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50-324 Brunswick Steam Electric Plant, Unit 2, Carolina Powe 05000324  
50-400 Shearon Harris Nuclear Power Plant, Unit 1, Carolina 05000400

AUTH.NAME AUTHOR AFFILIATION  
ORSER,W.S. Carolina Power & Light Co.  
RECIP.NAME RECIPIENT AFFILIATION  
Document Control Branch (Document Control Desk)

SUBJECT: Responds to NRC 970228,ltr re violations noted in insp rept  
50-261/97-02,50-325/97-02,50-324/97-02 & 50-400/97-02.  
Corrective actions:individual's unescorted access was  
terminated.

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05000400

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10 CFR 2.201

Carolina Power & Light Company  
PO Box 1551  
Raleigh NC 27602

March 31, 1997

William S. Orser  
Executive Vice President  
Energy Supply

Serial: PE&RAS-97-025

United States Nuclear Regulatory Commission  
ATTENTION: Document Control Desk  
Washington, DC 20555

BRUNSWICK STEAM ELECTRIC PLANT, UNIT NOS. 1 AND 2  
DOCKET NOS. 50-325 AND 50-324 / LICENSE NOS. DPR-71 AND DPR-62

SHEARON HARRIS NUCLEAR POWER PLANT, UNIT NO. 1  
DOCKET NO. 50-400 / LICENSE NO. NPF-63

H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT NO. 2  
DOCKET NO. 50-261 / LICENSE NO. DPR-23

SUBJECT: REPLY TO APPARENT VIOLATIONS  
NRC INSPECTION REPORT 50-325/97-01,  
50-324/97-01, 50-400/97-02, AND 50-261/97-02

Dear Sir or Madam:

On February 28, 1997, the Nuclear Regulatory Commission (NRC) issued apparent violations in the areas of Access Authorization (AA) and Fitness-For-Duty (FFD) for the Brunswick Steam Electric Plant, Units 1 and 2, the Shearon Harris Nuclear Power Plant, and the H. B. Robinson Steam Electric Plant, Unit 2, the bases of which are provided in NRC Inspection Report 50-325/97-01, 50-324/97-01, 50-400/97-02, and 50-261/97-02.

The specific Carolina Power and Light (CP&L) responses to the apparent violations are contained in the attachment to this letter. While the apparent violations were identified by CP&L and comprehensive corrective actions have been taken, CP&L considers it unsatisfactory that the apparent violations were allowed to occur because of inadequate management controls and oversight.

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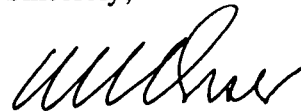
IE01 1/1

CP&L has taken actions to ensure that the AA and FFD programs are administered in accordance with our own expectations as well as federal requirements. When the issues were identified in 1996, a stop work order was issued until corrective actions could be implemented. Other significant actions taken to date have included new management personnel, additional training and procedure enhancement efforts, communication of CP&L expectations both to CP&L employees and external support agencies, and more frequent self-assessments of the AA/FFD Program.

The attachment provides CP&L's response to the apparent violations in accordance with the provisions of 10 CFR 2.201. CP&L has determined that this response does not contain Safeguards information or information of a proprietary nature.

Please refer any questions regarding this submittal to Mr. T. D. Walt, Director, Operations and Environmental Support, at (919) 546-6901.

Sincerely,



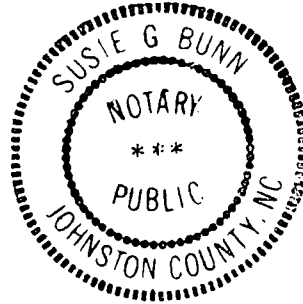
W. S. Orser  
Executive Vice President - Energy Supply  
Chief Nuclear Officer

PAO/pao  
Attachment

W. S. Orser, having been first duly sworn, did depose and say that the information contained in this submittal is true and correct to the best of his information, knowledge and belief.

(Seal) Susie G. Bunn

My commission expires: 4/20/97



- c: Mr. L. A. Reyes, Regional Administrator - Region II  
Mr. J. B. Brady, USNRC Senior Resident Inspector - SHNPP, Unit 1  
Mr. B. B. Desai, USNRC Senior Resident Inspector - HBRSEP, Unit 2  
Mr. N. B. Le, NRR Project Manager - SHNPP, Unit 1  
Ms. B. L. Mozafari, NRR Project Manager - HBRSEP, Unit 2  
Mr. C. A. Patterson, USNRC Senior Resident Inspector - BSEP, Units 1 and 2  
Mr. D. C. Trimble, Jr., NRR Project Manager - BSEP, Units 1 and 2  
Chairman Jo Anne Sanford - North Carolina Utilities Commission

ATTACHMENT

BRUNSWICK STEAM ELECTRIC PLANT, UNIT NOS. 1 AND 2  
DOCKET NOS. 50-325 AND 50-324 / LICENSE NOS. DPR-71 AND DPR-62

SHEARON HARRIS NUCLEAR POWER PLANT  
DOCKET NO. 50-400 / LICENSE NO. NPF-63

H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT NO. 2  
DOCKET NO. 50-261 / LICENSE NO. DPR-23

REPLY TO APPARENT VIOLATIONS  
NRC INSPECTION REPORT 50-325/97-01, 50-324/97-01, 50-400/97-02, 50-261/97-02

**RESTATEMENT OF APPARENT VIOLATION EEI 50-325/324/97-01-01:**

10 CFR 73.56(b)(3) requires that the licensee base its decision to grant, deny, revoke, or continue an unescorted access authorization on review and evaluation of all pertinent information developed.

