

ILLINOIS POWER COMPANY



CLINTON POWER STATION, P.O. BOX 678, CLINTON, ILLINOIS 61727

April 20, 1989

Mr. A. B. Davis
Regional Administrator
Region III
U.S. Nuclear Regulatory Commission
799 Roosevelt Road
Glen Ellyn, Illinois 60137

Subject: Response to the NRC Inspection Report
50-461/89004 Concerning the Illinois
Power Company Fitness For Duty Program

Dear Mr. Davis:

In response to your request of March 13, 1989, Illinois Power Company (IP) has carefully performed a detailed review of the five items listed in section 3.c(5) of NRC Inspection Report 50-461/89004. Attached to this letter are the IP responses to each of the five specific items.

Illinois Power Company believes that the IP Fitness for Duty (FFD) Program is one of the strongest in the industry. The IP FFD Program is based on integrity and is, therefore, accepted and supported by the people who work in the IP Nuclear Program. Equally important to a strong FFD Program are the legal rights of each individual. IP is committed to protecting these rights for all individuals working in the IP Nuclear Program. This requires an FFD Program that is reasonable in the eyes of program personnel.

In order to maintain stability in the IP FFD Program, IP will make appropriate changes to the IP FFD Program, as identified in the attached review of the five specific items, in conjunction with changes generated by promulgation of 10CFR26, Fitness for Duty. Please contact me if you have any questions regarding this information.

Sincerely yours,

A handwritten signature in cursive script that reads "D. L. Holtzscher".

D. L. Holtzscher
Acting Manager -
Licensing and Safety

JAB/pgc

cc: NRC Resident Inspector
NRC Clinton Licensing Project Manager
Illinois Department of Nuclear Safety

APR 24 1989

Attachment
Illinois Power Company
Fitness For Duty Program

IP's responses to the five specific items listed in the Inspection Report are as follows:

NRC Comment A:

Corporate Policy prohibits persons reporting to work "under the influence" of alcohol. Program managers interviewed by the inspector were unable to define specifically what constitutes "under the influence." In general, the determination of whether an individual is "under the influence" rests with the individual, even though his/her judgement may be impaired due to alcohol consumption. A more viable approach for unplanned call-ins may be to have a supervisor make a specific inquiry on alcohol consumed within a specified time period supplemented by the individual's assessment of their own fitness-for-duty. This procedure conforms with guidance contained in the licensee's fitness-for-duty lesson plan (number 10401, page 36) and the Supervisor's Fitness-for-Duty Handbook (page 20).

Illinois Power Response:

Illinois Power Company's FFD procedure, which implements the FFD Program, identifies "under the influence" as having a blood alcohol content of 0.10%. To provide judicial validity, this value was selected to match the Illinois law regarding "driving under the influence". Since the amount of alcohol an individual must consume to reach this level, or any other level, varies from person to person, IP does not believe it is appropriate to provide guidance on the amount of alcohol consumed. However, the blood alcohol content level of 0.10% and any other definition of "under the influence" will be adjusted when 10CFR26 is published.

NRC Comment B:

The licensee's current procedure does not require unescorted access to be evaluated for suspension until a positive test result is received. This allows a person whose fitness for duty is questionable, based upon a credible allegation, to continue working in safety-related functions until test results are received. Test results could take one or two days to be evaluated. It should also be noted that Section 3.5 of Corporate Nuclear Procedure 4.14, "Security Screening and Access Control" dated July 15, 1987, requires temporary suspension of unescorted access authority "pending" the outcome of the investigation if an allegation is of a nature that physical security of the plant may be compromised. Interviews with the Manager, Quality Assurance disclosed that, while not required, it was not uncommon at Clinton for unescorted access to be temporarily suspended pending fitness-for-duty test results. This issue should be specifically addressed by procedure.

Attachment
Illinois Power Company
Fitness for Duty Program

Illinois Power Response:

Currently, the IP FFD procedure does not require that unescorted access be suspended until a positive test result is received. It is, however, common practice at IP to temporarily suspend unescorted access when an FFD allegation has been determined to be credible. IP has reviewed the draft of 10CFR26 and from this review, IP believes that a positive test result and verification of that test result by a medical officer will be required prior to suspension or termination of unescorted access. To make a change of this magnitude now and then to reverse the change when 10CFR26 is issued would attack program and NRC credibility in the eyes of employees. IP will review 10CFR26 for suspension of unescorted access criteria and revise the IP FFD procedure, as appropriate, when 10CFR26 is published.

