

September 23, 1985

DOCKETED
USNRC

'85 SEP 24 11:29

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

APPLICANTS' TESTIMONY OF PETER B. BENSINGER,
JOHN D. FERGUSON, GARRY W. FLOWERS AND A. REID PANNILL ON
DRUG ABUSE CONTROL POLICIES AND TRAINING
(CCNC CONTENTION WB-3)

8509260134 850923
PDR ADOCK 05000400
T PDR

Q1. Gentlemen, please state your names, present occupations, employers and business addresses for the record.

A1. (PBB) My name is Peter B. Bensinger. Currently I am President and Chief Executive Officer of the firm of Bensinger, DuPont & Associates, Inc., 20 North Wacker Drive, Chicago, Illinois 60606, a professional consulting firm providing services to private industry, national and community organizations, and government, on the problems of drug and alcohol abuse, including its impact on the workplace.

(JDF) My name is John D. Ferguson. My business address is P. O. Box 93, New Hill, North Carolina 27562. I am employed by Carolina Power & Light Company (CP&L) as Director-Personnel Relations for the Shearon Harris Nuclear Power Plant.

(GWF) My name is Garry W. Flowers. My business address is Daniel Building, Greenville, South Carolina 29602. I am employed by Daniel International Corporation (DIC) as Manager of Corporate Security in the Industrial Relations Department. Daniel is the constructor of the plant.

(ARP) My name is A. Reid Pannill. My business address is Daniel Building, Greenville, South Carolina 29602. I am employed by Daniel Construction Company as Group Personnel Manager of the Process Group. Between December 1982 and August 1985, I was Daniel Personnel Manager at the Shearon Harris Nuclear Power Plant.

Q2. Mr. Bensinger, please describe your professional and educational background.

A2. (PBB) Prior to forming the consulting firm of Bensinger, DuPont & Associates with Dr. Robert L. DuPont, I served as Administrator of the United States Drug Enforcement Administration, appointed to this position in January of 1976 by President Gerald R. Ford and confirmed by the United States Senate, serving over five and a half years under four different Attorneys General as director of this major federal investigative agency. The Drug Enforcement Administration is responsible for enforcement of U. S. narcotic and dangerous drug laws and has 4,000 employees in 160

offices in the United States and 40 foreign countries. As Administrator of the Drug Enforcement Administration, I was responsible for criminal investigations, laboratory services, intelligence, training for federal, state and local law enforcement, and regulation of the legal manufacture of controlled substances for legitimate medical use.

Prior to my appointment as Administrator, I served as Director of Corrections for the State of Illinois, Chairman of the Illinois Youth Commission, and Executive Director of the Chicago Crime Commission. I have served as a principal delegate to INTERPOL for the United States in 1979, have served on the Executive Committee of the International Association of Chiefs of Police, and have been Chairman of this 12,000 member police organization's Narcotics and Dangerous Drug Committee. I have a bachelor's degree from Yale University. A vita is provided as Attachment A to this testimony.

Q3. Please describe the kinds of activities related to drug abuse in which your consulting firm engages.

A3. (PBB) Bensinger, DuPont & Associates is a national consulting firm which specializes in consultation services, training, audit and expert testimony dealing with the problems of substance abuse in the workplace. The firm has provided consultation and training services to major corporations in the public utility, pharmaceutical, energy, transportation, construction and computer fields. Our clients include American Airlines, Boise Cascade Corporation, E. I. du Pont de Nemours & Company, the Federal Bureau of Investigation National Academy, Edison Electric Institute, Norfolk Southern Corporation, Airport Security Council, American Gas Association, Times Mirror Companies, and national associations of parent groups, hospitals and health providers, and state and local government. The principals of the firm are Dr. DuPont and myself, with offices in Chicago and Rockville, Maryland. In addition, the firm has 16 associates who are retained on a contract basis for specific training and consultation assignments around the

country. Associates' experience and special skills include medical, pharmacological, laboratory counseling, employee assistance, and employee development and training. Bensinger, DuPont & Associates has been one of the principal consulting resources for the public utility industry in general and the nuclear power industry in particular. Clients have included Commonwealth Edison Co. of Chicago, Georgia Power, Boston Edison, Northeast Utilities, Niagara Mohawk Power Corporation, Southern California Edison, Illinois Power, Public Service Electric & Gas, Virginia Electric & Power Company, Florida Power & Light, Union Electric, as well as Carolina Power & Light. Bensinger, DuPont & Associates in addition has been retained by the Edison Electric Institute and has provided consultation services to the Institute of Nuclear Power Operations. Among utilities, Bensinger, DuPont & Associates has conducted training sessions at over 20 different nuclear power plants in the United States, all of whom have received and are retaining licenses from the Nuclear Regulatory Commission.

As President of Bensinger, DuPont, I have provided expert testimony to Committees of the United States House and Senate, to the Federal Railway Administration and the Nuclear Regulatory Commission, and have been an expert witness at arbitration hearings and court proceedings involving the subjects of drug policy, drug testing, the health and safety hazards of drugs, and employer responsibilities. I have authored a monograph entitled "Drugs in the Workplace: Employers' Rights and Responsibilities," published by the Washington Legal Foundation in 1984, in addition to a number of articles published in the New York Times, Washington Post, Chicago Tribune and Harvard Business Review on the subject of drug control and drugs in the workplace issues. I have represented the nuclear power industry in discussions with the Nuclear Regulatory Commission in conjunction with the Edison Electric Institute on fitness-for-duty issues. I was retained by the Edison Electric Institute as a principal keynote speaker during four regional conferences made available in 1984 to the utility industry in Los

Angeles, Chicago, Atlanta and New York City, and have visited personally and conducted briefings and training sessions in over a dozen nuclear power plants in the United States, and for the largest nuclear utility companies with construction currently under way or recently completed.

Q4. Mr. Ferguson, please state your professional experience and educational background.