Carolina Power & Light Company's (CP&L) Procedure SEC-NGGC-2101, "Nuclear Worker Screening Program for Unescorted Access," Paragraph 1.0, Revision 5, dated November 15, 1996, requires the licensee to implement an Unescorted Access Authorization Program which satisfies the requirements of 10 CFR 73.56.

CP&L's Procedure SEC-NGGC-2101, "Nuclear Worker Screening Program for Unescorted Access," Paragraph 9.1.1, Revision 5, dated November 15, 1996, states that employment history must be obtained for the past five years through contacts with previous employers by obtaining the following information: (1) verification of claimed periods of employment of 30 days or more, (2) reason for termination and eligibility for rehire, and (3) any other information that would adversely reflect upon the reliability and trustworthiness of the worker as it relates to the worker being permitted unescorted access.

As noted in the NRC Inspection Report dated February 28, 1997, the licensee failed to complete the background investigation for a specific individual in that:

From January 22 through March 1, 1996, an individual was granted temporary unescorted access to the Brunswick Steam Electric Plant prior to verification of one of the individual's past employments. The verification of past employment would have disclosed that the individual was terminated by the last employer for falsification of records. Subsequently, on March 1, 1996, the licensee was made aware of the derogatory information; however, the licensee failed to adjudicate the derogatory information, which resulted in the individual being granted a final clearance on June 26, 1996. The licensee indicated that full access would not have been granted if the licensee had been aware of

the derogatory information. Also, based on granting the final clearance, the individual could have been transferred to other licensee sites without another background investigation being accomplished. The individual had unescorted access to the protected area.

**RESPONSE TO APPARENT VIOLATION EEI 50-325/324/97-01-01:**

**Admission or Denial of Apparent Violation:**

CP&L admits this apparent violation.

**Reason for Apparent Violation:**

The event cited in Apparent Violation 50-325/324/97-01-01 was caused by failure to provide adequate management oversight of the AA Program, inadequate procedural controls, and inadequate training of AA personnel.

**Corrective Actions Which Have Been Taken and Results Achieved:**

- A. This item was self-identified via CP&L Performance Evaluation Support Unit Assessment Report No. 96-15-SPP-C, conducted July 8 through July 19, 1996, and dated August 14, 1996. The individual's unescorted access was terminated on March 1, 1996, for reasons unrelated to AA/FFD requirements, prior to identification of this issue, and the individual has not since been granted unescorted access to a CP&L nuclear facility. In order to clarify the record, the following actions were taken:
- 1) On July 19, 1996, it was determined that the individual had falsified CP&L's Personnel History Questionnaire (PHQ).
  - 2) On July 19, 1996, the individual was interviewed by phone.
  - 3) On July 19, 1996, the event was logged in the Brunswick Steam Electric Plant Safeguards Event Log.
  - 4) On July 23, 1996, the individual's record was annotated in CP&L's computer system to indicate denial of access based on falsification of CP&L's PHQ.
  - 5) On July 23, 1996, the individual's record was flagged indicating "additional information subsequent to termination" in the nuclear industry's Personnel Access Data System (PADS).
- B. A root cause investigation was conducted which identified the following actions to prevent recurrence:
- 1) CP&L expectations were reinforced to AA personnel regarding applicable NRC regulations and governing procedures used to determine suitability of unescorted access at CP&L's nuclear facilities. Background investigations were reviewed by the Interim Manager - Corporate Security until the training was completed. Retraining was completed on August 2, 1996.

- 2) Management stressed both the expectations and the importance of procedural compliance and attention to detail. This was communicated on August 5, 1996.
- 3) On August 12, 1996, CP&L's expectations for performing best-effort suitable inquiries and additional CP&L's expectations were issued to the background agencies. By October 30, 1996, contracts with background agencies were revised to include more detailed requirements.
- 4) New management was put in place to address management oversight issues. This item was completed September 17, 1996. The expectations of the new management are consistent with the expectations communicated in Actions 1 and 2 above.
- 5) AA performed an audit of the background investigation files of persons badged as of July 31, 1996. This audit was completed on November 8, 1996. A total of approximately 3,427 records were reviewed and assessed in accordance with Nuclear Energy Institute (NEI) guidance. Examples of some deficiencies identified during this review include missing fingerprint records, psychological testing documentation, credit interview documentation, contractor "request for unescorted access" documentation, and discrepancies in the background investigation content. The identified discrepancies were corrected and 203 were logged in the applicable plant Security Safeguards Event Log.
- 6) On March 12, 1997, a subsequent Corporate Security review of background investigations identified a file which was missing a fingerprint card. It was determined that this file was included as part of the audit completed November 8, 1996. Further investigation identified that 102 files included in the original audit had received only a partial review, and 12 files had received no review. A condition report has been initiated to investigate why this occurred with the initial review. The 114 files were reviewed and assessed in accordance with NEI guidance, and 111 were determined to be acceptable. Three files were missing fingerprint cards. CP&L's computerized fingerprint tracking system indicates that the original access criminal histories, provided by the FBI, had no derogatory information on these individuals. Corrective actions for these discrepancies were identified and completed by March 14, 1997.
- 7) The background investigation review process procedure and desk instructions were revised by July 25, 1996, to require reviewers to place particular emphasis on access reinstatements for confirmation of prior periods of access. The procedure and desk instructions are SEC-NGGC-2101, "Nuclear Worker Screening Program For Unescorted Access", AA-DI-07, "Nuclear & Employment Clearance Processing" and AA-DI-08, "Clearance Transfers".

