



Ted C. Feigenbaum  
Vice President

NYN - 88066  
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Public Service of New Hampshire

New Hampshire Yankee Division

United States Nuclear Regulatory Commission  
Washington, DC 20555

Attention: Document Control Desk  
Reference: (a) Facility Operating License NPF-56, Docket No. 50-443  
(b) NRC Letter Dated March 18, 1988, W. T. Russell to R. J. Harrison

Subject: Request For Comments And Additional Information

Gentlemen:

Reference (b), requested that New Hampshire Yankee (NHY) provide comments and information pertaining to Congressman Edward J. Markey's investigative report entitled "Drug and Alcohol Use at the Seabrook Nuclear Power Plant". More specifically, NHY was asked to provide comments on the six recommendations contained in the Report and to provide answers to specific questions listed in an enclosure to reference (b). The requested comments and information are provided in the enclosure to this letter.

NHY believes that the enclosed information satisfies the reference (b) request and further supports the NRC Staff's conclusion, following their review of the Congressman's investigative report, that no new issues have been raised that have not already been considered in the overall conclusion reached by the Staff regarding construction quality at Seabrook Station.

Should you have any questions regarding this matter, please contact Mr. Neal A. Pillsbury at (603) 474-9521, Extension 3341.

Very truly yours,

Ted C. Feigenbaum

TCF:bes  
Enclosures

cc: Mr. Victor Nerses, Project Manager  
Project Directorate I-3  
Division of Reactor Projects  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Mr. Antone C. Cerne  
NRC Senior Resident Inspector  
Seabrook Station  
Seabrook, NH 03874

Mr. William T. Russell  
Regional Administrator  
U.S. Nuclear Regulatory Commission  
Region I  
425 Allendale Road  
King of Prussia, PA 19406

8805310126 880516  
PDR ADOCK 05000443  
P PDR

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ENCLOSURE

RESPONSE TO NRC REQUEST FOR COMMENTS  
AND INFORMATION RELATING TO CONGRESSMAN  
EDWARD J. MARKEY INVESTIGATIVE REPORT  
ENTITLED "DRUG AND ALCOHOL USE AT THE  
SEABROOK NUCLEAR POWER PLANT"

- Reference A: Pullman Power Products Procedure, XV-2,  
Procedure for Handling Nonconformances and  
Limited Work Authorizations (Field)
- Reference B: Johnson Controls, Inc. Procedure, QAS-1601-SS  
Nonconforming Items
- Reference C: Fischback and Moore, Inc. Procedure, QAP-103SB1  
Quality Assurance procedure for Processing and  
Control of Nonconformances
- Reference D: UE&C Procedure, QA-15, Nonconforming  
Materials, Parts or Components
- Reference E: UE&C Procedure, AP-48, Home Office  
Review and Issue of Significant Deficiencies  
(10 CFR 50.55e)
- Reference F: Yankee Atomic Electric Company Procedure 1.1,  
Program-Design and Procurement
- Reference G: UE&C Corporate Procedure, Reporting of Defects  
and Noncompliances to the NRC
- Reference H: YAEC Technical Administrative Guidelines No. 6.,  
10 CFR, Part 21 Reporting
- Reference I: NRC REQUEST DATED MARCH 18, 1988  
FROM MR. WILLIAM T. RUSSELL, NRC REGION I  
REGIONAL ADMINISTRATOR, TO PUBLIC SERVICE  
COMPANY OF NEW HAMPSHIRE, MR. ROBERT J. HARRISON

The format of this NHY response to the Reference (I) NRC request is as follows:

- A.) Introduction
- B.) Quality Assurance Program Overview
- C.) NHY Responses to Reference (I) Enclosure Questions
- D.) NHY Comments on Congressman Markey's Recommendations



ATTACHMENTS

- Attachment 1: NHY Letter to Congressman Markey (11/14/86)  
-- 29 page submission with appendix of  
drug/alcohol response
- Attachment 2: NHY Letter To Congressman Markey (11/21/86)  
-- EAR Program Summary
- Attachment 3: NHY Letter to Congressman Markey (12/1/86)  
-- response to date on Congressman's requests  
- drug/alcohol: 17 additional questions
- Attachment 4: NHY Letter to Congressman Markey (12/16/86)  
-- completion of responses to the Congressman  
- drug/alcohol: 17 additional questions
- Attachment 5: NHY Letter to Congressman Sharp (7/2/87)  
-- produces NHY follow-up and updated record set
- Attachment 6: NHY Letter to Congressman Sharp (12/4/87)  
-- produces 10/86 to 10/87 incident reports and  
related information
- Attachment 7: NHY Letter to NRC Project Manager, Victor Nerses (- '88)  
-- NHY status summary to NRC regarding Congressman  
Markey's report issued 1/28/88.
- Contains: (a) NHY Letter to Congressman Markey (3/11/88)  
-- response to Congressman's report  
issued 1/28/88  
(b) John Powell Affidavit (3/11/88)  
(c) George R. Gram Affidavit (3/11/88)
- Attachment 8: T. C. Feigenbaum's Testimony before the Science, Technology and  
Energy Committee -- New Hampshire House of Representatives --  
Concerning House Bill No. 1127-FN, January 19 & 28, 1988
- Attachment 9: New Hampshire Yankee Fitness For Duty Policy

RESPONSE TO NRC REQUEST FOR COMMENTS  
AND INFORMATION RELATING TO CONGRESSMAN  
EDWARD J. MARKEY INVESTIGATIVE REPORT  
ENTITLED "DRUG AND ALCOHOL USE AT THE  
SEABROOK NUCLEAR POWER PLANT"

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A.) INTRODUCTION

New Hampshire Yankee (NHY) states, at the outset of this response, that it has complied fully with Congressman Markey's requests for information and has been entirely forth-right and complete in doing so. Accordingly, NHY urges that the NRC consider this response in conjunction with and in addition to the already completed NHY responses to specific questions that have been asked by Congressman Markey. Many pertinent NHY policies and positions have been either summarized or highly detailed in those NHY response documents and will not be repeated here except where appropriate in direct response to the Reference (I) NRC request. For ease of reference, the key NHY responses to Congressman Markey and Congressman Sharp have been attached to this document (Attachments 1 thru 6). The serialized 1,930 pages of additional documentation, provided in responding to Congressman Markey's requests for information, are not provided here but are available upon NRC request.

Further, NHY wishes to state that to the very best of its knowledge, it has kept the NRC fully apprised of all known drug and alcohol related issues affecting quality in full accordance with the prevailing regulatory criteria. Beyond the required reporting criteria, NHY has always sought to keep the NRC, through its on-site resident inspector representatives, fully informed of drug and alcohol related issues that might be of concern or interest to the NRC. For example, all NHY correspondence, in responding to Congressman Markey's requests for information, has also been provided to the Senior Resident Inspector, for his information and use as appropriate, immediately following issuance of the correspondence to the Congressman.

With regard to anti-drug and alcohol policy and enforcement, NHY has consistently put forth efforts and has put policies in place that went beyond the minimum requirements in ensuring that the plant was constructed and is and will continue to be operated in a safe manner which poses no threat to the public health and safety. Based on the prevalence of drug and alcohol use in American society, NHY has proactively developed and implemented drug and alcohol detection and prevention measures that consistently committed to and then surpassed existing guidance and criteria. We feel that the programs have been well conceived, have been progressively strengthened in advance of societal trends and have been vigorously enforced. We do not

A.) INTRODUCTION (Continued)

feel that significant further anti-drug and anti-alcohol measures, short of highly Draconian actions, could have been taken to reduce the number of drug and alcohol related incidents.

On the basis of both the NHY internal programs and the NRC regulatory inspection programs, there is no evidence that any deficient work exists or that any safety concerns exist at the Seabrook plant because of drug or alcohol related issues.

Part of the basis for this conclusion is the fact that the Seabrook programs, overall, have not relied upon singular programs for problem detection and correction. While the NHY fitness-for-duty and associated policies have always been conceived and vigorously enforced to strive for a drug and alcohol free work site, entirely separate Seabrook Station Quality Assurance and Quality Control programs have always been designed and independently implemented to detect and correct the very kinds of mistakes that workers might have made if they had been under the influence of drugs or alcohol or mistakes caused due to any other reason (illness, oversight, family problems, etc.).

The Seabrook Station Quality Assurance program was established and implemented to provide the highest feasible degree of assurance that the design, procurement, construction, inspection, and testing activities conducted at Seabrook Station were performed by highly competent, professional individuals in conformance with applicable regulatory requirements and with the design bases specified in Seabrook's licensing application. The Quality Assurance Program described in the Seabrook Station FSAR complies with each of the specific eighteen criteria identified in 10 CFR 50, Appendix B and has been applied to all quality related activities since the inception of the project in 1973.

In order to establish an overall perspective that demonstrates the integration of these Seabrook Station Quality Assurance Program and Fitness-For-Duty Program, the NHY responses to the Reference (I) enclosure questions and to Congressman Markey's investigative report recommendations are preceded by an overview and summary of the Seabrook Quality Assurance Program.

B.) QUALITY ASSURANCE PROGRAM OVERVIEW

Public Service Company of New Hampshire (PSNH), from the inception of the Seabrook project, established management policies to assure that the highest attainable levels of quality and degree of integrity existed in the design and construction of Seabrook Station. Commencing with the initial 1973 Preliminary Safety Analysis Report (PSAR) submittal, the Seabrook Station Quality Assurance Program included commitments whereby all required phases of a multi-layered quality assurance program would be established and implemented at the earliest practical time consistent with the schedule for accomplishing activities affecting the quality of the project.

In 1973 the project made a commitment to comply with the requirements of "Guidance on Quality Requirements During Design and Procurement Phase of Nuclear Power Plants" (WASH-1283). As the ANSI standards referenced in WASH-1283, and its revision were published, the program was updated to incorporate the most current requirements.

PSNH retained overall responsibility for quality assurance on the Seabrook project. The Chief Executive Officer of PSNH delegated, to Yankee Atomic Electric Company (YAEC), the responsibility for the establishment and implementation of a Quality Assurance Program during the design, construction, startup, and preoperational testing phases of Seabrook Station. YAEC has had extensive experience in providing engineering, design, licensing, safety analysis, construction, testing, quality assurance, etc., activities for nuclear power plants. Their experience with the Yankee Rowe plant, Vermont Yankee, Connecticut Yankee, and Maine Yankee plants enabled the YAEC organization to be uniquely qualified to provide the independent support and oversight efforts as an agent to PSNH. The PSNH Chief Executive Officer and his staff maintained cognizance of and evaluated the project's quality assurance program activities in the following manner. They:

- ° Conducted quarterly management meetings with PSNH executive management and YAEC to review quality activities and proposed corrective action(s).
- ° Reviewed and approved the YAEC quality assurance program as described in the Seabrook Station Quality Assurance Manual.