A4. (JDF) I have been employed by CP&L in various personnel administration positions since 1977. I have worked at the Shearon Harris site since August 1981, and have recruited for the Harris Project since I began my employment with CP&L. Prior to my employment with CP&L, I served as an officer in the United States Army, where I worked in supervisory roles and began working in the personnel field. I am a graduate of the United States Military Academy at West Point and a member of the American Society of Personnel Administrators. As part of my training in the Army, as well as with CP&L, I have participated in classes on drug awareness. While serving as the Personnel Officer for an 800-man organization in the Army, I supervised the administration of the drug screening program. Included in these responsibilities were drug sampling of Army personnel, chain of custody of urine specimens, processing results, the rehabilitation program and the amnesty program. A complete statement of my education, training and experience is provided as Attachment B to this testimony.

Q5. What are your responsibilities in your present position, particularly with respect to the subject of this testimony?

A5. (JDF) My responsibilities as Director-Personnel Relations for the 1,200 CP&L employees at the Shearon Harris Nuclear Power Plant and the Energy and Environmental Center include, among other things, employment and orientation of new employees, training supervisors in Corporate policies and their interpretation, and supporting efforts to ensure compliance with Corporate employee policies and related

government regulations at the plant site. With respect to CP&L's drug abuse policies, I have been responsible for and personally involved in the following: (a) compliance with the Interdepartmental Procedure in testing all applicants for employment with CP&L who require unescorted access to the site; (b) orientation of all new CP&L employees of the Company's policies on drug and alcohol abuse; (c) ensuring consistency in the administration of the Company's drug abuse program and advising management, on a case-by-case basis, on compliance with the Company's policies; and (d) administering the urinalysis drug screen examination program.

Q6. Mr. Flowers, what is your professional experience and educational background?

A6. (GWF) I have been employed by Daniel since 1978. My current responsibilities include assuring that Daniel projects have effective security programs, providing assistance to special investigations, and maintaining working relationships with law enforcement agencies. I have a B.A. degree from Furman University and took various courses in Criminology and Criminal Justice from Greenville Technical College in association with the University of South Carolina Criminal Justice Program. I have three years of law enforcement experience, including work as an undercover operative for several narcotic investigations. I have also been responsible for drug training and the drug deterrent program for a county school system. As a part of my law enforcement training, I have attended seminars and workshops, presented by various law enforcement agencies, on drug abuse, drug identification and drug trafficking. A complete statement of my education, training and experience is provided as Attachment C to this testimony. With respect to drug use by Daniel employees, my personal role has included the preparation of a corporate drug policy that has been implemented throughout DIC, and the establishment of a drug awareness training program for Daniel supervisors. I have trained Daniel supervisors in both construction and in the Technical Services Division at the Shearon Harris site.

Q7. Mr. Pannill, please describe your professional experience and educational background.

A7. (ARP) As Group Personnel Manager of the Process Group, I am responsible for supervising the personnel managers on a number of Daniel projects. I have been in this position since late August 1985. Previously I was Daniel Personnel Manager at the Harris Plant. Prior to coming to the Harris site in 1982, I worked for nearly seven years for Daniel at the V. C. Summer Nuclear Station. I have a B.A. degree from Lander College and extensive training in supervision and management, including drug awareness. While working as Personnel Manager at the Harris Plant, I was responsible for management of Daniel's Personnel Department at Harris, and for implementing and administering Daniel's personnel policies. In August 1984, I also assumed responsibility for managing Daniel's Industrial Relations Department at Harris. The Industrial Relations Department's responsibilities include administering and enforcing the Daniel/Shearon Harris drug policy. My specific involvement with that effort has included recommendations on drug prevention measures, participation in active and confidential drug investigations, conducting searches, and determining whether or not probable cause exists to conduct searches or to perform urinalysis drug screen testing. A complete statement of my education, training and experience is provided as Attachment D to this testimony.

Q8. Gentlemen, what is the purpose of your joint testimony?

A8. (PBB, JDF, GWF, ARP) The purpose of our testimony is to respond in part to the allegations in CCNC Contention WB-3 that Applicants' management has failed to control drug use during the construction of the Shearon Harris Plant.

Q9. How is the testimony organized?

A9. (PBB) Mr. Ferguson will describe the CP&L policy and procedure for drug abuse at the Shearon Harris site and the communication of this policy to employees. He

will provide information on the urinalysis drug screen test used to identify drug use by current and prospective employees. Mr. Ferguson will also describe the instruction on drug abuse provided to all CP&L employees and the additional training provided to supervisors and managers. In addition, he will identify the personnel policies followed once an employee is identified as or suspected of being involved in drug activity. Mr. Flowers and Mr. Pannill will discuss the pre-employment screening of applicants to work for Daniel at the Harris site, Daniel's drug policy and its communication to the employees, the drug awareness training provided to supervisors, and the means employed to identify drug activity among employees. Finally, I will describe the role of Bensinger, DuPont & Associates in developing CP&L's program to control drug use at the Harris Project and will provide my evaluation of both CP&L's and Daniel's drug abuse policies, procedures and programs.

Q10. Mr. Ferguson, what is CP&L's policy with respect to drug use by employees at the Shearon Harris Nuclear Power Plant?

A10. (JDF) CP&L employees at the Shearon Harris site are subject to CP&L's Drug and Alcohol Abuse Statement of Practice. The Statement, minus the provisions related to alcohol abuse, is as follows:

The use, possession, or sale of narcotics, hallucinogens, depressants, stimulants, marijuana, or other controlled substances by an employee while on Company business or on Company property will result in disciplinary actions, including possible termination.

Any other use, possession, or sale of narcotics, hallucinogens, depressants, stimulants, marijuana, or controlled substances by an employee that may adversely affect the employee's job performance, or that may reflect unfavorably upon public or governmental confidence in the manner in which the Company carries out its responsibilities, may result in disciplinary action, including possible termination.

This statement of practice does not apply to medication prescribed by a licensed physician and taken in accordance with such prescription.

In order to provide guidance for assuring that Company practice on drug and alcohol abuse is adhered to at nuclear power plant sites, CP&L has adopted a Drug and Alcohol

Interdepartmental Procedure. The Procedure prescribes the responsibilities of Department/Nuclear Project Managers, Manager-Employee Relations, and Department/Nuclear Project Section Managers. A copy of the procedure is provided as Applicants' Exhibit No. ____.

Q11. How are employees and applicants for employment made aware of this policy?

