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RELATED CORRESPONDENCE

May 29, 1985

DOCKETED
USNRC

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)
)
Carolina Power & Light Company and) Docket No. 50-400 OL
North Carolina Eastern Municipal)
Power Agency)
)
(Shearon Harris Nuclear Power Plant))

CONSERVATION COUNCIL'S ANSWERS TO NRC STAFF
INTERROGATORIES REGARDING CONTENTION WB-3

Pursuant to 10 C.F.R. 2.740b, the Conservation Council hereby submits the following responses to NRC Staff Interrogatories Regarding Contention WB-3 (Drug Abuse). We recognize that these responses are of a continuing nature and will supplement them as necessary.

Answers to Interrogatories

57. (a) The newspaper article which supplied much of the basis for this contention was written by Todd Cohen, Raleigh NEWS & OBSERVER, PO Box 191, Raleigh, NC 27602, 919/829-4500. (b) The observations reported in the article were by Major T. W. Lanier, Wake County Sheriff's Department, County Courthouse, Room 100, Raleigh, NC 27602, 919/755-6924. (c) Additional support for our allegations come from the eight workers who were arrested on drug charges and are listed in the article; we have not contacted them in order not to jeopardize any rights they may have in criminal proceedings against them. (d) A group of eleven engineers were also dismissed from the Harris plant on or about March 13, possibly for drug-related allegations.

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It is our understanding that they are currently being represented in a Department of Labor action by Steve Liss, of Aborezek (sp?), Sobol & Triester, 21 Dupont Circle, 4th Floor, Washington, D. C. 20036 (phone number should be readily available). It is our understanding that they would be willing to testify when their Department of Labor action is resolved.

58. Mr. Cohen is a newspaper reporter who has covered utility issues in North Carolina for a number of years. Major Lanier is an officer in the Wake County Sheriff's Department. The eight arrested workers and the eleven engineers are former workers at the Shearon Harris Plant (see also Applicants' response to our interrogatory 14-WB describes the eight arrested workers as electricians and delineates their actual work locations).

59. The newspaper article which was attached to the contention is hereby incorporated by reference. In a telephone discussion, Major Lanier declined to discuss his agency's investigation in any detail until criminal proceedings concerning the eight workers (reported in the article) were resolved. Again, our contact with the eight workers (reported in the article) and the eleven engineers (in the DoL action) has been minimal in order not to jeopardize those proceedings.

60. Mr. Cohen's views are reported in the newspaper article although presumably he had compiled notes of his interviews. Major Lanier presumably relied on police investigation reports but again will not discuss the matter in detail until after criminal proceedings are resolved.

61. We will make these available in a manner convenient to both parties as soon as they are available to us.

62. We have not made this determination to date.

63. See response to 62 above.

64. See response to 62 above.

65. No.

66. Not applicable.

67. Not applicable.

68. Not applicable.

69. We object to this question as irrelevant.

70. The eight workers described in the newspaper article and in Applicants' response to our Interrogatory 14-WB (May 20, 1985) are alleged to be drug users. The eleven engineers who were fired in March may have been alleged by the Applicants' to be drug users although we are not certain of this. The Applicants' also list 12 additional workers (without using names) in their response to our Interrogatory 23-WB who were fired for using drugs.

71. The eight workers described in the article performed a variety of work at the plant, six were electricians working in the fuel handling building, one an electrician with different jobs around the site, and the eighth a pipe hanger fitter. A fuller description of their jobs is found in Applicants' response to our Interrogatory 14-WB. The 12 additional workers who were fired for using drugs had a variety of jobs at the Harris site; a description of their jobs is found in Applicants' response to our Interrogatory 23-WB.

72. The Applicants state in their response to our Interrogatories 14-WB and 23-WB that none of the jobs performed by the workers were reinspected after their arrests (in the case of the eight workers) or terminated (in the case of the additional 12). Those answers also describe the type of work done by each of the workers. We do not however understand the meaning of the phrase "common sense terms" in the context of this interrogatory.

73. Yes.

74. The basis for this is Applicants response to our Interrogatories 14-WB and 23-WB and by admission by counsel in Applicants' Response to CCNC's Request for Admission of New Contention WB-3.

75. See response to Interrogatory 74 above.

76. We do not have any direct knowledge of any drug education and prevention programs at Harris. Applicants described their drug detection and rehabilitation programs in their response to our Interrogatories 26-WB through 35-WB, although we have not verified this to date in reviewing material they will provide us.

77. See response to Interrogatory 76 above.

78. We have not made this analysis yet and will not be able to do so until we can review the documents which Applicants will provide us about their drug programs. There is an apparent flaw in the program based on Major Lanier's reported observation that drug use was widespread on site and that 100 out of 2000 workers were abusing drugs on site; this is compared to the 20 workers which Applicants have detected.

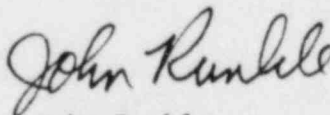
79. We are unsure at this time although Applicants' response to our Interrogatory 31-WB appears to indicate that there is one.

80. See response to Interrogatory 79 above.

81. Yes.

82. Besides the general requirements for safe construction, the NRC has pending a rulemaking at this time on requirements for operating licensees with respect to the fitness for duty of personnel with unescorted access to protected areas. 47 Fed. Reg. 33980 (1982). Allegations of widespread drug abuse have been the subject for investigation by the Office of Inspection and Enforcement and in contentions in various operating licenses. Applicants have failed to adequately protect public health and safety in construction; if Major Lanier's reported observation is correct, then the Applicants' have failed to stop widespread drug use on site.

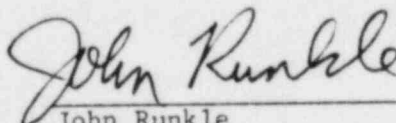
Respectfully submitted,



John Runkle
Counsel for Conservation Council

This is the 29th day of May, 1985.

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



John Runkle
Attorney at Law