

NOTICE OF VIOLATION

Carolina Power & Light Company
Brunswick Steam Electric Plant
Units 1 and 2

Docket Nos. 50-325 and 50-324
License Nos. DPR-71 and DPR-62
EA 96-054

During an NRC inspection conducted on February 5-9, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

- A. 10 CFR 26.24(a)(1) requires that a licensee provide a means to deter and detect substance abuse by implementing chemical testing programs for persons subject to this part. The program shall include testing within 60 days prior to the initial granting of unescorted access to protected areas or assignment to activities within the scope of this part.

10 CFR 26, Appendix A, Paragraph 2.7(d) provides, in part, that urine specimens identified as presumptive positive by a licensee's testing facility shall be shipped to a Department of Health and Human Services (HHS) certified laboratory for testing.

Carolina Power and Light Company's "Fitness for Duty Program Policies and Procedures", Revision 3, dated July 10, 1991, provides that for the first confirmed positive chemical test, the licensee employee or contractor employee will be terminated and that unescorted access will be denied.

Carolina Power and Light Company's Procedure, "Nuclear Workers Screening Program for Unescorted Access," Attachment 1, dated March 20, 1995, provides that an individual failing one alcohol or drug test is not eligible for unescorted access.

Contrary to the above, the licensee failed to implement the chemical testing program, in that:

1. On January 8, 1996, testing facility personnel failed to identify a presumptive positive pre-screen test result for substance abuse, and the specimen was not shipped to an HHS-certified laboratory. The licensee failed to deny the individual unescorted access during the period January 8-12, 1996, and the individual entered vital areas without escort during this period.
2. On January 15, 1996, testing facility personnel failed to identify a presumptive positive pre-screen test result for substance abuse, and the specimen was not shipped to an HHS-certified laboratory. The licensee failed to deny the individual eligibility for unescorted access during the period January 19-26, 1996. The individual subsequently tested positive for drug use on January 29, 1996. (01013)

This is a Severity Level III violation (Supplement VII).

- B. 10 CFR 26.24(a)(1) requires that a licensee provide a means to deter and detect substance abuse by implementing chemical testing programs for persons subject to this part. The program shall include testing within 60 days prior to the initial granting of unescorted access to protected areas or assignment to activities within the scope of this part.

10 CFR 26, Appendix A, Paragraph 2.4(g)(16), provides that all urine specimens suspected of being adulterated or found to be diluted shall be forwarded to the laboratory for testing.

10 CFR 26, Appendix A, Paragraph 2.4(g)(17), provides, in part, that whenever there is reason to believe that a particular individual may alter or substitute the urine specimen to be provided, a second specimen shall be obtained as soon as possible under the direct observation of a same gender collection site person.

10 CFR 26, Appendix A, Paragraph 2.4(f)(2) identifies a urine specimen with a specific gravity of less than 1.003 as constituting a reason to believe that the individual may alter or substitute a urine specimen.

Carolina Power and Light Company's "Fitness for Duty Program Policies and Procedures," Revision 3, July 10, 1991, defines the circumstance of a urine specimen determined by the laboratory to have a specific gravity of less than 1.003 as constituting a reason to believe that a particular individual may alter or substitute the urine specimen.

Contrary to the above, on January 10 and January 15, 1996, during chemical testing prior to initial granting of unescorted access to the protected area, the licensee failed to implement the chemical testing program in that two urine specimens with specific gravity readings lower than 1.003 were: (1) not forwarded to an HHS-certified laboratory for testing; and (2) in each case, a second specimen was not obtained under direct observation. (02014)

This is a Severity Level IV violation (Supplement VII).

Pursuant to the provisions of 10 CFR 2.201, Carolina Power & Light Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region II, and a copy to the NRC Resident Inspector at the Brunswick Steam Electric Plant, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full

compliance will be achieved. Your response may reference or include previous jockeyed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at Atlanta, Georgia
this 4th day of April 1996

LIST OF ATTENDEES

Carolina Power & Light Company

W. Campbell, Vice President, Nuclear Engineering
B. Castonguay, Vice President, Human Resources
T. Walt, Manager, Performance Evaluation and Regulatory Affairs
T. Calloway, Manager, Access Authorization
G. Ellis, Manager, Corporate Security
G. Hicks, Manager, Regulatory Affairs, Brunswick Nuclear Plant
B. Lindgren, Manager, Site Support, Brunswick Nuclear Plant