A11. (JDF) Applicants for employment with CP&L at the Shearon Harris site are fully informed of the Company's Drug and Alcohol Abuse Statement of Practice and related Drug and Alcohol Interdepartmental Procedures. They are advised that a thorough five-year background investigation will be conducted, that drug screening procedures are a part of the required pre-employment physical examination, and that a professional evaluation using the Minnesota Multiphasic Personality Inventory (MMPI) is a part of the total preemployment procedure. Applicants are told that if the drug screen indicates the presence of drugs or controlled substances, not obtained and used according to a valid prescription, they will not be considered further for employment. Also, if the MMPI indicates a background of or tendency toward drug or alcohol abuse or aberrant behavior in the opinion of professional advisors to the Company, they may not be considered further for employment.

Once employed, CP&L personnel assigned to the Harris site receive an instructional program entitled "Drug and Alcohol Abuse Orientation for CP&L Employees," presented by Employee Relations and the Harris Training Unit. The instruction familiarizes employees with CP&L's Drug and Alcohol Abuse Practice and Procedures, the adverse impact of drug and alcohol abuse, and CP&L's Employee Assistance Program. Each employee is given the CP&L "Drug and Alcohol Abuse Reference Manual." A copy of the Manual is Applicants' Exhibit No. _____. The Manual includes the Statement of Practice, a message from the Chairman/President of CP&L,

and a summary of the Drug and Alcohol Interdepartmental Procedures. The Manual advises the employee that the Company may undertake announced or unannounced inspections, investigations and searches for illegal drugs and controlled substances. The Manual states that "the results of such actions may include a request that an employee have a Company-approved medical examination which will include a drug screen" and that "any employee who refuses to allow or cooperate with a properly authorized inspection, investigation or search may be subject to disciplinary action, including possible termination." The last page of the Manual is detached and retained as the employee-signed record of participation in the orientation, of the employee's agreement to abide by the Statement of Practice and related Procedures, and of the employee's understanding that compliance with the Statement of Practice and related Procedures is required for continued employment with CP&L.

Q12. How do you screen employees and applicants to determine if they are drug users?

A12. (JDF) As I have indicated, a urinalysis drug screen test is used by CP&L for applicants for employment at the Harris site, and for site employees suspected of involvement in drug activity. Each employee consents to this examination as a condition of employment. I am the authorized CP&L agent for the Harris area who may order a drug screen urinalysis test. The urine specimen is collected by a local physician and, pursuant to an established written procedure designed to assure sample authenticity, is delivered to CompuChem Laboratories, Research Triangle Park, North Carolina, with whom CP&L has a business agreement to perform urinalyses for the detection of drug use. The drug classes included in the CompuChem analysis are amphetamines, barbiturates, benzodiazepines, cannabinoids, cocaine, methadone, methaqualone, opiates, and phencyclidine. Each urine sample submitted to CompuChem first undergoes an Enzymen Multiplied Immunoassay Technique (EMIT) qualitative analysis. All positive

EMIT analyses are confirmed by Gas Chromatography/Mass Spectroscopy (GC/MS) quantitative analysis. This test program ensures that, if a drug is present, it will be detected by the EMIT test, and the quantity confirmed through the GC/MS analysis.

(PBB) I would add that the testing techniques used at the CompuChem Laboratories are considered to be the most sophisticated and foolproof available.

Q.13. Does CP&L's drug abuse policy apply to the employees of contractors at the Harris site?

A.13. (JDF) Yes. 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 Applicants' Exhibit No. _____. 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.

Q14. What type of training has CP&L undertaken for its supervisory personnel with respect to controlling drug use at the Harris site?

A14. (JDF) CP&L has a drug awareness training program for CP&L managers and supervisors (including first-line supervisors, i.e., foremen) at the Harris site designed to prepare them to recognize drugs and drug-related behavior, and to understand their responsibilities when such substances or behaviors are observed or reported on the job. The supervisor is responsible for reporting any information on suspected drug activity, for removing from the job any employee having possession of or under the influence of drugs, and for initiating disciplinary action in accordance with the provisions of the Company's Drug and Alcohol Abuse Statement of Practice. The drug awareness training program enables supervision to carry out these responsibilities effectively. In developing its drug and alcohol abuse education efforts, CP&L utilized the expertise and guidance of numerous individuals and organizations with valuable experience, including other utility

companies, Federal and local law enforcement personnel, the academic community, and consulting firms with national experience in the prevention of drug and alcohol abuse.

CP&L supervisors and managers at the Harris Plant have attended a "Drug and Alcohol Workshop for Supervisors," initially presented by the Plant Manager or his designee, the plant personnel representative and/or a designated instructor from the Employee Relations Department. This program provides the participants with a comprehensive review of CP&L's Drug and Alcohol Abuse Practices and Procedures and of their supervisory responsibilities under those Practices and Procedures. Participants are then provided with the skills necessary to implement the Practices and Procedures. Subsequently, this training was incorporated into a "Workshop in the Assessment of Aberrant Behavior," a 12 to 16-hour course presented by Management Consultants of Chapel Hill. That course includes 4 hours of instruction devoted to drug and alcohol abuse problems, practices and procedures. Each manager and supervisor receives, as a part of the drug awareness training program, the CP&L Supervisor's Reference Manual, Drug and Alcohol Abuse. This manual, a copy of which is Applicants' Exhibit No. _____, illustrates the scope and content of the training provided. In addition to the Practices and Procedures, the manual describes drugs of common abuse (including identification of the drug, methods of use and signs/symptoms of use), guidance on observing and documenting changes in employee behavior, guidelines for administering CP&L's policy on drug abuse, behavior and job performance warning signs, a check-list for observing employee behavior, and guidelines for conducting a disciplinary interview.

Q15. Have there been other special programs on drug abuse control?

A15. (JDF) Yes. In addition to this on-going and repeated (for new supervisors/managers) training program, CP&L in 1984 gave special attention to drug abuse control. On August 1, 1984, CP&L management gathered for a briefing on drug and alcohol abuse control, presented by Mr. Bensinger, who is one of the foremost

experts on drug and alcohol abuse in the United States. Subsequently, refresher training on drug and alcohol abuse was conducted by Mr. Bensinger's associates and CP&L personnel at the Harris site in August 1984, for CP&L supervisors. A description of this refresher training is Applicants' Exhibit No. ____.

