

APPENDIX B

U.S. NUCLEAR REGULATORY COMMISSION
REGION IV

NRC Inspection Report: 50-382/91-04

Operating License: NPF-38

Docket: 50-382

Licensee: Entergy Operations
P.O. Box 8
Killona, Louisiana 70066

Facility Name: Waterford-3

Inspection At: Taft, Louisiana

Inspection Conducted: February 5-8, 1991

Inspector:

M. Linda McLean
M. Linda McLean, Physical Security Specialist
Nuclear Materials and Safeguards Inspection
Section

3/13/91
Date

Approved:

Charles L. Cain
Charles L. Cain, Chief, Nuclear Materials and
Safeguards Inspection Section

3/14/91
Date

Inspection Summary

Inspection Conducted February 5-8, 1991 (Report 50-382/91-04)

Areas Inspected: Special, announced inspection of licensee's fitness-for-duty (FFD) program, required by 10 CFR Part 26. This inspection 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: program administration and management support, selection and notification for testing, collection and processing of specimens, FFD training and worker awareness, the employee assistance program, management actions and sanctions, appeals, audits, and maintenance and protection of records. The review of the program implementation involved interviews with key FFD program personnel and a sampling of the licensee's employees and contractor personnel with unescorted access, a review of relevant program records, and observation of key processes, such as specimen collection.

Results: Based upon NRC's selective examination of key elements of the licensee's FFD program, it has been concluded that the licensee is satisfying the general objectives of 10 CFR 26.10.

The inspection identified many program strengths. The dedication and professionalism of the FFD staff is a strength that has greatly contributed to the licensee satisfying the general objectives of the FFD rule. The quality of the collection site and the related equipment is a good indication of management support for this program. Support for the program was also exhibited by employees during the interview process. Other program strengths are described in the "details" section of this report.

Two violations were identified as summarized below:

1. A violation of 10 CFR 26.22(c) was noted in that supervisors of contractors were not provided appropriate training prior to being granted unescorted access (see paragraph 4).
2. A violation of 10 CFR Part 26, Appendix A, Subpart B, Section 2.4(g)(18) was noted in that two breath specimens were not collected for each screening test during 1990, and January 1991, if the first specimen result was 0.000 (see paragraph 6).

In accordance with Section V.G.1 of the NRC's Enforcement Policy (10 CFR Part 2, Appendix C), this violation was not cited.

DETAILS

1. Persons Contacted

Waterford-3

- *R. G. Azzarello, Director, Engineering
- *R. W. Lailheugue, Administrative Manager
- *D. F. Packer, Manager, Operations and Maintenance
- *A. S. Lockhart, Manager, Quality Assurance (QA)
- *C. J. Toth, Training Manager
- *A. D. Haase, Superintendent, Security
- *R. F. Sumicek, Supervisor, Personnel Assurance
- *K. T. Walsh, Event Analysis and Reporting Supervisor
- *T. J. Gaudet, Operational Licensing Supervisor
- *R. L. Sears, Nuclear Security Coordinator
- *B. R. Loetzerich, Operational Licensing
- J. A. Ory, Associate Analyst, Personnel Assurance

NRC

- *S. D. Butler, Resident Inspector

- *Attended exit interview.

The inspector also interviewed other licensee and contractor personnel during the course of the inspection.

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

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. Written procedures had been developed which adequately detailed responsibilities for important aspects of the program involving random selection and notification, specimen collection, testing for cause, appeal process and procedures, followup testing, and the role of the medical review officer (MRO).

Nuclear Operations Department, Fitness-for-Duty Program NOP-021, has served as the program's policy statement as well as the recently issued "Statement of Policy" signed by the president and chief executive officer of Entergy Operations, Inc. Procedures were found under nuclear operations administration documents, and were the prime directives for implementing the FFD program at Waterford-3. The policy and procedures addressed the FFD organizational responsibilities, random chemical testing, testing for cause, sanctions, and appeals. The policy and

procedures further addressed the prohibition of the sale, use, and possession of illegal drugs; abuse of prescription and over-the-counter drugs; and the consumption of alcohol.

Implementing procedures were found to be thorough, and all aspects of the rule appear to have been addressed. The procedures were considered a notable program strength.

3. Program Administration and Management Support (TI 2515/106-05.02.a)

The administration of the FFD program was evaluated through review of management involvement and support of the program, the organization structure, and the assigned authorities and responsibilities.

Operational responsibility for the overall management and implementation of the FFD program has been assigned to the Manager, Nuclear Operations Administration. This individual has served as the FFD manager. The Supervisor-Personnel Assurance has provided the day-to-day administration of activities associated with the program, including the employee assistance program (EAP). The MRO is a licensed physician under contract to the licensee. In addition, the licensee has contracted with an independent outside organization to administer the EAP.

The inspector interviewed the key FFD implementation personnel, including the Manager, Nuclear Operations Administration; the Supervisor-Personnel Assurance; the MRO; collection site personnel; and the EAP administrator. Each appeared to understand their specific responsibilities and authorities. Resources in terms of staff assignment and management support appeared to be appropriate. The quality of the collection site facility, and the dedication and professionalism of the FFD staff were notable program strengths.

