



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
101 MARIETTA STREET, N.W., SUITE 2900  
ATLANTA, GEORGIA 30323-0199

Report Nos. 50-325/94-03 and 50-324/94-03

Licensee: Carolina Power and Light Company  
P. O. Box 1551  
Raleigh, NC 27602

Docket Nos. 50-325 and 50-324

License Nos. DPR-71 and DPR-62

Facility Name: Brunswick 1 and 2

Inspection Conducted: January 3-6, 1994

Inspector: *Daniel Thompson*  
D. Thompson, Safeguards Inspector

2-2-94  
Date Signed

Approved by: *D. McGuire*  
D. McGuire, Chief  
Safeguards Section  
Radiation Safety and Safeguards Branch  
Division of Radiation Safety and Safeguards

2-2-94  
Date Signed

SUMMARY

Scope:

This special, announced inspection was conducted in the areas of Fitness For Duty and Access Authorization.

Results:

In the areas inspected, a non-cited violation was identified. The inspector noted that during a for-cause drug test of plant personnel that the licensee had failed to comply with regulatory requirements and their procedure. During review of the corrective action to a previously identified Access Authorization event the inspector determined that the licensee had taken adequate corrective action to preclude recurrence of these type events.

## REPORT DETAILS

### 1. Persons Contacted

#### Licensee Employees

- \*R. Anderson, Vice President, Brunswick Nuclear Plant, (BNP) Carolina Power and Light (CP&L)
- \*G. Barnes, Manager Operations, Unit 1, BNP, CP&L
- \*H. Beane, Manager Quality Control, BNP, CP&L
- \*J. Cowan, Plant Manager, Unit 1, BNP, CP&L
- \*T. Jones, Regulatory Affairs, BNP, CP&L
- \*P. Leslie, Supervisor Security, BNP, CP&L
- \*W. Levis, Manager, Regulatory Affairs, BNP, CP&L
- \*R. Smith, Manager, Radiation Control, BNP, CP&L
- \*S. Tabor, Regulatory Affairs, BNP, CP&L
- \*J. Titrington, Manager, Operations, Unit 2, BNP, CP&L
- \*F. Underwood, Director, Fitness For Duty, CP&L
- \*G. Warriner, Manager, Control and Administrative, BNP, CP&L

Other licensee employees contacted during this inspection included craftsmen, engineers, operators, mechanics, security force members, technicians, and administrative personnel.

#### U. S. Nuclear Regulatory Commission

- \*D. Byron, Resident Inspector
- \*M. Janus, Resident Inspector

\*Attended exit interview

### 2. Fitness For Duty

The inspector reviewed the licensee's application of the Fitness For Duty (FFD) Program. On June 2, 1993, information was received by plant personnel that Carolina Power and Light Company (CP&L) employees and other personnel who were badged for access to the plant were in attendance at a May 31, 1993, party and that drugs had been used during the party. Based on receipt of this information which was considered credible by plant management, they decided to for-cause drug test the CP&L employees and contractors in attendance at the party. After further investigation the licensee determined that 23 CP&L or contractor personnel had attended the party and each of these personnel were to for-cause drug tested. However, prior to the initiation of the for-cause testing the licensee determined that two of those personnel in attendance had been tested under the random program after the party and would not be retested. The 21 personnel tested were negative for drugs.