In a further effort to remind personnel of the importance the Company attaches to its drug and alcohol abuse practices and procedures, CP&L employees at the Harris site, as well as contractor personnel who attend the routine safety meetings, recently received a videotape "Drug and Alcohol Abuse Refresher Training" session presented by Mr. Edward E. Utley, CP&L Executive Vice President. A transcript of the videotape is Applicants' Exhibit No. ____.

Q16. Does CP&L vigorously enforce this drug abuse policy?

A16. (JDF) In my position as Director-Personnel Relations for the Harris site, I can state unequivocally that CP&L vigorously enforces its drug abuse policy. Our consistent practice has been to encourage employees to cooperate with the implementation of that policy, but to terminate employees who violate it.

Q17. Mr. Flowers and Mr. Pannill, with respect to the Daniel drug abuse control program, what kind of background check do you do on prospective employees?

A17. (GWF, ARP) All prospective Daniel employees at the Harris site are subjected to pre-employment background verification, which includes, with respect to previous employment, confirmation of the dates of employment, job classification, performance rating and the reason(s) for termination. Any criminal records listed on the employment application are reviewed, and incidents involving drug-related activity in the applicant's background are viewed as grounds for denial of employment.

Q.18. What proportion of the Harris contractor work force are Daniel or Daniel subcontractor employees?

A.18. (ARP) The employees of Daniel and of Daniel's subcontractors represent

roughly 70 percent of the site work force.

Q19. Please describe the drug abuse policy that pertains to Daniel employees at the Harris site.

A19. (GWF, ARP) Daniel's drug policy at the Shearon Harris site is governed by two procedures: one which applies to the Technical Services Division (employees involved in quality confirmation roles in Quality Control or Construction Inspection) and another for all other employees. Procedure TSD-SH-207, "Security Actions/Illegal Drugs and Other Contraband Materials," provides that employees are forbidden to use, sell, possess or be under the influence of illegal drugs while on Daniel or CP&L property and that violation of this prohibition is cause for immediate discharge. The procedure states that Daniel may take any of the following steps while employees are on Daniel/CP&L property: observe actions of employees; counsel employees; search employees' personal items, automobiles or persons; require searches with canines; require drug screen urinalysis testing. If the employee refuses a search, he/she is immediately discharged. The procedure prescribes the steps to be taken, and the action responsibilities, to implement the policy. A copy of this Technical Services Division procedure is provided as Applicants' Exhibit No. _____. Procedure DCC-PE-510, "Security Actions/Illegal Drugs and Other Contraband Materials," governs other Daniel employees and has provisions similar to the TSD procedure just described. A copy of DCC-PE-510 is provided as Applicants' Exhibit No. _____. In addition, by memorandum of December 26, 1984 to all Daniel/Davis employees from C.C. Wagoner, Project General Manager, the drug policy was restated and supplemented to provide that "[e]ffective January 10, 1985, the consent to search provisions will include urinalysis testing at the discretion of senior project management when probable cause has been established that an employee has violated the site drug and alcohol abuse policy." A copy of Mr. Wagoner's memorandum is provided as Applicants' Exhibit No. _____.

Q20. How are Daniel employees informed of this policy?

A20. (GWF, ARP) Daniel employees are introduced to its drug policy for the Harris site in several ways. All new employees and all employees transferring from other Daniel worksites are introduced to the drug and alcohol policy through an employee orientation. During this orientation, the drug and alcohol policies are reinforced in the following ways:

- ° The presenter reads and reviews the drug policy letter of the Daniel Construction Company and re-emphasizes the company's commitment to the enforcement of this policy, including searches, inspection of the employee and his/her property, and the right to require a urinalysis of an employee for "probable cause." The searches are re-emphasized and the employees are advised that dogs may be onsite which would be used to locate drugs.

- ° During a video orientation, which includes a general discussion of the project itself and also acts as a visual orientation to the overall work procedures at the site, there is a clear and specific discussion of the drug and alcohol policy. The video expressly notes that one can "lose one's job" for violating safety or security rules or possessing or using beer, liquor, or unlawful drugs, or performing unsafe acts because of the use of beer, liquor, or unlawful drugs. In addition, the video discusses the Quality Check program, wherein employees are encouraged to make any observations on the worksite regarding the safety of the worksite, the procedures at the worksite or anything else that might be identified as a problem which other programs may have missed.

° Each employee is given an employee handbook to read during the orientation period and before he/she begins the job. The handbook states that incapacitation through alcohol, drugs or other substances, and the possession of dangerous weapons, alcohol or illegal substances on company property, are offenses which can lead to an immediate involuntary termination. After the employee has read the employee handbook, he/she is required to fill out an affidavit certifying that he/she has received a copy of the handbook, has read it, and will abide by all of its rules and regulations. This certification become a part of the employees' personnel file at the site.

In addition, employees are reminded of the drug and alcohol policy through posters and bulletin board items throughout the worksite. Supervisory emphasis is also given to this topic at weekly safety meetings or other meetings during which the supervisors may be meeting with their employees. Mr. Wagoner's memorandum, which we previously discussed, also served as an important reminder to employees of the drug policy.

Q21. What are the responsibilities of Daniel supervisors at the Harris site in the area of drug abuse control and how are they trained to fulfill those responsibilities?

A21. (GWF, ARP) Daniel supervisors are responsible for reporting suspected drug activity and for taking immediate action if drug activity is observed. The supervisors receive special training on drug awareness and Daniel's policy so that they can better fulfill those responsibilities. Supervisors are given the written drug policy which appears in a Personnel-prepared Supervisor's Handbook. The drug awareness training provided to supervisors familiarizes the participants with Daniel's drug policy and how to implement it. We also teach the supervisors how to recognize drugs with high abuse rates (e.g., marijuana, cocaine and different forms of speed), how to recognize the symptoms of drug

abuse in an employee, and the supervisor's role in carrying out the policy. This training program was developed from information provided by Federal and local law enforcement agencies, medical doctors and pathologists, and the training content has been reviewed for accuracy by law enforcement experts and medical doctors. The presentation is made by an instructor on-site using slides, static displays of drug paraphernalia, and a drug display kit which was commercially purchased. A general outline of the information presented in the Supervisory Drug Awareness Program is provided as Applicants' Exhibit No. _____. In addition, a copy of "Controlled Substances: Use, Abuse and Effects," prepared by the U. S. Drug Enforcement Administration and provided to the supervisors, is Applicants' Exhibit No. ____.