B.) QUALITY ASSURANCE PROGRAM OVERVIEW (Continued)

- ° Received all YAEC audit reports, internal and external, pertaining to the project. They reviewed, monthly, the status of outstanding items which indicated the status of audit findings.
- ° Participated on a quarterly basis in selected external audits being conducted by YAEC to assess YAEC performance in contractor activities. As an alternative to participating in the audit, they reviewed YAEC external audit reports.
- ° Participated on a quarterly basis in selected internal audits of YAEC to assess YAEC performance in QA activities. Participating PSNH personnel were responsible for recommending actions to PSNH management over and above those recommended by YAEC whenever they deemed it to be necessary.
- ° Performed management audits of YAEC construction quality assurance performance. The PSNH management audits were conducted annually using approved checklists and followed a pre-established schedule assuring compliance with the program.
- ° Reviewed quarterly evaluations of quality assurance program activities.
- ° Reviewed YAEC correspondence with contractors relating to quality assurance program activities.

The YAEC quality assurance program placed requirements on the major suppliers of equipment and services -- Westinghouse (WRD) and United Engineers & Constructors Inc. (UE&C) -- to establish similar programs for their internal operations and to further impose applicable portions of their programs on their sub-suppliers of safety related materials, components, equipment or services. The WRD and UE&C programs were considered to be extensions of the YAEC program and, as such, were subject to review, audit and approval by YAEC. UE&C was responsible for site construction coordination. Sub-contractors providing safety related items or services were required to

B.) QUALITY ASSURANCE PROGRAM OVERVIEW (Continued)

implement quality assurance programs which were consistent with the YAEC program. UE&C review and approval controls were placed in effect over the subcontractor quality assurance programs.

WRD as supplier of the nuclear steam supply system (NSSS), used as its program the Westinghouse Divisions Quality Assurance Plan (WCA<sup>2</sup>-8370), and UE&C, as the architect-engineer and contractor for the Seabrook project, used as its program the UE&C Quality Assurance Program (Topical Report No. UEC-TR-001). These programs were placed in effect and YAEC performed audits to ascertain WRD and UE&C compliance.

The Seabrook Station multi-layered quality assurance program included provisions for the control of activities affecting quality by means of multiple reviews, in-process and final inspections, tests, surveillances, and audits and through documentation of activities affecting quality. All activities affecting quality were accomplished in accordance with instructions, procedures, and drawings under suitable controlled conditions. The multi-layered quality assurance program involved three, independent control levels:

° Level 1 Quality Control Programs

Quality control programs were implemented by vendors, contractors, and UE&C on all quality related activities within the scope of their contracts. These quality control programs complied with the applicable requirements of 10 CFR 50 Appendix B which, in turn, provided means to control quality through inspections, tests, and measurements of the characteristics of an item or process to pre-established requirements. The inspections, tests, and measurements were performed by qualified quality control personnel who were certified in accordance with ANSI 45.2.6, SNT-TC-1A or ASME Section III Division 2 requirements. It is important to note that the quality control inspections were in addition to the routine observations and checks of work activities by supervisory personnel and were in conjunction with documented verifications and inspections by qualified engineering personnel.



B.) QUALITY ASSURANCE PROGRAM OVERVIEW (Continued)

° Level 2 Surveillance Programs

Surveillances of design, fabrication, and construction activities including Level 1 quality control programs were performed. Contractors provided this level of quality assurance for the design and procurement phases. UE&C and YAEC performed additional surveillances on site construction activities and at selected vendor facilities. Additionally, YAEC performed surveillances on preoperational testing activities, UE&C and WRD. Surveillances were performed by independent qualified personnel. The surveillance programs included reviews, observations, and inspections which provided yet another level of assurance and verification that all quality related activities were accomplished in accordance with applicable drawings, specifications, procedures, and contractual requirements.

° Level 3 Audit Programs

A comprehensive system of planned and periodic audits were implemented by UE&C, WRD, and other vendors and contractors involved in quality related activities. These audits were performed to assure that contractor and vendor activities were performed in accordance with the standards required by the project and the regulatory agencies and also to determine the effectiveness and implementation of the Level 1 quality control programs and Level 2 surveillance programs.

Additionally, YAEC performed third level audits of contractors involved in quality related activities and selected vendors for the purpose of further verification of compliance with contractors and vendors quality assurance program requirements. Audits were performed by appropriately trained and qualified personnel not directly responsible for the area being audited. Written procedures, checklists, and technical specialists were utilized as part of the audit process. Audit schedules were established based on the project status, safety, and importance of the activities being performed, and the quality history of the audited activity. Audits were initiated

B.) QUALITY ASSURANCE PROGRAM OVERVIEW (Continued)

early enough in the project to assure effective quality assurance for ongoing activities during the initial design, procurement, and construction phases of the Seabrook project.

The YAEC, UE&C, and WRD audit programs complied with 10 CFR 50 Appendix B and ANSI 45.2.12. These audit programs included the following requirements:

- ° Management audits to provide verification and evaluation of the quality assurance program procedures and activities to assure that they effectively complied with corporate policy and with codes, standards, and applicable regulatory requirements.
- ° Internal audits by the quality assurance organization to provide independent verification and evaluation of quality related procedures and activities to assure that they effectively complied with the quality assurance program requirements.
- ° External audits performed on vendors and contractors. These audits included verification and evaluation of the vendor's and contractor's quality assurance programs, procedures, and activities to assure that they effectively complied with the various aspects of the quality assurance program and procurement requirements.

Additionally, UE&C performed technical type audits of design activities in accordance with UE&C's Engineering Assurance Program. These Engineering Assurance audits were performed by selected technical engineering specialists who were independent from the Seabrook project. The audits were conducted to provide an additional level of assurance and confidence that engineering and design were being properly implemented by the project and were consistent with the industry codes, standards, regulatory requirements, and recognized engineering practices.

As part of the Seabrook project's commitment to the American Society of Mechanical Engineers (ASME) codes, contractors and vendors who performed ASME code related work or provided ASME code components were required to

B.) QUALITY ASSURANCE PROGRAM OVERVIEW (Continued)

obtain Certificates of Authorization from the American Society of Mechanical Engineers. These Certificates of Authorization certified that the company performing code related activities had met the stringent program and quality requirements for nuclear applications. ASME contractors and vendors were evaluated by ASME survey teams for the purpose of verifying quality assurance program compliance with ASME code requirements. These ASME certificate holders were subjected to annual program audits by the Authorized Inspection Agency (which is independent of the Seabrook project) and the implementation of their programs were routinely monitored by Authorized Nuclear Inspectors.

Commencing with the initial 1973 PSAR Quality Assurance Program commitments, all required phases of Seabrook Station's multi-layered quality assurance program were established and implemented at the earliest practical time consistent with the schedule for accomplishing activities affecting the quality of the project. The quality assurance program included a system of checks and balances specifically designed to detect, report, and correct all errors or defects that could have adverse affects on quality related structures, systems, or components, regardless of the cause of the error or defect including any resulting from drug or alcohol influence. YAEC's quality assurance department reviewed contractors quality assurance, quality control, and construction procedures applicable to safety related activities. Assurance by YAEC that these quality assurance programs were properly implemented was accomplished through the following:

- ° YAEC review of contractor's quality assurance programs to assure program compliance with the applicable criteria of 10 CFR 50 Appendix B, applicable ANSI standards, and regulatory guides.
- ° Audit programs conducted by YAEC and it's contractors.
- ° YAEC's participation in periodic quality assurance program audits conducted by WRD and UE&C.
- ° Surveillances, audits, and reviews at the site by YAEC quality assurance representatives.

B.) QUALITY ASSURANCE PROGRAM OVERVIEW (Continued)

As a further means of providing independent checks and balances beyond existing regulatory requirements, Seabrook project management established an Independent Review Team (IRT) to function as an independent assessment arm of the newly formed NHY management team commencing in April 1984. Since that time and continuing into the present, the IRT has served as a multi-disciplined organization to assist corporate management by providing independent evaluations, assessments, and recommendations on issues of known or potential concern. The IRT has routinely performed the following types of activities:

- ° Evaluating and assessing the compliance of Seabrook programs and procedures to the pertaining regulatory criteria.
- ° Evaluating and assessing project compliance to its own internal programs, procedures and commitments.
- ° Identifying, evaluating, and prioritizing outstanding items that could have potential negative impact on construction, startup or operating schedules.
- ° Monitoring the implementation, progress, and effectiveness of corrective action plans and assisting in the resolution of technical, schedular, and/or program and procedure problems.
- ° Reviewing and evaluating work practices, policies, programs and procedures.
- ° Reviewing and evaluating problem areas and recommending changes to increase the efficiency and assurance of timely support of construction, startup, turnover, and operations.
- ° Providing periodic independent reviews of engineering, construction, and operations status and providing management with schedule critiques and recovery plans.

B.) QUALITY ASSURANCE PROGRAM OVERVIEW (Continued)

- ° Reviewing and advising management regarding proposed design changes including need, cost, construction, outage, licensing and operating impact.
  
- ° Providing technical and licensing advisory support to management.

In summary, the IRT has provided and continues to provide NHY management with another and entirely voluntary level of independent evaluations, assessments, and recommendations on technical, quality and management related issues and concerns.

As the various structures, systems, and components at Seabrook Station were completed they were subjected to actual physical testing to assure that the engineering and performance requirements were met and the components and systems functioned correctly. These tests were conducted as part of the Seabrook Station Preoperational Test Program which was implemented subsequent to the completion of system installation and prior to the initial loading of fuel into the reactor vessel.

The Preoperational Test Program was subdivided into the various types of tests described below:

- Phase 1 -- Construction Verification Tests
- Phase 2 -- System Acceptance/Preoperational Tests
- Phase 3 -- Integrated System Preoperational Tests

The Phase 1 or Construction Verification Tests were performed on plant equipment following the completion of installation of plant systems or parts of systems. These tests verified the proper installation of equipment and systems and placed the equipment into normal operating service. Included in this phase of testing were the following tests:

- ° Functional tests of electrical control circuits.
- ° Instrument calibration and control loop verification.

B.) QUALITY ASSURANCE PROGRAM OVERVIEW (Continued)

- ° Initial operation of rotating equipment.
- ° Integrity tests of piping systems and components.
- ° Leak testing and balancing of mechanical services systems.
- ° Cleanliness verification of piping systems and components.

Upon completion of the Construction Verification Testing of plant systems, the Phase 2 System Acceptance/Preoperational Tests were performed. Preoperational Tests were conducted on safety related plant systems and equipment, and Acceptance Tests were conducted on non-safety related systems and equipment. This testing was performed to verify the ability of the system to perform its intended function prior to use of the system in support of either integrated preoperational tests or initial plant startup, as applicable. Included in this phase of testing was the following:

- ° Dynamic ability of control systems to function during operating conditions.
- ° Verification of system capability to attain design flow conditions.
- ° Verification of system control and protective features which cannot be verified during Construction Verification Tests.

The Phase 3 or Integrated System Preoperational Tests were tests performed prior to initial fuel loading which involved the integrated operation of a number of plant systems for the purpose of testing certain plant features prior to initial startup. Specifically included in this group of tests were the following:

- ° Hot Functional Tests - demonstrated the ability of the Nuclear Steam Supply System and certain secondary systems to operate properly at normal operating temperature and pressure conditions.
- ° Reactor Coolant System Hydrostatic Test - verified the structural integrity of the Reactor Coolant System at 125% of system design pressure.

