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RELATED CORRESPONDENCE

May 1, 1985

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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'85 MAY -2 A11:11

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)
)
CAROLINA POWER & LIGHT COMPANY)
and NORTH CAROLINA EASTERN) Docket No. 50-400 OL
MUNICIPAL POWER AGENCY)
)
(Shearon Harris Nuclear Power)
Plant))

APPLICANTS' INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS
TO INTERVENOR CONSERVATION COUNCIL
OF NORTH CAROLINA (CONTENTION WB-3)

Pursuant to 10 C.F.R. §§ 2.740b and 2.741 and to the Atomic Safety and Licensing Board's "Memorandum and Order Ruling on Contentions Concerning Diesel Generators, Drug Use and Harassment at the Harris Site)" of March 15, 1985, Carolina Power & Light Company and North Carolina Eastern Municipal Power Agency hereby request that Intervenor Conservation Council of North Carolina (CCNC) answer separately and fully in writing, and under oath or affirmation, each of the following interrogatories, and produce and permit inspection and copying of the original or best copy of all documents identified in the responses to interrogatories below. Under the Commission's Rules of Practice, answers or objections to these interrogatories must be served within 14 days after service of the

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interrogatories; responses or objections to the request for production of documents must be served within 30 days after service of the request.

These interrogatories are intended to be continuing in nature, and the answers should promptly be supplemented or amended as appropriate, pursuant to 10 C.F.R. § 2.740(e), should CCNC, its members or any individual acting on its behalf obtain any new or differing information responsive to these interrogatories. The request for production of documents is also continuing in nature and CCNC must produce immediately any additional documents CCNC, its members or any individual acting on its behalf, obtains which are responsive to the request, in accordance with the provisions of 10 C.F.R. § 2.740(e).

Where identification of a document is requested, briefly describe the document (e.g., book, letter, memorandum, transcript, report, handwritten notes, test data) and provide the following information as applicable: document name, title, number, author, date of publication and publisher, addressee, date written or approved, and the name and address of the person or persons having possession of the document. Also state the portion or portions of the document (whether section(s), chapter(s), or page(s)) upon which you rely.

Definitions. As used hereinafter, the following definitions shall apply:

"Applicants" is intended to encompass Carolina Power & Light Company, North Carolina Eastern Municipal Power Agency, and their contractors for the Harris Plant.

"Document(s) means all writings and records of every type in the possession, control or custody of CCNC, its members or any individual acting on its behalf, including, but not limited to, memoranda, correspondence, reports, surveys, tabulations, charts, books, pamphlets, photographs, maps, bulletins, minutes, notes, speeches, articles, transcripts, voice recordings and all other writings or recordings of any kind; "document(s)" shall also mean copies of documents even though the originals thereof are not in the possession, custody, or control of CCNC; a document shall be deemed to be within the "control" of CCNC, its members or any individual acting on its behalf if they have ownership, possession or custody of the document or copy thereof, or have the right to secure the document or copy thereof, from any person or public or private entity having physical possession thereof.

Interrogatories

1(a). State the name, present or last known address, and present or last known employer of each person known to you to have first-hand knowledge of the facts alleged, and upon which you relied in formulating the allegations in Contention WB-3.

(b). Identify those facts concerning which each such person has first-hand knowledge.

(c). State the specific allegation in Contention WB-3 which you believe such facts support.

2(a). State the name, present or last known address, and present or last employer of each person, other than affiant, who provided information upon which you relied in answering each interrogatory herein.

(b). Identify all such information which was provided by each such person and the specific interrogatory response in which such information is contained.

3(a). State the name, address, title, employer and educational and professional qualifications of each person you intend to call as an expert witness or a witness relating to Contention WB-3.

(b). State the subject matter to which each such person is expected to testify.

4(a). Identify all documents in your possession, custody or control, including all relevant page citations, pertaining to the subject matter of, and upon which you relied in formulating the allegations in Contention WB-3.

(b). State the specific allegation in each contention which you contend each document supports.

5(a). Identify all documents in your possession, custody or control, including all relevant page citations, upon which you relied in answering each interrogatory herein.

(b). Identify the specific interrogatory response(s) to which each such document relates.

6(a). Identify any other source of information, not previously identified in response to Interrogatory 2 or 5, which was used in answering the interrogatories set forth herein.

(b). Identify the specific interrogatory response(s) to which each such source of information relates.

7(a). Identify all documents which you intend to offer as exhibits during this proceeding to support Contention WB-3 or which you intend to use during cross-examination of witnesses presented by Applicants and/or the NRC Staff on Contention WB-3.

