

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
HOUSTON LIGHTING & POWER)	Docket Nos. 50-498 OL
COMPANY, ET AL.)	50-499 OL
)	
(South Texas Project,)	
Units 1 and 2))	

AFFIDAVIT OF ANDREW O. HILL, III

1. My name is Andrew O. Hill, III. I have been employed by Houston Lighting and Power Company (HL&P) as the Manager of Nuclear Security for the South Texas Project (STP or Project) since September of 1984. In this capacity I am responsible for the investigation of any allegations involving illegal drug use, possession, sale or distribution by Project personnel. I am familiar with the policies and practices of the security contractor at STP (The Wackenhut Corporation) and I am responsible for overseeing the implementation of those policies and practices at STP. A current resume summarizing my qualifications is attached to this affidavit. The purpose of my affidavit is to explain the confidential nature of information requested by CCANP in certain of the interrogatories included in its Second Set of Interrogatories to Applicants dated February 4, 1986.

2. Interrogatory 4(e) reads:

Regarding the use of lie detector tests of STNP employees, please:

(e). Provide the questions that were asked in each test given on the dates identified in answer to interrogatory 4(b).

Lie detector (or more precisely polygraph) tests have been used on the Project in connection with the investigation of drug related activities on several occasions of which I am aware. On four of these occasions, Project employees who had been terminated retained private polygraph examiners in order to

substantiate their claims of non-involvement in drug related incidents. On two other occasions, HL&P retained polygraph specialists to administer tests to Project employees; once to test an individual who denied certain drug related allegations, and once to test an employee who had made allegations against others. In addition, when an allegation was received that certain personnel of the STP security contractor were involved in drug related activities, at HL&P's request the security contractor investigated the allegation and elected to administer polygraph tests to all of its Project employees.

3. HL&P received reports from the polygraph specialists on the results of the six polygraph tests of non-Wackenhut employees. Although some of these reports list some of the questions that were asked, HL&P does not have in its possession all of the questions that were asked by the polygraph examiners. HL&P did not receive individual reports concerning the Wackenhut employees who took polygraph tests and does not have any of the specific questions asked.

4. HL&P and Wackenhut customarily keep confidential the questions asked during polygraph examinations and, in fact, have kept confidential the questions included in the reports they have received on the polygraph tests related to illegal drugs. Polygraph examiners customarily keep polygraph examination information confidential. If HL&P were to obtain the remaining questions in the six polygraph tests or the questions asked in the Wackenhut polygraph tests, it would hold such information in confidence. To the best of my knowledge none of the specific questions asked in any of the foregoing polygraph tests are available in public sources.

5. Questions asked during polygraph tests are kept confidential for

several reasons. The questions often inquire about the nature and details of the allegations being investigated, and their disclosure could reveal confidential information from the alleged or the person being tested, as well as unsubstantiated allegations against the person being tested or other individuals. Disclosure of confidential information could prejudice ongoing or future investigations. Public disclosure of unsubstantiated allegations would constitute an unwarranted invasion of the privacy of those individuals.

6. Interrogatory 4(h) reads;

Regarding the use of lie detector tests on STP employees, please:

(h). For each date identified in answer to interrogatory 4(b), provide the names of all employees who were given such tests and their positions at the time the lie detector tests were given

Interrogatory 4(h) requests that HL&P provide the names of all employees who were given polygraph tests in connection with a drug related investigation. HL&P and Wackenhut customarily keep confidential the identities of the individuals who took such polygraph tests. The fact that an individual took such a test is known to the individual, the polygraph examiner, and such other persons who require that information to perform their Project-related jobs; and, under appropriate circumstances, is shared in confidence only with law-enforcement officials and NRC I&E personnel.

7. The reason that such information is customarily kept confidential is that it could create the mistaken impression that the individual who took the

polygraph test is guilty of improper conduct or illegal activity and can improperly subject that individual to embarrassment, humiliation and potential problems in his or her private and social life. Therefore the individual's identity is not disclosed in order to avoid an unwarranted invasion of privacy. Such confidentiality is particularly important if the polygraph test is taken in connection with an investigation of illegal activity, such as use, possession, sale or distribution of drugs.

