

U. S. NUCLEAR REGULATORY COMMISSION
REGION I

Report Nos. 50-245/90-22
50-336/90-24
50-423/90-22
50-213/90-17

Docket Nos. 50-213
50-245
50-336
50-423

License Nos. DPR-61
DPR-21
DPR-65
NPF-49

Licensee: Northeast Nuclear Energy Company
P. O. Box 270
Hartford, Connecticut 06141-0270

Facility Names: Millstone Nuclear Power Station, Units 1, 2 and 3, and
Haddam Neck Plant

Inspections At: Waterford, Connecticut and Haddam, Connecticut

Inspection Conducted: September 24-28, 1990

Type of Inspection: Initial, Fitness-for-Duty

Inspectors: *Arthur Della Ratta* 10/10/90
A. Della Ratta, Safeguards Inspector date

Edward B. King 10/10/90
E. B. King, Safeguards Inspector date

Approved by: *A. Della Ratta for* 10/10/90
R. R. Keimig, Chief, Safeguards Branch date
Division of Radiation Safety and
Safeguards

Inspection Summary: Initial, Fitness-For-Duty Inspection on September 24-28,
1990 (Combined Inspection Report Nos. 50-245/90-22, 50-336/90-24, 50-423/90-22)
and 50-213/90-17)

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Areas Inspected: Written policies and procedures, program administration, training, key program processes and onsite collection and testing facilities.

Findings: Based upon selective examinations of key elements of the Northeast Utilities Fitness For Duty (FFD) program, the objectives of 10 CFR 26 are generally being met. One apparent programmatic violation was identified relative to the lack of initial and refresher FFD training for licensee, contractor, and vendor supervisory personnel. The following program strengths and potential weaknesses were identified:

Strengths

1. An excellent computer program for random selection.
2. Verification procedure utilized by the collection site personnel for identification of randomly selected individuals.
3. A random selection program that ensures testing is being conducted on all shifts to include weekends and holidays. Additionally, one of the two Millstone Collection Facilities operates around the clock.
4. The periodic use of dogs to conduct searches of the stations for drugs.
5. The effective oversight of the program on a day-to-day basis and the open communication channels for FFD program staff.
6. The professionalism, competency and dedication of the staff who were involved in administering the program.
7. Management's strong support of the program.

Potential Weaknesses

1. Lack of an initial supervisory FFD training program for contractors/vendors.
2. Lack of a refresher training course for licensee and contractor/vendor supervisors.
3. Ineffective system to monitor newly assigned supervisors to ensure they receive initial supervisory FFD training.
4. Employee unfamiliarity with the FFD program appeals process.
5. Lack of identification verification procedure for the certified laboratory couriers.

DETAILS

1. Key Personnel Contacted

Licensee

P. Blasioli, Supervisor-Nuclear Licensing
L. Brown, Security Investigator
E. DeBarba, Vice President-General Engineering and Construction
R. Factora, Unit Services Director-Millstone Plant
G. Hallberg, Manager, Nuclear Security
D. Heritage, Manager, Occupational Health
W. Hutchins, Senior Licensing Engineer
B. Ilberman, Vice President-Human Resources
P. Jewett, Security Manager-Connecticut Yankee
G. Malchiodi, Site Services Administrative Assistant
C. Marien, Station Nurse
E. Mroczka, Senior Vice President-Nuclear Engineering and Operations
D. Roy, Nuclear Service Director-Connecticut Yankee
E. Richters, Senior Counsel-Legal
W. Romberg, Vice President-Nuclear Operations
S. Scace, Millstone Station Director
R. Traggio, Nuclear Operations Consultant
G. van Noordennen, Supervisor-Nuclear Licensing
P. Weekley, Security Manager

USNRC

D. Haverkamp, Section Chief, Reactor Projects
W. Raymond, Senior Resident Inspector, Millstone Station

The above personnel attended the exit meeting on September 28, 1990.

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

2. Entrance and Exit Meetings

The inspectors met with the licensee representatives at the Millstone Station on September 24, 1990, to summarize the purpose and scope of the inspection and on September 28, 1990 at Berlin, Connecticut, to present the inspection findings. The licensees' commitments, as documented in this report, were reviewed and confirmed with the licensees during the Exit Meeting.

3. Approach to NRC Review of the Fitness-For-Duty Program

The inspectors evaluated the Northeast Utilities' Fitness-For-Duty (FFD) Program using NRC Temporary Instruction 2515/106: Fitness-For-Duty: Initial Inspection of Program Implementation. This program is implemented by the following two NRC licensees: the Connecticut Yankee Atomic Power

Company for the Haddam Neck Plant and the Northeast Nuclear Energy Company for the Millstone Nuclear Power Station (hereinafter referred to as "the licensees".) This evaluation included a review of the licensees' written policies and procedures, and program implementation, as required by 10 CFR 26, in the areas of: management support; selection and notification for testing; collection and processing specimens; chemical testing for alcohol and illegal drugs; 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 the licensees' and contractors' employees with unescorted plant access; a review of relevant program records; and observation of key processes, such as specimen collection and onsite screening processes.