- 8) On-going periodic assessments of background investigations were added as part of the annual AA self-assessment plan. This item was completed November 13, 1996.
- 9) A training program on AA and FFD was developed including classroom and task specific requirements. The training program procedure was approved December 31, 1996. AA background review personnel have completed this training. Additionally, NGGS-SEC-0004, Revision 1, effective March 27, 1997, "Access Authorization, Fitness For Duty, and Occupational health Screening Personnel Training Skills Development and Certification Program" requires newly hired AA/FFD personnel to complete the training prior to assuming job responsibilities.
- 10) AA processes and interfaces were evaluated, and procedures revised on October 11, 1996. An internal CP&L evaluation of the AA/FFD organization was completed on December 27, 1996. These recommendations have been reviewed and accepted by AA/FFD management.

Corrective Actions Which Will Be Taken:

- A. Implementation of appropriate organizational changes recommended from Item 10 above will be completed by August 31, 1997.
- B. Remaining AA/FFD personnel will complete training discussed in Item 9 above by December 31, 1997.

Date When Full Compliance Was Achieved:

CP&L achieved full compliance on March 16, 1997, when the 114 files not fully reviewed in the original audit were reconciled in accordance with NEI guidance.

**RESTATEMENT OF APPARENT VIOLATION EEI 50-325/324/97-01-02:**

10 CFR 73.57(b) requires that the licensee fingerprint each individual who is permitted unescorted access to the nuclear facility. Also, based on the criminal history check resulting from the fingerprint review, the licensee must determine either to continue to grant or to deny further unescorted access to the facility.

CP&L's Desk Top Instruction AA-DI-03, "In-Processing," Revision 0, dated November 10, 1996, requires that employees who have lost access over 365 days complete fingerprinting upon being granted unescorted access authorization.

As noted in the NRC Inspection Report dated February 28, 1996, the licensee failed to implement an AA Program to meet the requirements of 10 CFR 73.56 by failing to complete fingerprint checks for two specific individuals in that:



1. From March 31 through May 7, 1994, and July 1 through July 7, 1994, an individual was granted final unescorted access to Brunswick Steam Electric Plant without the completion of a criminal history check based on the fingerprints. The criminal history check was completed by another licensee on October 26, 1994, with negative results. The individual had access to the vital areas.
2. Fingerprints were not obtained from an individual who had exceeded the 365-day timeframe between being fingerprinted and being granted unescorted access to the Brunswick Steam Electric Plant from August 1991 to August 1996.

**RESPONSE TO APPARENT VIOLATION EEI 50-325/324/97-01-02:**

**Admission or Denial of Apparent Violation:**

CP&L admits this apparent violation.

**Reason for Apparent Violation:**

The events cited in Apparent Violation 50-325/324/97-01-02 were caused by failure to provide adequate management oversight of the AA Program, inadequate procedural controls, and inadequate training of AA personnel.

**Corrective Actions Which Have Been Taken and Results Achieved:**

- A. Event #1 was self-identified via CP&L Brunswick Steam Electric Plant Condition Report No. 95-00419, event date of January 30, 1995. Corrective actions which were taken in response to this condition report include the following:
  - 1) On January 30, 1995, Brunswick Steam Electric Plant notified the licensee at which the subject individual was currently working of CP&L's failure to complete the elements of the temporary background investigation. It was determined upon investigation that the individual had been fingerprinted at another licensee facility subsequent to leaving CP&L.
  - 2) On February 1, 1995, this event was logged in the Brunswick Steam Electric Plant Safeguards Event Log.
  - 3) On February 28, 1995, AA instituted an electronic tracking system for clearances to enhance confidence that required actions are performed by appropriate personnel prior to granting unescorted access.
- B. Event #2 was self-identified via CP&L Brunswick Steam Electric Plant Condition Report No. 96-02518, dated August 21, 1996. Corrective actions which were taken in response to this condition report include the following:
  - 1) On August 21, 1996, the individual was refingerprinted and the prints submitted for the purpose of conducting a criminal history check.

- 2) On August 22, 1996, temporary unescorted access was granted pending the outcome of the criminal history check.
- 3) On December 26, 1996, fingerprints were received with no indication of criminal record.
- 4) On January 8, 1997, final unescorted access was granted.

C. For corrective actions to prevent recurrence, see response to Apparent Violation EEI 50-325/324/97-01-01, Paragraph B, Items 1 through 8.