8. Some of the individuals who have taken polygraph tests have also provided information in confidence concerning their knowledge of drug related activities at STP. The identities of individuals who provide information in confidence, and the specific information provided by such individuals, is customarily kept confidential by HL&P and Wackenhut, because people would be much less cooperative in investigations if they believed that their cooperation, and the fact that they have cooperated and provided certain information, might become public knowledge and expose them to the risk of retribution or retaliation. The success of future investigations is dependent upon the cooperation of Project employees and any action that reveals the identities of confidential sources of information or creates the impression among Project employees that the identities of confidential informants are being disclosed, will substantially reduce the success of investigatory efforts. Investigations of drug related activities are only a portion of the investigations conducted at STP. Aside from the HL&P Nuclear Security department investigations, there are other investigations of more technical concerns by other HL&P and contractor organizations. These investigations rely to a significant degree upon information gathered from individuals in confidence. Disclosing the identities of confidential informants, or information of a confidential nature obtained

in drug-related investigations that might make it possible for others to identify the informants, would negatively impact all investigations at STP because Project employees would be less likely to cooperate on a voluntary basis with ongoing investigations of any type.

9. The identify of the Project employees referred to in paragraph 2, above, has in fact been kept confidential. Similarly, since HL&P publicly released the fact that in the course of last year's drug related investigation the backgrounds of all employees of Wackenhut at STP were reviewed, the list of such employees has not been made publicly available in order to protect those individuals from an unwarranted invasion of their privacy. To the best of my knowledge, neither the identity of the six Project employees nor the list of Wackenhut employees is available in public sources.

10. Interrogatory 5 reads:

For each person identified in answer to interrogatory 4(h), state whether said person was considered to have passed or failed the lie detector test regarding the use and/or sale of illegal drugs. If some evaluation category other than "pass" or "fail" was used, please specify what evaluations were used and provide the evaluation for each person identified in interrogatory 4(h) as to the use and/or sale of illegal drugs.

This Interrogatory seeks the evaluation of polygraph tests that have been given and would necessarily involve disclosing the identities of persons tested. Releasing the evaluations, and thus the identities of the persons evaluated, would result in an invasion of the personal privacy of those individuals and would jeopardize the effectiveness of future investigations as described in paragraphs 7 and 8 above.

11. Information of the type requested by Interrogatory 5 is customarily kept in confidence by HL&P and Wackenhut. To the best of my knowledge and belief, the specific information requested by Interrogatory 5 has been kept in confidence and is not available in public sources.

12. Interrogatory 6 reads:

If a lie detector test indicated possible or actual use and/or sale of illegal drugs, what procedure or procedures were followed to further investigate such evidence?

This Interrogatory requests information concerning confidential techniques and procedures used to detect the use and/or sale of illegal drugs at STP. These techniques and procedures include the use of drug detecting dogs, undercover agents, personnel interviews, searches of personnel and vehicles, and the use of polygraph testing. The details of the procedures and techniques used to detect drug related activity at the STP site are customarily kept confidential and have been made available only to personnel who require such information to perform their jobs. The information has been held in confidence and to the best of my knowledge none of these confidential details are available in public sources.

13. HL&P maintains this information as confidential because its disclosure could be useful to any individual who might attempt to circumvent HL&P's policy prohibiting the use, possession, sale or distribution of illegal drugs on HL&P property. Disclosure of confidential information concerning investigatory procedures and techniques would alert drug users or distributors about the types of investigation HL&P Nuclear Security conducts and make it easier for them to attempt to avoid these investigations.

14. In addition to the programs conducted by HL&P Nuclear Security, various contractors and subcontractors at STP utilize confidential techniques and procedures to detect the use, possession, sale or distribution of illegal drugs by their employees. It is my understanding that these techniques and procedures are customarily kept confidential by the various contractors for the same reasons that HL&P keeps confidential its techniques and procedures. To the

extent that HL&P Nuclear Security is informed of the various contractor and sub-contractor programs it keeps that information confidential. To the best of my knowledge, such information is not available in public sources.