Q22. What mechanisms exist for identifying drug use or activity among Daniel employees?

A22. (GWF, ARP) The project-wide means for identifying drug use/activity described in the testimony of the witness panel (Messrs. Hindman, King, Joyner and Bensinger) on the assessment of employee drug activity apply as well to Daniel employees. In addition, Daniel site Industrial Relations representatives conduct active surveillance for visible drug activity and receive reports from employees on known or suspected drug activity. Daniel provides any information it receives or develops on known or suspected drug activity to Mr. Hindman of CP&L. Daniel employees may also use the project Quality Check program and the Daniel Open Door Policy to report drug information. Daniel employees have received instruction on the use and availability of the Quality Check program as an avenue for reporting any alleged problem on a confidential, or even an anonymous, basis. The employees are also encouraged to use the Daniel Open Door Policy, which is discussed with each new hire and is the subject of posters throughout the project, to raise problems with their supervision and, if not satisfied, to contact further levels of management.

Q23. Does Daniel use urinalysis testing on employees who are suspected of drug use?

A23. (GWF,ARP) Yes. Consistent with CP&L's practice for its employees involved in quality confirmation roles, Daniel personnel in such positions (Quality Control or Construction Inspection) undergo urinalysis drug screen testing whenever information on suspected drug use or other drug activity is provided to Daniel. Urinalysis testing is performed on other Daniel employees when probable cause, through other means of drug detection, has been established to suspect drug activity. Daniel utilizes CompuChem laboratories, as does CP&L, to perform the urinalysis drug screens. Mr. Ferguson has already described the testing process.

Q24. Mr. Bensinger, have you been involved in the development and review of CP&L's drug abuse policy at the Harris Plant?

A24. (PBB) Yes. Our firm, Bensinger, DuPont & Associates, has provided policy consultation to CP&L and provided supervisory training to all CP&L management and supervisory personnel at their nuclear facilities and headquarters locations. The program included a meeting with top management; briefings to security, employee relations and nuclear power plant management personnel; development of a supervisory training manual and the CP&L Supervisor's Reference Manual, Drug and Alcohol Abuse which is Applicants' Exhibit No. ____; and on-site training by Bensinger, DuPont associates Mickey Glasco and Dr. Richard Bucher, who have had extensive experience in the substance abuse field and particular experience in providing training at nuclear power facilities, including those operated by the Georgia Power Company and Virginia Electric & Power Company. Training included a review of CP&L drug and alcohol policy by CP&L officials, an awareness presentation by Bensinger, DuPont experts and discussion of CP&L guidelines and resources available to assist management in implementing this program. The awareness portion of the presentation, which has been used by Edison

Electric Institute as a model, included information about specific drugs which might be impairing an individual in the work place, as well as a segment on "signs and symptoms" designed to alert supervisors to possible drug-related work impairment. An outline of the training material used for the supervisors is Applicants' Exhibit No. ____.

More recently, in response to the allegations made by CCNC, I met with CP&L Security and Harris Project management personnel to review the current status of efforts by CP&L and its contractors to control drug use at the site. I have also reviewed the information provided in the other affidavits and testimony filed by Applicants which respond to the CCNC contention. Finally, Dr. Bucher, Manager of our Rockville office, recently visited the site in order to advise me on the actual implementation by CP&L and Daniel of their drug abuse policies, procedures and programs.

Q25. What do you consider the basic elements of an effective program for controlling drug use in the workplace?

A25. (PBB) First, as I explain in greater detail in my testimony on the identification of employees involved in drug use, it must be recognized that drug abuse is a serious problem throughout American society and a threat to any work place. Companies that have faced up to the reality of this threat have implemented multi-phased programs to deal with this issue, including:

- (1) distribution to all employees of a clear company policy on drugs;
- (2) providing management with clear orientation and training on the issue of substance abuse in the work place and the need for management intervention;
- (3) provided training to supervisors on the recognition and warning signs of drugs and alcohol;
- (4) maintaining close liaison with local law enforcement, including requests for undercover investigations;
- (5) deployment from time to time of canine units for searches of nuclear power and construction site facilities;

- (6) maintaining consistency of discipline and denial of access for employees who appear to have violated company or construction site rules with respect to drugs and alcohol;
- (7) initiated preemployment and fitness-for-duty testing of employee body fluids for prohibited substances as a method of reinforcement of company policy;
- (8) notification of contractors' obligation to comply with CP&L drug and alcohol policy.

Q26. How does CP&L's program stack up in these areas?

A26. (PBB) In the case of Carolina Power & Light, all of these principal initiatives were undertaken: supervisors were trained by professionals with respect to warning signs and symptoms of drug abuse; all employees received the drug abuse policy and supervisors received guidelines with respect to the implementation of company policy; contractors were put on notice with respect to their own responsibilities regarding drug activity by contractor and the subcontractor employees; canine searches took place at Harris, as did undercover investigations, in concert with state and local law enforcement; fitness for duty testing has been initiated; and a top laboratory (Mead CompuChem), utilizing the most sophisticated and foolproof testing techniques available, was selected to provide chemical testing for preemployment and fitness-for-duty purposes. All of these efforts, including a top commitment from management, conform to the Edison Electric Institute's guide for drug control.

Q27. Please elaborate on your assessment of the supervisor training program at Harris.

A27. (PBB) The effectiveness of CP&L's, Daniels' and other contractors' training and supervisory methods to address drug control at the Harris construction site have been reviewed by Dr. Bucher and myself. It is our judgment that the initiatives undertaken meet or exceed standards in other nuclear power plant locations and meet the need to address the threat of drug abuse at the construction site.