B.) QUALITY ASSURANCE PROGRAM OVERVIEW (Continued)

- ° Containment Tests - verified the structural integrity of the primary containment (SIT) and the ability of the primary containment to limit leakage (ILRT) to within safety analysis requirements.
- ° Engineered Safety Features Integrated Actuation Tests - verified the ability of the systems which combine to perform the engineered safety function to activate and operate in accordance with design requirements during various simulated accident conditions.
- ° Loss of Off-Site Power - verified the ability of plant systems and equipment to actuate and operate in response to a loss of all off-site power both without and with simulated accident conditions.

In summary, this comprehensive Preoperational Test Program which was conducted at Seabrook Station demonstrated that plant systems, structures, and components will perform in a manner that will pose no risk to the health and safety of the public.

In conclusion, commencing with the 1973 PSAR Quality Assurance Program commitments and continuing throughout the different phases of the project, the Seabrook Station's multi-layered quality assurance program has continuously assured the implementation of the "defense-in-depth" concept since the start of the project. The collective programs have provided much more than just a paper trail of quality assurance. The programs have assured that highly diverse and independent physical inspection; -- as well as performance testing -- of completed systems, structures and components have been applied at all levels throughout the design, construction, preoperational testing and operational phases of the project. Therefore, these programs have provided an integrated network of checks and balances purposely designed to detect, report, and correct all errors or defects that could have any possible adverse affect on quality related activities or decisions, regardless of the cause of the error or defect including the possibility of drug or alcohol influence.



C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS

Question 1:

With regard to all drug and alcohol incidents which have been identified at Seabrook Station since the commencement of construction, what evaluative processes were used to analyze the potential impact of each incident on plant construction quality? In particular, describe any differences which exist between the evaluation processes for incidents identified after 1982, for which records are available, and those applied to incidents identified prior to 1982 for which records are unavailable. Describe whether documented programs exist for the technical dispositioning of those incidents identified and provide a detailed bases, either specific or general, for your determination that construction quality was not adversely affected.

NHY Response To Question 1:

The preceding Quality Assurance Program overview section outlines the overall quality assurance program that was applied to structures, systems, and components throughout the design and construction period which commenced in 1973 and that was continued through the transitional phase into the operational period which started in June of 1986. The program included a comprehensive system through which site contractors detected, reported, dispositioned and corrected items identified as nonconforming; thus providing for the corrective action process required by 10 CFR 50 Appendix B.

In addition, the multi-level approach of checks and balances, as committed to with the submittal of the PSAR in 1973, including inspections, surveillances and audits was the basis utilized by the project to detect and resolve errors or defects in plant construction. This would also have included any errors or material defects that may have resulted from personnel drug and/or alcohol impairment.

The program included a comprehensive corrective action program which provided for remedial corrective action and included an evaluation to determine the cause of the condition and corrective action to prevent recurrence.

C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

NHY Response To Question 1: (Continued)

As required, documented programs (References A thru H) existed for the identification, control and technical disposition of nonconforming items. These programs clearly described the methods of control of materials, parts, and components when found to be in nonconformance with codes, standards and specifications or other deficiencies in documentation or procedures that rendered items or activities unacceptable or indeterminate. Additionally, these programs established requirements for the following measures:

- ° Procedures to control the identification, documentation, segregation, review, disposition and notification to affected organizations of nonconforming materials, parts and components.
- ° Documentation which identified the nonconforming item, the disposition of the nonconformance, the inspection requirements, and required signature approval of the disposition.
- ° Identification of individuals or groups delegated the responsibility and authority to approve the dispositioning and nonconforming items.
- ° Segregation of nonconforming items from acceptable items until properly dispositioned.
- ° Acceptability of rework or repair of material, parts and components was verified by reinspecting the item as originally inspected or by a method which was at least equal to the original inspection method. Inspection, rework, and repair procedures were documented.
- ° Nonconformance reports dispositioned "Accept As Is" or "Repair" were made part of the inspection records.
- ° Nonconformance reports were periodically analyzed to show quality trends and the results were reviewed by upper management.

C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

NHY Response To Question 1: (Continued)

Contractor procedures were reviewed to assure the proper reporting, segregation, control, and dispositioning of nonconforming items.

A review of an item of nonconformance which affected site installation or use was made by the organization that established the original design basis for the affected item or an equivalent organization chosen by the management of the original design organization. Dispositions of the nonconforming items were documented and supporting analyses or calculations were recorded. Nonconformance reports with items dispositioned "Accept As Is" or "Repair" were incorporated as part of the inspection records and retained in the quality assurance records file. These records are part of the documentation maintained at the site and available for review.

Nonconformance reports were reviewed to ascertain quality trends and the results were documented and reported to the appropriate management. Thus, the method and manner in which nonconformances were dispositioned and the review process in place ensured both the adequacy and effectiveness of the disposition. Additionally, the nonconformance and corrective action programs as well as specific dispositions were independently surveilled and audited to ensure compliance with program and regulatory requirements.

Based on the findings and conclusions resulting from the aggressive quality programs in effect, the extensive routine and special NRC reviews and inspections of project activities, the numerous independent project assessments, the investigations performed by the Employee Allegation Resolution (EAR) Program and the evaluations and assessments performed by the Independent Review Team (IRT), there has been no determination that construction quality has been adversely affected by drug and alcohol related incidents.

It is important to note that the NRC has had access to all of the resulting reports and associated records described above, including the investigations made of allegations relating to drugs and alcohol as well as other allegations made regarding the quality of the Seabrook construction activities.

C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

NHY Response To Question 1: (Continued)

The NRC in a November 24, 1956 letter in response to specific allegations by Congressman Markey, determined that "no instances of adverse impact on safety or quality of plant construction have been substantiated". NHY believes that the effectiveness of the implemented quality programs, in detecting and resolving nonconforming activities, has contributed to the non-substantiation of the allegations reported by Congressman Markey, but more importantly has provided for the early detection, reporting, and correction of deficiencies by licensee quality and technical personnel and has thus ultimately resulted in the present high quality of construction of Seabrook Station systems, components and structures.

Question 2:

How were specific incidents of drug and alcohol problems evaluated to determine if a basis exists for reporting these matters pursuant to 10 CFR 50.55(e) and 10 CFR 21? How were such incidents also evaluated for reportability as an ASLB Board Notification during the current and previous licensing processes?

NHY Response To Question 2:

The Seabrook project multi-layered quality assurance program previously described was the basis utilized by the project to evaluate and resolve any resultant errors or defects, regardless of cause, and including any that might have resulted from drug or alcohol influence.

Specifically, United Engineers and Constructors, Inc. (UE&C) and the other major site contractors involved in quality related activities were required to include in their quality assurance programs specific procedures for identifying and reporting nonconforming conditions. These contractor procedures, References A, B, and C included provisions for reporting potential significant deficiencies pursuant to 10 CFR 50.55 (e) and 10 CFR 21 to

C.) NHY RESPONSES TO REFERENCE (1) ENCLOSURE QUESTIONS (Continued)

NHY Response To Question 2: (Continued)

UE&C for further evaluation. UE&C conducted their evaluations of these potentially reportable conditions in accordance with a UE&C administrative procedure, Reference E and corporate procedure, Reference G.

If a potentially reportable condition was determined by UE&C or Westinghouse (WRD) to be reportable pursuant to 10 CFR 50.55(e), YAEC engineering management was then notified and an additional evaluation was conducted by YAEC. For all conditions identified and subsequently determined by YAEC to be reportable, YAEC then notified the NRC in accordance with the YAEC quality assurance manual, Reference F.

For those conditions determined by UE&C to be reportable pursuant to 10 CFR 50.55(e), UE&C would conduct a 10 CFR 21 evaluation in accordance with a UE&C corporate procedure, Reference G. Conditions determined by YAEC to be reportable pursuant to 10 CFR 21 were processed by YAEC in accordance with a YAEC corporate procedure, Reference H.

Additionally, YAEC, as part of their quality assurance audit program, performed audits of UE&C to check their classification of nonconformance reports, the recommended disposition and associated corrective action. These audits by YAEC were similar in scope to those performed by the NRC. The YAEC audits reconfirmed the fact that UE&C had correctly identified potentially reportable significant conditions pursuant to 10 CFR 50.55(e).

Training on the reporting requirements of 10 CFR 50.55(e) was provided by management to site employees as part of the initial site indoctrination training presentation. Additionally, specific classroom training on the reporting requirements of both 10 CFR 50.55(e) and 10 CFR 21 was provided to selected engineering, construction, and quality assurance personnel. In order to comply with the NRC's posting requirements, the UE&C and YAEC corporate 10 CFR 21 reporting procedures were posted in conspicuous locations throughout the site for use by any site employee who felt that he or she should report on observed condition.

C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

NHY Response To Question 2: (Continued)

With regard to past and present ASLB Board notification, if an occurrence resulted in potential problems with workmanship or affected the quality of the systems, components and structures, NHY management as well as the NRC was notified either through official communications and/or as a result of the 10 CFR 21 or 10 CFR 50.55(e) report. This official notification would also be sent to NHY's legal counsel in conjunction with his representing NHY in the various licensing proceedings. One of NHY counsel's responsibilities has been and remains that of keeping the boards advised of new information (i.e., significant change and/or development) which is relevant and material to the proceedings; modifications and rescissions of important evidentiary submissions; and errors of the type discussed in the Vermont Yankee case, (i.e. VT Nuclear Power Corporation ALAB-138, 6AEC510 [1973]). See Duke Power Company (ALAB-143 6AEC 623 [1973]) and Tennessee Valley Authority (Browns Ferry ALAB-677, 15NRC 1387 [1982]).

In summary, NHY has not identified any instances where drug or alcohol use has been a root cause or a contributor to any identified errors and/or defects in the plant. However, safety-related errors or defects, identified during the construction of the plant, were processed in accordance with Seabrook Station's multi-layered quality assurance program which included an evaluation of the root cause and extent of the problem and any resulting corrective action(s) and provisions for 10 CFR 50.55(e) and 10 CFR 21 evaluations and notification to the NRC and ASLB where required.

All records in this regard are fully documented and available to the NRC.

Question 3:

What was the reason for the termination of the Pittsburgh Testing Laboratory (PTL) contract at Seabrook Station in March 1986? Explain the chronology and relation of this termination to subsequent PTL employee grievances and

C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

Question 3: (Continued)

arbitrator rulings. Discuss any other specific problems that have been encountered in attempting to enforce project rules on drug and alcohol use at Seabrook Station and subsequent actions taken.

NHY Response To Question 3:

On record with the National Labor Relations Board (NLRB) is the fact that NHY, in a general consolidation of contracts that began in May of 1984, intended to reduce the use of multiple, construction phase contractors to a single contractor to perform the remaining work on the Seabrook project. Associated with that consolidation, NHY decided that UE&C would assume the PTL testing work. Reference statement number (3) contained within the Affidavit from George R. Gram, then Director of Construction for NHY, as attached to NHY letter to the NRC dated March 11, 1988 (Attachment 7).

