

U. S. NUCLEAR REGULATORY COMMISSION
REGION I

Report No. 50-443/91-05

Docket No. 50-443

License No. NPF-86

Licensee: New Hampshire Yankee

Facility Name: Seabrook Station, Unit 1

Inspection At: Seabrook, New Hampshire

Inspection Conducted: April 16-19, 1991

Inspector:

Ronald J. Albert

R. J. Albert, Physical Security Inspector
Division of Radiation Safety and
Safeguards

05-21-91
date

Approved by:

R. R. Keimig

R. R. Keimig, Chief, Safeguards Section
Division of Radiation Safety and
Safeguards

5-21-91
date

Inspection Summary: Initial Fitness-For-Duty (FFD) Inspection (Inspection Report No. 50-443/91-05)

Areas Inspected: Written policies and procedures, program administration, training, key program processes and on-site collection and testing facility.

Results: Based on selective examination of key elements of New Hampshire Yankee's (NHY's) FFD program, it was concluded that, generally, the objectives of 10 CFR Part 26 are being met. Management support for this program was apparent by the modern and spacious collection and testing facility, and by the professionalism of the personnel selected to administer the program. The following program strengths and potential weaknesses were identified:

Strengths

1. The licensee maintained excellent program documentation.
2. The licensee exhibited strong upper management support and endorsement of the program.

3. The licensee allows contractor employees with first-offense FFD violations to return to the station after a year, provided that the rigid criteria of the return-to-work policy are met.
4. The licensee makes its EAP available to contractor employees.
5. Although not required by the NRC's FFD rule, the licensee conducts periodic searches of the site with drug detection dogs.

Potential Weaknesses

1. The licensee policy for testing personnel with frequent access did not include those personnel unless they had been randomly selected for testing (see Section 7.1).
2. The licensee's practice of testing for-cause in one respect was not consistent with the NRC criteria (see Section 7.0).
3. FFD training records for supervisors responsible for behavioral observation did not reflect the date when initial training was required; only when it was accomplished (see Section 6.0).

DETAILS

1.0 Key Personnel Contacted

The following personnel attended the exit meeting on April 19, 1991:

Licensee

R. Cooney, Maintenance Manager
D. Covill, Nuclear Quality Group (NQG) Surveillance Supervisor
B. Drawbridge, Executive Director of Nuclear Production
K. Endelsrer, Senior Instructor
B. Gagnon, Employee Allegation Resolution (EAR) Program Manager
J. Hill, Operations
G. House, Processing Center Supervisor
G. Kann, Program Support Manager
G. Kotkowski, Electrical Engineering Supervisor
R. Krohn, NRC Coordinator
J. Linville, Chemistry Department Supervisor
R. Messina, Security Supervisor
D. Moody, Station Manager
V. Pascucci, Quality Control (QC) Inspection Supervisor
J. Peschel, Regulatory Compliance Manager
J. Petterson, Assistant Operations Manager
N. Pillsbury, Director of Quality Programs
B. Seymour, Security Manager (FFD Manager)
E. Sovetsky, Technical Projects Supervisor
C. Vincent, QC Department Supervisor
J. Warnock, Nuclear Quality Manager
T. Wiebald, NQG Audit and Evaluation
D. Young, Emergency Planning Scenario Supervisor

Contractor

C. Goodnow, Chief of Security, Green Mountain Security Services (GMSS)
P. Ryan, Screening Facility Supervisor, GMSS
E. Sorenson, Screening Facility Supervisor, GMSS

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E. Benner, Resident Inspector
N. Dudley, Senior Resident Inspector
R. Fuhrmeister, Resident Inspector

The inspector also interviewed other licensee and contractor personnel who did not attend the exit meeting.

2.0 Entrance and Exit Meeting

The inspector met with the licensee's representatives at Seabrook Station on April 16, 1991, to summarize the purpose and scope of the inspection and on April 19, 1991, to present the inspection findings. The licensee's commitments, as documented in this report, were reviewed and confirmed with the licensee during the exit meeting.

3.0 Approach to NRC Review of the FFD Program

The inspector evaluated the licensee's FFD Program using NRC Temporary Instruction 2515/106: Fitness-for-Duty: Initial Inspection of Program Implementation. This evaluation 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: management support; selection and notification for testing; collection and processing of specimens; chemical testing for illegal drugs and alcohol; 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 licensee and contractor employees with unescorted station access; a review of relevant program records; and observation of key processes, such as specimen collection and on-site screening processes.

4.0 Written Policies and Procedures

The inspector determined, through in-office review of NHY's FFD policies and procedures and discussions with the licensee, that the written policies and procedures generally met the intent of the NRC's FFD rule.