The training program for supervisors at Harris is comprehensive and has involved active participation from supervisory members with trainers on location. Such training program will continue with updated awareness programs. It is my judgment that the training provided to the supervisors on identification of the symptoms of drug abuse enables the supervisors to recognize unusual behavior and to initiate intervention prior to the worker becoming so impaired that he would compromise safety-related work.

Q28. Does the fact that instances of drug use among employees have been reported cast doubt on the effectiveness of the drug policy?

A28. (PBB) Not at all. The fact that ongoing abuse or use has been reported as a result of an undercover investigation and by other means does not discount the contractors' and CP&L efforts. On the contrary, it would be of far more concern if there were no initiatives undertaken by companies with local law enforcement or through intervention by management disclosing such use and abuse. In government, as well as in industry, violations of drug policy and the abuse and sale of drugs have taken place, including within the last several months the arrest of FBI agents for the sale of cocaine, of DEA agents for the use of controlled substances, and of postal workers for drug distribution. Companies and government agencies should take a proactive stance, providing education, training, and also employee assistance as well as security measures, drug testing, canine searches and undercover probes. In this regard, the CP&L Employee Assistance program has been established and a top professional is on staff who has visited principal nuclear power plant and construction site facilities to increase employee awareness about this program.

Q29. Mr. Bensinger, please summarize your assessment of the drug abuse policies in place at the Harris construction site.

A29. (PBB) My assessment of CP&L's drug abuse and control procedures in place at the Harris Project is that they meet the needs and standards of the industry; that the

policies are in keeping with the Edison Electric Institute, INPO and Nuclear Regulatory Commission objectives; and that CP&L has sought qualified expertise to assist in policy assessment and development, and has reached out for consultation and training expertise to assist in briefings to management, training for supervisors, communication programs to contractors, and testing for fitness for duty and preemployment purposes.

CP&L's training program for supervisors to identify warning signs and symptoms of drug use and aberrant behavior, combined with the Supervisor's Reference Manual, the briefing to top management and Harris Plant supervisors, professional health and safety presentations with interaction and question and answer sessions with supervisory personnel by experts on substance abuse, preemployment and fitness-for-duty testing, and contractor notification and specific supervisor training are critical initiatives necessary to surface and arrest drug use and abuse in the work place.

Based on Bensinger, Dupont & Associates' input to and review of CP&L's policy and training program, our on-site review of the contractor training program, and our familiarity with practices within the nuclear power industry and at other utilities and construction sites specifically, I conclude that the Harris drug control efforts have met or exceed the industry standard and reflect the practices and experiences, as well as problems, found in other locations. CP&L and Daniel have taken specific and appropriate actions to control drug use and other drug activity at the Shearon Harris Nuclear Power Plant.

Q30. Does this conclude your direct testimony?

A30. (PBB, JDF, GWF, ARP) Yes.

BIOGRAPHY

of

PETER B. BENSINGER
Bensinger, DuPont & Associates

Peter B. Bensinger is President of Bensinger, DuPont & Associates, a professional consulting firm providing services to private industry, national and community organizations, professional sports, and government on drug abuse policy.

Prior to forming this consulting service with Dr. Robert DuPont, Bensinger served as Administrator of the United States Drug Enforcement Administration. He was appointed to this position in January of 1976 by President Gerald R. Ford and was confirmed by the Senate, serving over 5-1/2 years under four different Attorneys General as Director of this major federal investigative agency. The Drug Enforcement Administration is responsible for enforcement of U. S. narcotic and dangerous drug laws and has 4,000 employees in 160 offices in the United States and 40 foreign countries. The Administrator of the Drug Enforcement Administration is responsible for criminal investigations, laboratory services, intelligence, training for federal, state, and local law enforcement, and regulation of the legal manufacture of controlled substances for legitimate medical use. During Bensinger's tenure, heroin overdose deaths decreased from 2,000 a year in 1976 to 300 in 1980, while heroin imports fell from 7 tons to under 4 tons per year. Legislation enacted in 1978 provided for the forfeiture of assets derived from illegal drug trafficking to be seized by the government.

Prior to Bensinger's appointment in Washington, he served as Director of the Illinois Department of Corrections with direct responsibility for all penitentiaries, reformatories, training schools, and parole supervision. During this period he was elected by directors of other state prison systems as President of the Association of State Correctional Administrators. He has served as Chairman of the Illinois Youth Commission, Chief of the Crime Victims Division of the Illinois Attorney General's Office, and as Executive Director of the Chicago Crime Commission.

Bensinger held responsible positions with the Brunswick Corporation from 1958 to 1968, serving as General Sales Manager for Brunswick United Kingdom in London, England, as General Sales Manager for Europe in Frankfurt, Germany, and as General Merchandise Manager of Brunswick International in Chicago.

He was a principal delegate to Interpol for the United States in 1978, was appointed by the International Association of Chiefs of Police to serve on the Executive Committee of this 12,000 member police organization, and was Chairman of its Narcotic and Dangerous Drug Committee. He has been honored by the National Sheriffs Association with Honorary Life Membership and has received honorary Doctor of Law degrees from San Marcos University in Lima, Peru, and Dankook University in Seoul, Korea, for outstanding leadership in international drug control.

Bensinger, DuPont and Associates have provided consultation and training services to American Airlines, Boise Cascade Corporation, E. I. du Pont de Nemours & Company, Commonwealth Edison Co., the F.B.I. National Academy, Georgia Power, Norfolk Southern Corporation, Edison Electric Institute, Airport Security Council, American Gas Association, Times Mirror, national associations of parents groups, hospitals and health providers, and major companies in the pharmaceutical, energy, transportation, construction and computer fields. Both the Senate and House of Representatives have sought Mr. Bensinger's testimony, and he has lectured widely throughout the United States on the subject of drug control, drugs in the workplace, and the need for consistency in corporate and government policy. He has authored a number of articles published in the New York Times, The Washington Post, Chicago Tribune, and in other national and international publications on law enforcement and drug abuse, and has appeared on network evening news programs, the Today Show, Good Morning America, Issues and Answers, the MacNeil-Lehrer Report, and Nightline. The November-December 1982 issue of the Harvard Business Review featured a Special Report by Bensinger on "Drugs in the Workplace," and he has been quoted on this subject in 1983 and 1984 cover stories in Time, Newsweek, U.S. News and World Report. Mr. Bensinger authored a monograph published by the Washington Legal Foundation in 1984 entitled Drugs in the Workplace: Employers' Rights and Responsibilities.