Corrective Actions Which Will Be Taken:

See response to Apparent Violation EEI 50-325/324/97-01-01, "Corrective Actions Which Will Be Taken".

Date When Full Compliance Was Achieved:

CP&L achieved full compliance on March 16, 1997, when the 114 files not fully reviewed in the original audit were reconciled in accordance with NEI guidance.

**RESTATEMENT OF APPARENT VIOLATION EEI 50-325/324/97-01-03 AND EEI 50-261/97-02-01:**

10 CFR 73.56(b)(3) requires that the licensee base the decision to grant, deny, revoke, or continue an unescorted access authorization on review and evaluation of all pertinent information developed.

CP&L's Desk Top Instruction AA-DI-03, "In-Processing," Revision 0, dated October 11, 1996, requires that fingerprint results are to be filed in each worker's access authorization folder.

As noted in the NRC Inspection Report dated February 28, 1997, the licensee failed to complete Access Authorization documentation in that:

1. On November 29, 1995, an individual was granted unescorted access to H. B. Robinson Steam Electric Plant even though the background investigation report indicated that the individual was not reliable or trustworthy. Additionally, the information was not adjudicated. Subsequently, the licensee discovered that the background investigators should have noted "trustworthy" on the report.
2. On January 22, 1996, an individual was granted unescorted access to Brunswick Steam Electric Plant although adjudication of derogatory credit information was not documented.

3. On March 26, 1996, a contractor was granted final clearance to Brunswick Steam Electric Plant without adjudication of the failure to provide a best effort to contact two developed references.
4. On December 14, 1995, an individual was granted final unescorted access to H. B. Robinson Steam Electric Plant with only one developed reference.
5. On March 28, 1990, fingerprint results were not filed for an individual who was granted unescorted access to Brunswick Steam Electric Plant.

**RESPONSE TO APPARENT VIOLATION EEI 50-325/324/97-01-03 AND EEI 50-261/97-02-01:**

**Admission or Denial of Apparent Violation:**

CP&L admits this apparent violation.

**Reason for Apparent Violation:**

The events cited in Apparent Violation 50-325/324/97-01-03 and 50-261/97-02-01 were caused by failure to provide adequate management oversight of the AA Program, inadequate procedural controls, and inadequate training of AA personnel.

**Corrective Actions Which Have Been Taken and Results Achieved:**

- A. Event #1 was self-identified via CP&L Performance Evaluation Support Unit Assessment Report No. 96-15-SPP-C. Corrective actions which were taken in response to the issues identified in this report include the following:
  - 1) A determination by the background investigation agency that the report inaccurately stated the individual's reliability and trustworthiness.
  - 2) On July 22, 1996, a corrected report was sent from the background agency to CP&L, indicating that the individual was trustworthy.
- B. Event #2 was self-identified via CP&L Performance Evaluation Support Unit Assessment Report No. 96-15-SPP-C. Corrective actions which were taken in response to the issues identified in this report include the following:
  - 1) On January 22, 1996, the derogatory credit information and the associated interview of the worker were reviewed. The derogatory credit information alone would not have provided a basis for denial of unescorted access.
  - 2) On July 23, 1996, the worker was denied unescorted access based on falsification of CP&L's Personnel History Questionnaire.

C. Event #3 was self-identified via CP&L Brunswick Steam Electric Plant Condition Report No. 96-02473, dated August 16, 1996. The individual's unescorted access was terminated on July 22, 1996, for reasons unrelated to AA/FFD requirements, prior to identification of this issue, and the individual has not since been granted unescorted access to a CP&L nuclear facility. Corrective actions which were taken in response to this condition report include the following:

- 1) On August 15, 1996, the access status was changed from final to temporary.
- 2) On August 15, 1996, this event was logged in Brunswick Steam Electric Plant Safeguards Event Log.
- 3) On August 16, 1996, the record of the individual was flagged indicating "additional information subsequent to termination" in PADS.
- 4) On August 28, 1996, the record of the individual was flagged "Access Hold" in CP&L's computer system.

D. Event #4 was self-identified via CP&L Performance Evaluation Support Unit Assessment Report No. 96-15-SPP-C. This individual's unescorted access was terminated on October 31, 1995, for reasons unrelated to AA/FFD requirements, prior to identification of this issue, and the individual has not since been granted unescorted access to a CP&L nuclear facility.

On July 24, 1996, the clearance was returned to temporary and the file was flagged "Access Hold" in CP&L's computer system to prevent future access without completing the background.

E. Event #5 was self-identified via CP&L Brunswick Steam Electric Plant Condition Report No. 96-02665, dated September 4, 1996. Corrective actions which were taken in response to this condition report include the following:

- 1) On September 5, 1996, the individual was refingerprinted and the prints submitted to the NRC for the purpose of conducting a criminal history check.
- 2) On September 5, 1996, final access was changed to temporary access.
- 3) On October 29, 1996, fingerprints were received with no indication of criminal record.
- 4) On October 29, 1996, final unescorted access was granted.

F. For corrective actions to prevent recurrence, see response to Apparent Violation EEI 50-325/324/97-01-01, Paragraph B, Items 1 through 8.