4. Written Policies and Procedures

The licensees' written policies and procedures appear to be adequate to administer and implement the fitness-for-duty program. In general, they were clear, well written, and comprehensive. Authorities and responsibilities under the program were well defined and adequate in detail to guide FFD program personnel in the conduct of their duties. Of particular note was the clear statement of the licensees' policy on drug and alcohol abuse. This statement was not only consistent with the requirements of the rule, but strongly expressed the licensees' commitment to a drug and alcohol free workplace. The policy was well communicated through material distributed to all employees, through training, and through prominently displayed posters and placards.

However, several areas where program improvements could be effected were identified, as follows:

- a. Several FFD Manual procedures indicate that employees will be given another opportunity to rehabilitate following a second confirmed positive test result. This is inconsistent with the Northeast Utilities System FFD Personnel Policy and Procedures, NUP 90, which indicates termination in such cases. The licensees agreed to review and revise the FFD Manual to ensure consistency with NUP 90.
- b. The FFD Manual does not clearly specify the process or the time allowed for initiation of the appeals process for union and non-union employees. The licensees agreed to revise the procedure.
- c. The FFD Manual procedure which discusses for-cause testing does not clearly specify that testing would be conducted not only for drug and alcohol concerns, but also for aberrant behavior and following an accident of the type described in 10 CFR 26.24(a)(3). The licensees agreed to revise the procedure.

- d. The FFD Manual procedure which discusses refresher training did not address this training for licensee supervisors and escorts or for contractor/vendor supervisory personnel. The licensees agreed to revise the procedure.

5. Program Administration

Following are the inspectors' findings with respect to the administration of key elements of the licensees' FFD program.

a. Delineated Responsibilities

The program is organized to facilitate coordination among the various program elements. This includes the active involvement of the Director of Occupational Safety and Health, who is responsible for all of the key line program elements (e.g., FFD aspects of access control, employee assistance program (EAP), fitness-for-duty). The FFD Program Manager reports directly to this director. The licensees' procedures clearly delineate the responsibilities and duties of each member of the FFD program staff. Interviews with these individuals confirmed that they are very cognizant of their responsibilities.

b. Management Awareness of Responsibilities

Interviews with FFD program staff and selected supervisors, reviews of procedures, and discussions with licensees' management by the inspectors indicated that management, at all levels, who had been properly trained, were not only aware of their responsibilities under the rule and their particular responsibilities within the program, but were also fully committed to the goal of the rule; a workplace free of drugs and alcohol and their effects. However, as described in Section 6 of this report, and in NRC Region I Inspection Report 50-213/90-18, not all supervisors had been trained and there was at least one instance in which the FFD program was not properly implemented by licensee management.

c. Program Resources

The licensees appear to be providing adequate resources for effective program implementation. Interviews with FFD program personnel indicated that upper management has been very supportive in providing the facilities and staff that are necessary for them to carry out their duties. However, the inspectors noted that, due to the increase of testing being conducted at the Millstone collection site located in the Protected Area, storage and office space is becoming limited. The inspectors expressed concern that the limited space could have an adverse impact on personnel privacy in the Medical Review Officer's (MRO) counseling room, which is located in this area. The licensees

stated that the issue has been discussed and that corrective actions are being developed. This did not appear to be a potential problem at either the Millstone collection site located outside the Protected Area or at the Haddam Neck collection site.

d. Management Monitoring of Program Performance

Management appears to have a strong interest in monitoring program performance. FFD program management exercises effective daily oversight of the program and maintains open communications among FFD program staff. These traits facilitate the early identification and resolution of program problems when they occur. The licensees have just completed a six-month report on program performance which indicates very little substance abuse among its contracted workers and only one case involving a licensee employee. The licensees have imposed a cutoff level for marijuana of 50 ng/ml vice the NRC standard of 100 ng/ml. Seventy-one percent of those who tested positive for marijuana, tested at a level less than 100 ng/ml.