The inspector noted that the licensee periodically conducts searches in the parking lot, outside of the plant protected area, for signs of alcohol or drug use. In discussions with the licensee, the inspector was advised that when an alcoholic container is found in or around a vehicle, its owner and passengers are given a breath alcohol test to determine if alcohol was consumed just prior to their entry into the protected area. A drug test is not administered. The alcohol test is deemed by the licensee to be a "for-cause" test under the NRC rule.

While this practice is aggressive, it does not meet the testing for-cause criteria specified in 10 CFR 26.24(a)(3), which is primarily related to observed behavior or performance indications, or receipt of credible information, involving alcohol or drug abuse. Therefore, the inspector advised the licensee that this testing should not be conducted under the auspices of the NRC's FFD rule.

Additionally, the inspector advised the licensee that 10 CFR 26, Appendix A, Section 2.1(a) requires testing for a number of specified drugs, in addition to alcohol, when a for-cause test is conducted under the criteria specified in 10 CFR 26.24(a)(3).

The licensee agreed to evaluate this matter and make necessary adjustments. This item will be reviewed during a subsequent inspection.

5.0 Program Administration

Following are the inspector's findings with respect to the administration of key elements of the FFD program.

5.1 Delineated Responsibilities

The program is organized to facilitate coordination among the various program elements. This includes the active involvement of the FFD Program Manager who is responsible for all of the key line program elements (e.g., security, medical review officer (MRO), collection staff, the random selection process, FFD records and FFD training). The FFD Program Manager reports directly to the Executive Director of Nuclear Production. Interviews with these individuals confirmed that they are cognizant of their responsibilities.

5.2 Management Awareness of Responsibilities

Interviews with FFD program staff and selected supervisors, reviews of procedure, and discussions with licensee management by the inspector indicated that management is aware of its responsibilities under the rule and its particular responsibility within the program. The licensee appeared to be fully committed to the goal of a work place free of drugs and alcohol and their effects.

5.3 Program Resources

The licensee appears to be providing adequate resources for effective program implementation. Interviews with FFD program staff indicated that upper management has been supportive in providing the facilities and personnel that are necessary to carry out their program.

5.4 Management Monitoring of Program Performance

The FFD Program Manager exercises effective daily oversight of the program and maintains excellent communications with FFD program staff. The licensee had completed its first and second six-month reports on program performance, which indicated little substance abuse among its employees and those of its contractors. The licensee's internal audit program appears to be in-depth and thorough. In addition, the licensee established an FFD monitoring committee. The committee meets as necessary but at least once each quarter to review FFD program performance, industry-wide FFD activities etc., and to recommend program enhancements.

5.5 Measures Undertaken to Meet Performance Objectives of the Rule

The licensee has provided adequate resources and personnel to meet the performance objectives of the NRC's FFD rule. In regard to a drug-free work place, the licensee has conducted frequent searches of the work place using drug detection dogs, although this practice is not specifically required by the NRC regulation.

The inspector also found that the licensee had adequate mechanisms in place to receive and provide "suitable inquiry" information relative to an employee's or applicant's prior drug or alcohol use.

5.6 Sanctions

The licensee's FFD policy establishes sanctions consistent with 10 CFR 26.27(b).

5.6.1 Alcohol

- First Offense - NHY employees who are found to have a blood alcohol level at or greater than 0.04 percent will be subject to disciplinary action which includes, at a minimum, a 14-day suspension without pay and may include referral to the Employee Assistance Program (EAP). NHY employment applicants who do not successfully complete a pre-access test will not be eligible for access to Seabrook Station and properties controlled by NHY for a minimum of one year.

Contractor employees who have successfully completed an initial pre-access test, but are subsequently found with a blood alcohol level at or greater than 0.04 percent will be denied access to Seabrook Station and properties controlled by NHY for a minimum of 30 calendar days. The licensee also makes its EAP available to contractors. Contractors who do not successfully complete a pre-access test shall not be eligible for access to Seabrook Station and properties controlled by NHY for a minimum of one year.

- Second Offense - NHY employees who violate the alcohol policy a second time will be subject to disciplinary action which includes, at a minimum, a 30-day suspension without pay and referral to EAP, and may include termination of employment.

Contractor employees who violate the alcohol policy for a second time will be denied access to Seabrook Station and properties controlled by NHY for a minimum of three years.

5.6.2 Illegal Drugs

- First Offense - NHY employees with a confirmed positive drug test result will be subject to disciplinary action which includes, at a minimum, a 14-day suspension without pay and referral to the EAP for assessment.

Contractor employees with a confirmed positive drug test result will be denied access to Seabrook Station and properties controlled by NHY for 30 days. They are eligible for EAP assessment.

- Second Offense - NHY employees with a second confirmed positive drug test result will be terminated from employment.

Contractor employees with a second confirmed positive drug test result will be permanently denied access to the Seabrook Station and properties controlled by NHY.