Initially, UE&C planned to hire a few additional quality control engineers to augment its existing forces. UE&C placed an advertisement in the February 9, 1986 Boston Globe for Civil/Structural Lab Technicians and QC Inspectors. A short time later UE&C determined that it did not have a need for any additional inspectors beyond its existing staff.

The NHY decision, to specifically implement the general consolidation of contracts as applicable to PTL, was influenced by an issue concerning the possible use of marijuana by one or more of the PTL employees. Neither NHY nor UE&C had positive, substantiated proof that specific employees of PTL were involved in drug use. Accordingly, the reason for the highly conservative decision and subsequent actions taken to not hire PTL employees was kept within a very limited circle of top level managers within NHY and UE&C. NHY was particularly concerned that it not make unprovable statements that could impugn the reputation of the PTL organization or any PTL employee or that it improperly accuse any PTL employee of drug use.



C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

NHY Response To Question 3: (Continued)

It should be noted that the specific details associated with the incident that led to the above decision and actions -- i.e. the discovery of a small film vile, approximately one-half full of marijuana, that was found in the balcony storage area above the PTL office -- were documented on Security Incident Report #12-005, dated December 2, 1985 and that a copy of that report was provided, along with other documents, to Congressman Markey's staff on December 16, 1986.

The PTL site employees, through the International Union of Operating Engineers (IUOE), filed grievance on February 27, 1986. The grievance relates that on or about April 1, 1986, PTL would cease performing inspection work at Seabrook Station. Following the termination of the PTL contract, the inspection work would be performed by quality control engineers then employed by UE&C. The quality control engineers employed by UE&C were not represented by any union, while the PTL inspectors were represented by the IUOE.

In essence, the IUOE was protesting the fact that UE&C had decided to perform the inspection work with its current employees rather than committing to hire some or all of the PTL inspectors and that UE&C had failed to recognize the IUOE as their bargaining representative.

As additional background information, on May 12, 1978, Local 4 of the IUOE was certified by the NLRB as the representative of all inspectors and technicians employed by PTL at Seabrook Station (NLRB Case No. 1-RC-155120). At the time, a project labor agreement entitled the "Seabrook Station Stabilization Agreement" was in effect and covered the majority of employees at the project. However, inspectors were excluded from coverage under that labor agreement, and although the PTL inspectors became unionized, the other QA/QC personnel on the project remained non-union.

Following the NLRB certification, PTL and Local 4 entered into a separate labor agreement covering PTL's inspectors. Certain of the provisions of

C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

NHY Response To Question 3: (Continued)

the Seabrook Stabilization Agreement were incorporated into that agreement by reference. The most recent PTL/Local 4 agreement was effective from May 12, 1983 through May 11, 1985.

On May 2, 1984, the Nuclear Power Construction Stabilization Agreement (NPCSA) was made applicable to Seabrook Station.

Following the implementation of the NPCSA at the project, PTL and Local 4 agreed that PTL's inspectors would be covered by the NPCSA, which is consistent with the second paragraph of Section 1 of Article VI of that Agreement.

UE&C's position, in the arbitration, was that although PTL's inspectors were and had been covered under the NPCSA (because recognition had been granted by PTL), UE&C's quality control engineers are not so covered. UE&C felt that it had the complete right to utilize the services of its own quality control engineers in performing testing work which had been assigned to it by NHY. UE&C stated that they were under no requirement to hire any other employees to perform this work.

Arbitrator Ruling

The arbitrator ruled that UE&C was required to apply the terms of the NPCSA to its employees who commenced performing the testing work taken over from PTL on March 31, 1986.

The arbitrator concluded that UE&C was not required to hire or provide compensation to any former PTL employees and that UE&C had no obligation to apply the terms of the NPCSA to any of its other QA/QC personnel.

For remedy, it was found that the IUOE was entitled to whatever reimbursement it would normally be entitled to as the recognized representative of the employees performing work in the classification on and after March 31,

C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

NHY Response To Question 3: (Continued)

1986. Such remedy for the IUOE included the applicable dues and initiation fees which would have been collected by Local 4 had NPCSA been applied. The UE&C employees assigned were considered as represented by IUOE under the Stabilization Agreement.

In summary to the preceding response, however, it should be emphasized that regardless how complex the conservative decision and consolidation actions became, there always remained a rigorous implementation of the controlled and approved QA programs and procedures by qualified and certified QC personnel.

The following is provided in response to the request for other specific problems that have been encountered in attempting to enforce project rules on drug and alcohol use at Seabrook Station and the subsequent actions taken.

With direct regard to the Reference (I) enclosure request to "discuss specific problems that have been encountered in attempting to enforce project rules on drug and alcohol use at Seabrook Station and the subsequent actions taken," NHY believes that its programs have been extraordinarily successful in obtaining the participation and cooperation of the site workforce and the acceptance of the various program elements through negotiations with the bargaining representatives of the trade unions. There have been a small number of either legal issues or administrative grievance proceedings that have in no way caused either NHY or Trade Union Executive Management to waiver in their strong commitments to ban drugs and alcohol from the site, up to and including the detection and prevention of any influences from off-site casual use of such substance.

The few such prosecutorial and administrative grievance issues that have occurred are summarized as follows:

C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

NHY Response To Question 3: (Continued)

As stated in the December 16, 1986 NHY response to Congressman Markey, project management was formally notified by the Seabrook Police Department in February 1983 that prosecution would not be instituted because of evidentiary problems including that, in many cases, there was not a direct evidentiary chain proving that any substance seized actually belong to a particular individual. It is in that connection that Chief Crossland, of the Seabrook Police Department, wrote to PSNH on February 15, 1983. Chief Crossland raised several legal issues including: potential violations of constitutional rights which, it was suggested, would result in the suppression of evidence; certain evidentiary challenges concerning the chain of custody of seized contraband; questionable methods in some searches; and possible problems concerning the admissibility in evidence of the testimony of the security guards.

Thus, local law enforcement officials, in the exercise of their prosecutorial discretion, determined that criminal actions would not be instituted. It is clear -- but perhaps bears restating -- that the decision whether or not to prosecute a criminal case was within the jurisdiction of the prosecuting authorities and not a decision of project management. Paragraph five in Congressman Markey's November 19, 1986 letter to NHY suggests that, because the searches were voluntary, any constitutional questions raised by Chief Crossland were not a bar to prosecution. NHY, of course, could not respond for the police department which was charged with and exercises independent jurisdiction for law enforcement. However, our counsel informed us that consent to a search is not necessarily dispositive of the constitutional issues and that the facts and circumstances of the consent determine whether constitutional standards are met. NHY assumes that such legal issues were considered by the police and prosecuting authorities and may have been the basis, in part, for their decision not to prosecute.

In further responding to the part of this question that inquires of any specific problems that Seabrook Station encountered in attempting to maintain vigorous enforcement of project rules prohibiting the presence of

C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

NHY Response To Question 3: (Continued)

drugs and alcohol on site and the actions taken by Seabrook Station to implement these project rules, the following three litigative matters are to be noted:

On September 27, 1983, a worker who was a non-manual document control clerk with a subcontractor, Fischbach Boulos & Manzi refused to cooperate in a search to be conducted by security officers of a bus entering the site. Because that refusal constituted a violation of the project rule regarding random searches of vehicles coming on site, UE&C directed that that worker, Mr. Boyd, be discharged. Mr. Boyd, thereafter, filed a wrongful termination lawsuit alleging that it was a violation of his constitutional rights to be subjected to any search upon his entering Seabrook Station. In this litigation, the worker contended that the project rules for search and inspection of vehicles and persons entering and departing Seabrook Station were unconstitutional. A defense was interposed demonstrating the legality and propriety of the applicable project rules. The trial judge was persuaded to dismiss the action, finding that termination of this at-will employee of the subcontractor Fischbach Boulos & Manzi was justified because of the worker's refusal to adhere to the project rules.

Another litigative case in which a worker challenged project rules for site security -- in particular with respect to the rules banning drugs from site -- occurred in early June 1983. At that time, a worker was discharged for alleged possession of marijuana. The worker appealed the termination through the union grievance process. The arbitrator ruled that the worker was to be re-instated, apparently based on the arbitrator's view that there was not sufficient evidence to prove guilt. At this point, Seabrook Station notified the NRC and requested that the NRC take action to support project management's appeal from the arbitrator's ruling on re-instatement. After reviewing the request filed with the NRC in respect to such arbitration appeal, Region I determined that NRC involvement concerning the arbitrator's actions was not warranted.

C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

NHY Response To Question 3: (Continued)

In approximately June of 1986, an additional litigative challenge to the NHY rules was raised. This occurred in connection with implementation of a full security lockdown at Seabrook Station for workers who may have access to secure areas on site. In accordance with a Security Plan promulgated by NHY and approved by NRC requiring investigative reports on persons having such access to sensitive areas of the power plant, NHY notified workers that they would be subject to background investigative checks.

Seven union employees of UE&C thereafter brought a lawsuit in the Rockingham Superior Court to enjoin enforcement of the background security check and the use of the waiver/release forms which would authorize the collection of personal information. The theory of the workers' litigation was that providing such information and executing the waiver release form violated constitutional law and certain New Hampshire statutes.

In order to ensure enforcement of the security plan, PSNH (with UE&C and Standard Service Bureau) defended the lawsuit and filed responsive pleadings informing the court that Seabrook Station was a signatory to the Nuclear Power Construction Stabilization Agreement, that security procedures required such background information and that objections to procedures should be subject to grievance arbitration, not court review, notwithstanding that the lawsuit had been brought in the Superior Court. When the PSNH motion to dismiss the lawsuit on these grounds was denied, NHY took an interlocutory appeal to the State of New Hampshire Supreme Court, which interlocutory appeal was denied. The case remains pending in the Supreme Court, but all proceedings have been stayed pursuant to the PSNH bankruptcy proceedings.

Each of the above described actions reflects the vigorous efforts which have been undertaken in defense of any litigative challenge to the strict security procedures and project rules that are designed to deter and detect the presence of drugs or alcohol on site.

C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

Question 4:

What objective evidence is available to provide assurance of site concrete quality, given the allegations raised in regard to suspected drug usage at the PTL laboratory? Explain in detail the scope of PTL activities at Seabrook and to what extent the PTL testing functions with regard to construction quality were checked or duplicated by other independent means or personnel.

NHY Response To Question 4:

During the period that PTL was on site from mid 1976 through March 28, 1986, quality assurance program audits of PTL activities were conducted annually by UE&C home office audit personnel, YAEC corporate office audit personnel and audit personnel from PTL's corporate office in Pittsburgh, PA. The UE&C site quality assurance group and the YAEC site quality assurance group conducted scheduled and unannounced surveillances on a routine basis of PTL's activities in the laboratory, at the concrete batch plant and at the actual construction work areas. Additionally, PTL's laboratory and field testing was observed by Perini quality control personnel as well as UE&C and Perini field engineering and supervisory personnel. Considering all of the PTL laboratory and field testing responsibilities, (e.g. soils testing, concrete material testing, concrete and grout compression testing, cadweld tensile testing) no problems were identified that invalidated the results of tests performed by PTL.

