



CHAIRMAN

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

October 31, 1988

PDR

The Honorable Sam Gejdenson, Chairman  
Subcommittee on General Oversight  
and Investigations  
Committee on Interior and Insular  
Affairs  
U. S. House of Representatives  
Washington, D. C. 20515

Dear Mr. Chairman:

I am responding to your letter of October 17, 1988, regarding a recent fitness-for-duty allegation concerning a senior manager at the Clinton Nuclear Power Station. Background information on the Clinton incident and specific responses to the questions you raised are enclosed.

Under programs currently in force, licensees typically prohibit alcohol on company property and, at a minimum, state that use of alcohol that adversely affects job performance is not acceptable. Violation of the company's policy may result in disciplinary action up to and including termination.

The Commission believes that nuclear power plant personnel should not be under the influence of any substance, legal or illegal, which adversely affects their ability to perform their jobs and for that reason the Commission has issued a proposed rule on fitness for duty.

In essence, the proposed rule would require licensees to provide reasonable assurance that their employees are fit to perform their duties. In its present form, the proposed rule leaves to the discretion of each licensee the specific measures to be used for addressing alcohol, legal drugs, and other health problems (such as mental stress and fatigue). The measures adopted by each licensee would be subject to NRC oversight and enforcement. However, in publishing the proposed rule the Commission has requested public comment on whether the fitness-for-duty rule should include more specific provisions on abuse of alcohol and on legal drug use. In particular, comments have been requested on whether a specified level of alcohol in the blood should be established as a regulatory baseline. Indication of alcohol above that level would require appropriate utility action. This issue will be carefully considered in preparation of the final rule. We anticipate comments on all aspects of the rule. Final resolution

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of many issues will not occur until the Commission has had an opportunity to review and analyze the public responses to this rule.

I hope our response will be helpful to you. If you have any further questions, please do not hesitate to contact me.

Commissioner Curtiss did not participate in this response.

Sincerely,

*Lando W. Zech Jr.*  
Lando W. Zech, Jr.

Enclosures: As stated

cc: Rep. Denny Smith

RESPONSE TO REPRESENTATIVE GEJDENSON'S REQUEST FOR INFORMATION

REGARDING ALLEGED USE OF ALCOHOL BY A SENIOR MANAGER AT CLINTON

BACKGROUND

During the morning of October 11, 1988, the Manager of Nuclear Programs Coordination for the Illinois Power Company advised the NRC's Senior Resident Inspector and the Region III Office that Illinois Power had received an allegation about the fitness for duty of the Clinton Power Station's Plant Manager on the evening of October 10, 1988. The Manager of Nuclear Programs Coordination further advised that he had become aware of this allegation shortly after the allegation was made and had directed that written statements be taken the night of October 10, 1988, from those individuals involved in the matter. The Manager of Nuclear Programs Coordination then described his understanding of the events on the evening of October 10, 1988, as compiled from written statements of the involved individuals, as follows:

The Plant Manager had been called to return to the plant at approximately 8:00 p.m. on October 10, 1988 to respond to plant operational problems. After completing a screening process at the gatehouse, the Plant Manager entered the power block and took an elevator to the control room. A firewatch attendant who had been in the elevator with the Plant Manager observed that the Plant Manager's breath smelled of alcohol and that the Plant Manager stumbled when walking through an elevated portion of a personnel contamination monitor after exiting the elevator. The firewatch attendant reported these observations to the firewatch coordinator who, in turn, reported the matter to the Illinois Power Company's Security Liaison Officer (SLO).

The SLO proceeded to the control room while the Plant Manager was still there but did not interrupt a conversation occurring between the Plant Manager and the Shift Supervisor. At the end of that conversation the SLO approached the Shift Supervisor, informed him of the allegation and advised the Shift Supervisor that an assessment of the Plant Manager's fitness for duty should be performed. The Plant Manager departed the Clinton site at approximately 8:45 p.m. The Shift Supervisor notified the Assistant Plant Manager at about 8:45 p.m., who in turn notified the Manager of Nuclear Programs Coordination of the allegation. Statements were taken from the individuals involved except the Plant Manager between approximately 8:30 p.m. and 11:00 p.m. According to those statements, in the conversation with the Plant Manager, the Shift Supervisor observed the Plant Manager's behavior to be normal and detected an odor of cigarettes on the Plant Manager's breath, but not the odor of alcohol. A Reactor Operator who had also been in direct contact with the Plant Manager observed that he did not detect any odor of alcohol on the Plant Manager's breath. The Manager-Nuclear Programs Coordination recalled that he had spoken with the Plant Manager twice on the evening of October 10, 1988, and that he did not detect anything unusual in the Plant Manager's demeanor during those conversations. In addition, the Vice President of Illinois Power Company had spoken with the Plant Manager on the evening of October 10, 1988, and did not detect anything unusual in the Plant Manager's speech.