5.6.3 Return to Work

NHY or contractor employees may return to work after completing the appropriate suspension, obtaining a written recommendation from the EAP director, obtaining MRO assurance that they are fit to perform their duties, successfully completing screening for alcohol and illegal drugs, and obtaining the concurrence of the appropriate NHY Vice President or Director. Returning NHY and contractor employees will be subject to follow-up alcohol and drug screening, in addition to random testing, for three years from the date of return to work.

5.7 Employee Assistance Program (EAP)

The licensee maintains an EAP that offers assessment, counseling, and referral services through both a qualified company staff and through qualified contractor counseling professionals. The EAP services are available to employees and their immediate family. A noteworthy feature of the licensee's EAP program is that the services are available to contractor employees at no cost to them.

The inspector determined through an interview with the EAP Director and with randomly selected station employees, that the EAP is well accepted and utilized by the employees. The inspector determined through interviews with employees that the licensee has encouraged use of the services and that the employees have confidence in the program.

6.0 Training

The licensee's FFD training program appeared to be adequate in all but one minor respect which is discussed below. Interviews with plant staff members indicated that they were generally knowledgeable of the program, and the actions and responsibilities that were assigned to them. The resident inspector's review of the training program indicated that both content and delivery were good.

The inspector reviewed a sample of FFD records. The records were current and reflected the training requirements of 10 CFR Part 26.22(c). However, for supervisors responsible for behavioral observation, the records did not reflect the effective date of supervisory status. Therefore, it was not readily apparent when the initial supervisory training was required; the only date which was recorded was when it was accomplished. The licensee committed to review this matter and take appropriate action. This matter will be reviewed during a subsequent inspection.

7.0 Key Program Processes

7.1 Selection and Notification for Testing

The selection and notification process is conducted in a manner that meets the objectives of the rule. A list of the individuals to be tested randomly is generated by a computer on randomly selected test days from a pool of all individuals with unescorted access to the station. The pool is updated daily, as needed, to account for changes in individuals with station access. Data compiled for the first 12 months of program implementation indicate that the goal of testing 100 percent of station personnel with unescorted access is being achieved. The inspectors noted that the licensee conducts random testing on backshifts, weekends and holidays.

Random selection for testing was conducted by use of a computer generated list. At the time of the inspection, only five individuals had access to the random selected process. Notification is conducted through the supervisor of the selected individual. The supervisor establishes whether or not the individual is at the station and then notifies the individual to report to the collection facility at an appointed time, which procedurally should be no more than two hours from the time the selected individual is notified. If the individual does not report at the appointed time, the collection staff will notify an appropriate level of management.

Licensee employees who are not at the station when their names are selected are excused from testing for that day. The licensee has developed a list of excused absences for company employees.

The inspector verified that the licensee's FFD policy includes individuals with infrequent, unescorted station access in the random selection process. When these individuals are randomly selected,

they are to be tested the next time that they arrive at the station. If they don't show up within 60 days of selection, unescorted station access is suspended until a pre-access test is completed.

The inspector determined that the licensee's unescorted-station-access policy was inconsistent with the requirements of the NRC's FFD rule, in that, it did not address continued behavioral observation for those individuals when they were not at the station, nor did it address behavioral observation training for the supervisors of those individuals. The licensee committed to review this matter and take appropriate action. This matter will be reviewed during a subsequent inspection.

7.2 Collection and Processing of Specimens

The inspector evaluated collection and handling of specimens by observing licensee personnel go through the collection process. The observations included processing of urine specimens and breathalyzer examinations. The specimens were properly identified, positively controlled, and analyzed according to the laboratory procedure. Use of the breathalyzer equipment was also observed to be proper and in accordance with the licensee's procedure and the NRC rule.

7.3 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 inspector 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, chain-of-custody procedures appear to be followed at all times.

The licensee maintained excellent documentation of its FFD testing program. The documentation was centrally located, well maintained and easily retrievable. The licensee's permanent record books are exceptionally well maintained.

7.4 Audit Program

The inspector reviewed the pre-award audit of the contracted Department of Health and Human Services (HHS) certified laboratory and the audit of the FFD program. The audits were in-depth, comprehensive and thorough. The audit findings were reported to appropriate levels of management. Where potential weaknesses were identified, they had been corrected or were in the process of being corrected. The licensee's corrective actions appeared to be adequate.

8.0 On-Site Collection Facility

The licensee maintains a specimen collection facility at the station but drug testing is done by an HHS-certified laboratory at another location. The licensee's collection facility was centrally located, modern, spacious, well-equipped and adequately staffed by personnel who displayed a high level of proficiency and professionalism. The layout of the facility was conducive to monitoring individuals as they proceed through the collection process. Access to the facility was well controlled by collection personnel, and visitor access was recorded in a log. Testing capabilities for breath alcohol are also provided at the collection facility and were consistent with the expectations of the rule. Approved breath-testing devices were used. Procedures for their use were appropriate, and personnel had been trained in the use of the devices.