Nuclear Regulatory Commission

L. Reyes, Deputy Regional Administrator, Region II (RII)
J. Jaudon, Deputy Director, Division of Reactor Safety (DRS), RII
M. Shymlock, Chief, Branch 4, Division of Reactor Projects (DRP), RII
L. Watson, Enforcement Specialist, EICS, RII
R. Long, Enforcement Specialist, EICS, RII
C. Patterson, Senior Resident Inspector, Brunswick, DRP, RII
E. Rosano, Enforcement Coordinator, Office of Enforcement
D. Thompson, Safeguards Inspector, DRS, RII

ISSUES TO BE DISCUSSED

1. 10 CFR 26.24(a)(1) requires that a licensee provide a means to deter and detect substance abuse by implementing chemical testing programs for persons subject to this part. The program shall include, among other things, testing within 60 days prior to the initial granting of unescorted access to protected areas or assignment to activities within the scope of this part.

10 CFR Part 26, Appendix A, Paragraph 2.7(d) provides, in part, that urine specimens identified as presumptive positive by a licensee's testing facility shall be shipped to a Department of Health and Human Services (HHS) certified laboratory for testing.

The licensee's Fitness for Duty Program Policies and Procedures, Revision 3, July 10, 1991, states that for the first confirmed positive chemical test that the CP&L employee or contractor employee will be terminated and that unescorted access will be denied.

A. On January 8, 1996, during chemical testing prior to the initial granting of unescorted access to the protected area, a pre-screened suspect positive for substance abuse was transposed during specimen logging to a pre-screened negative. This resulted in a pre-screened suspect positive for substance abuse being granted unescorted access to the vital area from January 9-19, 1996.

B. On January 15, 1996, the laboratory technician failed to detect, while reviewing the machine results, that an individual had pre-screened suspect positive. This resulted in the individual, subsequently determined after a second test to be positive for substance abuse, to be eligible for unescorted access from January 15-26, 1996, although the individual was not granted unescorted access to the protected area.

NOTE: The apparent violations discussed in this predecisional enforcement conference are subject to further review and are subject to change prior to any resulting enforcement decision.

ISSUES TO BE DISCUSSED

2. 10 CFR 26.24(a)(1) requires that a licensee provide a means to deter and detect substance abuse by implementing chemical testing programs for persons subject to this part. The program shall include testing within 60 days prior to the initial granting of unescorted access to protected areas or assignment to activities within the scope of this part.

10 CFR Part 26, Appendix A contains the following provisions: Paragraph 2.4(g)(16) provides that all urine specimens suspected of being adulterated or found to be diluted shall be forwarded to the laboratory for testing. Paragraph 2.4(g)(17) provides that whenever there is reason to believe that a particular individual may alter or substitute the urine specimen to be provided, a second specimen shall be obtained as soon as possible under the direct observation of a same gender collection site person. Paragraph 2.6(a) provides that any licensee testing facility shall have an individual to be responsible for day-to-day operations including a thorough understanding of the proper remedial actions to be taken in response to detecting aberrant test or quality control results. Subpart B, Paragraph 2.4 (f) (2) provides that, for the purpose of this appendix, the following circumstance is one of the exclusive grounds constituting a reason to believe that the individual may alter or substitute a urine specimen: the last specimen provided by the individual was determined by the laboratory to have a specific gravity of less than 1.003.

The licensee's Fitness for Duty Program Policies and Procedures, Revision 3, July 10, 1991, states in definitions that if "the last urine specimen provided by the individual was determined by the laboratory to have a specific gravity of less than 1.0003," that there is a "reason to believe that a particular individual may alter or substitute the urine specimen."

On January 10 and January 15, 1996, during chemical testing prior to initial granting of unescorted access to the protected area, the licensee failed to implement the chemical testing program in that two urine specimens suspected of being adulterated due to low specific gravity readings were not forwarded to an HHS laboratory for testing.

NOTE: The apparent violations discussed in this predecisional enforcement conference are subject to further review and are subject to change prior to any resulting enforcement decision.