The licensees also test for five drugs not required by the NRC rule.

e. Measures Undertaken to Meet Performance Objective of the Rule

The licensees have provided adequate resources and personnel to meet the objectives of the FFD rule. In addition to the program strengths noted elsewhere in this report, the inspectors found that the licensees:

- gave the security organizations an active role in the FFD initiative. On several occasions, security officers intercepted individuals attempting to enter the plant while potentially in violation of the alcohol policy. Security personnel have undergone training in the identification of drugs, drug paraphernalia, and drug hiding places and conduct random hands-on searches for drugs and alcohol at plant access points. Entry searches to date have not found any illegal substances being brought into the plant
- have conducted periodic searches of the workplace using drug detection dogs, although not required by NRC regulations
- have adequate mechanisms in place to receive and provide "suitable inquiry" information relative to an employee's (or applicant's) drug and alcohol abuse. The licensees use the criteria of 10 CFR 26.27(a) relative to the initial granting of unescorted access

f. Sanctions

The licensees' written policy includes sanctions that are consistent with 10 CFR 26 for both its own and contractor employees. For its own employees, the current practice is for an individual found in violation of the policy to be given one chance to rehabilitate. The rehabilitation program requires a minimum of 14 days suspension, approval from the company physician prior to being reinstated, and follow-up testing for three years, in addition to random testing. Any subsequent confirmed positive test results in dismissal. A contractor employee found in violation of the policy for the first time has his/her unescorted access permanently revoked.

g. Employee Assistance Program (EAP)

The licensees maintain an Employee Assistance Program (EAP) that offers assessment, counseling, and referral services through a contracted staff of qualified counseling professionals. Participation in the EAP is treated on a confidential basis except in those cases when an EAP counselor is required under 10 CFR 26.25 to notify the licensee of an employee whose condition constitutes a hazard to the plant, himself or others, or in situations where an employee is referred to the EAP program by his/her supervisor. The inspectors determined through an interview with the EAP Director and with randomly selected station employees that the EAP is well accepted and is utilized by the employees. The EAP Director provided documentation which indicated that the majority of individuals enrolled in the program are self-referrals. This demonstrates that the licensees have encouraged use of the service to its employees and that the employees have confidence in the program.

6. Training

The licensees' FFD training program for non-supervisory plant employees appears to be adequate. Interviews with licensee and contractor employees also indicated that they were knowledgeable of the FFD actions and responsibilities that were assigned to them when they serve as escorts. The NRC's resident inspectors' review of the training program indicated that both content and delivery were good.

However, the inspectors identified the following deficiencies with respect to the training program for supervisory personnel.

a. Initial FFD Training for Licensees' Supervisors

Part 26.22(c) of Title 10, Code of Federal Regulations (Training of Supervisors and Escorts) states, in part, that initial training must be completed within 3 months after initial supervisory assignment.

Based on the inspectors' review of licensees records and discussions with licensees' management, it was determined that approximately twenty supervisors (six at the Haddam Neck Plant and fourteen at the Millstone Station) had not received initial FFD supervisory training, even though the licensees have developed a training course which satisfies the intent of the rule.

The licensees committed to having those individuals trained by October 30, 1990.

b. Refresher FFD Training for Licensees' Supervisors

Prior to the implementation of the rule, in a December 18, 1989 letter to the NRC, the licensees discussed their plan to comply with the NRC's Fitness-for-Duty Rule. A paragraph in Attachment 1 to that letter states:

"An extensive two-day course on personnel behavioral awareness training commenced in June of 1988. This course, entitled "FFD Supervisory Training," fully meets the requirements of the rule for training of supervisors. We believe that with this training, combined with the recently completed initial FFD awareness/escort training, our supervisors have sufficient training to allow them to detect 'aberrant' behavior, signs of illicit drug use, and abuse of legal drugs within their span of control. Reinforcement of the relevant information contained in these courses will be provided to appropriate supervision through their participation in the nominally annual General Employee Training as well as the FFD Supervisory Training program/requalification also provided on a nominally annual basis".

The frequency of refresher training indicated by the licensees is consistent with Part 26.22(c) of Title 10, Code of Federal Regulations which states, in part, that refresher training must be completed on a nominal 12 month frequency or more frequently where the need is indicated. However, based on the inspectors' review of licensees' records and discussions with licensees' management, it was determined that approximately 352 supervisory personnel at the Millstone Station and Haddam Neck Plant who were required to have refresher training had not received that training at the time of this inspection. The inspectors also determined that a refresher training lesson plan had not been approved by the licensees. Only a draft lesson plan was available at the time of this inspection.

The licensees committed to finalize the lesson plan and conduct the required refresher training for all affected supervisors no later than December 31, 1990.

c. Contractor FFD Supervisory Training

The inspectors determined that the licensees do not have a program in place which would provide FFD supervisory training for contractor personnel. No training was provided by either the licensees or contractors except for the contact security personnel.

Part 26.23(a) of Title 10, Code of Federal Regulations, states, in part, that all contractors and vendor personnel performing activities within the scope of this Part for a licensee must be subject to either the licensee's program relating to fitness-for-duty, or to a program formally reviewed and approved by the licensee, which meets the requirement of this Part.