8. The newspaper article cited in Contention WB-3 (and attached to it by CCNC) reports the arrest of workers for possession, possession with intent to sell and deliver, or sale and delivery (or combinations of these charges) of various drugs. The only report of drug use at the plant is a statement attributed to Major T. W. Lanier of the Wake County Sheriff's Department.

(a). Is the statement attributed to Major Lanier the sole basis for your allegation that drug use at the Harris Plant is widespread?

(b). If the answer to (a) is other than affirmative, describe in detail the basis for the allegation (answering Interrogatories 2, 5 and 6 in the process).

(c). Explain in detail your knowledge and/or understanding of the basis for Major Lanier's observation that drug use at the plant is widespread.

9. Define the term "widespread" as used in the contention, and indicate whether or not you agree with Major Lanier's use of the term as descriptive of a situation where 100 of 6,000 employees purportedly use drugs on the site.

10(a). Identify the drug or drugs you contend are involved in the alleged widespread use of drugs at the Harris Plant.

(b). For each drug identified in response to (a), state in detail the basis for your answer (answering Interrogatories 2, 5 and 6 in the process).

(c). Do you endorse Major Lanier's observation that mainly cocaine is involved in the alleged widespread drug use on site?

(d). If the answer to (c) is affirmative, do you agree that adjudication of Contention WB-3 should be limited to cocaine?

(e). If the answer to either (c) or (d) is negative, state your estimate of the percentage, for each drug identified in response to (a), of the alleged consumption on site represented by the drug. Explain in detail the basis for your answer (answering Interrogatories 2, 5 and 6 in the process).

11. For each drug identified in response to 10(a), state the quantity which must be consumed in order to result in the employee being "under the influence" of the drug, as the term is used in the contention. Explain in detail the basis for your answer (answering Interrogatories 2, 5 and 6 in the process).

12. The contention states that employees "under the influence of drugs are less able to follow procedures" for their work. For each drug identified in response to 10(a), describe the degree and nature of the work capability impairment, if any, at the consumption level identified in the response to Interrogatory 11. If the response varies with the type of work being performed, describe that variation and the types of work for which capability is impaired. Explain in detail the basis for your answer (answering Interrogatories 2, 5 and 6 in the process).

13. Is site employee consumption of drugs off-site during non-working hours at issue under this contention in your view? If so, for each drug identified in response to 10(a), describe the work capability impairment which would result from off-site use during non-working hours. Explain in detail the basis for your answer (answering Interrogatories 2, 5 and 6 in the process).

14. What means are available to Applicants' management to control drug use of site employees off-site when the employee is not working?

15. Which of the means identified in response to 14 do you recommend be used and why?

16. Explain in detail the bases for the allegation that "Applicants' management has failed to control drug use during construction" (answering Interrogatories 2, 5 and 6 in the process).

17. What control techniques do you recommend that are not being implemented by Applicants' management at the Harris site?

18. Identify and explain in detail the basis for any deficiency or ineffectiveness in the control techniques being implemented by Applicants at the Harris site.

19. Identify each "known drug abuser" whose safety-related work has not been reinspected by Applicants.

20. Describe in detail the basis for your allegation that Applicants have failed to reinspect all safety-related work done by known drug abusers (answering Interrogatories 2, 5 and 6 in the process).

21. What is a "drug abuser"? Does your definition include activities other than consumption? If so, why?

22. If the safety-related work of a known drug abuser has been inspected by a QC or CI inspector, is it necessary in your view to reinspect the work? If so, why?

23. By what means could a safety-significant construction or design deficiency resulting from an impaired employee under the influence of drugs go undetected by the quality assurance inspection, surveillance and audit programs, and/or by the preoperational tests?

24. Identify any and all safety-significant design or construction deficiencies at the Harris Plant caused by an impaired employee under the influence of drugs.

Request for Production of Documents

Applicants request that CCNC respond in writing to this request for production of documents and produce the original or best copy of each of the documents identified or described in the answers to each of the above interrogatories, at a place mutually convenient to the parties.

Respectfully submitted,

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Counsel for Applicants

Dated: May 1, 1985

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Interrogatories and Request for Production of Documents to Intervenor Conservation Council of North Carolina (Contention WB-3)" were served this 1st day of May, 1985, by deposit in the U.S. mail, first class, postage prepaid, to the parties on the attached Service List.

Thomas A. Baxter
Thomas A. Baxter, P.C.

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