

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD 85 AUG 19 A11:57

In the Matter of)

CAROLINA POWER & LIGHT COMPANY)
AND NORTH CAROLINA EASTERN)
MUNICIPAL POWER AGENCY)

(Shearon Harris Nuclear Power Plant))
)

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Docket No. 50-400 OL

AFFIDAVIT OF WILLIAM J. HINDMAN, JR.

County of Wake)

State of North Carolina)

ss.

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

1. My name is William J. Hindman, Jr. I am Manager -- Harris Project Administration for Carolina Power & Light Company. A more complete description of my professional background and responsibilities is contained in my Affidavit dated July 10, 1985 which has been filed with the Licensing Board regarding Contention WB-3. I am the project level coordinator for information pertaining to illegal drug use on the Harris Project, and was involved in the planning and execution of the undercover drug investigation that began during the fall of 1984.

2. I have reviewed the Affidavit of S. L. Burch dated July 31, 1985. The purpose of this Affidavit is to respond to certain statements made by Ms. Burch concerning the undercover drug investigation at the Harris Project. In my opinion, some of these statements are based upon inaccurate information, omit other relevant information, and give a very misleading impression about CP&L's cooperation during the operation.

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Nothing in Ms. Burch's Affidavit causes me to amend any of the statements in my July 10 Affidavit.

3. I was involved in the initial planning for the undercover investigation and kept abreast of its progress throughout. In my opinion, CP&L cooperated fully with law enforcement officials during the undercover operation. As Glenn Joyner explains in his Affidavit, we went to considerable effort to accommodate the Sheriff's Department request that the confidential informant be permitted back on the project site. We also went to considerable lengths to protect the identity of the undercover operatives. For example, we provided them with appropriately marked construction hard hats and safety glasses so they would blend in with our existing organization. We provided them with security passes so they could enter and depart the site at their own discretion at any time and without being escorted by any one else on the site. We provided them with private office space and telephones in the main construction building. The undercover operatives had daily contact with members of the project security organization and I had occasional contact with the operatives. I personally told the operatives that they should contact me if I could be of any assistance during the operation or if any problems arose. On only one occasion did I receive a request for assistance. Deputy Ken Hensley requested my assistance in finding a legitimate reason to allow him to get into a particular work area. I gave him a letter of authorization that he could carry which provided him with a reason to be in that area. Neither the undercover operatives nor any of their supervisors in the Wake County Sheriff's Department or SBI ever came to me or called me to indicate that they had concerns about CP&L's cooperation during the investigation or concern that CP&L's actions were endangering the operatives. Nor did the operatives or their supervisors contact me to express concern about the termination of the operation.

4. With respect to the use of metal detectors to which Paragraph 6 of Ms. Burch's affidavit refers, I would like to make several points. The metal detectors were requested

well before the beginning of the undercover operation by the new Daniel construction manager. There was never any consideration that the metal detectors might affect the operation. Initiating use of the metal detectors was not considered an unusual or even a particularly significant event. In a large construction project like Harris, workers expect procedures to be changed and new procedures to be initiated regularly. That is just part of the work environment. The use of metal detectors is common in the nuclear construction industry; workers with experience on other sites would probably already have been familiar with their use. I do not believe the use of the metal detectors would have generated concern among drug users about a "snitch" on site.

5. It was my understanding from the outset of the undercover operation that it was expected to last about eight weeks. I received this information from Mr. Joyner who had talked with Lt. Ray Self of the Sheriff's Department about the expected duration of the operation. The suggestion from law enforcement agencies that the operation be extended beyond that time frame did not occur until mid-December, 1984. I did not support extending the operation for several reasons. First, the confidential informant who was being used during the operation had been expressing concern about his personal safety. The informant felt that he had participated long enough to work off his charges and that he was ready to move on. I also viewed the activities of both undercover officers as trending downward during the month of December. This view was based on several factors, including my knowledge that SBI Agent Williams was not appearing at the site on a regular basis and the lack of new information to be pursued about drug activities on site. I also believed that there would be reductions in the work force shortly after the beginning of 1985 and that some of these reductions would involve persons who had already been identified as drug users or sellers. I felt that we would have difficulty in managing the reductions in force if we had to keep all these identified persons in place for a longer period of time and that releasing them would make their arrest more difficult. From CP&L's perspective, keeping known drug users and sellers on

the site for an extended period of time was a matter of concern. Since the continuation of the operation temporarily inhibited our taking vigorous action to execute some elements of our drug control program, I was concerned that a misperception might be created among employees that we were not doing enough. With the expectation that the undercover operation would be over by January, we had also made arrangements to begin using a drug detection dog onsite in February. It was my understanding from talking to our security personnel that it would be better to wrap up the undercover operation before bringing the dog onsite - not because use of the dog would endanger the undercover operatives, but because use of the dog would discourage persons from bringing drugs onto the site. Finally, I wish to point out that I did not view the close-out of this particular undercover operation as a termination of the joint efforts among CP&L, the Wake County Sheriff's Department and the SBI to control drugs at the Harris Project. I felt that after an assessment of what had been accomplished during this particular operation, there would be the potential for future cooperation with the law enforcement agencies.

6. I discussed with Mike King these reasons for not extending the operation. However, I did not attend any of the meetings, referred to in paragraphs 10 and 11 of Ms. Burch's Affidavit, regarding termination of the operation.

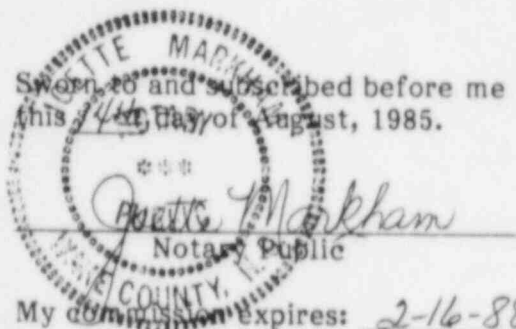
7. With respect to paragraph 10 of Ms. Burch's Affidavit, I would point out that the undercover operatives were never restricted to working on the first shift. As I said, we provided them with covers and clearance that would have permitted them to work on any shift. They had clearance to enter and depart the site at any hour of the day or night. They were in no way restrained in their ability to come and go on the Harris Project property.

8. Paragraph 13 of Ms. Burch's Affidavit makes reference to a statement from SBI Agent Williams that he felt there was a leak at the Harris Plant regarding the fact that there were undercover officers being utilized. In planning and executing the operation, all those directly involved were very much concerned about the possibility of a leak. We

took extraordinary precautions to prevent any leak. The number of persons who were made aware of the operation was kept to an absolute minimum, and those persons took precautions to make sure that their communications were not overheard. Neither Agent Williams nor any other person provided me with information during the operation that a leak had in fact occurred.

William J. Hindman, Jr.
William J. Hindman, Jr.

Sworn to and subscribed before me
this 4th day of August, 1985.



My commission expires: 2-16-88

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Reply to the Response by the Attorney General of North Carolina to Applicants' Motion for Summary Disposition of CCNC Contention WB-3 (Drug Abuse During Construction)," "Affidavit of Michael W. King," "Affidavit of Glenn Joyner," "Affidavit of Michael L. Plueddemann," and "Affidavit of William J. Hindman, Jr." were served this 16th day of August, 1985 by deposit in the United States mail, first class, postage prepaid, to the parties on the attached Service List.



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Dated: August 16, 1985

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