The licensees stated that a program will be developed to meet the intent of the rule and that the NRC will be kept informed of the progress in developing the program. The only contractor-developed program that the licensees have approved, and was being implemented at the time of the inspection, is the security force contractor's program.

The licensees' failure to administer a FFD initial/refresher training program for supervisory personnel is an apparent violation of 10 CFR 26.23(a) and 10 CFR 26.22(c). (VIO 50-245/90-22-01, 50-336/90-24-01, 50-423/90-22-01, and 50-213/90-17-01)

7. Key Program Processes

a. Selection and Notification for Testing

The selection and notification process appears to operate in a manner that meets the objectives of the rule. A list of the individuals to be tested randomly is generated by a computer each day from five separate pools, which comprises all individuals with unescorted access. Separate pools have been established for corporate office personnel, Millstone Station licensee personnel, Millstone Station contractor personnel, Haddam Neck licensee personnel, and Haddam Neck contractor personnel. The pools are updated daily. Data compiled for the first six months of program implementation indicate that the goal of testing 50% of all individuals with unescorted access is being achieved in each pool. It was apparent that the collection facility personnel were interacting very well to ensure that individuals randomly selected from any pool, on any particular day, and regardless of their work location on that day, were being tested, even those with infrequent access. Individuals that are not available for testing due to absence for illness or vacation are excused for that day. The names of those individuals are returned to the selection pool.

The selection and notification process appears to have adequate safeguards to protect sensitive information. Only three individuals have access to the computer program that generates the lists, and all uses and modifications of the program are automatically recorded. The physical location of the computer and the computer-generated lists allows for adequate security.

Notification is conducted through key contacts in each department. The contact establishes whether or not the individual is at the site, and then notifies the individual's supervisor to have the individual report for testing within a designated time period. The inspectors noted that it seldom took longer than an hour for the individual to report, and in no case had an individual not reported within two hours.

The licensees have implemented a program that includes testing on backshifts, weekends, and holidays. One of the two collection facilities at the Millstone Station is staffed 24 hours a day, 7 days a week, while the second Millstone Station facility is staffed weekdays only. The Haddam Neck Plant collection facility is staffed 5 days a week plus randomly selected weekend days, holidays, and backshifts. The corporate office collection facility is staffed during scheduled work days.

However, the inspectors found that the FFD Manual, Section 0.18.1, states that when an individual is called in to work during a non-scheduled period, the individual is exempt from random testing. Although 10 CFR 26.20(e) implies an exemption in this case from random testing for alcohol, it does not permit exemption from random drug testing. The licensees agreed to clarify this matter to be consistent with the regulation. This matter is an Unresolved Item (UNR 50-245/90-22-01, 50-336/90-24-01, 50-423/90-22-01, and 50-213/90-17-01) and will be reviewed during subsequent inspections.

b. Collection and Processing of Specimens

The inspectors conducted a walkthrough of the procedure for collection and processing of a specimen. The collection sites were adequate to process one person at a time. The design of the facilities is conducive to tracking individuals as they proceed through the process. The facilities provide adequate security for specimens, collection equipment, and records. The exterior of the facilities are regularly patrolled by security personnel during off-hours. The collection rooms have no source of water that have not had a bluing agent added. In addition, the licensees have a back-up power supply in place to assure that the storage refrigerator would not be without power for extended periods. During the walkthrough, no weaknesses were observed in the way the collection site personnel process either individuals undergoing testing or the specimens.

c. 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 inspectors 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, review of records by the inspectors indicated that chain of custody procedures were being followed at all times.

d. Audit Program

The FFD Program had not been audited at the time of the inspection. The licensees are in the process of reviewing contract bids to select an independent qualified auditor. The audit is tentatively scheduled to be conducted October-November 1990 and completed by December 31, 1990. The licensees have conducted audits of the contracted drug testing laboratory and the results indicate satisfactory performance by the laboratory.

8. Onsite Testing Facility

The licensees, through a contractor, perform screening of all specimens obtained from the four collection sites at a laboratory located at the Millstone Station. Based on interviews with the contractor testing supervisors, it was determined that the appropriate testing criteria were being applied. The laboratory facility also provides adequate security for specimens and records and is regularly patrolled on the exterior by security personnel during off-hours. However, based on interviews with the supervisors of the contractor-operated testing facility, the inspectors determined that there is no verification procedure for identifying couriers who transfer specimens to the Health and Human Services-certified laboratory. This is not consistent with the intent of 10 CFR 26, Appendix A, 2.4(H). The testing supervisors informed the inspectors that, since implementation of the NRC-required program, only two couriers have provided this service. However, the supervisors indicated that a verification procedure would be developed. This is an Unresolved Item (UNR 50-245/90-22-02, 50-336/90-24-02, 50-423/90-22-02 and 50-213/90-17-02) and will be reviewed during subsequent inspections.