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AUTH.NAME AUTHOR AFFILIATION
 POWERS, R.P. Indiana Michigan Power Co.
 RECIP.NAME RECIPIENT AFFILIATION
 CLAYTON, H.B. Region 3 (Post 820201)

SUBJECT: Forwards response to NRC 980727 ltr requesting response to
 . allegation involving DC Cook Nuclear Plant FFD program.

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Indiana Michigan
Power Company
500 Circle Drive
Buchanan, MI 49107 1373



October 16, 1998

AEP:NRC:1307

U. S. Nuclear Regulatory Commission
Attn: H. Brent Clayton,
Region III Enforcement Officer
801 Warrenville Road
Lisle, IL 60532-4351

Gentlemen:


Donald C. Cook Nuclear Plant
TRACKING NO. RIII-98-A-0116
RESPONSE TO ALLEGATION FITNESS FOR DUTY

By letter dated July 27, 1998, we were requested to respond to an allegation involving our fitness for duty (FFD) program.

To ensure adequate independence, an individual from our performance assurance department (PA) conducted the initial investigation into the allegation. Concerns identified during the PA review were subsequently referred to the plant protection department (PP). Although PP is responsible for the FFD program, the individual assigned the investigation does not have responsibilities in that area.

The attachment contains no personal, private, proprietary, or safeguards information. Consistent with the NRC's request of July 27, 1998, this information is not for public disclosure.

Sincerely,


R. P. Powers
Vice President

Attachment

/jmc

c: J. A. Abramson
J. L. Caldwell, w/attachment
MDEQ - DW & RPD
NRC Resident Inspector, w/attachment
J. R. Sampson, w/attachment

9811170208 981016
PDR ADDCK 05000315
P PDR

IFSA 1/1
Per J Lee

ATTACHMENT TO AEP:NRC:1307

TRACKING NO. RIII-98-A-0116.
NOTICE OF ALLEGATION RELATED TO FITNESS FOR DUTY PROGRAM

This attachment documents the investigation performed in response to an allegation received regarding our fitness for duty program. Specifically, an individual alleged that in January 1998, he was required to continue working even though he informed his foreman (a contractor) that he was unfit for duty due to taking a strong prescription medication (Vicodene).

Our initial investigation of this allegation indicated that the allegation was potentially substantiated as a result of concerns that the foreman may not have properly considered the requirements to notify the human resources or the plant protection department. Additionally, questions were raised as to whether or not the foreman had been provided adequate 10 CFR Part 26 training. As a result of these concerns, further investigations were performed in accordance with our corrective action program (condition reports 98-4356 and 98-4531)

The results of our corrective action program investigations determined that the previously identified concerns were not substantiated. In both cases, proper actions were taken in accordance with the expectations of the Cook Nuclear Plant fitness for duty program (FFD) and 10 CFR Part 26 (26.22(3), (4)). The PA investigator who performed the initial investigation of this allegation has reviewed the conclusions of the corrective action program investigations and concurred with the results. A discussion of the conclusions of the corrective action program investigations follow.

The individual was a contractor painter with unescorted access to Cook Nuclear Plant from December 2, 1997, through January 9, 1998. The situation stems from an occupational injury and subsequent treatment provided the worker. An attending physician treated the worker for a shoulder injury and released him to return to work under limited duty restrictions. The worker was also prescribed medications that included a prescription for medication limited to "for home use," due to possible physiological effects of the medication. The Cook Nuclear Plant supervisor responsible for the work activities of the painter received a copy of the attending physician's statement and modified the worker's job assignment to comply with the limited duty restrictions. The supervisor also noted that the worker was provided medications and that one was labeled "for home use." The supervisor provided instructions to the foreman that the individual's assignment was to remain in the break trailer, but he was to remain awake and be provided menial office tasks if and when they became available. Discussions with the foreman confirmed his knowledge of the supervisor's orders and expectations of the worker. Even though the foreman was not declared a supervisor based on contractual agreements, he was assigned supervisory responsibilities. In accordance with our nuclear general employee training (NGET) program, the foreman was provided the requisite training necessary to satisfy his supervisory responsibilities in accordance with the 10 CFR Part 26 (26.22(3), (4)) behavioral observation requirements.

On the night in question, the worker arrived to work on time and reported to the break trailer. He was advised to stay in the break trailer during the shift. Sometime during the shift, the foreman entered the break trailer and observed that the worker was showing signs of fatigue but was awake and coherent. He advised the worker to get up and move around, and that his job was to remain awake and alert. At that point, the worker got up and showed the foreman a bottle of medication labeled "for home use" and made a statement to the effect that it made him drowsy. The foreman looked at the bottle and read the "for home use" label to the worker. To the best of the foreman's recollection, the worker did not respond to the "for home use" statement read to him. Additionally, the worker did not confirm his actual use of the medication on the date in question (i.e., whether it was taken at work or just prior to coming to work). The foreman did not believe that the worker appeared to have overly medicated himself nor did he believe that the worker was unfit for duty. The foreman advised him to stay awake and to move around.

In discussions with the foreman regarding this situation, the foreman stated that, in his best judgement, the worker was fit for duty. However, as a precaution, the foreman decided to make periodic checks to verify the individual was not being affected by the prescribed medication that may have been taken outside the doctor's instructions. Periodic checks were conducted and each time the worker was found to be awake and alert with no indication that he was unfit to complete the remainder of the shift. After the initial contact, the worker did not mention his own fitness for duty again and left at the end of his shift without further discussion. The events and observations reinforced the foreman's assessment that the individual was fit for the assignment and additional actions or notification to the plant protection department or the human resources department were not considered necessary.

In discussions with the attending physician, it was noted that the effects of medication are different in each individual and the medication in question (Vicodene) may cause drowsiness in approximately 10% of users. That is the reason that the prescription label states "may cause drowsiness" and the reason that it was prescribed for home use. The attending physician added that this particular drug is prescribed to reduce pain and, in many cases, tradesmen use it without work restriction. He stated that, in his opinion, if the individual appeared awake and alert, the mere fact that he might have taken the medication would not have created a fitness for duty concern. He added that the continued observation of the individual was the prudent thing to do and that the type of work he was assigned was in keeping with his light duty work instruction.

After the initial contact, the foreman did not observe signs of involuntary medicinal effects. The foreman was aware that any sign of a fitness for duty concern would require further action on his part.