In addition, from 1976 through 1984, the NRC performed thirty-five (35) inspection/investigations in the area of containment concrete alone, to verify conformance to specifications, codes and standards. Observation of on-going work was an integral part of these inspections. Also, the NRC directly monitored and witnessed many of the safety-related concrete placements including field sampling and testing of concrete.

PTL's testing activities were a support function for Perini Power Constructors (PPC), the prime civil/structural contractor, and other site contractors as directed by UE&C, the Construction Managers. Perini and



C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

NHY Response To Question 4: (Continued)

UE&C reviewed all test results reported by PTL. The nature of the tests in the area of concrete were such that no single test, by itself, determined the acceptability of the product. Instead, one test complemented others. Therefore, significant discrepancies would become apparent in more than one of the tests.

As an example, there were several checks of concrete quality. The constituents of concrete (water, cement, aggregate, admixtures, etc.) were sampled and tested at specified intervals as required by codes, standards, and specifications.

At the concrete batch plant, a quality control inspector would routinely perform tests on the fine and coarse aggregates and verify that the proper adjustments were made to the concrete mix designs and that the proper amount of each constituent was used during the batching operations.

At the concrete placement location, concrete temperature, air content, and slump tests would be performed for every 50 cubic yards of concrete placed. In addition, a minimum of one set of six (6) cylinders for compression testing were taken for every 100 cubic yards per class of concrete placed daily. Each concrete cylinder was uniquely identified so that it was correlated to a specific concrete mix and placement area.

After achieving their initial set, the concrete cylinders were transported to the laboratory curing room where they were maintained in a moist condition until compression tested at 7, 28, and 90 day intervals.

The compressive strengths of the concrete cylinders provided a direct indication of the quality of the concrete and assured that the specified properties were achieved. An analysis of the cylinder test results indicated that the average, actual compressive strength ( $f_c'$ ) for the 4000 PSI designed mixes were in excess of 5000 PSI. The cylinder compression test results for containment concrete indicated compression strengths within the range of 4400 PSI and 6000 PSI at 28 days.

C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

NHY Response To Question 4: (Continued)

In addition, the NRC also independently performed nondestructive tests (impact hammer and windsor probe) of concrete in safety-related structures. These tests indicate an average concrete compressive strength value of approximately 7200 PSI. This was reported in NRC IR 55-443/84-12.

Another example of a multiple and complementary series of testing would be the tensile testing of cadweld splices which were used to mechanically join reinforcing steel. Each completed cadweld splice was visually inspected for void acceptability, bar centering and other specification criteria by Perini and UE&C quality control personnel.

Samples of completed cadweld splices for each cadweld operation -- for each different bar size -- for each of three different splice positions (horizontal, vertical and diagonal) were removed from the field and transported to the PTL laboratory for destructive tensile testing.

Based on an evaluation of the results of cadweld tensile tests, it was established that the tensile capacity of the cadweld splices were consistently greater than the specified minimum tensile capacity of the ASTM A615, grade 60 reinforcing bars.

All tensile tests were performed by certified laboratory personnel and all test reports were reviewed and evaluated by PTL supervisory personnel and Perini quality control personnel.

In addition to these multiple and in-line construction process testing activities, following containment structure completion the overall structural capacity and the safety capabilities of the containment structure were pressure tested by subjecting the structure to increments of internal pressure up to 115% of the design pressure or 60.2 PSIG. The reaction of the structure was monitored by instrumentation and the data recorded in addition to visual inspections. All the test results were evaluated and

C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

NHY Response To Question 4: (Continued)

compared with the engineering predicted reactions. The results were consistent indicating the structure had no unusual voids or imperfections, or any other unanticipated behavior.

Based on the evaluation of the test data and a comparison of the test data with the predicted/acceptable data, it was determined that the test results correlated satisfactorily with the theoretically predicted response and the Seabrook concrete containment structure had responded satisfactorily to the test pressure loads. Therefore, the containment structure satisfied the structural acceptance criteria of ASME B&PV Code, Section III, Division 2.

As other safety related structures, systems and components were completed, the Startup Test Department performed various pre-operational tests. These tests confirmed the adequacy of design and quality of construction through an entirely independent methodology and substantiated that the multi-layered system of inspections, surveillances, audits, reviews and re-reviews -- which included the test results obtained, the test results reported and the adequacy and accuracy of the test reports -- were cumulatively conservative, acceptable and in accordance with design and regulatory requirements. For the containment structure example used, the verification of results of this structure performance test were not dependent on the physical or mental condition of any person involved in any aspect of a concrete placement or rebar cadweld splice in that structure.

In addition to the above quality assurance programs and structural integrity testing activities, the ASME Section III, Division 2 Code required the Authorized Nuclear Inspector (ANI) to participate in certain containment construction activities such as:

- ° Monitoring of the Constructor's or Fabricator's Quality Assurance Program.
- ° Reviewing the qualification records and assuring the use of proper processes.

C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

NHY Response To Question 4: (Continued)

- ° Inspections of materials.
- ° Witnessing/verifying in-process examinations and tests.
- ° Certification of the ASME Code Data Report for the containment structure.

In addition to the UE&C and YAEC audits and surveillances of PTL testing activities, the NRC also documented their compliance inspections of PTL activities.

The NRC's civil/structural inspections are summarized in NRC Inspection Report 86-52. They are too numerous to identify in this response, but for ease of reference are listed in Table 4 of NRC Inspection Report 86-52. These inspections dated from July 1976 when the QA plan for construction was reviewed, to Report 86-52 dated November 1986. The report also addresses allegations made through the Employee's Legal Project.

Finally, in addition to the inspections, surveillances and audits performed by YAEC, UE&C, Perini, the ANI and the NRC, PTL successfully passed a comprehensive inspection by the nationally recognized Cement and Concrete Reference Laboratory (CCRL). The inspection by CCRL consisted of an examination of the laboratory testing apparatus and the laboratory testing procedures used to measure the properties of plastic and hardened concrete and the constituents of concrete.

Question 5:

On November 24, 1986, in response to a series of questions from Congressman Markey, the NRC reported that it had been apprised by PSNH and others of nine cases of drug or alcohol related allegations at Seabrook.

C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

Question 5: (Continued)

- a. Was PSNH aware of the details of the November 24, 1986 NRC response? If so, when did PSNH become aware? If PSNH was aware, what actions were taken to inform NRC that many other specific cases of drug/alcohol abuse at Seabrook had been investigated by PSNH?
  
- b. Describe the efforts that were undertaken to assure NRC was provided complete and accurate information regarding drug/alcohol abuse at Seabrook. Include in this answer, a chronology of the relevant notifications/communications made and indicate to whom the notifications/communications were provided.

NHY Response to Question 5a:

NHY obtained a copy, without attachments, of the NRC November 24, 1986 response to Congressman Markey through the NHY Bethesda Licensing Office on the day that the response was issued. NHY considered the NRC response to be a complete and accurate summarization of those instances where the NRC had undertaken special actions in responding to alleged drug and alcohol problems as identified to the NRC by others during the construction of Seabrook Station. NHY did not look upon the November 24, 1986 NRC response as an attempt at summarizing all NRC knowledge and awareness of routine and on-going NHY programmatic activities. Beyond the nine cases summarized in the NRC response, NHY believed that NRC Region I had a thorough and comprehensive understanding of the NHY drug and alcohol detection and prevention programs, as they had evolved over time, and of any specific incidents to the full and appropriate degree regarding NHY program findings, investigations and final determinations.

With regard to the full scope and extent of the NHY programmatic activities, a quantification of the collective NHY drug and alcohol detection and prevention program findings, and actions taken had been summarized to the NRC in at least two ways near the same time frame of the November 24, 1986 NRC response. As referred to in Case No. 9 of the NRC response, a special

C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

NHY Response to Question 5a: (Continued)

inspection team, under the direction of Mr. Jacques P. Durr of Region I, had been on site during November 3 - 14 and 19 - 21, 1986 investigating general allegations of drug and alcohol use by Seabrook workers which had been brought to the attention of the NRC by an organization called the Employee's Legal Project of Amesbury, Massachusetts. While the special inspection team report (Special Inspection Report No. 50-443/86-52) had not been issued as of November 24, 1986, the inspection team had been provided with a full scope understanding and awareness of pertinent NHY program activities by that point in time. In addition, the team had extensively interviewed Seabrook managers, reviewed records related to specific drug and alcohol related incidents/personnel actions/complaints and had inspected plant areas to verify the drug/alcohol program commitments had been met.

As another means of keeping the NRC informed, NHY routinely provided the NRC with copies of relevant NHY responses issued to Congressman Markey and Congressman Sharp. Those NHY responses, provided to the NRC through the Senior Resident Inspector, extensively documented the full extent and scope of all NHY drug and alcohol related detection and prevention program findings and actions taken. As of November 24, 1986, such principal NHY responses included Attachment (1); a 29 page NHY letter to Congressman Markey dated November 14, 1986. That NHY response provided program level summary information as well as comprehensive statistical evidence through which NHY sought to convey the overall extent of the collective drug and alcohol program actions and effectiveness based on Employee Allegations Resolution (EAR) Program investigations, site workforce terminations and an associated medical records review.

Ultimately, NHY has made available over 2000 pages of information to the Congressmen and to the NRC (Attachments 1 thru 7). That documentation ranges from high-level programmatic descriptions to copies of all available drug or alcohol related incident reports issued during the period of time from July 1976 to October 1987.

C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

NHY Response to Question 5b:

As described in the attachment to the November 24, 1986 NRC response to Congressman Markey, nine cases of reported drug/alcohol abuse were officially reported to the NRC during the 1980 to 1986 timeframe. Investigations by both NHY and the NRC concluded that there were no programmatic or specific problems with material construction activity associated with these cases. Additionally, the NRC concluded in response number 6 in their November 24, 1986 letter that no Seabrook employee has ever been suspected of causing or contributing to a problem of significance or potential significance to plant safety due to drug or alcohol impairment.

During the construction phase and continuing on into the present, the NRC's Senior Resident Inspector has been kept informed of relevant information pertaining to any drug or alcohol related allegations in any way associated with plant quality or safety. During the construction phase, the contacts with the NRC's Senior Resident Inspector were generally through the NHY Construction QA Manager and were informal unless the initial notification came from the NRC allegations office. After January of 1985, when the Employees Allegation Resolution (EAR) Program was established, the Senior Resident Inspector has been routinely kept informed of any allegations, actions proposed to be taken, and the results of any subsequent investigations or evaluations through EAR Program management individuals. With the establishment of the EAR Program, NHY quality assurance individuals have continued to be involved in the investigations, evaluations and responses to reported allegations to the full degree appropriate.

