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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

Carolina Power & Light Company and  
North Carolina Eastern Municipal  
Power Agency

(Shearon Harris Nuclear Power Plant)

Docket No. 50-400 OL

CONSERVATION COUNCIL'S ANSWERS TO APPLICANTS'  
DISCOVERY REQUESTS ON CONTENTION WB-3 (DRUG ABUSE)

Pursuant to 10 C.F.R. 2.740b, the Conservation Council hereby submits the following responses to Applicants' Interrogatories and Request for Production of Documents to Intervenor Conservation Council of North Carolina (Contention WB-3). We recognize that these responses are of a continuing nature and will supplement them as necessary.

Answers to Interrogatories

1(a). This will be supplied in the response to each specific interrogatory if appropriate.

(b). This will be supplied in the response to each specific interrogatory if appropriate.

(c). This will be supplied in the response to each specific interrogatory if appropriate.

2(a). This will be supplied in the response to each specific interrogatory if appropriate.

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(b). This will be supplied in the response to each specific interrogatory if appropriate.

3(a). We have not made this determination as of yet.

(b). Not applicable.

4(a). We relied upon the newspaper cited in Contention WB-3 which was attached to it.

(b). The article supplied basis for all allegations in the contention.

5(a). This will be supplied in the response to each specific interrogatory if appropriate.

(b). This will be supplied in the response to each specific interrogatory if appropriate.

6(a). This will be supplied in the response to each specific interrogatory if appropriate.

(b). This will be supplied in the response to each specific interrogatory if appropriate.

7(a). We have not made this determination as of yet.

8. No response is made to these statements, and they are neither admitted or denied.

(a). No.

(b). A telephone conversation with Major Lanier (Wake County Sheriff's Department, 919/755-6924) verified that there had been an investigation of drug abuse at the Harris site. Major Lanier would not discuss the matter in detail (see our Motion to Stay Proceedings, dated May 24, 1985).

A group of eleven engineers were dismissed from the Harris plant in February, possibly for drug-related allegations. It is our understanding

that they are currently being represented by Steve Liss, of Aborezek (sp?), Sobol, & Triester, 21 Dupont Circle, 4th Floor, Washington, D.C. 20036, in a Department of Labor action against Applicants. We have not contacted them in order not to jeopardize their action, but it is our understanding that one or more would be willing to testify about drug abuse at Harris.

The newspaper article also reports a spot sample of twelve workers, two of which stated that they had seen evidence of drug use on the job.

(c). It is our understanding that the basis for Major Lanier's reported observation was based on his department's investigation of drug abuse at the Harris facility. At this time we do not know any of the factual details of that investigation.

9. The dictionary definition of "widespread" is "distributed or extended over a wide area." Random House Dictionary, College Edition.

The figure of 100 of 6,000 employees reported in the newspaper article was not confirmed in our telephone discussion with Major Lanier, but if that ratio is correct or refers only to cocaine usage and total drug use is potentially higher, we would agree that drug use on site was widespread.

10(a). Marijuana, cocaine, and alcohol (although the latter was removed from the contention by Board Order). Factual information from the Sheriff's Department investigation may add to this list.

(b). The newspaper article provides basis for this.

(c). No, although we do not agree with the premise of the question that the newspaper article contains an observation by Major Lanier that it was mainly cocaine which was being abused.

(d). Not applicable.

7

(e). We have not made this calculation and any estimate at this time would lack sufficient grounds. Factual information from the Sheriff's Department investigation may provide this breakdown.

11. As the term is used in the contention, the consumption of any quantity of any of the drugs would result in the worker being "under the influence." This response is not based on any discussions with experts or material, but on general knowledge that the reason for making certain drugs illegal is their effects on people's perceptions, judgment, and control of bodily movements. We are certain that medical information and expert testimony can be provided if this becomes an issue.

12. Again, general knowledge of the effects of drugs would call into question the ability of workers who are "under the influence" to perform adequately. If this becomes an issue to be litigated we are certain that medical information and expert testimony can easily be provided.

13. No, unless influence of drug carries over into work period. Medical information about the length of time which a drug effects mental or physical conditions is readily available.

14. Applicants' management could use counselling and education to control the off-site drug use which would carry over into the work period.

15. This would minimize use of drugs which would carry over into the work period, an example would an alcohol hangover.

16. The basis for this allegation is contained in part in the newspaper article. The observation by Major Lanier that 100 out of 6000 workers were using drugs on site suggests that Applicants have not adequately controlled worker drug abuse. Further information from the

Sheriff's Department investigation will supplement this answer.

Additionally, Applicants' response to our discovery requests are evidence that Applicants have not discovered all of the 100 workers (if that number is a proper estimate).

17. We cannot answer this question until we have had the opportunity to analyze Applicants response to our discovery requests on their present program and procedures.

18. Again, we cannot answer this question until we analyze Applicants' responses, however the Applicants' inability to discover all or even a substantial proportion of the drug abusers on site points to deficiencies.

19. It is our understanding that Applicants have not reinspected any of the safety-related work of "known drug abusers." This belief comes from admission by counsel in Applicants' Response to CCNC's Request for Admission of New Contention WB-3 (February 6, 1985), and in Applicants' Response to our interrogatories.

20. See response to 19 above.

21. A drug abuser is someone who consumes an illegal drug. This definition does not include sale or other activities.

22. Yes, because the typical inspection or QA audit may not pick up deficiencies, especially if the paperwork appears on the surface to be acceptable. (This answer assumes that a CI inspector is the regular line inspector who inspects work immediately after it is performed; we are not otherwise familiar with the term). Another concern is of course if the



inspector or auditor is under the influence of drugs while he or she is auditing or inspecting.

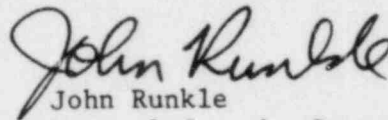
23. The hearings on the management contention established that most of the QA/QC inspections looked solely at the adequacy of the paperwork and not at the actual work performed. Preoperation testing may not discover a pipehanger weld or cable connection, for instance, which was inadequately performed and which would be too weak for full operation of the plant.

24. We do not have adequate information on the number of workers who abuse drugs during construction and what types of jobs they perform to answer this question at this time.

Request for Production of Documents

We will make available to Applicants all documents for copying at a place mutually convenient to the parties.

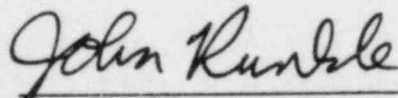
Respectfully submitted,



John Runkle  
Counsel for the Conservation Council  
of North Carolina

This is the 24th day of May, 1985.

The above answers are true and correct to the best of my information, knowledge and belief, and will be supplemented as additional information becomes available.



John Runkle  
Attorney at Law