Mr. Bensinger has been awarded the Distinguished Service Medal from the Government of Peru. He has been the recipient of the U. S. Distinguished Service Award from the Coast Guard, the highest award presented to a civilian, and has received special commendation for outstanding leadership in equal employment opportunity from the Department of Justice. The John Howard Association awarded Bensinger its highest recognition for outstanding service in the field of corrections in 1971. He was Man-of-the-Year for the Spanish-American Congress of Chicago in 1975 and was awarded the Distinguished Alumni Service Award by the Chicago Latin School in 1978. Mr. Bensinger has served on the Board of Trustees of many civic and professional organizations, including the Phillips Exeter Academy, the National Council on Crime and Delinquency, the American Correctional Association, the Juvenile Protective Association, the Chicago Council for Community Services, the City Club of Chicago, and the American Bar Association's National Commission on Corrections. He has been a member of the Visiting Committee on the Humanities of the University of Chicago and a member of the Illinois Law Enforcement Commission. In 1981 he was General Chairman of the Boy Scouts of America Explorer Scouts National Law Enforcement Conference. From 1973 until 1985, Bensinger has represented the United States Attorney General on the six-member Board of Directors of Federal Prison Industries, Inc., a \$150-million government corporation responsible for industry in the Federal Penitentiary System.

Mr. Bensinger, a graduate of Yale University, was born in 1936 and speaks French, Spanish, and Italian. He is married to a physician, Judith S. Bensinger. They have four children.

JOHN DAVID FERGUSON
1809 SPINY RIDGE CT.
RALEIGH, NORTH CAROLINA
27612

Attachment B

Home Phone: 848-2287 (919)

Work Phone: 362-2642 (919)

OBJECTIVE

A managerial position in personnel administration.

EDUCATION

High School - Burbank High School, Burbank, California. Concentration in pre-college curriculum with emphasis on math and science.

College - United States Military Academy, West Point, New York. Bachelor of Science degree in General Engineering with courses in managerial science.

Graduate - University of Kentucky, Fort Knox, Kentucky. Seven credits in psychology.

EXPERIENCE SUMMARY

Managerial - Over 12 years of management experience in the United States Army and industry.

Personnel Administration - Generalist experience (8 years) and recruitment of technical and administrative professionals (4 years).

Training - Experience in training employees and supervisors in labor relations, EEO, recruitment, drug/alcohol seminars, and interviewing techniques.

Maintenance/Logistics - Preventive maintenance, program development, procurement, accounting, and planning.

Start-up - Support of plant start-up of a nuclear power plant in a personnel relations capacity.

WORK HISTORY

September 1977 - Present: Carolina Power and Light Company

May '83 - Present: Director - Personnel Relations Harris Area
Provide the personnel support in the start-up of a nuclear power plant and an environmental center. Population of the area is 1200 personnel. Duties include the management of a personnel office including personnel relations (generalist personnel duties), recruitment of all categories of people needed to build and support the plant, and safety which includes preventive as well as investigative responsibilities.

August '81 - May '83: Personnel Representative

Provide personnel support to a nuclear and a fossil power plant as well as an environmental center. Total population of the area covered was approximately 625 personnel. The duties included policy interpretation, career counseling, wage and benefit administration, training, employment, and solving personnel related problems to support management.

June '80 - July '81: Coordinator - Professional Recruitment

Managed the recruitment activities of all categories of professional personnel. This included the recruitment scheduling, budget preparation and compliance, planning, and developing strong ties with placement directors and faculty members at 32 different schools.

September '77 - May '80: Recruitment Representative/Sr. Recruitment Rep.

Responsible for all engineering recruitment including advertising, campus interviewing, test administration, and scheduling. Involved in the implementation of a computerized applicant flow system.

July 1977 - September 1977 Seeking Employment

June 1972 - July 1977: United States Army

October '76 - July '77: Troop Commander

Managed the basic and advanced training of new army recruits for the cavalry branch of the Army. Duties included the management of tactical training, supply, maintenance of equipment to support the training, development and implementation of performance measurements, and the health and welfare of 200 personnel on a 13 week rotating cycle.

September '75 - October '76: Personnel Officer

Managed the personnel function in military organizations. I was responsible for the administration of pay, judicial and non-judicial punishment, race relations and equal opportunity training, recruitment, safety, awards, transfers, and personnel utilization.

October '74 - September '75: Troop Executive Officer

Responsible for the logistics in a 160 man unit. I managed the troop maintenance program to include the preventive maintenance activities as well as procurement and planning.

April '73 - October '74: Platoon Leader

Responsible for the training and welfare of 40 personnel. I managed the maintenance of the platoon weapons systems and vehicles as well as tactical maneuvers. Equipment worth was approximately \$3 million.

June '72 - April '73: Training

PROFESSIONAL/COMMUNITY ORGANIZATIONS

Professional - American Society of Personnel Administrators

Community - Saint Francis United Methodist Church

REFERENCES - Furnished upon request

GARRY W. FLOWERS
Senior Industrial Relations Representative
September 20, 1951

EDUCATION

New York State Regents High School - 1969
Ulster County Community College, A.A.S. - 1971
Furman University, B.A. - 1973

SUMMARY OF EXPERIENCE

Three years related experience in law enforcement work including investigations of major crimes and preparing criminal cases for both grand jury and jury trials. Attended training for new officers at South Carolina Law Enforcement Division in Columbia. Received additional training and first hand experience in crowd control, relating to union activity. Assisted the IR function in setting up security plan for Nissan Plant groundbreaking. Involved in executing the Daniel IR plan at three major scenes of union picketing against Daniel employees. Assisted in setting up three security subcontract jobs on Daniel construction sites and helped put together security manuals for all three sites. Assisted in setting up total self-perform security force on major Daniel jobs along with training manuals and course and security manuals. Assisted in setting up seminar for Union Camp security guards.