ISSUES TO BE DISCUSSED

3. 10 CFR Part 26.24 (d)(1) provides that the licensee may conduct initial screening tests of an aliquot before forwarding selected specimens to a laboratory certified by the Department of Health and Human Services (HHS) provided the licensee's staff possesses the necessary training and skills for the tasks assigned. 10 CFR Part 26, Appendix A, Paragraph 2.6(b) requires that technicians or nontechnical staff shall have the necessary training and skills for the tasks assigned.

As of February 9, 1996, the licensee failed to ensure that technicians had the necessary training and skills for the tasks assigned in that neither of the two laboratory technicians assigned to perform initial screening tests of an aliquot had been trained on the licensee's Fitness-for-Duty Program and procedure requirements and one of the two laboratory technicians had not been provided hands-on training on actual operation of laboratory equipment.

NOTE: The apparent violations discussed in this predecisional enforcement conference are subject to further review and are subject to change prior to any resulting enforcement decision.

**Brunswick Nuclear Plant
Predecisional Enforcement Conference
FFD Pre-Screening Operations**

**Presented To The NRC
March 21, 1996**

CP&L

Agenda

FFD Pre-Screening Operations

- Introduction
- Background
- Discussion of Apparent Violations
- Safety Assessment
- Summary

Background

Establishment of On-Site Pre-Screening Operations

- **CP&L On-Site Pre-Screening Operations Purpose**
 - ◆ Drug Screening - Most Limiting Factor in Same-Day Processing
 - ◆ Program Developed Consistent With 10 CFR Part 26
- **Careful Selection Process Employed**
 - ◆ Selected Vendor With Premier Qualifications
 - ◆ Vendor and Process Used Successfully At HNP

Background

Establishment of On-Site Pre-Screening Operations

- **Maintained High Degree of Program Oversight**
 - ◆ **Management and Worker Level**
 - FFD Program Manager
 - Corporate FFD Staff Members
 - Corporate Security Manager
 - Vendor and Equipment Quality Organization
 - Manager - Access Authorization

Background

FFD Pre-Screening Operations

- **CP&L Identified Concerns With Pre-Screening**

- Operations in January 1996**

- ◆ Clerical Errors

- ◆ Lab Manager Performance Failings

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Background

FFD Pre-Screening Operations

- NRC IR 96-03 Conducted February 5-9, 1996
 - ◆ Three Apparent Violations Identified
 - Failure to detect positive pre-screen drug testing results and deny unescorted access
 - Failure to adequately respond to a possibly adulterated test sample
 - Failure to ensure that laboratory technicians were fully trained on drug/alcohol program and procedure requirements

Apparent Violations

Apparent Violation 1 - Failure to Detect Positive Samples

- **Two Examples of Apparent Violation**
- **Person A (IR 96-03, Paragraph 2.1)**
 - ◆ **January 8 - Testing Conducted**
 - Technician Transposes Results of Two Individuals
 - Access Authorized Based on Erroneous Reporting
 - ◆ **January 12 - CP&L Notified of Error**
 - Access Revoked
 - Individual Retested
 - Sample Sent to HHS Lab
 - ◆ **January 13 - HHS Lab Results Returned**
 - Results Negative
 - Access Authorized on 1/15

Apparent Violations

Apparent Violation 1 - Failure to Detect Positive Samples

- **Person B (IR 96-03, Paragraph 2.3)**
 - ◆ **January 15 - Testing Conducted**
 - Technician Erroneously Reports Results As Negative
 - ◆ **January 19**
 - Access Authorized
 - ◆ **January 26 - CP&L Notified of Error**
 - Error Discovered During Vendor Operational Review
 - Access Authorization Revoked
 - ◆ **January 29 - Individual Retested**
 - Sample Sent to HHS Lab
 - ◆ **February 1 - HHS Lab Results Returned**
 - Results Confirmed Positive by MRO
 - Access Permanently Denied