During the construction and startup phases and in order to promote effective communications between the Seabrook Quality, Startup and Construction groups and the NRC resident inspectors, office space was allocated for all four organizations, in the same building, in order to provide ease of access to personnel. In fact, the Construction QA Manager's and the NRC Resident Inspector's offices were located in close proximity to one another in order to facilitate the communications necessary to ensure that quality related issues were quickly and accurately communicated between the respective organizations.



C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

NHY Response to Question 5b: (Continued)

Beyond the above generic and on-going interface descriptions, which do not lend themselves to chronological description, NHY concurs with the NRC's November 24, 1986 response and finds that it correctly represents situations where PSNH had advised the NRC of potential drug or alcohol use problems at Seabrook. Specifically, the NRC response included four such cases:

Case 2 - Anonymous Drug Concerns

Who Communicated To NRC: Mr. J. Singleton, Yankee Atomic Electric Company (YAEC)

How Communicated To NRC: On December 7, 1982, Mr. Singleton gave a copy of the letter containing the allegations to Mr. A. Cerne, NRC Senior Resident Inspector.

Meetings Held: Mr. Cerne, NRC Senior Resident Inspector, met on several occasions with Mr. T. Sherry, YAEC, to discuss the status of the licensee's investigation.

Case 3 - Alleged Drug Abuse by NDE Technician

Who Communicated To NRC: Mr. G. McDonald, YAEC

How Communicated To NRC: On May 23, 1983, Mr. McDonald made a telephone report to Mr. Cerne.

Meetings Held: Mr. R. Matakas, NRC Investigator, met with Mr. McDonald and Mr. J. Corcoran on May 23, 1983. A follow-up telephone conference call between NRC Region I and Messrs. McDonald and Sherry occurred on May 24, 1983.

C.) NHY RESPONSES TO REFERENCE (I) ENCLOSURE QUESTIONS (Continued)

NHY Response to Question 5b: (Continued)

Case 4 - Licensee Request For Assistance In Arbitration Case For Terminated Employee

Who Communicated To NRC: Mr. T. Sherry, YAEC

How Communicated To NRC: Mr. Sherry informed Mr. Cerne, during a visit to the Resident Office in early June 1983. This was followed with a letter from PSNH legal to the NRC Region I Counsel.

Meetings Held: None

Case 6 - Press Informed Licensee of Alleged Drug Use By Welder

Who Communicated To NRC: Mr. S. Sadosky, Employee Allegation Resolution (EAR) Program Manager

How Communicated To NRC: Mr. Sadosky informed Mr. Cerne during a visit to the Resident Office on February 8, 1985.

Meetings Held: None - Mr. Cerne made a follow-up call to discuss the status of the licensee's investigation.

NHY efforts undertaken to assure that the NRC was provided complete and accurate information regarding drug and alcohol issues at Seabrook have also included those taken in providing the NRC with copies of all NHY responses to Congressman Markey's requests for information (Attachments 1 thru 6) as well as a NHY status summary regarding NHY actions taken in response to Congressman Markey's report as issued to the NRC on March 11, 1988 (Attachment 7).

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS

Recommendation 1:

An independent audit of both alcohol and drug use and safety-related issues at Seabrook should be conducted before the plant is licensed for operation.

NHY Comments Regarding Recommendation 1:

This recommendation calls for the mandate of an "independent audit including a full review of the safety of the plant". NHY welcomes and has always been open to reviews or audits by the regulatory agencies having jurisdiction. However, NHY strongly believes that another review of the safety of the plant would be duplicative and redundant to those already conducted and that another audit would accrue no further benefits to the health, welfare, or safety of the public. This NHY comment is based on the following facts:

1. The Seabrook project has been subjected to numerous, independent and indepth assessments by technical expert-type consulting firms with a proven background in providing assessments on the construction of nuclear facilities. Each of these firms has indicated that Seabrook Station has been designed, constructed, and tested in a safe, reliable manner meeting all of the latest industry codes, standards, and NRC regulatory requirements. Four of the more comprehensive of these independent assessments have been reported in reports entitled:
  - ° Evaluation Of Cost, Schedule, Quality, Engineering And Safety Aspects Of The Seabrook Nuclear Generating Station  
By: The Nielsen-Wurster Group, Inc., May 13, 1984  
For The New England Conference of Governors, Inc.
  - ° Seabrook Project Management Prudence Audit  
By: Pickard, Lowe, and Garrick, Inc., July 1986
  - ° Study Of The Seabrook Project  
By: Challenge Consultants, Inc., November 1986

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 1: (Continued)

° Review Of The Reasonableness Of The Cost And Management  
Of The Seabrook Station

By: Touche Ross and the Nielsen-Wurster Group, Inc., July 1987  
For The New Hampshire Public Utilities Commission

2. In addition to the independent project assessments described above, project performance, including quality programs, has been continuously assessed and monitored by the NRC. This has been accomplished throughout the construction and licensing processes and through routine and special site inspections conducted by NRC personnel both by onsite resident inspectors and by NRC regional, technical specialists and expert consultants. There have been in excess of 26,000 manhours of actual inspections conducted by the NRC at Seabrook Station up to March of 1988. This equates to more than twelve and one half man-years of NRC inspection efforts in the reviewing of Seabrook construction and operational readiness inspection activities.

The NRC's Systematic Assessment of Licensee Performance (SALP) reviews have continuously graded Seabrook Station's construction and quality assurance activities as good to excellent.

3. Seabrook Station is currently and routinely being assessed by external, independent organizations and internal, independent Seabrook Station organizations.

External organizations include:

- ° Nuclear Regulatory Commission
- ° Institute For Nuclear Power Operations
- ° Joint Utilities Management Audits
- ° Authorized Nuclear Inservice Inspection Agency
- ° American Society of Mechanical Engineers

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 1: (Continued)

Internal organizations include:

- ° Nuclear Quality Group
- ° Independent Review Team
- ° Independent Safety Engineering Group
- ° Station Operation Review Committee
- ° Nuclear Safety and Audit Review Committee
- ° Employee Allegations Resolution Group

4. As part of the Seabrook Station multi-layered quality assurance program, the quality of the design, construction, and testing program at Seabrook Station has previously undergone numerous programmatic, independent, third party inspections, surveillances, and audits and has repeatedly been found to be excellent.
5. The startup testing program has shown that the design and construction of Seabrook Station is of high quality and that it continues to exhibit a high degree of reliability and conformance to design criteria.

A similar type of independent review of plant safety was proposed to the New Hampshire House of Representatives in House Bill 1127-FN. This House Bill was soundly defeated by a three-to-one margin in February of 1988. The defeat of this House Bill, by the full New Hampshire House of Representatives supported NHY's position that another independent assessment of the Seabrook project was unwarranted, unnecessary, and would only have served to impose additional financial burden on the ratepayers without further benefits. Refer to the attached NHY testimony (Attachment 8) in the form that it was presented to the Science, Technology and Energy Committee - New Hampshire House of Representatives concerning House Bill 1127-FN. This testimony provides further detailed descriptions of the project assessments and the quality programs in place at Seabrook.

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

Recommendation 2:

Possible violations of law should be investigated by appropriate authorities.

NHY Comments Regarding Recommendation 2:

Congressman Markey's recommendation infers that he suspects there were certain improprieties in the handling and disposition of controlled substances and suspect material by security personnel and management who were enforcing the controlled substance detection and prevention program at Seabrook Station. There is not set forth, however, in Congressman Markey's report any substantiation for or any specific instances to support this inference.

Rather, the recommendation refers to the fact that NHY had not retained and/or could not produce, Evidence Transmittal Forms for the period prior to November 1982 and for the period from April 1984 to November 1985. Apparently because the Evidence Transmittal Forms for these periods were not available for production, the report suggests that there is a basis to call for an investigation by state and federal authorities. As background information, it is noted that Evidence Transmittal Forms were NHY generated record forms, developed by NHY, to document the disposition of controlled substances. For example, during the period of time that they were in use the forms were used to record the transmittal of confiscated substances to the Seabrook Police Department. It should further be noted that the Evidence Transmittal Form was, in essence, a self-elected NHY document not required by law or regulation. As such, the NHY procedures relating to and the contents and nomenclature of the custody control/disposition form itself, changed over time. Prior to 1983, a log of the custody control transfer activities was maintained, from May of 1983 to August of 1986 the Evidence Transmittal Form was used and from that time forward a form entitled "Custody - Control Document" has been used. All of the Evidence Transmittal Forms that had been retained by NHY and were available, were in fact, produced to Congressman Markey. The fact, however, that every evidence disposition form, regardless of content or nomenclature, had not been retained so that

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 2: (Continued)

a set of all of the forms was not totally available for all the periods described is not a ground to support a recommendation for state and federal investigation.

First, it is to be noted that the evidence disposition forms, in use for the period pre-November 1982, were among the record set that was inadvertently discarded in the security department relocation described below. That such forms were not retained because of inadvertance in those circumstances does not support the unsubstantiated inference upon which Congressman Markey bases this recommendation because there is no indication that the decision and subsequent actions leading to the discarding of those records warrant such investigative action. Furthermore, as detailed below, it should be noted that neither in the periods in question, nor now, do regulatory requirements exist that require such Evidence Transmittal Forms to be generated or to be retained by NHY. However, it was and is the view of NHY that the inadvertant discarding of the Evidence Transmittal Forms and the fact that such forms were not located for the April 1984 to November 1985 period did not reflect the internal standards that NHY would seek to maintain with respect to its recordkeeping procedures, even if not required by regulation. Thus, revisions have been implemented to the recordkeeping procedures -- including for the equivalent of Evidence Transmittal Forms -- to ensure the archival and future recoverability of such documents.

Beyond the fact that the matter of the discarding of the Evidence Transmittal Forms was fully explained to the Congressman (Attachment 1) and that there were available and were produced such forms for other periods requested, a further reason why this recommendation is without merit is that a review of all related records concerning the disposition of controlled substances did not reveal evidence that would substantiate the allegation of impropriety suggested by Congressman Markey. Rather, both the available records and the description of the procedures followed by the security department in cooperation with the Seabrook Police Department -- including the information provided by security personnel with respect to the ordinary course of disposition procedures then in place -- reflect that such materials were disposed of properly.



D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 2: (Continued)

With specific regard to the absence of evidence transmittal forms for the time period prior to November 1982, the NHY letter to Congressman Markey dated December 16, 1986 (Attachment 4) provided a detailed explanation of the NHY Security Management decision and subsequent actions taken in justifying the absence of archived documentation. Repeated in total from that letter, the NHY response to the Congressman's request reads as follows:

"4(c). You have requested additional information concerning the non-retention of the pre-1984 incident reports and the pre-November 1982 evidence transmittals. Because there is no federal regulatory requirement governing the retention of storage of records such as incident reports, these documents were not classified for retention under the New Hampshire Yankee Nuclear Production Records Management Program (NPRM) and were not forwarded to the Seabrook Yankee Document Control Center (SBYDCC) for microfilming, indexing, storage and disposition. Rather, given their non-classified status, the historical record set of security reports was stored in a temporary office trailer assigned to the NHY security department. During the week of October 20, 1985, the security department was in the process of moving materials, including equipment and uniforms, from a double-wide trailer previously used as a security department office to a single-wide trailer which was one-third as large. In the course of this move, while viewing the materials to be transferred from the double-wide trailer, S. Joseph Ellis, the NHY security department supervisor, determined that the single-wide trailer would not be sufficiently large to contain all of the materials previously held in the double-wide trailer. This included five file cabinets. Mr. Ellis undertook a preliminary review of the documents in the file cabinets, and concluded that the cabinets contained duty logs, visitor's logs, gate logs, site checkpoint sign-in logs, and related correspondence regarding checkpoint sites. Mr. Ellis does not have a specific memory of viewing either incident reports or evidence transmittals in the file cabinets. The documents in the file cabinets were voluminous. They were not

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 2: (Continued)

required to be retained under governing recordkeeping rules and regulations, therefore, because there was no room in the new security trailer, Mr. Ellis verbally directed that the documents be discarded at that time. This was done by workers assisting in the moving process.