On October 11, 1988, Region III had several additional conversations with Illinois Power Company management. It was determined that Illinois Power Company would expeditiously address this allegation. Region III suggested and Illinois Power Company adopted the utilization of an independent investigative firm to evaluate the allegation and draw conclusions. That contract was let, and the independent investigator initiated an investigation on site on October 12, 1988. The independent investigator interviewed the Plant Manager and the Plant Manager indicated that he had consumed a small quantity of alcoholic beverage prior to responding to the Clinton site. On October 18, 1988, Illinois Power Company informed Region III that the field investigation work was completed by the independent investigator on October 17, 1988, and that it anticipated an investigation report by November 4, 1988.

## RESPONSES TO QUESTIONS

QUESTION 1: Especially in light of the utility's attempted cover-up at Davis-Besse, why is the NRC not investigating this incident?

ANSWER:

Regarding the Davis-Besse incident, the staff determined that Toledo Edison Company did not do a thorough investigation of the incident and questions had been raised about the veracity of the utility's report to the NRC. NRC Region III had asked the company to "fully analyze the allegation, initiate what you determine to be an appropriate investigation . . . ." The Toledo Edison Company's investigation should have been broader; however, the NRC staff did not conclude that the Toledo Edison Company Vice President, Nuclear willfully concealed material information or tried to intentionally mislead the NRC.

Unlike the Davis-Besse incident, the allegation at Clinton was provided directly to the licensee, and they initiated prompt action to address the issue, including contracting with an independent investigative firm to evaluate the allegation. Also, unlike the Davis-Besse incident, licensee statements as related to us did not indicate that the Plant Manager behaved in a manner questioning his fitness. In addition, the licensee initiated timely communication with NRC Region III regarding the matter. While this matter was not required to be reported under the circumstances here, the licensee's notification to NRC Region III was a prudent course of action. The

licensee's positive and candid approach to addressing this allegation, along with the independence of the investigation being conducted, provides us the necessary assurance to defer further agency action until the licensee's independent investigation report is received. Our review of the results of the licensee's investigation will determine what scope and emphasis any further NRC action should take.

QUESTION 2: Does the NRC agree with the utility's decision to allow the Senior Manager to continue in his duties, presumably with unescorted access to the control room and other vital areas of the plant? If so, why?

Response to Question 2

Yes, we agree with the utility's decision to allow the Senior Manager to continue in his duties with unescorted access. The facts as we understand them from the licensee's contact on October 11, 1988, indicated that the Shift Supervisor and Reactor Operator, who had the most direct contact with the Plant Manager the evening of the allegation, concluded that the Plant Manager behaved normally and did not smell of alcohol. The evidence available to date has not indicated that he was unfit for duty. This allays our concern with regard to the unescorted access allowed to the Plant Manager.

QUESTION 3.a: If you do agree with the utility's decision to leave the Senior Manager in place during the pendency of the investigation:

- a. Has the NRC placed any time limits on the utility's investigation? If not, why not?

ANSWER

No, the agency has not placed a specific time limit on the utility's investigation. During our discussions with the licensee on October 11, 1988, we understood that the licensee was placing significant emphasis on a prompt investigation and resolution of this matter. The independent investigator was on site by October 12, 1988, and the field investigative work was completed on October 17, 1988. It is expected that the investigation report will be completed by November 4, 1988.

QUESTION 3.b: If you do agree with the utility's decision to leave the Senior Manager in place during the pendency of the investigation:

- b. Has the NRC required the utility to take any precautionary measures during the pendency of the investigation, such as limiting his unescorted access to the control room? If not, why not?

ANSWER

As indicated in the response to Question 2, the NRC agrees with the licensee's decision to allow the Plant Manager to continue in his duties with unescorted access. We have not placed any restrictions on the Plant Manager during the pendency of the investigation. The individuals who had been in the most direct contact with the Plant Manager during the time that it was alleged he was under the influence of alcohol observed no unusual behavior on the part of the Plant Manager and did not observe the odor of alcohol on the Plant Manager's breath. We do not find an adequate basis at this time to limit the access of the Plant Manager to the facility.