SPECIAL TRAINING

Practical Law and The Security Manager - 1982
Drug Abuse and Drug Traffic Prevention - 1977
Drug Abuse and the Criminal Justice System - 1977
SLED School of Defensive Driving - 1976

TECHNICAL/PROFESSIONAL SOCIETIES

American Society For Industrial Security

EMPLOYMENT HISTORY

11/80-Present
Senior Industrial Relations Representative
Daniel International Corporation
Corporate Offices
Greenville, SC

Specific Responsibilities:

Ensure that projects in sensitive areas have an effective security program. Provide assistance with special investigations as required. Assist in setting up security programs for new jobs and monitor jobs to ensure they meet IR standards. Responsible for establishing and maintaining criteria for security standards to be used in this company. Assist in handling any union related unrest on any Daniel project. Establish and maintain good working relationship with law enforcement agencies.

4/80-11/80
Industrial Relations Representative
Daniel International Company
Corporate Office
Greenville, SC

Specific Responsibilities:

Responsible for doing area labor marketing analysis surveys. This consisted of visiting areas of the country that might be the site of Daniel work and gathering information to be used in determining the labor posture for that specific work. Information was gathered from such agencies as the Chamber of Commerce, Associated General Contractors and various other construction support groups.

11/78-4/80
Representative, Power Group
Daniel Construction Company
Corporate Office
Greenville, SC

Specific Responsibilities:

Assistant to the Power Group Division Personnel Manager. Responsible for recruiting for the eleven power group facilities. Processed all salary changes for the projects in the field. Liaison between corporate personnel and site personnel.

DANIEL INTERNATIONAL CORPORATION

PROFESSIONAL SUMMARY

NAME: Reid Pannill

POSITION: Group Personnel Manager

EDUCATION: Bachelor of Science, Lander College, Greenwood, South Carolina, 1982

SPECIAL TRAINING: 200 hours Seminar Training in Supervision and Management plus additional training in Labor Relations, Drug Awareness, and Employee Training Programs.

EXPERIENCE SUMMARY:

Seven years' supervision and records maintenance experience and five years' personnel administration including two years' training experience.

1985 - Present: Group Personnel Manager, Daniel Construction Company, Greenville, South Carolina. Responsibilities include but not limited to planning and administering a total personnel management program for projects within the Process Division, including wage and salary, benefits, employment, manpower planning, client interfacing, staff development, proposals and employee relations activities. Responsibilities also include supervision of project personnel managers in the application and interpretation of personnel procedures and practices.

1982 - 1985: Personnel Manager II, Daniel Construction Company, Shearon Harris Nuclear Power Plant (CP&L), New Hill, North Carolina. Responsible for implementing and administering company personnel policies. Responsible for management of personnel and industrial relations departments. Responsibilities also included all recruitment, employment practices, discharge, wage and salary administration, record maintenance, preventative labor relation activities, plus company insurance and benefit programs. Responsible for assistance in EEO, AAP, and NLRB and preventative litigation matters. Responsible for reviewing site training programs. Also responsible for providing employee counseling, outplacement and career guidance. Responsible for the administration of company's craft certification program. Responsible for maintaining working relationship with site and corporate industrial relations representatives.

1981 - 1982: Personnel Manager I, Daniel Construction Company, V.C. Summer Nuclear Station, Jenkinsville, South Carolina. Responsible for administering personnel policies and procedures as approved by the Vice President Personnel Management. Responsible for managing Personnel Department. Responsibilities also included administering wage and salary program, employment, terminations, preventative labor relation activities, EEO program, monitoring and assisting managers in personnel policy administration, placement of salaried and craft employees upon release,

company insurance and benefits programs, providing employee counseling and development, administering of Craft Certification Program and handled any complaints filed by appropriate State agencies.

1980 - 1981: Personnel Supervisor, Daniel Construction Company, V.C. Summer Nuclear Station, Jenkinsville, South Carolina. Responsible for administering the personnel policies and procedures as approved by the Vice President Personnel Management. Includes, but is not limited to the recruitment, employment, benefits, wage and salary administration, preventative labor relations activities, personnel data maintenance and statistics, equal opportunity programs and other related employee/employer relations programs.

1979 - 1980: Personnel Representative I and II, Danfel Construction Company, V.C. Summer Nuclear Station, Jenkinsville, South Carolina. Interviewed salaried and hourly overhead applicants for employment and process application forms. Assisted Personnel Manager in administering the personnel policies and procedures as approved by the Vice President. Assisted in recruiting, employment, wage and salary administration, personnel records maintenance and statistics, group and Workmen's Compensation insurance programs, EEO and AAP program and employee relation programs.

1978 - 1979: Document Control Supervisor, Daniel Construction Company, V.C. Summer Nuclear Station, Jenkinsville, South Carolina. Responsible for the distribution and control of all on-site design documents and procedures. Administered a department comprised of twenty-three employees which included interviewing, training, and evaluating. Interacted with outside vendors regarding the use cost and sale of reproduction equipment. Corresponded with the Nuclear Regulatory Commission regarding procedural compliance.

1977 - 1978: Assistant Document Control Supervisor, Daniel Construction Company, V.C. Summer Nuclear Station, Jenkinsville, South Carolina. Assisted the Document Control Supervisor with the aforementioned. Maintained supply inventories and interfaced with department managers regarding distribution problems and the transfer of personnel.

1977: Document Control Technician, Daniel Construction Company, V.C. Summer Nuclear Station, Jenkinsville, South Carolina. Responsible for the efficient operation of the site print room. Determined the daily work schedule for responsible personnel. Operated and occasionally repaired all reproduction equipment as needed. Maintained file of all safety and non-safety design documents. Performed field audits of documents.

1976 - 1977: Document Control Clerk, Daniel Construction Company, V.C. Summer Nuclear Station, Jenkinsville, South Carolina. Operated all reproduction equipment. Performed regular preventative maintenance of equipment. Ordered needed supplies. Took requests for drawings. Filed drawings.

Professional Summary
Reid Pannill
Page Three

1975 - 1976: Laborer, Daniel Construction Company, V.C. Summer Nuclear Station, Jenkinsville, South Carolina. Performed, under direct supervision, all the basic activities required for the labor crafts.