A member of the licensee staff learned that management had not maintained the confidentiality of those individuals who were for-cause drug tested. On June 26, 1993, an individual forwarded a letter to plant management expressing their concern. The individual stated that management had violated Brunswick Site Procedure 34, Revision 5, paragraph 5.4.2, which states that "Supervisors must treat this information in a strictly confidential manner." The inspector noted that the Site Procedure 34, Revision 5, paragraph 5.4.2, referenced by the complaint stated that one of the goals of the Employee Assistance Program is to maintain confidentiality of patients. However, the Supervisors Guide Section FD 205, Page 1, states: "At all times during the conduct of investigations, inspections, or searches, care will be taken to protect the personal privacy and dignity of the worker." Based on the inspector's discussion with the workers involved, they were clearly of the opinion that the licensee had not properly protected their identity and had failed to adhere to this policy. They stated that their peers had discussed their involvement well before those involved were notified by management that they were to be for-cause drug tested. Further review of the event revealed that the licensee had failed to follow the Supervisors Guide Section FD 303, page 1, which states in part, "Once a worker has been approved to for-cause test, the supervisor or designee must accompany the worker to the collection facility and remain there until the collection procedure is complete. Upon completion of the collection, the worker is excused from work until the test results are known and their review by the Medical Review Officer (MRO) completed." The complaint also stated that a supervisor had failed to escort each participant to the test facility and one individual who was attending Senior Reactor Operator (SRO) training was not required to depart the site pending receipt of the test results and evaluation by the MRO. During interviews with the personnel involved and licensee management it was verified that the licensee had failed to meet the procedure requirements as noted above.

Additionally, while reviewing the licensee's corrective action to the above event the inspector noted that during a corporate audit of the FFD Program, dated August 10, 1993, the auditors had discovered the MRO had failed to sign the evaluation on five cases involving positive alcohol/drug tests. During further discussion with the licensee, the inspector determined that of the five cases, two of the cases involved one individual whose lab tests were positive for legal drugs and a MRO review resulted in a negative evaluation. However, in this case, the MRO had not signed or initialed his explanation. In three cases those identified were positive for alcohol/illegal drugs and the MRO's evaluations were not documented by signature or initials on the MRO review form or on the health specialist case notes.

The FFD manager had forwarded a response to the FFD Audit findings stating that in the first case the cause was human error, and that it was clear by reviewing the case file that the MRO did interview the individuals involved. For the three cases in which individuals were positive for drugs/alcohol, the FFD manager responded to the findings and listed human error as the cause and further stated that two of the

three were due to alcohol positives which, per regulation, does not actually require an MRO conference call. However, he acknowledged that local procedures do require an MRO conference call. The other case involved a presumptive positive for an illegal drug which was determined to be positive, which again the FFD manager indicated was human error on the part of the MRO. The licensee corrective action was to send a letter to the MRO reminding him of the need to sign off on his evaluations. Additional, action was to establish a requirement for the Occupational Health Nurse to review the files after the MRO completes his evaluation to ensure that the MRO's signature appears on the appropriate documents. During discussion with a licensee representative, the individual indicated they did not consider the failure to sign the forms a significant event since there was information available to indicate that the MRO had reviewed the cases.

10 CFR, Part 26.3, Definitions, states in part, "confirmed positive test means the result of a confirmatory test that has established the presence of drugs, drug metabolites, or alcohol in a specimen at or above the cut-off level, and that has been deemed positive by the MRO after evaluation. 10 CFR, Part 26.71, Recordkeeping requirements, states in part, the licensee choosing to temporarily suspend individuals under the provisions of 26.24(d) must report test results by process stage (i.e., onsite screening, laboratory screening, confirmatory tests, and MRO determinations), etc. Therefore, it appears that 10 CFR Part 26 requirements indicates that a positive test is not considered final until signed by the MRO. Additionally, the licensee's procedure for FFD Evaluation of Results, Section B, states in part, "The MRO shall complete CP&L Medical Review Officer Opportunity to Explain Log Sheet, NRC Fitness For Duty Form".

Contrary to the above, the licensee had failed during this event to protect the personal privacy of the individuals involved in for-cause drug testing; failed to properly escort personnel being for-cause drug tested to the testing facilities; allow at least one individual to remain on site pending receipt of the for-cause drug test results; and on five separate occasions the MRO had failed to sign the evaluation report confirming positive results.