15. Interrogatory 8 reads:

For each person identified in answer to interrogatory 4(h) whose evaluation indicated possible or actual use and/or sale of illegal drugs, please detail what subsequent actions, including termination, were taken and the personnel involved in taking those actions.

Interrogatory 8 seeks the identity of certain individuals whose polygraph test evaluations indicate "possible or actual use and/or sale of illegal drugs" and information concerning any disciplinary actions taken, as well as the personnel involved in taking such actions.

16. HL&P and Wackenhut customarily keep confidential that alleged drug involvement was the basis for disciplinary action taken against a particular individual. The fact that disciplinary action was taken for such reason is known only to the individual and to persons who require that information to perform their Project-related jobs; and is shared in confidence with law enforcement officials and NRC I&E personnel. Just as release of drug allegations against individuals would invade their privacy (see paragraph 7, above) the release of information that drug allegations were the basis for disciplinary action would constitute an invasion of personal privacy. For similar reasons, HL&P and Wackenhut customarily keep confidential any information they obtain as to whether drug allegations formed the basis for disciplinary actions by contractors against their employees.

17. The identity of Project employees who have been disciplined on the basis of drug investigations has in fact been kept confidential. To the best of my knowledge such information is not available in public sources.

18. Interrogatories No. 9(a), (c), and (d) read:

For each person terminated as a result of lie detector tests identified in answer to interrogatory 4 please provide:

(a). The name, position and employer on the project at the time of the termination of each person terminated.

(c). The last known address and telephone number of each person terminated.

(d). The name, position, and employer of the person responsible for their termination.

Interrogatories 9 (a), (c), and (d) seek the identities and related information for individuals who were terminated as a result of the use of lie detector tests, as well as the identities of the persons responsible for such terminations. For the same reasons that HL&P and Wackenhut keep information relating to disciplinary actions based on drug investigations confidential (see paragraph 16) above), HL&P and Wackenhut customarily keep information relating to terminations as a result of the use of lie detector tests confidential. The information requested in these Interrogatories has been kept in confidence and to the best of my knowledge is not available in public sources.

19. Interrogatory 10 reads:

For each person identified in answer to interrogatory 4(h), identify as completely as possible any other people said person identified as possibly involved in the use and/or sale of illegal drugs.

Interrogatory 10 seeks the specific allegations certain individuals made against others regarding possible involvement in use or sale of illegal drugs. This

information is customarily held in confidence by HL&P and Wackenhut and is disseminated only to persons who need the information to fulfill their Project responsibilities.

20. The reason that such information is maintained in confidence is that it could reveal the identities of confidential informants that gave information to investigators regarding other individuals or employees who may have been involved in drug related activities at STP. Such disclosure would subject them to risk of reprisal, and would discourage other potential informants from providing information in the future. This would severely impair HL&P's and Wackenhut's ability to identify and eliminate any future illegal drug related activities at the STP site, and to conduct other investigations. Moreover, many allegations are unsubstantiated. Revealing the identities of persons who were the subject of these allegations, particularly the identities of the subjects of unsubstantiated allegations, would result in an invasion of the privacy of these individuals.

21. HL&P and Wackenhut have kept confidential the identities of the individuals requested by Interrogatory 10, and to the best of my knowledge this information is not available in any public source.

22. Interrogatory 11 reads:

For each person identified in answer to interrogatory 10, please specify what further investigation was conducted regarding the use and/or sale of illegal drugs by that person and specify the result of that investigation.

Interrogatory 11 cannot be answered without answering Interrogatory 10. The information requested by Interrogatory 11 is customarily held in confidence for the reasons stated in paragraphs 13, 14 and 16 above. This information has been held in confidence and to the best of my knowledge is not available in public sources.

23. Interrogatory 12(d) reads:

Regarding the operations group at STNP, please provide the following information:

(d) The identity and last known address of any member of this group (operations) terminated for reasons related in any way to the use and/or sale of illegal drugs.