4. Worker Awareness and FFD Training (TI 2515/106-05.02.b)

Worker awareness and understanding of the FFD program were determined through interviews with licensee and contractor/vendor employees. A sampling of training records were inspected to determine the licensee's compliance with 10 CFR 26.21 and 26.22.

The inspector conducted six interviews of licensee and contractor employees; two were Waterford-3 supervisors. These individuals appeared to have a good understanding of the FFD policy and program elements that relate to them. Those interviewed indicated support for the program and that the program was deterring substance abuse. All interviewees commented on the quality of the collection site facility and the professionalism of the staff.

The inspector determined that it is the licensee's practice to exempt contract supervisors scheduled to work on site for less than 90 days from supervisors' training. Supervisors' training includes behavioral

observation techniques for detecting degradation in performance, impairment, or changes in employee behavior as required in 10 CFR 26.22(a).

The licensee asserted that under certain circumstances, a contractor may appoint a supervisor at the start of the job at Waterford-3. In this case, these "newly appointed" supervisors have 3 months to complete their initial supervisory training. However, the licensee must be assured that the supervisor is indeed new and has not been a supervisor previously.

NRC has not defined supervisor, but instead has left the determination of who is a supervisor to the licensee for its own plant. "The determination should be based on such factors as who is responsible for the behavioral observation of the person, who is in charge of the work, and who is responsible for evaluating the performance of the work." (Reference: NUREG-1385, "Fitness-for-Duty in the Nuclear Power Industry: Responses to Implementation Questions," Question 3.9.) Individuals coming on site identified as supervisors are required to complete training before granting unescorted access. 10 CFR 26.22(c) requires that initial training must be completed prior to assignment of duties within the scope of Part 26 and within 3 months after initial supervisory assignment, as applicable. Additionally, 10 CFR 26.23(a) requires that all contractors and vendor personnel performing activities within the scope of Part 26 be subject to the licensee's program if they are not in another approved FFD program. The licensee's failure to provide supervisory training to some contractor supervisors who fall within the scope of Part 26 was identified as a violation of 10 CFR 26.22 and 26.23 (382/9104-01).

5. Selection and Notification (TI 2515/106-05.02.c)

Inspection of the selection and notification process was conducted to ensure that: (a) affected workers are subject to random testing, (b) the annual testing rate is at least 100 percent of the affected workforce each year, and (c) adequate measures exist to prevent subversion of testing.

Selection for random testing has been conducted by use of a computer generated list. The Analyst-Personnel Assurance has been assigned the responsibility for the operation of, and monitoring the integrity of, the selection process. The selection rate for individuals who have unescorted access has been nominally 2 percent weekly (100 percent annually). Individuals in the database without unescorted access have been selected at a rate of 1/2 percent weekly (20 percent annually). Prior to the rule, the random selection rate had been 20 percent annually for all personnel.

Notification of personnel selected for testing has been accomplished by the Analyst-Personnel Assurance notifying a person having supervisory responsibility for the selected individual. The selected individual must report to the collection site within 15 minutes of notification, or up to 2 hours if the selectee had been deemed unavailable by their supervisor due to their work assignment. If the 2-hour time limit cannot be met, the

selectee's supervisor must notify their department head. The department head must personally obtain a deferral from the FFD program manager. Individuals selected but who are temporarily absent have been excused for testing on that day. No procedure was available to limit the number of times an individual could be deferred; however, the licensee informed the inspector that they are in the process of developing an administrative badge hold procedure to address the problem.

As of the dates of this inspection, approximately 1200 names were in the pool. The number in the pool has been updated weekly to reflect the changing population. Also at this time, the FFD staff was preparing for an additional 800-1000 pre-employment screening tests for the scheduled outage in March. Preliminary statistics for 1990 indicated an annual testing rate of greater than 100 percent of the affected workforce.

Testing had been scheduled one time per month for backshifts, weekends, and holidays as a minimum. The computer generated list has not been used for selecting backshift individuals. Instead a unique calculation has been used to determine the selected individual from the "Roll Call List." This list, obtained from the security shift supervisor, lists those individuals onsite during the shift that has been designated as the testing shift. Since the FFD staff have extended working hours, the Monday through Friday second shift selectees have been tested on the day they have been selected. In the last 3 months, tests have been performed on Thanksgiving, Christmas Eve, and New Years Day, as well as several weekends.

The procedures were found to adequately satisfy 10 CFR 26.24(a) requirements.

6. Chemical Testing/Collection and Processing of Specimens
(TI 2515/106-05.02.c and d)

The licensee's chemical testing procedures were evaluated to determine if the program provides a means to deter and detect substance abuse, complies with 10 CFR 26.24, and conforms with, at a minimum, Appendix A of this rule.

