

U. S. NUCLEAR REGULATORY COMMISSION

REGION III

Report Nos. 50-155/90023; 50-255/90038(DRSS)

EA No. 90-189

Docket Nos. 50-155 and 50-255

Licensee Nos. DPR-6 and DPR-20

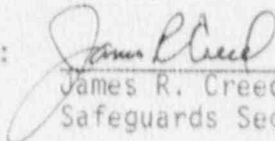
Licensee: Consumers Power Company  
212 West Michigan Avenue  
Jackson, MI 49201

Facility Name: Big Rock Point, Palisades and Corporate

Meeting Location: NRC Region III Office, Glen Ellyn, Illinois

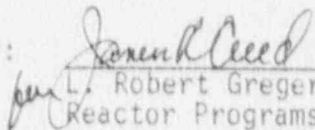
Type of Meeting: Enforcement Conference

Reviewed By:

  
James R. Creed, Chief  
Safeguards Section

12/6/90  
Date

Approved By:

  
L. Robert Greger, Chief  
Reactor Programs Branch

12/6/90  
Date

Meeting Summary

Enforcement Conference on November 15, 1990 (Report Nos. 50-155/90023; 50-255/90038(DRSS)): An enforcement conference was conducted to discuss the apparent poor past implementation of certain aspects of the required fitness-for-duty program required by 10 CFR 26. Specifically, nine licensee identified apparent violations of 10 CFR 26 and an apparent violation of 10 CFR 50.9 were discussed. The discussions included apparent causes, the licensee's corrective actions and their perspective of the findings and their current fitness-for-duty program.  
Results: The licensee disagreed with the proposed 10 CFR 50.9 violation and two of the nine 10 CFR 26 violations. The NRC representatives acknowledged that the 10 CFR 26 violations were licensee identified and adequately corrected.

## DETAILS

### 1. Conference Attendees

#### Consumers Power Company

F. Buckman, President and CEO  
D. Hoffman, Vice President-NOD  
H. Robichaud, Vice President-Human Resources  
D. Joos, Vice President-Energy Supply Services  
J. Dorr, Director-Corporate Health and Safety  
J. Bacon, Asst. General Counsel  
R. Upham, Manager, Employee Relations  
E. Zienert, Human Resource Director, Big Rock Point  
J. Griggs, Human Resource Director, Palisades  
J. Kuemin, Licensing Administrator, Palisades  
G. Slade, Plant General Manager, Palisades  
D. Vandewalle, Director, Safety and Licensing-Palisades  
J. Smith, Administrator, FFD

#### Nuclear Regulatory Commission

C. Paperiello, Deputy Regional Administrator, Region III  
W. Axelson, Deputy Director, DRSS, Region III  
B. Berson, Regional Counsel, Region III  
B. Clayton, Chief, DRP Branch 2, Region III  
R. DeFayette, Chief, DRP Section 2B Region III  
L. R. Greger, Chief, RPB, Region III  
C. Pederson, Director, Enforcement Staff, Region III  
P. Loughheed, Enforcement Specialist, Region III  
K. Riemer, Reactor Engineer, Region III  
P. Rodrik, Reactor Engineer, Region III  
E. Plettner, Senior Resident Inspector, Big Rock Point, Region III  
J. Heller, Senior Resident Inspector, Palisades, Region III  
J. Kniceley, Physical Security Inspector, Region III  
J. Belanger, Senior Physical Security Inspector, Region III  
R. Rosano, Senior Enforcement Specialist, Office of Enforcement, NRC  
Headquarters  
A. Masiantonio, Project Manager, Big Rock Point, NRC Headquarters  
(Telephone)  
G. McPeck, Safeguards Engineer, NRR/Headquarters (Telephone)

### 2. Enforcement Conference Summary

An enforcement conference was held in the Region III office on November 15, 1990. The conference was held to discuss proposed violations of 10 CFR 26 identified in Inspection Report Nos. 50-155/90020 and 50-255/90027.

The purpose of the conference was to (1) discuss apparent violations and concerns identified during the NRC inspections; (2) discuss the licensee's corrective actions; (3) determine whether there were any aggravating or mitigating circumstances; and (4) obtain other information that would help determine the appropriate enforcement actions.

The above mentioned inspection report identified ten (10) proposed violations. Of those proposed violations, the licensee agreed that seven (7) of the violations were correct as stated but disagreed with the following violations 1, 4, and 7.

Proposed Violation #1: 10 CFR 50.9: Failure to notify the NRC that the FFD Program did not meet the requirements of 10 CFR Part 26.

The licensee stated that they did not violate 10 CFR 50.9 because each audit finding was evaluated for reportability to the NRC and determined not to be reportable because the findings were not considered to have significant implications to public health and safety or common defense and security. The violations were identified and corrected by the licensee.

Proposed Violation #4: 10 CFR 26.24(f) and Appendix A, Subpart D, 4.1: Failure to utilize a Department of Health and Human Services (HHS) certified laboratory for pre-access drug tests.

The licensee stated that this is not a violation because 10 CFR 26.24(d) permits an initial screening test by a non-HHS certified laboratory. All initial screening tests were negative, and therefore, a confirmatory test at a HHS certified laboratory was not required.

Proposed Violation #7: 10 CFR 26, Appendix A.2.3: Personnel responsible for administering the FFD program were not subject to a behavior observation program.

The licensee stated that this is not a violation because the expectation to require non-CPCo administrators to attend Behavioral Observation (BO) training was over commitment. The Consumer Power Company FFD administrators, specifically the Palisades and Big Rock Human Resource Directors and the Corporate Fitness-for-Duty Administrator attended BO training, which is part of their annual FFD Supervisory Training program and actively observe those individuals who perform FFD collections on a continuous basis.

The NRC representatives acknowledged that the corrective actions appeared appropriate, the proposed violations were identified by your QA staff and that your FFD program now appears to be in compliance with the requirements of 10 CFR Part 26.

NRC representatives stated that your comments regarding the proposed violations and the Region III recommendations concerning enforcement action would be forwarded to the NRC Office of Enforcement for review. You will be notified in writing of the NRC's proposed enforcement action.