Event Investigation

Apparent Violation 1 - Failure to Detect Positive Samples

- **Errors Attributed To Individual Personnel Performance**

- ◆ **Errors Indicative of Inattention to Detail**

- Clerical Posting Errors by Technician
- Inadequate Reviews By Lab Manager

- **Authorization Based On Erroneous Data Reporting**

- **Access Determination Was Performed In Accordance With Procedures**

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Corrective Actions

Apparent Violation 1 - Failure to Detect Positive Samples

- **January 12 (Person A Error Identified)**
 - ◆ Revoked Access Authorization
 - ◆ Directed Dual Verification of Records
 - ◆ Directed Daily Record Checks Be Performed
 - ◆ Directed Two-Party Participation in Discarding of Samples
 - ◆ Completed Review of 1/8 to 1/12 Records
 - ◆ Logged Event in Safeguards Event Log
 - ◆ Initiated Condition Report
 - ◆ Notified Region II
- **January 15**
 - ◆ Interviewed Supervisor Concerning Behavior of Person A

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Corrective Actions

Apparent Violation 1 - Failure to Detect Positive Samples

● January 16

- ◆ Suspended Pre-Screening Operations
 - Incomplete Form Received By CP&L Corporate Support
- ◆ Initiated Condition Report
- ◆ Vendor Operational Review Requested

● January 17

- ◆ Vendor Operational Review Initiated
- ◆ Corporate Staff Briefed on Events
 - Emphasized Significance of Issues
 - Emphasized Importance of Attention to Detail

Corrective Actions

Apparent Violation 1 - Failure to Detect Positive Samples

- **January 18**
 - ◆ CP&L Initiated Program Audit For BNP and HNP
- **January 19 (Restart Readiness Decision)**
 - ◆ Pre-Screening Operations Terminated
 - ◆ Region II Notified
- **January 26 (Person B Error Identified)**
 - ◆ Revoked Access Authorization
 - ◆ Logged Event in Safeguards Event Log
 - ◆ Facility Operations Already Terminated
 - ◆ No Further Actions Necessary

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Corrective Actions

Apparent Violation 1 - Failure to Detect Positive Samples

- **February 4 - 6**
 - ◆ Toxicologist Review of BNP Pre-Screening Operations
- **February 14**
 - ◆ Industry Notification Issued Regarding Erroneous Data Reporting During On-Site Vendor Pre-Screening Operations
- **February 19**
 - ◆ Submitted Informational Report on Issues to NRC Staff
- **Corrective Actions Taken Were Timely and Aggressive**

Apparent Violations

Apparent Violation 2 - Possibly Adulterated Test Samples

- **Person C (IR 96-03, Paragraph 2.4)**

- ◆ **January 10 - Testing Conducted**

- **Negative Pre-Screen Results**
- **Low Specific Gravity Reported to FFD Program Manager**
- **Re-Collection Ordered and Performed Same Day**
- **Results of Re-Collection Negative**
- **Access Authorized**

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Event Investigation

Apparent Violation 2 - Possibly Adulterated Test Sample

- **Testing Performed In Accordance With Procedures**
- **FFD Program Manager Appropriately Informed of Each Low Specific Gravity Sample Result**
- **Re-Collection Performed For Each Individual**
- **Person C Was Not Badged Until Results of Re-Collection Completed**

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Apparent Violations

Apparent Violation 2 - Possibly Adulterated Test Samples

- **Person D (IR 96-03, Paragraph 2.2)**
 - ◆ **January 15 - Testing Conducted**
 - Negative Pre-Screen Results
 - Low Specific Gravity Reported to FFD Program Manager
 - Re-Collection Ordered
 - Individual Not Eligible for Access
 - ◆ **January 16 - Recollection Performed**
 - Sample Forwarded to HHS Lab
 - ◆ **January 18 - Lab Results Reported**
 - Positive Results Confirmed by MRO
 - Access Permanently Denied

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Event Investigation

Apparent Violation 2 - Possibly Adulterated Test Sample

- **Person D was Not Eligible for Unescorted Access at Any Time**
- **No Violation of 10 CFR Part 26 Occurred**
 - ◆ **HHS Lab Analysis not Required for Samples of Low Specific Gravity Without Suspicion of Adulteration**
 - ◆ **No Violations Occurred Concerning Low Specific Gravity Sample Handling at HNP or BNP**

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Apparent Violations

Apparent Violation 3 - Inadequate Technician Training

- **Only One Technician Performed Laboratory Analysis Work**
 - ◆ Second Technician Being Trained As Back-up
- **Technician Training Completed**
 - ◆ Abbott Certified Operational Training (Jan. 3 & 4, 1996)
 - ◆ TDx Simulation Demonstrated (Jan. 6 & 7, 1996)
 - ◆ Vendor Operating Procedures (Jan. 7, 1996)
- **Training of Individuals Met Requirements of 10 CFR Part 26**
 - ◆ No Evidence of Equipment Operation Errors
 - ◆ No Knowledge-Based Procedural Errors