Such information is customarily held in confidence for the reasons stated in paragraphs 7, 8, 9 and 16 above. To the extent that there is any information responsive to Interrogatory 12(d), it has been held in confidence by HL&P, and to the best of my knowledge is not available in public sources.

24. Interrogatory 13 reads:

Please identify any of the employees in interrogatory 4(h) who implicated members of the Operations Group or Operations Group generally in the use and/or sale of illegal drugs.

This Interrogatory requests information concerning the identities of confidential informants. Such information is customarily kept confidential by HL&P for the reasons stated in paragraphs 7, 8, 9 and 16 above. To the extent that there is any information responsive to Interrogatory 13, it has been held in confidence by HL&P and to the best of my knowledge is not available in public sources.

25. Interrogatory 14 reads:

Please identify which members of the Operations Group were implicated by the individuals identified in Response to Interrogatory 13.

The Interrogatory requests information concerning the identities of individuals who have been implicated in drug related activities. This information is customarily kept in confidence by HL&P for the reasons stated in paragraphs 7,

8, 9 and 16 above. To the extent that there is any information responsive to Interrogatory 14, it has been kept confidential by HL&P, and to the best of my knowledge is not available in public sources.

26. Interrogatory 15 reads:

Please provide the names and positions of any member of the Operations Group not identified in answer to interrogatory 14 implicated at any time in the use and/or sale of illegal drugs at STNP.

The identities of individuals implicated in wrongdoing is customarily kept confidential by HL&P for the reasons stated in paragraphs 7, 8, 9 and 16 above. To the extent that there is information that is responsive to Interrogatory 15 it has been held in confidence by HL&P Nuclear Security and to the best of my knowledge is not available in public sources.

27. Interrogatory 16 reads:

Please detail what actions were taken with regard to each individual identified in response to interrogatories 14 and 15.

Replying to this interrogatory would require the disclosure of the identities sought by Interrogatories 14 and 15 and would require the release of confidential information concerning HL&P investigative techniques and procedures. As discussed in paragraphs 7, 8, 9, 13, 14 and 16, above, this information is customarily kept confidential by HL&P. To the extent there is any information responsive to Interrogatory 16 it has been kept confidential by HL&P. To the best of my knowledge this information is not available in public sources.

28. I understand that information can, under appropriate circumstances, be made available to parties in NRC proceedings under a protective order which restricts the dissemination of such information. In my opinion disclosing to


outside parties the information sought by the Interrogatories discussed above would cause irreparable harm to investigative programs at STP, even if such disclosures were subject to a protective order.

HL&P Nuclear Security and Wackenhut are responsible for investigating allegations at the STP site not only with respect to drug related activities but many other aspects of security. The single most important tool used in these investigations is information obtained from informants who expect that their identities will not be revealed to others. As I state in paragraphs 8, 20 and 24 above, responding to Interrogatories 4(h), 10 and 13 would either identify the informant or disclose information that would enable identification of the informant. Even if such information is disclosed pursuant to a protective order, Project employees would become aware that such information has been disclosed to others. Accordingly, Project employees would become convinced that the confidentiality of the identity of informants cannot be maintained and, in my opinion, there would be increased reluctance to provide information in future investigations.

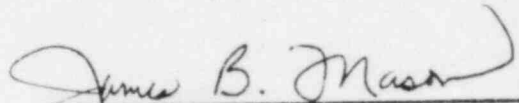
Even though responses to the remaining Interrogatories might not identify or lead to the identification of informants, it is also my opinion that disclosing such information, even under a protective order, would still harm STP investigative programs. Since Project employees would be aware that some information relating to the drug use investigations had been released to outside parties, and would not know whether informants had been identified, the general impression would be created that the confidentiality of investigations cannot be maintained. Additionally, inadvertent disclosure of the details of investigative techniques and procedures could jeopardize the overall investigatory programs at STP.

FURTHER AFFIANT SAYETH NOT

The foregoing is true and correct to the best of my knowledge, information and belief.


