rule implementation, the EAS had been used to successfully refer and monitor personnel needing EAS services. EAS services are not provided by Consumers Power to contractor employees.

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

The inspector conducted twelve interviews of licensee and contractor employees. The individuals had a good understanding of the FFD policy and the program elements that relate to them. Those interviewed indicated support for the program and mentioned that they believed that a safer work environment was created because of the FFD program.

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

a. Random Testing

The random selection process was adequate to assure a random selection of individuals for testing. Selection was conducted once a week on different days using a computer generated random list taken from a pool of all individuals with unescorted access to the protected area and EOF responders. The list of individuals with unescorted access is continuously updated. Dates for collections are selected on a monthly basis and provided to the collection contractor so they can schedule their personnel accordingly. The site Human Resources Director takes the generated list from the computer and notifies the individual's department supervisor who notifies the individual to report for testing. When corporate personnel or other satellite site personnel are selected, one of the collection personnel drives to the site and collects the specimen. When personnel are selected but are not available for testing, the individual is returned to the pool and not tested at that time. When off-site contractors with infrequent site access are selected, and are not available for testing, their badges are tagged for testing when they visit the site.

Consumers Power Company has presently contracted with one HHS certified laboratory, South Bend Medical Foundation, Inc., South Bend, Indiana. The licensee's collection personnel, Health Care Directions, Inc., have contracts with several HHS certified laboratories should the need arise for the services of a second laboratory. The licensee plans on contracting with a second laboratory in the near future.

The licensee's testing cut off levels and substances for testing are identical to those required in 10 CFR 26.

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 has a general policy of limiting access to information to those with a clear need to know. 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 of the records is adequate. Files are kept in locked cabinets and the rooms are locked when not attended. The FFD program personnel were knowledgeable concerning the data storage requirements outlined in the rule.

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 result and offers an opportunity to discuss the results prior to notifying the FFD manager.

The individual is given the opportunity to request that the aliquot be screened and confirmed by an independent laboratory.

Contractor employees who have been denied access based upon the first confirmed positive drug test are not allowed subsequent access to Consumers Power plants.

c. Sanctions and Appeals

The licensee's policy and procedures are consistent with required actions identified with 10 CFR 26. These procedures indicate that the first confirmed positive test results in denial of access for a minimum of 14 days and referral to the 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 be denied access for five years and discharge.

The first occurrence of an identified violation of the alcohol abstinence period results in the same sanctions as for drugs.

Repeated occurrences of positive alcohol tests will result in more serious disciplinary actions, up to and including discharge.

d. Audits

The licensee appears to have an adequate audit program, based primarily on audits by its own QA department. The QA department conducted a post-implementation audit of certain portions of the FFD program which was successful in identifying and correcting a number of significant program violations and weaknesses. The audit revealed that portions of the FFD rule were either not addressed or were implemented contrary to NRC guidance. Management oversight of program implementation would have been significantly enhanced had this audit been completed prior to the effective date of the FFD rule. A separate review of the licensee's audit was performed by the inspector and will be documented in a separate inspection report. The quality of the licensee's QA program in the area of FFD was considered to be a program strength. The licensee plans on auditing the remaining portions of their FFD program in October 1990.

8. Sample Collection/Testing Facility (IP 2515/106-0502d)

Consumers Power Company has contracted with Health Care Directions, Inc., Holland, Michigan, for MRO and specimen collection. All collected specimens are sent to a HHS certified laboratory (South Bend Medical Foundation, Inc., South Bend, Indiana) for both initial and confirmatory tests. Quality control measures for the testing and collection process were observed and reviewed and determined to be adequate. These measures include access control procedures, cut-off levels, chain-of-custody, blind performance tests, and courier services.

Review of personnel files and interviews showed that the contractor collection personnel are well qualified. During the walkthrough of the collection process, the inspector noted that program personnel followed the required procedures carefully and professionally. Care was taken to explain the process to the individual, to obtain the necessary signatures, to obtain information on prescription drugs being used, to assess the specimen for indications of tapering, and to initiate the chain-of-custody process. Specimens were properly packaged, labelled, and stored adequately in preparation for shipment.

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

The inspector did not directly observe any FFD training, but did review selected curriculum and the results of the review of the FFD training program sessions which were attended by the senior resident inspector. The senior resident inspector, using TI 2515/104, evaluated the licensee's FFD training for supervisors. The FFD training appeared to be effective as evidenced by the employees' knowledge and support for the FFD program. Interviews with plant staff indicated knowledge of the rule and their responsibilities. Supervisors appeared to understand their special responsibilities and to have both the skills and motivation to use their training.

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 collection and testing process and the FFD personnel.

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

There have been no events required to be reported to NRC. The licensee has recently submitted their six-month report on program performance required by 10 CFR 26.71(d). The licensee has experienced 40 confirmed positive drug tests since the effectiveness date of implementation of the rule. Of the 40 positive drug tests, 35 were due to pre-access testing and 5 were due to random testing. None of the personnel who tested positive were supervisors. The submitted licensee report appeared adequate.