There is a three-page document which appears to list certain records previously stored in the security trailer. However, in view of the fact that the underlying records are not available, the accuracy of the listing cannot be confirmed with any degree of certainty. In any event, we are providing a copy of that document herewith. We also note that, in isolated instances, pre-1984 copies of incident reports, from time to time, may have been included in other files, including personnel files. Where discovered, such reports have been and will be forwarded to you. During the course of our continuing search, a number of additional incident reports have been found, for example, attached to documents in personnel files and other files. These are currently being produced. (Doc. Nos. 1355 - 1490)."

In his comments succeeding Recommendation 2, Congressman Markey levels a number of highly serious but unspecified and unsubstantiated charges. One charge is specified, however -- that of concealing major cocaine finds -- and is responded to as follows:

The Congressman's report - again and again referring only to the Peter F. MacKinnon allegations -- refers to two cocaine finds, and states that records of these two incidents were "withheld". That is an absolute falsehood. The facts are that the reports of both of these incidents were produced to Congressman Markey and were, in fact, a matter of public record (Seabrook Police Department) within two and one-half (2 1/2) working hours of their occurrences. Indeed, the first cocaine-related incident report referred to was produced to Congressman Markey in the original NHY record production. There was no withholding of any document, and

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 2: (Continued)

this particular incident report of the discovery of cocaine on June 12, 1986 was turned over, along with every other available records, in the preliminary stages of the Congressman's investigation in 1986. The Investigatory Staff (hereinafter the Staff) Report inaccurately states the contrary.

Further, with respect to the second incident report, the Staff misleadingly and deliberately omits to say that the second incident report, which concerns a cocaine find on June 9, 1986, was not then produced with the other records only because the record had not been recalled or found by NHY during the time frame that the Markey investigation was open, even though it had been promptly and fully reported and documented to the Seabrook Police Department within two and one-half (2½) working hours of the substance discovery on the site. The incident report was not withheld. Rather, the simple point is that the second incident report had been misfiled and had not been discovered before the conclusion of the Markey investigation in January of 1987. Certainly, the fact that NHY voluntarily produced the first cocaine incident report, which it had found, goes far to demonstrate the entire fallacy of this insinuation regarding the withholding to two sets of records.

In any event, notwithstanding that the investigation was declared concluded in January 1987, and although NHY had been advised that the Subcommittee under which the original investigations had been conducted was disbanded, NHY nevertheless voluntarily produced to the newly comprised Subcommittee an undated record set that included the second cocaine related incident report which had been subsequently found in the continuing search for records.

These facts were fully explained in the NHY letters to the Congress, copies of which were delivered to Congressman Markey's Washington office and for which NHY has documented proof of receipt. The letter, in detail, describes the second cocaine incident and the circumstances

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 2: (Continued)

regarding the fact that the record had not been found at the time of the prior production pursuant to the investigation. The staff report, of course, disingenuously omits references to these facts and instead quotes only from the MacKinnon Affidavit in a deliberately misleading fashion.

The staff report states that "A former security worker testified that the utility withheld evidence of these cocaine discoveries from January 1987 until July 1987." This statement is simply not true, and the staff was so advised and knew full well the statement was not true. Indeed, NHY explained in writing that subsequent to its document production in the original October 1986 - January 1987 proceedings, NHY was informed that the investigation was disbanded, and no report was issued. No additional requests for documents or information were directed to NHY. However, NHY continued to conduct an internal review to devise ways to further strengthen its drug/alcohol programs and security procedures. Indeed, because of difficulties encountered in document retrieval, which became apparent in the course of the original search conducted to compile records, NHY determined that certain of its existing recordkeeping procedures -- although in full compliance with the prevailing NRC requirements -- were not consonant with the high internal standards which NHY sought to meet. Therefore, the NHY staff sought ways to improve those procedures and to draft new rules which would more effectively coordinate the NHY security recordkeeping systems. In the course of its post-investigation review, the second incident report not previously discovered by NHY was found. This incident report concerned the discovery on June 9, 1986, of a white substance, believed to contain cocaine, found near the exitway from the secure area on site. While, an incident report of a cocaine seizure some three days later on June 12, 1986 had been discovered and accordingly was included in the original document production, it appears that this earlier June 9, 1986 record, through inadvertent misfiling, was not in the record system then in effect. Therefore, the record was not retrievable for inclusion in the original

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 2: (Continued)

production of records. It was, however, later included in the updated record set and was clearly pointed out in the cover letter to that submittal (Attachment 5). Furthermore, NHY notes that the cocaine substances were both, in fact, transmitted to the Seabrook Police Department for custody within two and one-half (2 1/2) working hours of their discoveries. Further, NHY provided copies of the petition filed with the Court for destruction of the two substances and the state police laboratory analysis request. Finally, the staff report omits that the second June 12, 1986 record may already have been available to Mr. Markey's staff, since NHY was informed that the Seabrook Police Department had produced its corresponding copies of documents relating to evidence transmittals of contraband that had been discovered on site. As this demonstrates, NHY clearly did not withhold the two cocaine incident reports referred to from either Congress or from the local law enforcement agency of jurisdiction.

In summary, NHY produced all available records in a timely fashion to the Congressman's staff and provided a detailed explanation and justification for those records not required to be maintained and which therefore were discarded. Above all else, however, NHY has never engaged in any cover-up, concealment or other obstructive activities including false statements simply because that is not the manner in which NHY does or has ever done business. With the exception of those instances where NHY has insisted upon honoring its obligations to protect individual worker's rights through the redaction of identifying details NHY has responded to all inquiries and the production of documents in its responses to these allegations.

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

Recommendation 3:

Seabrook management and unions should work together with experts from successful drug and alcohol awareness programs to develop and implement a comprehensive program for dealing with problems related to drug and alcohol use in the workplace, with a goal of no drugs or alcohol at the site.

NHY Comments Regarding Recommendation 3:

NHY already has in place and, as addressed more thoroughly in the comments which follow Recommendation 4, has had in place programs which strive to eliminate all drug and alcohol influence from the site including influences associated with off-site use. The programs have been and remain among the most stringent in the country and include such elements as clear, written policy and project rules, vehicle and container searches, employee assistance programs, a canine drug detection program, an employee allegation resolution program, chemical screening of personnel and the full support of top management.

With direct regard to Congressman Markey's comments regarding the provision of counseling and assistance to employees suffering from problems related to drugs and alcohol, beginning in 1979, and before such programs had become widely recognized and utilized in industry, an Employee Assistance Program (EAP) was made available to all Seabrook site personnel. Approximately ten site personnel served as program volunteers on a part time basis, with one UE&C employee providing full time program coordination. Each of these individuals was a volunteer, with a sincere desire to help others. An on-site trailer housed the EAP office, which was served by a dedicated telephone extension. Two Safety Program extensions served as backup and the coordinator wore a beeper to ensure the availability of assistance around the clock during heavy construction period.

Although this was not a formal, documented program, it was widely recognized and accepted among the site workforce and was endorsed by UE&C and PSNH management. A written procedure was developed to provide program



D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 3: (Continued)

structure, and posters were placed in construction work locations to educate readers on the purpose of the program and where to go for personal counseling and assistance. Several hundred site supervisors were trained, and a Supervisor's Handbook on Substance Abuse was widely distributed. The EAP and related issues were frequently discussed with employees at their weekly "toolbox safety meetings" and feature articles were included in the PSNH, UE&C and Perini newsletters. Additionally, free information materials such as the booklet entitled "Drugs and You" were displayed in the time office, warehouse, construction administration building, and the containment building. Informal support group meetings were conducted in the mornings before work. The program was strengthened by a close working arrangement with the Seaborne Hospital, which is a treatment facility for substance abuse. A critical factor to the success of this program was its overall acceptance and support by the various unions on site.

In May 1983, PSNH developed an EAP which encompassed all of their employees including those at Seabrook Station. Mr. Joe O'Sullivan, the company's program administrator at that time, made weekly visits on site, was available by appointment, and provided assessment, referral, and counseling services. Communication materials promoting this program included a brochure which was distributed at new hire orientation, and a program summary in the company policy manual. Probably the most effective "advertising" for EAP's is through word of mouth; the utilization statistics for both the construction and PSNH programs supported the credibility and the workforce confidence in both the anonymity and multi-faceted assistance offered by these programs.

Recognizing the need for a centralized program that is even more visible and is directly responsive to the Fitness for Duty requirements adopted by the nuclear industry, NHY took action to consolidate the company and contractor EAP's under one on-site program in June 1987. NHY found that it could access multiple professional resources and enhance the quality and



D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 3: (Continued)

range of professional assistance by contracting with an independent organization which specialized in EAP's. The components of the centralized and enhanced program include:

1. Providing coverage to all site employees (NHY and contractor) and their families in the areas of:
  - ° emotional or mental distress
  - ° alcohol or drug problems
  - ° marital or family difficulties, or
  - ° financial or other problems
2. Providing on-site assessment and referral service a minimum of three (3) days per week. (Also includes ability to meet with employees outside of normal working hours.) Office space and schedules of availability have been provided.
3. Providing 24 hour per day, 7 days per week phone coverage.
4. Providing communication of EAP services to employees via:
  - ° an orientation program
  - ° written program description
  - ° brochures and posters
  - ° promotional and educational articles in NHY site publications
5. Providing general substance abuse awareness training for all employees.
6. Reviewing periodically the NHY Behavior Observation training program and providing recommendations on how it may be enhanced. (Serving as a reference for in-house training instructors.)
7. Providing suitable aftercare for employees who have been admitted to a facility for treatment.

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 3: (Continued)

8. Meeting at least quarterly with the Employee Relations Manager to discuss the status and progress of the program and providing a quarterly report on numbers of employees and/or families utilizing the EAP and the nature of the services provided.