NRC Comment C:

A person's work involving safety-related functions or systems is not required by the licensee's procedure to be specifically reviewed when positive test results are received. Interviews with the Manager, Quality Assurance disclosed that the reasoning for this position was that safety-related work is routinely monitored and checked at an adequate level to assure no unsafe work has been performed. The significance of a positive test result is that the person may have performed safety-related functions or worked on safety-related systems while under the influence of drugs and/or alcohol and while not fit for duty. An acceptable method of resolving this safety-related concern is to confirm that a threat to the plant does not exist because of the person's work or action while under the influence of drugs or alcohol by performing a review of the work performed. The review may show that, in fact, safety-related work had been reviewed by another individual during the work process and no other action is required. In other cases, review of work performed may be appropriate.

Illinois Power Response:

In general, for employees, other than Quality Assurance employees, determined to be unfit for duty IP relies on the Quality Assurance Program to identify deficiencies in their safety-related work. The basis for this practice is that safety-related work is governed by the IP Quality Assurance Program which requires that Quality Assurance personnel perform independent reviews and/or inspections of safety-related activities. Any problems encountered during the independent reviews and inspections are entered into the Corrective Action Program for resolution. In addition, when specific facts in an FFD case warrant additional action, IP will undertake reviews and inspections as necessary to supplement the reviews provided by the Quality Assurance program.

Attachment
Illinois Power Company
Fitness for Duty Program

The work performed by Quality Assurance employees determined to be unfit for duty is randomly reviewed and/or re-inspected. This practice has been established based on the fact that work performed by Quality Assurance employees is not subject to independent review.

Illinois Power's practice is consistent with the decisions made by the NRC Licensing Board and Appeal Board in the Carolina Power and Light Company, Shearon Harris Nuclear Power Plant case. These decisions support the practice that a utility can rely upon the Quality Assurance Program to detect errors made by employees involved in drug use. Therefore, IP is not planning to revise the FFD Program in response to this NRC comment. This response will be reviewed when 10CFR26 is published.

NRC Comment D:

Fitness-for-duty training for supervisors was reviewed by the inspector and determined to be good except as noted below. Training consists of classroom training (lesson plan 10401), a video tape about Employee Assistance Programs, and a Supervisor's Fitness-for-Duty student handbook. Supervisors receive annual training pertaining to the fitness-for-duty program.

Specialized training for Shift Supervisors appears warranted to enable them to determine in a timely manner what constitutes a "credible" allegation since the credibility of an allegation determines what actions, if any, are appropriate. The Shift Supervisor on October 10, 1988, thought he needed a written allegation before he could proceed with the required actions to resolve the issue. Additionally, during an interview with the inspector, he was not sure when or if it was appropriate to advise the senior manager of the allegation.

The current fitness-for-duty procedures and training do not address factors to consider in determining credibility of an allegation because such a determination is normally made by managers at the department head level or higher with several managers usually involved. However, during backshifts, weekends, and holidays, such a determination may have to be made by Shift Supervisors in a timely manner.

Illinois Power Response:

Illinois Power agrees that specific training for Shift Supervisors concerning the handling of allegations is desirable. After 10CFR26 is published in final form and the FFD procedures have been revised accordingly, IP will provide specific training for the Shift Supervisors and other supervisors on the handling of allegations and other changes made as a result of 10CFR26.

Attachment
Illinois Power Company
Fitness for Duty Program

NRC Comment E:

The fitness-for-duty procedure provides guidance on documentation for the control of fitness-for-duty test samples. However, no documentation is specified by the procedure pertaining to the specifics of an allegation, its credibility determination, or its disposition.

Illinois Power Response:

Currently, the FFD procedure does address allegations. However, the FFD procedure does not address documentation of allegations. It is IP's practice to investigate allegations, to assess their credibility, to take action when appropriate, and to document the allegations. These steps are common practice at IP regardless of whether or not an allegation is credible. These steps are documented regardless of whether or not the procedure requires the allegation to be documented. The FFD procedure does state that an individual has the right to refuse testing if the allegation is anonymous and there is no compelling evidence to support the allegation.

In the case of allegations which are not anonymous, the Vice-President, Department Manager, Manager - Nuclear Planning and Support, Director - Human Resources or Shift Supervisor assess the credibility of the allegation and based upon the results of the assessment, may or may not require testing. IP will review the FFD program for handling allegations, including documentation requirements, and revise the procedures as appropriate, when 10CFR26 is published.