Corrective Actions Which Will Be Taken:

See response to Apparent Violation EEI 50-325/324/97-01-01, "Corrective Actions Which Will Be Taken".

Date When Full Compliance Was Achieved:

CP&L achieved full compliance on March 16, 1997, when the 114 files not fully reviewed in the original audit were reconciled in accordance with NEI guidance.

**RESTATEMENT OF APPARENT VIOLATION EEI 50-400/97-02-01:**

CP&L's Harris Nuclear Plant's Physical Security Plan (PSP), Paragraph 6.2.1, Revision 0, dated April 29, 1996, requires that a current access list for vital areas must be upgraded and re-approved by the cognizant licensee manager or supervisor at least every 31 days. The PSP further requires that the names of personnel whose employment is terminated, for whatever reason, are purged from the access authorization list.

As noted in the NRC Inspection Report dated February 28, 1997, the licensee failed to remove access for terminated employees in that:

1. On March 3, 1995, an individual's employment was terminated at the Harris Nuclear Plant, and the licensee failed to remove the individual from the access authorization list, collect the access badge, or delete the individual from the hand geometry system until April 24, 1995. Therefore, the individual could have had unauthorized access to the site during the 51-day period. The licensee determined that the individual did not gain access to the site during the 51-day period.
2. On December 31, 1996, another individual's employment at the Harris Nuclear Plant was terminated; however, access was not terminated until January 17, 1997. The licensee determined that the individual's contractor supervisor was aware of the termination but had failed to collect the individual's badge and notify plant access. The CP&L individual responsible for the contractor was also aware of the termination but failed to notify plant access personnel. During the 17 days that the badge was active, the licensee conducted a 31-day review of personnel who required access and failed to note that the individual remained on the active plant access list. The licensee determined that the individual did not enter the protected area during the 17-day period.

**RESPONSE TO APPARENT VIOLATION EEI 50-400/97-02-01:**

Admission or Denial of Apparent Violation:

CP&L admits this apparent violation.

Reason for Apparent Violation:

The events cited in Apparent Violation 50-400/97-02-01 were caused by a failure to provide an adequate procedure to perform the 31-day review.

Corrective Actions Which Have Been Taken and Results Achieved:

- A. Event #1 was self-identified via CP&L Harris Nuclear Plant Condition Report No. 95-01155, dated April 24, 1995. Corrective actions which were taken in response to this condition report include the following:
- 1) On April 24, 1995, the individual's unescorted access was terminated.
  - 2) On May 30, 1995, a memorandum from Manager - Plant Security<sup>1</sup> to site management and supervision advising that Procedure AP-017 was in the process of being revised to include a provision requiring that a worker's badge and departure form be turned in to the Plant AA office as the worker leaves the site for the last time.
  - 3) Procedure AP-017, "Plant Departure Process for Employees and Contractors" was revised, effective August 17, 1995, to include a provision requiring that a worker's badge and departure form be turned in to the Plant AA office during the working hours of 7:00 a.m. to 4:00 p.m. and delivered to the Security Shift Supervisor during non-working hours as the worker leaves the site for the last time.
- B. Event #2 was self-identified via CP&L Harris Nuclear Plant Condition Report No. 97-00283, dated January 21, 1997. Corrective actions which were taken in response to this condition report include the following:
- 1) On January 17, 1997, unescorted access was terminated.
  - 2) On January 30, 1997, a failure mode determination was performed to ascertain the cause of the event by the CP&L supervisor of the contractor.
- C. On February 27, 1997, a memorandum from Superintendent - HNP Security<sup>1</sup> was distributed to site management advising of the revised 31-day Access and Continual Behavioral Observation Program (CBOP) validation process.
- D. CP&L Procedure SEC-NGGC-2130, "Continual Behavioral Observation Program," Revision 3, dated February 28, 1997, established a consistent process for the 31-day validation of need for continued access and CBOP for CP&L's nuclear facilities.

Corrective Actions Which Will Be Taken:

No further actions required.

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<sup>1</sup>Manager-Plant Security and Superintendent-HNP Security are the same position; the title was changed.

Date When Full Compliance Was Achieved:

CP&L achieved full compliance on February 28, 1997, when procedure SEC-NGGC-2130, "Continual Behavioral Observation Program," Revision 3, was implemented, establishing a consistent process for the 31-day review for CP&L's nuclear facilities.

**RESTATEMENT OF APPARENT VIOLATION EEI 50-325/324/97-01-05, 50-400/97-02-02, AND 50-261/97-02-02:**

10 CFR 26.20 (c) requires that the licensee develop procedures to be utilized in testing for drugs and alcohol, including procedures for protecting the employee and the integrity of the specimen, and the quality controls to ensure the test results are valid and attributable to the correct individual.

CP&L's Procedure SEC-NGGC-2143, "Fitness For Duty Drug Testing Specimen Collection," Revision 1, dated October 31, 1996, Section 9.2, requires the licensee, if the specimen was of insufficient volume, to measure temperature and to record the information on the Permanent Record Book and in the chain of custody collector's notes section.

