

July 17, 2000

Mr. R. P. Powers
Senior Vice President
Nuclear Generation Group
American Electric Power Company
500 Circle Drive
Buchanan, MI 49107-1395

SUBJECT: D. C. COOK - NRC INSPECTION REPORT 50-315/2000017(DRS);
50-316/2000017(DRS)

Dear Mr. Powers:

This refers to a reactive inspection conducted between June 26 and 28, 2000, regarding activities at the D. C. Cook Nuclear Power Station. The purpose of this inspection was to determine whether activities authorized by the license regarding a licensee identified event, related to your Fitness-For-Duty program that occurred on July 19, 1999, were conducted in accordance with NRC security related requirements.

Areas examined during the inspection are identified in the report. Within these areas, the inspection consisted of selective examination of procedures and representative records and interviews with personnel.

Based on the results of this inspection, the NRC has determined that one violation of NRC requirements occurred. The violation is being treated as a Non-Cited Violation (NCV), consistent with Appendix C of the Enforcement Policy. The NCV is described in the subject inspection report. If you contest the violation or severity level of the NCV, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to the Regional Administrator, Region III, and the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

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Sincerely,

/RA/

John A. Grobe, Director
Division of Reactor Safety

Docket Nos. 50-315; 50-316
License Nos. DPR-58; DPR-74

Enclosure: Inspection Report 50-315/2000017(DRS);
50-316/2000017(DRS)

cc w/encl: A. C. Bakken III, Site Vice President
J. Pollock, Plant Manager
M. Rencheck, Vice President, Nuclear Engineering
R. Whale, Michigan Public Service Commission
Michigan Department of Environmental Quality
Emergency Management Division
MI Department of State Police
D. Lochbaum, Union of Concerned Scientists

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U.S. NUCLEAR REGULATORY COMMISSION

REGION III

Docket Nos: 50-315; 50-316
License Nos: DPR-58; DPR-74

Report No: 50-315/2000017(DRS); 50-316/2000017(DRS)

Licensee: American Electric Power Company

Facility: Donald C. Cook Nuclear Plant, Units 1 and 2

Location: 1 Cook Place
Bridgman, MI 49106

Dates: Between June 26 and 28, 2000

Inspector: T. Madeda, Physical Security Inspector

Approved by: James R. Creed, Safeguards Program Manager
Division of Reactor Safety

EXECUTIVE SUMMARY

D. C. Cook Nuclear Plant, Units 1 and 2
NRC Inspection Report 50-315/2000017(DRS); 50-316/2000017(DRS)

This reactive inspection reviewed a licensee identified event regarding the action of a licensee supervisor that detected an odor of alcohol on a plant employee.

- A Non-Cited Violation was identified because a licensee supervisor failed to take proper action for a fitness for-duty-issue. The supervisor failed to implement a licensee procedure requirement that required a for-cause drug test be conducted after detecting and confirming the odor of alcohol on a badged plant employee. The failure resulted from human error. The licensee identified this issue and corrective actions were implemented (Section S8.1).

Report Details

IV. Plant Support

S8 Miscellaneous Security and Safeguards Issues

S8.1 Fitness-For-Duty (IP 81502)

a. Inspection Scope

The inspector reviewed a licensee Condition Report and other documents that pertained to the actions of a licensee supervisor when he became aware of a fitness-for-duty (FFD) issue that occurred on July 19, 1999.

b. Observations Findings

On July 19, 1999, a licensee supervisor detected an odor of alcohol on a plant employee. Through an interview of the employee, the supervisor confirmed that the individual had consumed alcohol. The plant employee stated that he had consumed the alcohol approximately eight hours before reporting to work in the protected area. During the interview, the supervisor concluded that the individual showed no physical signs of impairment but did identify indications of emotional stress. The supervisor requested that a fellow employee also evaluate the individual. The second employee confirmed the supervisor's observations. Due to the emotional stress displayed by the individual, the supervisor had the individual escorted from the protected area and sent home. No FFD drug test was administered. Subsequent to the individual's departure from the site, the supervisor notified his superior of the event and his action. The superior immediately contacted a licensee fitness-for-duty representative, discussed the event and the supervisor's action, and determined that a for-cause test should have been conducted. Licensee follow-up included a psychological evaluation to evaluate the individual's alcohol and emotional issues. Evaluation results were negative. On July 19, 1999, the licensee documented the circumstances involving this event in Condition Report No. CR 99-18913.