Appropriate corrective action had been taken prior to the inspection, the violations were not willful, and the events were not similar to previous violations, therefore, these violations will not be subject to enforcement action because the licensee's efforts in identifying and correcting the violation meet the criteria specified in Section VII.B of the Enforcement Policy. (94-03-01)

### 3. Access Authorization

The inspector reviewed the licensee's corrective action to an event noted during Nuclear Regulatory Commission (NRC) Access Authorization Inspection 50-325/324 (93-37), in which an individual allegedly provided inaccurate information on an employment application and in background information. The individual had applied for employment with a



contractor, PPM, Inc., who provided maintenance for the plant. The individual made an application under an alias in which he claimed no prior criminal record. Based on fingerprint results, he was found to have an extensive arrest/conviction record after he had been hired by the contractor and granted temporary unescorted access to the protected area. After the unfavorable information was known by the licensee, the individual was removed from the site and his access denied.

In the course of reviewing this event it was determined that there were some inconsistencies in the information that seem fairly obvious but appeared to have been overlooked by whoever was responsible for conducting the initial background investigation on behalf of the contractor.

As primary proof of identity, the subject produced a South Carolina driver's license bearing an address, in Myrtle Beach, SC. The issue date of the license is October 23, with the year not legible from the reproduced copy available for review. The license expires on December 31, 1996. (South Carolina driver's licenses are issued for a term of four years and expire on the licensee's birthrate). Therefore, it appears that the driver's licensee was issued no earlier than October 23, 1992. The subject's employer/background investigator failed to notice the individual did not list a residency in South Carolina at any time during 1992.

The subject was required by PPM, Inc. to list his places of residence going back five years from the date of his application (March 11, 1993). From June 1991 up to the date of the application, he listed two addresses (one an apparent post office box), both of which are in North Carolina. For the previous 10 years, going back to August 1981, he claimed one place of resident in Warrenton, VA.

Despite the fact that he identified himself with a South Carolina driver's license, there is no indication (at least in the documentation available) that he was asked to explain how he came to be in possession of a driver's license issued by a state in which he never claimed to have resided.

Also, PPM, Inc., required the individual to provide his employment history going back five years from the application date. He listed only one employer, "G. T. QUALITY PAINTING" in Ash, NC, between June 1987 and March 1993. He listed the "Job Site" of this employment as Brunswick County, NC. A comparison of his claimed places of residence and his employment history indicates that for at least the first four years that he was allegedly employed as a painter by "G. T. QUALITY PAINTING" he resided in Warrenton, VA, approximately 300-400 miles from the "job site."

The inspector determined that the licensee had briefed personnel on the need to closely monitor applicants background information. The licensee also included information in Personnel Screening Criteria for Non-Licensee Personnel, Revision 6, January 17, 1994, emphasizing the

requirement to closely evaluate the background information provided by applicants.

4. Exit

The inspection scope and results were summarized on January 5, 1994, with those persons indicated in Paragraph 1. The inspector described the areas inspected and discussed in detail the inspection results listed below. The licensee was informed that there were two apparent violations noted as a result of the inspection and that after NRC management review of the apparent violations the licensee would be notified of the results. The licensee was informed that as a result of the inspection that the inspector had determined that during a for-cause drug test investigation that the licensee had failed to maintain the privacy of the information concerning those individuals involved; had failed to escort each individual to be for-cause tested to the test facility; and allowed at least one individual to remain on site pending for-cause test results. The inspector also informed the licensee that while reviewing a corporate audit that he had noted that on five separate occasions the MRO had failed to sign the evaluation report confirming positive drug test results. One other issue that the inspector had reviewed was discussed concerning a contractor employee providing inaccurate information for a background investigation. The inspector informed the licensee that the corrective actions appeared adequate. At the conclusion of the inspector's comments, a member of the management staff asked the inspector to make a determination that the events meet the criteria to be a non-cited violation. In an effort to preclude the licensee from drawing a conclusion as to the inspector's determination of what type violations these issues were, the inspector informed the licensee representative that final determination of what category the violations fell into was a decision of management not the inspectors. Dissenting comments were not received from the licensee.

On January 31, 1994, via telephone the licensee was informed that the apparent violation meet the criteria specified in Section VII.B of the enforcement policy and that a Notice of Violation would not be issued.