CP&L's Procedure SEC-NGGC-2143, "Fitness For Duty Drug Testing Specimen Collection," Revision 1, dated October 31, 1996, Section 1.0 and 10.1.5, requires that the Permanent Record Book shall have a donor certification signature which must match the signature on the Release of Medical Information/Authorization for FFD Testing/FFD Information and Consent Form to promote the donor's confidence in the accuracy and integrity of the specimen collection and analysis.

CP&L's Procedure SEC-NGGC-2143, "Fitness For Duty Drug Testing Specimen Collection," Revision 1, dated October 31, 1996, Section 9.1.33, requires the collector to have the donor print and sign the same name on the chain of custody form.

CP&L's Desk Top Instruction FD-DI-51, "Blind Proficiency Sample Processing," Revision 1, dated July 12, 1995, and Revision 2, dated October 11, 1996, requires that the collector shall print and sign the blind sample name prior to submission.

As noted in the NRC Inspection Report dated February 28, 1997, the licensee failed to properly complete FFD documentation in that:

1. On August 2, 1995, the Brunswick Steam Electric Plant FFD staff failed to have the donor sign the chain of custody form.
2. On August 20, 1996, the H. B. Robinson Steam Electric Plant FFD staff forwarded a pre-access chemical test to the testing laboratory without the donor's signature.

3. On September 4, 1996, the H. B. Robinson Steam Electric Plant FFD staff failed to require the donor to date the consent form.
4. On September 4 and 20, 1996, the General Office FFD staff, on four separate occasions, allowed the donors to sign a name different than the one on the FFD forms.
5. On September 5, 1996, two H. B. Robinson Steam Electric Plant FFD collectors allowed a donor to sign the FFD forms incorrectly in that the names were not the same as printed on the forms.
6. On September 9, 1996, the H. B. Robinson Steam Electric Plant FFD staff failed to require a donor to sign the same signature as printed on the FFD form.
7. On September 9, 1996, the H. B. Robinson Steam Electric Plant FFD staff failed to require one individual to sign the permanent record book, and allowed another individual to put the wrong date on the permanent record book.
8. On October 1, 1996, the Brunswick Steam Electric Plant FFD staff recorded the wrong social security number on the chain of custody form.
9. On October 1, 1996, the Brunswick Steam Electric Plant FFD staff misspelled the donor's name on the chain of custody form.
10. On October 7, 1996, the Brunswick Steam Electric Plant FFD staff failed to record that a specimen was of insufficient volume, in the specific box on the Chain of Custody form.
11. On November 11, 1996, a Harris Nuclear Plant FFD staff member failed to date a donor's chain of custody.
12. On December 11, 1996, the General Office FFD staff forwarded a blind sample to the testing laboratory without printing and signing the donor's name on the chain of custody.

**RESPONSE TO APPARENT VIOLATION EEI 50-325/324/97-01-05, 50-400/97-02-02, AND 50-261/97-02-02:**

**Admission or Denial of Apparent Violation:**

CP&L admits this apparent violation.

**Reason for Apparent Violation:**

The events cited in Apparent Violation 50-325/324/97-01-05, 50-400/97-02-02, and 50-261/97-02-02 were caused by personnel error. FFD collectors did not apply adequate



attention to detail during the collection process. In addition, procedure noncompliance occurred which was aggravated by overly prescriptive processes and procedures and ineffectively coordinated work planning.

Corrective Actions Which Have Been Taken and Results Achieved:

Corporate FFD uses the Harris Nuclear Plant Corrective Action Program to identify discrepancies. Personnel who work at the Brunswick Steam Electric Plant and the H. B. Robinson Steam Electric Plant are currently responsible for initiating site-specific condition reports for FFD collector errors at the respective site. The Harris Nuclear Plant Corrective Action Program self-identified Condition Report is listed below in parentheses and is followed by the site-specific condition report number, as applicable.

A. Event #1 was self-identified via CP&L Brunswick Steam Electric Plant Condition Report No. 95-02069, dated August 14, 1995. Corrective actions which were taken in response to this event include the following:

- 1) On August 4, 1995, the donor's pre-access chemical test was recollected.
- 2) On August 5, 1995, the donor's chemical test was evaluated as satisfactory.
- 3) On August 7, 1995, unescorted access was granted.
- 4) On August 9, 1995, the HHS lab was directed to improve their review of documentation and cancel processing of the samples for which incomplete paperwork is submitted.
- 5) By August 10, 1995, the collector was counseled.
- 6) A template was developed by Corporate FFD as a guide for verifying necessary steps in the FFD collection process.

B. Event #2 was self-identified via CP&L Harris Nuclear Plant Condition Report No. 96-02885<sup>2</sup>, dated August 21, 1996. Corrective actions which were taken in response to this event include the following:

- 1) On August 21, 1996, the donor's pre-access chemical test was recollected.
- 2) On August 22, 1996, the donor's chemical test was evaluated as satisfactory.
- 3) On August 23, 1996, unescorted access was granted.