Andrew O. Hill, III

Subscribed and sworn to
before me this 14 day
of March, 1986.
My commission expires:


NOTARY PUBLIC

STATEMENT OF PROFESSIONAL QUALIFICATIONS OF
ANDREW O. HILL, III

Current Position Manager, Nuclear Security
September 1984 Houston Lighting and Power Company
to Present

Duties and I report to the Vice President, Nuclear Operations,
Responsibilities and am responsible for advising and supporting
the Company in all nuclear security matters.
I plan, establish, supervise and coordinate
the implementation and revision of all Company
Nuclear Security requirements, programs,
procedures and systems of the Nuclear Security
Department. I ensure the effective conduct
of investigations of alleged wrongful conduct
and criminal activity occurring on the South
Texas Project or Company property. Additionally,
I direct and administer the implementation
of the Safeguards Information, Fitness for
Duty and Nuclear Plant Access Authorization
Programs.

July 1983 U.S. Tennessee Valley Authority (TVA) Office
to of Nuclear Power
August 1984 Job Title: Supervisor, Nuclear Security
Programs, Chattanooga, Tennessee

Duties and I developed and managed the safeguards and
Responsibilities security program of the office, and advised
the manager and his program assistants on
safeguards and security aspects of their
responsibilities and the impact of new requirements
on their program objectives. I collaborated
with senior field program managers on anticipated
new major programs to assure that goals were
achieved within the necessary safeguards
and security environment.

January 1982 U.S. Tennessee Valley Authority (TVA)
to Public Safety Service
July 1983 Job Title: Specialist in Property Protection
(Nuclear Security)
Major Assignments: Nuclear Security Operations
Section, Knoxville, Tennessee

Duties and
Responsibilities

I advised the Chief, Public Safety Service on the management and supervision of a 500-person nuclear security organization including recruitment, hiring, guidance development and review of all operational matters, and conducted special and sensitive security investigations at TVA operational and pre-operational nuclear power plants. Assisted in the development and implementation of physical security plans, safeguards contingency plans and guard training and qualification programs including lesson plan development and instruction of the security force.

September 1980
to
January 1982

United States Nuclear Regulatory Commission
Job Title: Security Inspector
Major Assignments: Office of Inspection
and Enforcement, Region II, Atlanta, Ga.

Duties and
Responsibilities

As a member of the Regional Administrator's staff I planned, supervised and conducted nuclear safeguards and security inspections of commercial nuclear reactors, as well as research nuclear reactors and nuclear fuel production facilities. I investigated alleged or suspected violations of Federal Laws relating to fraudulent activities, attempted sabotage or any unusual activities.

June 1970
to
September 1980

United States Air Force
Rank: Captain
Major Assignments:

- ° (November 1978 - July 1980) Chief, Security Branch Headquarters, Tactical Air Command, Langley AFB, Virginia
- ° (October 1977 - November 1978) Chief, Security Police, Kusan AB, Korea
- ° (May 1976-October 1977) Assistant Operations Officer and Shift Supervisor, Little Rock AFB, Arkansas
- ° (May 1974-May 1976) Security Officer and Intelligence Specialist, Missouri, Vietnam and Texas

Education and
Training

Academic

- ° MA, Human Resources Management, 1981, Pepperdine University, Los Angeles, CA. Graduate, Institute of Public Administration, University of Southern California, 1977. 21 graduate hours in Criminal Justice Administration from Central Missouri State University, 1974.
- ° BA, History, 1970, Clark College, Atlanta, GA.

Military/Professional:

- ° Squadron Officers School (440 hours, 1977)
 - U.S. Air Force. Course covered Leadership and Management Development.
- ° Completed numerous short courses including: Interviewing Techniques for Supervisors (1980); Reactor Facilities Design and Layout Course, US-NRC (1981); Financial Investigative Techniques Course, US Internal Revenue Service (1982); Power Plant Security, American Nuclear Society (1983).

Publications

The Police Planning Process: A Guide. Published by the University of Southern California Center for Training and Development, Los Angeles, California, July 1977.

Affiliations
and Clearances

- ° American Society for Industrial Security
- ° Top Secret Clearance - Department of Defense
- ° "C" Clearance - US Nuclear Regulatory Commission
- ° Nuclear Plant Unescorted Access - US Tennessee Valley Authority