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Safety Assessment

- **Events Did Not Involve A Significant Threat To Plant Safety**
 - ◆ **One "Suspect Positive" (Person A) Granted Unescorted Access**
 - Individual Not Involved in Safety-Related Work Activities
 - Interviews With Individual's Supervisor Did Not Indicate FFD Issues
 - Recollection Test Was Negative
 - ◆ **Person B Never Entered the Protected Area**

Summary

- **Issues Self-Identified**
- **Maintained Substantial Program Oversight**
 - ◆ Thorough Selection Process
 - ◆ Maintained Management Involvement Through-Out Process
 - ◆ Recognized Significance of the Issues
 - ◆ Initiated Prompt and Aggressive Corrective Actions
- **Lessons-Learned**
- **Minimal Safety Significance**

Chronology of Events

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Chronology

- **November 29, 1995: Action**

- ◆ Vendor Awarded Contract for BNP Outage Services

- **December 20, 1995: Action**

- ◆ Prescreening Facilities Set-up at BNP

- **January 4, 1996: Action**

- ◆ Technician Technical Training Completed

- **January 8, 1996: Action**

- Vendor On-Site Pre-Screening Operations Begin

Chronology

- **January 12, 1996: Discovered Posting Error**
 - ◆ **Transposition of Test Results on 1/8/96**
 - One "Suspect Positive" Reported As Negative (Person A)
 - One Negative Reported As "Suspect Positive"
 - ◆ **Manager-Access Authorization Met With FFD Program Manager and On-Site Lab Manager to Discuss Issue**
 - Dual Verification of Results Directed
 - Importance of Daily Data Checks By Lab Manager Re-Emphasized
 - Two-Party Participation in Discarding of Samples
 - ◆ **Review of Data Records From 1/8 to 1/12 Completed**
 - ◆ **Initiated Review of Work Performed by Person A**

Chronology

- **January 15, 1996: Issue**

- ◆ Incomplete Form Received By CP&L Corporate Support

- **January 16, 1996: Actions**

- ◆ Manager - Access Authorization Notified of Incomplete Form
- ◆ CP&L Suspended Pre-Screening Operations
- ◆ CP&L Requested Senior Vendor Representative to Report On-site To Conduct An Operational Review

Chronology

● January 17, 1996: Action

- ◆ Vendor Principal On-Site, Operational Review Initiated
 - Reviewed Facility Operations and Procedures
 - Initiated Investigation into Reason For Errors Occurring
 - Discussed Actions Necessary to Restart Operations

● January 18, 1996: Actions

- ◆ Vendor Operational Review Status
 - Equipment Operating Procedures Were Acceptable and Followed
 - Errors Attributable to Technician and Lab Manager Performance
 - Plan to Restart Operation Provided
- ◆ CP&L Initiated Record Audits for BNP and HNP

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Chronology

● January 19, 1996: Actions

- ◆ CP&L Terminates On-Site Pre-Screening Operations
 - Vendor Unable To Satisfy CP&L Quality Standards
 - Vendor Requested to Remain On-Site and Continue Review
- ◆ NRC Region II Notified of Decision

● January 26, 1996: Discovered Second Posting Error

- ◆ Vendor Audit Identifies 1/15 Posting Error - Suspect Positive Reported As Negative (Person B)

● January 27, 1996: Action

- ◆ CP&L Record Audit of Pre-Screening Services Completed
 - No Additional Posting Errors Identified For BNP
 - No Posting Errors Identified For HNP 1995 Operations

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Chronology

- **February 4 - 6, 1996: Action**

- ◆ Toxicologist Review of BNP Pre-Screening Operations
 - No Deficiencies in Set-up or Use of Analysis Equipment
 - Errors Were Mistakes of Transposition and Omission

- **February 14, 1996: Action**

- ◆ Industry Notification Issued Regarding Erroneous Data Reporting During On-Site Vendor Pre-Screening Operations

- **February 19, 1996: Action**

- ◆ Submitted Informational Report on Issues to NRC Staff

CP&L