C. Event #3 occurred on September 3, 1996, and was self-identified by Corporate FFD personnel (Condition Report No. 96-02949, dated September 4, 1996) and further documented for site-specific action by H. B. Robinson Steam Electric Plant Condition Report No. 96-03054, dated December 2, 1996. (The NRC inspection report listed an

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<sup>2</sup> Corporate FFD initiated Condition Report through Harris Nuclear Plant Corrective Action Program for the H. B. Robinson Steam Electric Plant FFD Collector error.

event date of September 4, 1996, which was the event date listed on the CR.)  
Corrective actions which were taken in response to this event include the following:

- 1) On September 30, 1996, the Plant AA Lead reviewed deficiencies with H. B. Robinson Steam Electric Plant FFD collectors. Management expectations for attention to detail were reinforced.
- 2) The error was corrected by the FFD collector involved.

- D. Event #4 occurred on September 3, 11, and 19, 1996, and was self-identified via CP&L Harris Nuclear Plant Condition Report No. 96-03051, dated September 20, 1996. (The NRC inspection report listed event dates of September 4 and 20, 1996. September 20, 1996, was the CR initiation date. On September 27, 1996, the FFD Specialist reviewed deficiencies with Corporate Office FFD collectors. Management expectations for attention to detail were reinforced.
- E. Event #5 was self-identified by Corporate FFD personnel (Condition Report No. 96-02950, dated September 5, 1996), and further documented for site-specific action by H. B. Robinson Steam Electric Plant Condition Report No. 96-03054, dated December 2, 1996. On September 30, 1996, the Plant AA Lead reviewed deficiencies with H. B. Robinson Steam Electric Plant FFD collectors. Management expectations for attention to detail were reinforced.
- F. Event #6 was self-identified by Corporate FFD personnel (Condition Report No. 96-02951 dated September 10, 1996), and further documented for site-specific action by H. B. Robinson Steam Electric Plant Condition Report No. 96-03054, dated December 2, 1996. On September 30, 1996, the Plant AA Lead reviewed deficiencies with H. B. Robinson Steam Electric Plant FFD collectors. Management expectations for attention to detail were reinforced.
- G. Event #7 occurred on September 2, 1996, and was self-identified by Corporate FFD personnel (Condition Report Nos. 96-02949, dated September 4, 1996) and further documented for site-specific action by H. B. Robinson Steam Electric Plant Condition Report No. 96-03054, dated December 2, 1996. (The NRC inspection report listed an event date of September 9, 1996, which was the event date listed on CR 96-02951.) On September 30, 1996, the Plant AA Lead reviewed deficiencies with H. B. Robinson Steam Electric FFD collectors. Management expectations for attention to detail were reinforced.
- H. Event #8 was self-identified via CP&L Brunswick Steam Electric Plant Condition Report # 96-03233, dated October 15, 1996. Corrective actions which were taken in response to this event include the following:
- 1) On October 2, 1996, an affidavit was signed by the collector identifying the error; the test was subsequently declared valid.
  - 2) On October 10, 1996, procedural compliance and attention to detail were addressed in a stand-down training session with Brunswick Steam Electric

Plant FFD collectors.

- I. Event #9 was self-identified via CP&L Brunswick Steam Electric Plant Condition Report # 96-03233, dated October 15, 1996. Corrective actions which were taken in response to this event include the following:
  - 1) On October 2, 1996, an affidavit was signed by the collector identifying the error and certifying the collection was done on the correct person; the test was subsequently declared valid.
  - 2) On October 10, 1996, procedural adherence and attention to detail were addressed in a stand-down training session with Brunswick Steam Electric Plant FFD collectors.
- J. Event #10 was self-identified via CP&L Brunswick Steam Electric Plant Condition Report # 96-03233, dated October 15, 1996. On October 10, 1996, the error, procedural adherence, and attention to detail were addressed in a stand-down training session.
- K. Event #11 was self-identified via CP&L's Harris Nuclear Plant Condition Report No. 96-03937, dated December 23, 1996. Corrective actions which were taken in response to this event include the following:
  - 1) On November 12, 1996, the error was identified to the collector.
  - 2) On November 12, 1996, an affidavit was signed by the collector identifying the error and certifying the collection was done on November 11, 1996; the test was subsequently declared valid.
  - 3) On December 16, 1996, processes were reviewed and the need for attention to detail was reiterated to Harris Nuclear Plant FFD collectors.
- L. Event #12 was self-identified via CP&L's Harris Nuclear Plant Condition Report No. 96-04005, dated December 30, 1996. Corrective actions which were taken in response to this event include the following:
  - 1) On January 9, 1997, CP&L's Medical Review Officer was notified of this event.
  - 2) On January 10, 1997, an affidavit was signed by one collector handling the blinds identifying the error and verifying the sample was processed in accordance with procedure; the sample was subsequently declared valid.
  - 3) On January 27, 1997, a meeting was held with FFD Administrators who handle blind specimens reiterating the importance of following the procedure/desktop instructions and processing paperwork properly. The Stop, Think, Act, Review (STAR) technique was emphasized as part of processing.
- M. Since September 1996, management has reiterated the expectation for attention to detail and procedure compliance to AA personnel both by memorandum and section

newsletter. Additionally, personnel accountability has been reemphasized by the Manager - Corporate Security through department performance indicators which target zero procedure noncompliance issues as their goals.

