



10 CFR 2.201

Carolina Power & Light Company
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May 3, 1996

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Executive Vice President
Nuclear Generation

SERIAL: PE&RAS-96-030

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D. C. 20555

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

REPLY TO A NOTICE OF VIOLATIONS
NRC INSPECTION REPORT 50-325/96-01 AND 50-324/96-01

Gentlemen:

On April 4, 1996, the Nuclear Regulatory Commission (NRC) issued Notices of Violation for the Brunswick Steam Electric Plant, Units 1 and 2, the bases of which are provided in NRC Inspection Report 50-325/96-03 and 50-324/96-03.

The enclosure provides Carolina Power & Light Company's (CP&L) response to the violations in accordance with the provisions of 10 CFR 2.201. CP&L has determined that this response does not contain information of a proprietary nature.

Please refer any questions regarding this submittal to Mr. T. D. Walt, Manager - Performance Evaluation & Regulatory Affairs, at (919) 546-6901.

Sincerely,

MAT/mat/pam
Enclosure

c: Mr. S. D. Ebnetter, Regional Administrator, Region II
Mr. D. C. Trimble, Jr., NRR Project Manager - Brunswick Units 1 and 2
Mr. C. A. Patterson, Brunswick NRC Senior Resident Inspector
The Honorable H. Wells, Chairman - North Carolina Utilities Commission

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ENCLOSURE

BRUNSWICK STEAM ELECTRIC PLANT, UNITS 1 AND 2
NRC DOCKET NOS. 50-325 & 50-324 / OPERATING LICENSE NOS. DPR-71 & DPR-62
REPLY TO NOTICE OF VIOLATIONS
NRC INSPECTION REPORT 50-325/96-01 AND 50-324/96-01

VIOLATION 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 & 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 & 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-screening 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-screening 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.

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

RESPONSE TO VIOLATION A:

Admission or Denial of Violation:

Carolina Power & Light Company (CP&L) admits this violation.

Reason for Violation:

The events cited in Violation A demonstrate a failure of the pre-screening services vendor to fulfill contractual terms and conditions due to individual laboratory manager and technician performance errors attributable to inattention to detail. In addition, CP&L did not adequately assess vendor performance and procedures prior to initiating pre-screening activities.

Corrective Actions Which Have Been Taken and Results Achieved:

The following actions have been taken by CP&L in response to the above events:

- Upon notification of the January 8, 1996 transposition error involving a suspect positive test result that had been reported to CP&L as negative, the individual's access was immediately suspended, and another specimen was collected. The recollected test result was negative. Given the negative results, the individual's access was re-instated.
- Upon notification of the January 15, 1996 pre-screening reporting error, (a pre-screening test result that was reported to the Brunswick Nuclear Plant as negative should have been reported as positive), another specimen was collected and the test result was positive. Future access for this individual was permanently denied in accordance with CP&L's access adjudication criteria.
- Notification of NRC Region II and the Brunswick NRC Resident Inspector upon notification of CP&L by the vendor on January 12, 1996 of the January 8, 1996 posting errors.
- Suspension of vendor onsite pre-screening operations on January 16, 1996, as a result of the discovery of the second incident.
- Completion of a CP&L audit on vendor's performance through a reconciliation of the laboratory records for the Brunswick and Harris Nuclear Plants. No further posting errors were identified.
- Interviews of laboratory operations personnel to ensure there was no conflict of interest or willful misconduct involved in the events. No evidence of conflict of interest or willful misconduct was identified.

- Completion of a review by a licensed toxicologist of the clinical and technical aspects of the pre-screening operations, with a report provided on February 6, 1996, with no deficiencies noted.
- Release to the industry of a joint statement from CP&L and the vendor via the INPO Nuclear Network (Message OE 7685, dated February 13, 1996), summarizing the onsite pre-screening events identified herein.

Corrective Actions Which Will Be Taken to Avoid Further Violations:

Prior to the use of vendor pre-screening operations in the future, CP&L will ensure that:

- More detailed procedures are provided by the vendor and reviewed by CP&L to ensure compliance with 10 CFR Part 26.
- A preoperational simulation is successfully performed by the vendor and reviewed by CP&L.
- An independent assessment of operational competency is completed, with the results reviewed by CP&L.
- An assessment is performed of the laboratory manager's qualifications by CP&L to ensure that the individual has demonstrated laboratory operations oversight proficiency in a nuclear environment or other regulatory-certified operations.

These requirements will be incorporated into the "Fitness For Duty Program Policies and Procedures" by July 1, 1996.

Date When Full Compliance Will Be Achieved:

Carolina Power & Light Company achieved full compliance when access was revoked for the individuals in question and contracted vendor onsite pre-screening services were terminated.

VIOLATION 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 that a urine specimen with a specific gravity of less than 1.003 constitutes a reason to believe that the individual may alter or substitute a urine specimen.

Carolina Power & Light Company's "Fitness for Duty Program Policies and Procedures," Revision 3, July 10, 1991, defines the circumstances 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.

As quoted from page 3 of NRC letter EA-054 dated April 4, 1996, "Although your written Fitness For Duty Program defined low specific gravity as constituting a reason to believe that a particular individual may alter or substitute the urine specimen, your program did not delineate allowable reasons to deviate from the standard practices described in 10 CFR Part 26 and did not have provisions to ensure that a conservative review of cases involving low specific gravity is conducted. Therefore, the failure to send the two specimens to the laboratory for further testing and the failure to collect additional specimens under direct observation has been categorized as a Severity Level IV violation."

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

RESPONSE TO VIOLATION B:

Admission or Denial of Violation:

Carolina Power & Light Company admits this violation.

Reason for Violation:

CP&L's "Fitness for Duty Program Policies and Procedures" did not delineate the allowable reasons that were considered by the FFD Program Manager in making his determinations for specimen recollection and analysis.

Corrective Actions Which Have Been Taken and Results Achieved:

- The involved individuals were subjected to prompt, unobserved recollections and onsite testing. One individual was denied future access due to a positive result. Neither individual was badged prior to being retested.
- A temporary operating instruction was issued on April 25, 1996, that gives detailed guidance on processing of specimens with low specific gravity, guidance on recollection, circumstances that constitute a reason to believe, and criteria for performing observed collections. Relative to forwarding the specimens offsite to an HHS-certified laboratory, CP&L only failed to fulfill this requirement when utilizing an onsite testing laboratory for outage pre-screening. CP&L's regular practice is to forward the specimens to an HHS-certified laboratory for analysis.

Corrective Actions Which Will Be Taken to Avoid Further Violations:

"Fitness for Duty Program Policies and Procedures" will be revised by July 1, 1996 to provide:

- More detailed guidance regarding exercising discretion when determining whether there is reason to believe a sample may have been altered.
- Specific guidance on processing of low specific gravity specimens when onsite testing is utilized.

Date When Full Compliance Will Be Achieved:

Carolina Power & Light Company is in full compliance.