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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION AIO 59

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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))

AFFIDAVIT OF WILLIAM J. HINDMAN, JR.

County of Wake)
) ss.
State of North Carolina)

WILLIAM J. HINDMAN, JR., being duly sworn according to
law, deposes and says as follows:

1. My name is William J. Hindman, Jr. My business
address is P.O. Box 165, New Hill, North Carolina, 27562. I am
employed by Carolina Power & Light Company (CP&L) as Manager,
Harris Project Administration, at the Shearon Harris Nuclear
Power Plant. I began full-time employment at the Harris site
on February 17, 1979, as a Senior Engineer in the Project Anal-
ysis element of the Harris site Management organization. Prior
to that time I was on site part-time as Senior Engineer-Staff
reporting to the Vice President for Power Plant Construction.
I served as Director-Project Analysis beginning in May, 1980
and as Manager-Harris Project Administration beginning in
December, 1983. I received a Bachelor of Science Degree in

Civil Engineering from Clemson University. A complete statement of my education, training and experience is provided as Attachment A to this affidavit.

2. My current responsibilities, which have been assigned to me since being named Manager-Harris Project Administration in December, 1983 include management of supervisors responsible for Document Services, Project Services, Project Analysis, Material Control and Custodial, and for Office Administration. I have also served as the on site manager designated to interface with the CP&L construction security representatives who are responsible for construction security services for the Harris Project. With respect to drug activity among employees at the Harris site, I have been designated by the Vice President, Harris Nuclear Project Department, as the project level coordinator of information pertaining to illegal drug use on the Harris Project.

3. The purpose of my affidavit is to respond in part to the allegations in CCNC Contention WB-3 that drug use at the Harris Plant is widespread and that Applicants' management has failed to control drug use during the construction. I will first describe the steps taken by CP&L to assure that contractor employees are not working on site in violation of CP&L's drug abuse policy. Second, I will summarize the procedures followed on site for pursuing information on potential drug activity, and the actions taken when that information is confirmed. Third, I will describe the Quality Check program,

which has been a source of information on alleged drug activity among site employees. Finally, I will discuss the industrial safety record achieved on the project.

4. Mr. Ferguson has provided information on CP&L's drug abuse practices and procedures, as well as the training and instruction provided to CP&L employees at the Harris site. Daniel International Corporation is the constructor at the Harris project, and the employees of Daniel and of Daniel's sub-contractors represent roughly 70 percent of the site work force. Mr. Flowers and Mr. Pannill of Daniel have described Daniel's drug abuse policy and procedures applicable to those employees, as well as the instruction and training they receive. In addition, CP&L has imposed, by contract amendment, a drug and alcohol abuse policy upon contractors at the site. A copy of the article incorporated into these contracts is provided as Attachment B to this affidavit. It requires the contractor to communicate to its employees CP&L's drug abuse policy, CP&L's right to search on its property, and CP&L's discretion to remove from the site any employee who does not cooperate with or is found to be in violation of CP&L's drug abuse policy.

5. When information becomes available which provides good cause for reasonable suspicion that an employee is involved in drug activity, the appropriate CP&L Security Agent, the appropriate section manager and I will confer to determine if a drug screen urinalysis test should be required. In the

case of site employees involved in quality confirmation roles (Quality Assurance, Quality Control, Construction Inspection), however, the drug screen test is administered to the employee even where there is no independent evidence to confirm drug involvement (e.g., on the basis of an anonymous allegation alone.)

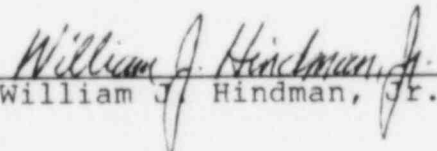
6. In my capacity as project-level coordinator of all information pertaining to illegal drug use on the Harris Project, I am to be informed of all allegations of, or other information developed with respect to potential, drug use or other drug activity among project employees. In addition, CP&L Security and the section manager responsible for the suspected individual's work are notified. If Daniel employees are involved, the Daniel Industrial Relations organization is notified by CP&L Security. CP&L Security and I will then plan, in consultation with the employee's supervisor, the appropriate actions to be taken to resolve the situation - whether through further investigation or immediate personnel action. If sufficient information is developed to confirm, or suspect on reasonable cause, a violation of CP&L's drug abuse policy, the employee is either required to submit to the urinalysis drug screen or is terminated or removed from the site via CP&L's contractual right to direct contractors to remove any of their employees at CP&L's discretion. This has been the case with each of the 173 employees identified by Mr. King as involved in drug activity on the project since February, 1978. Finally,

where an employee is terminated or removed in part because of drug-related reasons, the relevant quality organization has been informed so that any corrective action necessary with respect to the employee's previous work may be identified and undertaken.