- N. On November 13, 1996, self-assessments of the FFD Collection and FFD Collection Facility operations were included in the AA 1997 Self-Assessment Plan.
- O. By December 27, 1996, FFD collectors were recertified.
- P. On March 3, 1997, a process for tracking FFD collector errors was implemented, and a performance standard was established.
- Q. Desk Top Instruction FD-DI-10, "Preparing Lab Shipments For Courier", was revised on March 27, 1997, to require a second review of the collection paperwork for completeness and accuracy prior to the specimen being transported from the collection facility.

Corrective Actions Which Will Be Taken:

Applicable instructions and procedures will be revised to improve the effectiveness of the FFD work processes. FFD collectors will be provided with additional training, and PAA lead personnel will receive training in work scheduling, organization, and planning skills. These actions will be complete by July 31, 1997.

Date When Full Compliance Will Be Achieved:

CP&L achieved full compliance on March 27, 1997, when Desk Top Instruction FD-DI-10 was revised to require second reviews of collection paperwork.

**RESTATEMENT OF APPARENT VIOLATION EEI 50-325/324/97-01-04:**

10 CFR 26.24(a)(2) requires the licensee to implement unannounced drug and alcohol tests imposed in a statistically random and unpredictable manner so that all persons in the population subject to testing have an equal probability of being selected and tested.

As noted in the NRC Inspection Report dated February 28, 1997, the licensee failed to include personnel in the random drug/alcohol program in that:

Three individuals were granted access to the Brunswick Steam Electric Plant without being included in the random drug and alcohol testing program. The first individual was granted access from May 9, 1994, to February 2, 1995, approximately eight months. The second individual was granted access from April 26, 1994 to February 21, 1995, approximately 10 months. The third individual was granted access from January 24, 1996, to March 21, 1996,

approximately 39 days. None of the three individuals were aware of being omitted from the FFD testing program.

**RESPONSE TO APPARENT VIOLATION EEI 50-325/324/97-01-04:**

**Admission or Denial of Apparent Violation:**

CP&L admits this apparent violation.

**Reason for Apparent Violation:**

For the events cited in Apparent Violation 50-325/324/97-01-04 involving the first and second individuals, a condition report investigation determined the cause of the events to be the software that supported the FFD report. Specifically, a "VC" (for the Vectra company) was added as a prefix to the individual's badge number when the number was inputted into the computer. The computer software read only the "V" and interpreted this as "Visitor". This resulted in the deletion of the individuals from the random drug/alcohol testing process. Upgraded software was used subsequently, resulting in the installation and implementation of the Computerized Access Tracking System (CATS). For the event involving the third individual, the internal error that occurred in CATS was evidence of the failure to provide adequate software development, verification, and validation of CATS.

**Corrective Actions Which Have Been Taken and Results Achieved:**

A. CP&L Brunswick Steam Electric Plant Condition Report No. 95-00569, event date of February 21, 1995, documents the self-identification of the two individuals granted access beginning May 9, 1994 and April 26, 1994, respectively, without being included in the random drug and alcohol testing program. Corrective actions taken in response to this condition report include the following:

- 1) On February 21, 1995, the badges were placed in "lost status", thereby preventing unescorted access by subject individuals.
- 2) The individual who was not included in the random testing pool beginning April 26, 1994, was drug screened with the results evaluated as satisfactory by February 22, 1995.
- 3) According to the Condition Report, the individual who was not included in the random testing pool beginning May 9, 1994, was not on site during this period, and unescorted access was terminated on February 28, 1995.
- 4) On February 22, 1995, an entry was made in the Brunswick Steam Electric Plant Safeguards Event Log.
- 5) The badge prefix for the contract company was changed.
- 6) On August 4, 1995, a new computer system was installed at Brunswick Steam Electric Plant which removes the alphabetic badge prefixes so this condition

no longer exists.

B. CP&L Brunswick Steam Electric Plant Condition Report No. 96-00891, dated March 5, 1996, documents the self-identification of the individual who was granted unescorted access according to the Condition Report from January 24, 1996, to March 4, 1996, without being included in the random drug and alcohol testing program. The individual's unescorted access was terminated on March 6, 1996, for reasons unrelated to AA/FFD requirements, prior to identification of this issue, and the individual has not since been granted unescorted access to a CP&L nuclear facility. The following corrective actions taken in response to this condition report were completed by April 3, 1996:

- 1) It was determined that a program error occurred in CATS which terminated an individual's access in CATS thus removing the individual from the random pool.
- 2) An overlay report was written to detect any records that were impacted by the system error. This report was run to detect any other errors, and it was determined this incident was limited to the one occurrence of this error affecting the random testing program.
- 3) The application was modified to add "data refresh" and "do events" to force the Plant Access screen in CATS to update transactions in the proper sequence.

C. The data overlay report is generally run on a weekly basis, at a minimum, to verify that the problem does not recur until it is determined that the problem no longer exists.

Corrective Actions Which Will Be Taken:

No further actions required.

Date When Full Compliance Will Be Achieved:

CP&L was in full compliance on April 3, 1996, when the corrective actions identified in Paragraphs A and B of this apparent violation response were completed.