The inspector conducted a walkthrough of the procedures for collecting, testing, and processing specimens. The collection site was well-layed out, completely secured, and adequately equipped. Effective measures were implemented to prevent subversion of specimens. The onsite laboratory for preliminary screening of samples was well-equipped and well-maintained. The technicians have medical laboratory training and experience commensurate with their responsibilities. In addition, training had been conducted on the theory and practice of the FFD procedures, including collection techniques and specimen control/safeguards. The manufacturer of the preliminary screening equipment also provided a 1-week training

program on the use of their equipment. The medical technicians appeared thoroughly knowledgeable in test procedures and requirements. Procedures were available for the use, maintenance, and calibration of laboratory equipment.

The licensee met NRC criteria for preliminary and confirmatory cutoff limits and exceeded the criteria for marijuana by using a cutoff limit of 50 ng/ml. Presumptive positives, along with the required quality control samples, were sent to a laboratory in Florida, certified by the Department of Health and Human Services (HHS). The chain-of-custody procedures were maintained within the testing facility, and specimens were secured when unattended.

Section 2.4(g)(18) of Appendix A of 10 CFR Part 26 requires, in part, that for each screening test, two breath specimens be collected from each individual. Prior to January 17, 1991, the licensee did not collect a second breath specimen when a reading of 0.000 was obtained on the first breath specimen. The violation was identified by the licensee and was corrected by the licensee prior to the NRC inspection. A copy of the revised procedure requiring a second breath specimen for each screening test was provided to the inspector. The inspector reviewed breath test results and verified that two breath specimens have been taken since the procedure was revised.

A Notice of Violation for this violation is not being issued because the requirements of Section V.G.1. of the NRC's Enforcement Policy have been met.

7. Maintenance and Protection of Records (TI 2515/106.05.01.c)

The licensee's record maintenance and filing systems were evaluated to ensure that their procedures achieved protection of personal information as required by 10 CFR 26.22.

Records of tests and test results were maintained at the FFD facility. A system of files and procedures to protect personal information contained in FFD-related records had been developed. Access to records were limited to the FFD staff on a need-to-know basis. The security of the FFD facility, including the record storage room was exceptionally good. Results of tests from the HHS laboratory have been transmitted by electronic transmission, with hard copy to follow. The FAX machine had a security feature in that only an individual with a unique I.D. number was able to retrieve the information being transmitted. At the time of the inspection, this feature was not being utilized since it required the transmitting facility to have the same type of machine. The inspector was informed by the licensee that their HHS laboratory has agreed to purchase this equipment. When this happens, only the MRO will have the unique I.D. number that retrieves the tests results. The procedure has been that the HHS laboratory contact the FFD supervisor when they are ready to transmit data. When the MRO was not available, the supervisor removed the transmitted documents and placed them in a sealed confidential envelope for future review by the MRO.

The controls observed during the inspection appeared adequate to provide the required protection and personal privacy for the records.

8. Employee Assistance Program (EAP) (TI 2515/106.05.01.c)

The EAP required by 10 CFR 26.25 was evaluated to determine if the program is designed to achieve early intervention and provide confidential assistance to employees and that the EAP staff is aware of their responsibility of reporting to management any individual whose condition constitutes a hazard.

The licensee has contracted with an independent, outside organization to administer their EAP. The EAP has provided for diagnosis, referral, and short-term counseling. The inspector determined through interviews with the president and chief executive officer, and the executive vice president of the EAP organization, that the rate of utilization has been sufficient to rate the program as effectively working. Additionally, interviews with selected Waterford-3 employees indicated that the program has been well accepted. EAP services have not been extended to contractor nor vendor personnel. The Supervisor-Personnel Assurance has been assigned the responsibility for coordinating the EAP and has served as the licensee's contact for employees requiring assistance. In addition, the supervisor coordinates the return to work of employees completing treatment programs.

9. Audits (TI 2515/106.05.01.c)

The inspector examined the licensee's audit program to determine if it had an adequate program for identifying deficiencies and weaknesses, and to ascertain whether appropriate corrective actions were implemented in a timely manner.

The licensee had conducted an audit May 14 through June 14, 1990 (Audit No. SA-90-036.1 dated July 1990). The audit contained eight quality notices (findings) and one observation. The corrective actions implemented appeared appropriate and were satisfactorily resolved. The inspector found the licensee's audit to be a timely and thorough effort.

10. Management Actions and Sanctions; Appeals (TI 2515/106.05.01.c)

The inspector examined the management actions and sanctions policies to ensure compliance with 10 CFR 26.27. The appeals procedure was reviewed to determine compliance with 10 CFR 26.28.

The licensee's procedures were found to establish sanctions as set forth by 10 CFR Part 26. Actions taken for a confirmed positive test depended upon whether it was the first offense or the second offense. On the first confirmed positive of a random or for-cause test, unescorted access has been withdrawn for a minimum of 14 days pending EAP evaluation. A second confirmed positive resulted in termination of the employee.

All employees, contractors, and vendors have been provided an opportunity to appeal the determination of a confirmed drug or alcohol test. The procedures appeared to meet the rule requirements.

11. Exit Interview (IP 30703)

The inspectors met with licensee representatives denoted in paragraph 1 on February 8, 1991, and summarized the scope and findings of the inspection as presented in this report.