Based on the circumstances of this event, the Region III Office of Investigation (OI) conducted an inquiry to determine if the supervisor's action was deliberate in violating a licensee's FFD procedure. Based on the evidence developed during the investigation, OI: RIII did not substantiate that the licensee supervisor deliberately violated the licensee's FFD procedures by sending the individual home instead of conducting a for-cause fitness-for-duty test (OI Case No. 3-1999-044). Refer to Attachment A of this report for OI's synopsis of the referenced investigation report.

The inspector's evaluation determined that the detection and confirmation of the smell of alcohol by two individuals provided both a clear and credible indication of possible recent consumption of alcohol. 10 CFR 26.24(3) and the licensee's FFD testing procedure require testing for-cause as soon as possible after receiving credible information that an individual could be abusing drugs or alcohol. Therefore, the supervisor's action of sending the individual home instead of pursuing FFD testing was in violation of NRC and licensee FFD for-cause testing requirements.

The event was of low safety significance because the odor of alcohol was detected as the employee started work, the individual was escorted and removed from the site, and the individual was evaluated at a later time for substance abuse and emotional issues. The licensee entered the FFD event into their corrective action program (Condition Report No. P-99-23789). This Severity Level IV violation is being treated as a Non-Cited Violation (NCV), consistent with Section VI A.1 of the May 2000 NRC Enforcement Policy (NCV 50-315/2000017-01; 50-316/2000017-01).

c. Conclusions

The inspector identified a Non-Cited Violation because a licensee supervisor failed to take proper action on a fitness for duty event. A licensee supervisor failed to implement licensee and NRC requirements regarding conducting a for-cause test after detecting and confirming the odor of alcohol on a plant employee. The failure resulted from human error. Corrective actions were implemented (Section S8.1).

S8.2 (Closed) Unresolved Item (50-315/99027-03; 50-316/99027-03)

Inspector review of Licensee Condition Report No. 99-18866 showed that on July 19, 1999, a licensee supervisor, while in the protected area, detected the odor of alcohol on a contractor employee. The supervisor and another employee observed the individual for approximately one hour. No physical signs of impairment were identified. The supervisor sent the individual home. This event was discussed in Section S8.1 of this report. The event was categorized as a Severity Level IV Non-Cited Violation. This issue is closed.

V. Management Meetings

X1 Exit Meeting Summary

The inspector presented the inspection results to licensee management during a telephone call at the conclusion of the inspection on June 28, 2000. The inspector identified one Non-Cited Violation that involved a licensee's employer's failure to implement a for-cause FFD test in accordance with licensee and NRC requirements. Licensee representatives acknowledged our disposition of the issue.

PARTIAL LIST OF PERSONS CONTACTED

Licensee

A. Bakken, III, Site Vice President
F. Timmons, Manager, Site Protective Services
A. Rodriguez, Manager, Site Protective Services Support
M. Barfelz, Licensing Engineer

NRC

B. Bartlett, Senior Resident Inspector

ITEMS OPENED, CLOSED, AND DISCUSSED

Opened

50-315/316/2000017-01 NCV Failure to conduct a FFD test.

Closed

50-315/316/99027-03 URI Fitness-For-Duty Event.
50-315/316/2000017-01 NCV Failure to conduct a FFD test.

PARTIAL LIST OF DOCUMENTS REVIEWED

Condition Report No. P-99-18913, Dated July 19, 1999
Condition Report No. P-99-23789, Dated September 24, 1999
Cook Nuclear Plant Alcohol and Drug Policy, Dated August 1998
Cook FFD Program, Topic For-Cause Testing Procedure, Revision 12
Region III OI "Report of Investigation," Case No. 3-1999-044

Attachment A: Synopsis

This investigation was initiated by the U. S. Nuclear Regulatory Commission, Office of Investigations (OI), Region III (RIII), on October 18, 1999, regarding an allegation that a D. C. Cook Nuclear Power Plant (Cook) supervisor deliberately violated Cook's Fitness-For-Duty (FFD) procedures.

Based upon the evidence developed during the investigation, OI:RIII did not substantiate the allegation that a Cook supervisor deliberately violated Cook's FFD procedures.