7. In 1984, CP&L implemented the Quality Check Program at the Harris Plant in order to provide an additional opportunity for site personnel to express concerns to management and receive feedback on their concerns. Under this program, numbered forms are available throughout the site for completion by any employee having a safety concern he or she wishes to bring to the attention of management. Each such concern is investigated by a group of QA specialists and engineers and the results of the investigation are then reported back to the employee. (If the employee wishes to remain anonymous, he can determine the action taken on his concern by telephoning the Quality Check Program office and providing the form number of his concern.) In addition, as part of the Quality Check Program, each employee working in a safety area who leaves employment at the site (whether by resignation, termination or reassignment) is scheduled to be interviewed by the Quality Check group in order to identify potential safety concerns. The Quality Check group also conducts interviews of randomly selected site employees to uncover safety concerns. Any concern identified through these interviews are similarly fully investigated by the Quality Check group. The most recent NRC

Construction Appraisal Team inspection found the Quality Check Program to be an effective and viable method of addressing employee concerns. Employees have used this program to provide us with information on alleged drug activity.

8. One indicator, albeit indirect, that employees at the Harris site are not impaired on a widespread basis because of drug abuse is the outstanding industrial safety record achieved on the project. For example, the Daniel Construction Company and its subcontractor (Davis Electric Company) have a 0.77 incidence of lost workday accident cases per 200,000 workhours for the six month period ending April, 1985. By comparison, the North Carolina State Department of Labor, Injury Statistics [1983 - Construction (latest available date)] show a 4.7 incidence of lost workday accident cases per 200,000 workhours for heavy construction in North Carolina. The national average - Construction 1984 Edition "Accident Facts National Safety Council" - for heavy construction in this same category is 3.5. Additionally, the Harris project has experienced no fatal accidents.


William J. Hindman, Jr.

Sworn and subscribed to before me
this 10th day of July, 1985.


Notary Public

My Commission expires 3/28/87.

ATTACHMENTS TO AFFIDAVIT OF WILLIAM J. HINDMAN, JR.

Attachment A: Resume of William J. Hindman, Jr.

Attachment B: Contract article amendment (Drug and Alcohol Abuse Policy)

RESUME

WILLIAM J. HINDMAN, JR.

MANAGER - PROJECT ADMINISTRATION

Birthdate: April 22, 1943

Education and Training:

BS Degree in Civil Engineering from Clemson University - 1965

Engineer Branch Officer Basic Course (400 classroom hours) at U. S. Army Engineer School - 1966

Conversational Spanish Course (480 classroom hours) at Defense Language Institute - 1966

Military Police Officer Course (350 classroom hours) by extension from U. S. Army Military Police School - 1971

Engineer Branch Officer Advanced Course (475 classroom hours) at U. S. Army Engineer School - 1974

U. S. Army Command and General Staff College through U. S. Army Reserve School Program - 1978

Professional Affiliations and Achievements:

Member of American Society of Civil Engineers

Member of American Nuclear Society

Member of Reserve Officers Association

Registered Professional Engineer in North Carolina

Registered Land Surveyor in North Carolina

Registered Professional Engineer in South Carolina

Experience Prior to Joining CP&L:

1965 - 1968: U. S. Army Corps of Engineers

8th Special Forces Group (Airborne), Fort Gulick, Canal Zone -
Captain

U. S. Embassy, Ecuador - Member of Mobile Training Team

U. S. Embassy, Peru - Team Chief for Technical Advisory
Team

1968 - 1974: N. C. State Highway Commission, Raleigh, NC

Traffic Engineering Department - Assistant Traffic Research
Engineer

N. C. Department of Transportation, Traffic Engineering
Branch - Traffic Research Engineer

Experience with CP&L:

- 03/25/74: Employed as a Senior Engineer - Staff reporting to the Vice President of the Power Plant Construction Department, located in the General Office, Raleigh, North Carolina.
- 02/17/79: Reclassified as Senior Engineer and transferred to the Project Analysis Subunit of the Harris Site Management Unit, Nuclear Construction Section, Power Plant Construction Department. Located at the Harris site, New Hill, NC.
- 05/03/80: Promoted to Director - Project Analysis in the Harris Site Management Section of the Power Plant Construction Department. Located at the Harris site, New Hill, NC.
- 01/31/81: Reorganization - Department renamed to Nuclear Plant Construction.
- 09/03/83: Reorganization - Department renamed to Harris Nuclear Project
- 12/01/83: Promoted to Manager - Harris Project Administration in the Harris Nuclear Project Department.

07/05/85

WILLIAM J. HINDMAN, JR.
ADDITIONAL MILITARY EXPERIENCE
(U. S. ARMY RESERVE)

- I. May, 1969 - October, 1969

Assistant S-3 (Captain) - 171st Support Group - Staff responsibility for training planning and implementation of training by a command group headquarters and subordinate units.
- II. October, 1969 - January, 1973

Commander - 805 Military Police Company (Physical Security) - Supervisory responsibility for two full-time U. S. Government staff assistants and management responsibility for approximately one hundred twenty-five Army Reservists who met four drills per month.
- III. January, 1973 - October, 1978

Training Officer - Headquarters, 120th U. S. Army Reserve Command - Staff responsibility for review, inspection, and reporting of classroom instruction presented by U. S. Army Reserve Schools in North and South Carolina.
- IV. October, 1978 - September, 1980

Director, Military Occupational Specialty Training (Major) - 3286th USAR School. Responsible for managing a staff and faculty of approximately fifty senior grade personnel involved in conducting instructional training for approximately five hundred military personnel in eastern North Carolina.
- V. September, 1980 - December, 1981

Director, Enlisted Courses (Lieutenant Colonel) - 3286th USAR School. Responsible for approximately one hundred staff and faculty personnel involved in training one thousand enlisted personnel in skill and leadership subjects.
- VI. January, 1982 - March, 1984

Battalion Commander (Lieutenant Colonel) - Second Battalion, 108th Division. Responsible for five infantry companies and a battalion staff comprised of reserve personnel plus several full-time U. S. Government employees.
- VII. April, 1984 - January, 1985

Brigade Executive Office (Lieutenant Colonel) - Third Brigade, 108th Division. Served as chief of staff and second in command for infantry organization consisting of four battalions of reserve personnel and fourteen full-time U. S. Government employees.
- VIII. February, 1985 - Present

Brigade Commander (Colonel Position) - Third Brigade, 108th Division, Reports directly to the Commanding General of the 108th Division. Responsible for command and overall performance of the 3rd Brigade including four assigned battalions.

DRUG AND ALCOHOL ABUSE POLICY

The Owner is vitally concerned with the safety and well-being of its employees and the employees of its Contractors. Therefore, it is important for the Contractor to be aware of the Owner's policy regarding the use of drugs and consumption of alcohol:

The use, possession, or sale of narcotics, hallucinogens, depressants, stimulants, marijuana, or other controlled substances on the Owner's property, or in pursuit of the Owner's business, is prohibited. Also, unauthorized consumption of alcohol on the Owner's property is prohibited. (This does not apply to medication prescribed by a licensed physician and taken in accordance with such prescription.)

The term "Owner's Property" includes any property or facility owned, leased, or under the control of Carolina Power & Light Company wherever located, including land, buildings, structures, installations, boats, planes, helicopters, and other vehicles. The Contractor's assistance in implementing the policy where contract labor is concerned is essential.

In this respect, Contractor agrees to advise its employees and the employees of any subcontractors and agents:

1. Of the Owner's policy on drug and alcohol abuse set forth above;
2. That entry onto the Owner's premises constitutes consent to a search or inspection of the employee and his or her property, including vehicles, at any time when on the Owner's premises; and
3. That any employee found in violation of the policy, or who refuses to permit a search or inspection as specified above, may be removed and barred from the Owner's property at discretion of the Owner.

The Contractor also agrees to institute control measures to prevent the use, possession, or sale of drugs or controlled substances on the Owner's property, or while engaged in contract work for the Owner.

It is understood that all terms and conditions of the Contract, to which this Order is a supplement, shall apply to this Order except as specifically stated herein otherwise.