During the independent contractor bid solicitation and selection process, potential EAP providers were apprised that NHY is fully committed to providing a safe work environment that protects the health and safety of employees and the public, i.e., that the operation of a nuclear plant requires that the employees be fully fit for duty and must meet strict job performance standards. Much of the public and regulatory agency confidence in NHY's ability to fulfill its responsibilities depends on meeting such standards. To this end, all NHY employees and contractors must rigorously comply with NHY's Fitness for Duty Policy. As part of this policy, personnel on site are required to satisfy a periodic chemical screening. As an additional component of the Fitness for Duty Policy, NHY will provide confidential assistance to employees in dealing with problems that may adversely affect job performance. Participation in the EAP does not preclude disciplinary and/or administrative action as a result of violating the Fitness for Duty Policy. A copy of the Fitness for Duty Policy and copies of NHY's policies concerning the use of controlled drugs and the use of alcoholic beverages are attached (Attachment 9) and were included in the NHY requests for proposal. After interviewing six (6) firms, NHY selected Resource Management Consultants (RMC) of Salem, New Hampshire, to provide the EAP professional services. RMC is a private association of professionals who specialize in the management, training, development and support of organizational human resources.

An introductory brochure, was mailed to the homes of all site employees along with a cover letter from NHY's President, Edward A. Brown.

The fully implemented EAP is a site-wide program available to all NHY employees, contractors and their families. This point has been emphasized

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 3: (Continued)

verbally and in writing, communicated to all supervisors during EAP training, printed in employee notices which were mailed to all Station employee's homes, as well as documented in the NHY Policy and Procedures Manual. The program is continually publicized to employees through various mechanisms including pamphlets and letters mailed to homes, a write-up in employee handbooks, distribution of posters around the site (changed every eight weeks), and through employee/departmental meetings.

The RMC EAP representatives are New Hampshire Certified Alcohol & Drug Abuse Counselors. The EAP representatives are located in the on-site Processing Center. Their on-site office location was chosen for its accessibility and for confidentiality purposes in that people coming and going are not quickly noticeable. They also have office capability at various locations throughout southern New Hampshire to facilitate seeing people off site when so requested. The EAP can be reached by calling a local number or by dialing an on-site extension. This on-site extension by-passes the usual switchboard and connects directly to a telephone answered by the EAP central office staff in Salem, NH. This arrangement was developed to address confidentiality concerns and to ensure that every caller would get an answer regardless of whether the representatives were on site.

RMC has arranged for 24-hour emergency coverage staffed by a crisis team of professionals. After hours when the RMC switchboard is closed, a recording gives a number to reach the emergency staff.

The EAP is provided as a benefit for all site employees and their family members, and therefore, involves no cost to the participants for consultation with the EAP. The EAP does not generally engage the employee in long-term counseling, but will recommend to the employee appropriate further action. This includes referrals to previously screened and approved service agencies, which in the opinion of the EAP, are qualified to service the

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 3: (Continued)

employee's specific identified needs. Referral resources include a wide range of accredited hospitals, screened outpatient providers, and legal and financial resources which may be geographically appropriate.

Yearly training is provided to supervisors to assist them in identifying job performance problems that could be a result of alcohol and/or drug use.

Alcohol, drug, and psychological testing instruments used to further assess the extent of problems are CAGE, MAST, MICHIGAN, MORTIMER-FILKINS and MULTI-PHASIC.

During 1988, NHY has continued to implement, assess and enhance its EAP; highlights of these accomplishments include:

- ° EAP representatives have provided briefings at individual department staff meetings, covering roughly 80 percent of the integrated NHY organization.
- ° Supervisory training is complete, including 300 supervisors and control room personnel. EAP and Behavior Observation courses are core training requirements for new supervisors.
- ° EAP representatives sit on the NHY Fitness for Duty Task Force, which meets approximately bi-monthly, to discuss associated industry activities and to recommend actions to NHY corporate management which will enhance NHY's program.
- ° Educational brochures on drug and alcohol abuse have been purchased and will be displayed across the site for easy access. During the month of May 1988 a follow-up letter from Edward A. Brown, along with a composite brochure on drug and alcohol information, will be sent to the homes of all site employees to re-emphasize NHY's commitment to the Fitness for Duty Policy and the important role that the EAP plays in the overall health care of our employees.

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 3: (Continued)

- ° A Health Services Task Force is being organized, including safety, medical and employee assistance representatives, in an effort to achieve a more centralized and comprehensive approach to managing the health and well-being of our employees.

Recommendation 4:

The NRC should adopt Fitness for Duty regulations and expand them to include individuals involved in construction as well as operation.

NHY Comments Regarding Recommendation 4:

While NHY cannot speak for the rest of the nuclear industry, NHY can state, in no uncertain terms, that it has been and is committed to providing a safe work environment that protects the health and safety of employees and the public. The operation of any nuclear plant requires that its employees be fully fit for duty and that they meet strict job performance standards. Public and regulatory agency confidence in the ability of any nuclear utility to fulfill its responsibilities depends on meeting such standards. Therefore, personnel performing functions related to the operation of Seabrook Station are expected to rigorously comply with the NHY Fitness for Duty Policy to ensure that they can safely and efficiently perform their assigned functions.

In terms of background information, Seabrook Station's policies regarding alcohol and drug use were not established because of any perceived existence of construction errors or deficiencies at Seabrook, but rather because management recognized, at the inception of construction in July 1976, that drug and alcohol abuse were problems of national proportion and that the potential for those types of activities might exist within the Seabrook Station workforce. To that end, throughout the construction of the plant

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 4: (Continued)

at Seabrook, the project had in effect measures designed to prevent the intrusion of controlled substances onto the site and to detect any such presence on site. However, given the magnitude of a project such as Seabrook, where in excess of 35,000 workers of varying trades labored for over 12 years, and notwithstanding vigorous efforts to bar these substances, there were incidents involving alcohol and controlled substance such as marijuana. Redacted copies of all available incident reports have been provided in total to Congressman Markey in response to his requests for such information.

As isolated occurrences of such incidents became known, management intensified the measures to detect and prevent usage of drugs and alcohol in full concert with prevailing industry guidance. As noted elsewhere, these measures were supplemented by a comprehensive Quality Assurance Program which ensured that the integrity of plant safety was maintained and that any work by any employee involving plant safety was and will continue to be subject to multi-layered quality assurance programs and controls.

With regard to the chronology of the initiation of the major programmatic elements of the overall Seabrook Station anti-drug and alcohol program:

- (a) Project Policy and Rule No. 7 was placed in effect coincident with the initiation of site work on or about July 14, 1976. That policy and rule states as follows:

"Acts or conduct including but not limited to the following are prohibited and can result in discharge:

Project Rule No. 7: Reporting to work under the influence of intoxicants or non-prescribed tranquilizers, controlled substances, dangerous drugs, pep pills; or the bringing on site, use, control or possession of any quantity of such on the site or site-related areas."

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 4: (Continued)

- (b) Vehicle/container searches - a review of security guard informal instructions indicates that searches were being conducted as early as January 1977. However, a specific initiation date could not be determined.
- (c) An Employee's Assistance Program, primarily for construction workforce and subcontractors, but available for all site workforce, was initiated in 1979.
- (d) A drug detection dog was first used in December 1981 and continued throughout the construction period. In addition, a canine drug detection unit has been implemented as a part of the Operating phase Security Program now in existence.
- (e) An Employee Assistance Program for PSNH permanent staff was initiated in May 1983.
- (f) An Employee Allegation Resolution Program (EAR) was formalized in January 1985. For reference, this program was fully described in NHY letters of November 14 and 21, 1986 to Congressman Markey. (Attachments 1 and 2)
- (g) A multi-faceted Fitness-For-Duty Program, which includes the NHY mandatory requirement of chemical screening of all personnel provided with unescorted access to the plant's protected area, was placed in effect on March 3, 1986.

Of equal importance to the above programmatic elements, however, have been the on-going initiatives taken by project management to proactively strengthen and add to the already comprehensive programs. Principal among those initiatives have been the on-going and full support of top Project management; the progressive implementation of enhancements to written policy; the enhancements made in communication of NHY policy; the delivery



D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 4: (Continued)

of behavioral and fitness-for-duty observation training to managers and supervisors; the delivery of fitness-for-duty program implementation training to the entire workforce; the securing of program support and commitment from the craft labor unions; the program application to all contractors; the actions taken in establishing an environment of full cooperation with the state and local law enforcement agencies having jurisdiction and finally; establishing an overall management, supervision and work environment conducive to the recognition of drug and alcohol use symptoms, or any other unusual behavior, as well as providing an appropriate range of both voluntary and mandatory intervention programs that have been and will continue to be implemented prior to a worker becoming so impaired that he or she would compromise safety-related work.

In summary, NHY strongly believes that its composite drug and alcohol use detection and prevention programs have been effective and are among the best in any industry. In addition, where the programs have identified incidents involving alcohol or controlled substances, strong management actions have been taken to not only deal with the individuals involved but also to assess and ensure the effectiveness of NHY policies and procedures in preventing similar incidents in the future.

Most, if not all, "nuclear utilities" have reasonably rigorous fitness for duty programs which implement their own individual requirements. While there may be differing degrees of implementation requirements in this area, it is the opinion of NHY that the nuclear industry can work with the NRC to produce a fitness for duty program that can be applied for all nuclear utilities. It is known that INPO and NUMARC resources are currently working on this issue.

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

Recommendation 5:

The NRC should audit other utilities to determine whether the kinds of alcohol and drug-related terminations which occurred at Seabrook also occurred at other plant sites.

NHY Comments Regarding Recommendation 5:

It is quite evident that this particular recommendation was made without full cognizance of what NRC activities take place during construction and operation of a nuclear power facility. The NRC has, over the years, observed work habits on nuclear construction sites. These observations not only include worker performance, but worker capability to perform. In addition to observation of work activities, NRC inspectors interview craft workers during on-site inspections and observe their condition in addition to checking their knowledge of procedures and work activities. The NRC, when it becomes aware of undesirable practices such as drug and alcohol abuse, notifies the industry via methods such as Information Notices. In 1982, the NRC issued IE Information Notice 82-05, "Increasing Frequency of Drug-Related Incidents". This notice was sent to all construction permit holders and licensees, including Seabrook Station, and provided early notification of an NRC concern about drug use. Also in 1982, the NRC published NUREG-0903, "Survey of Industry and Government Programs to Combat Drug and Alcohol Abuse". This documented the results of an NRC initiative to assess industry and government programs related to drug and alcohol abuse. It also discusses the NRC approach to the establishment of an NRC fitness for duty rule. NUREG/CR-3196, "Drug and Alcohol Abuse: The Bases for Employee Assistance Programs in the Nuclear Utility Industry", published in 1983 further documents the NRC concerns relating to drug and alcohol abuse, and provides useful information for regulatory planning and rulemaking. Over the last several years, the NRC has promoted a vigorous, industry-wide, fitness-for-duty program which is being implemented by the nuclear utilities. INPO and NUMARC are working with the NRC staff regarding this issue.

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 5: (Continued)

With regard to Seabrook specifically, the NRC interviewed craft and Q/C inspectors in the field environment extensively during plant construction. These interviews were conducted on all shifts at various times to assure a cross section of workers were represented. The interviews provided an opportunity for NRC inspectors to observe work behavior first hand and identify any aberrant actions such as that induced by alcohol or drug abuse. The NRC also conducted inspections which were unannounced and performed in a random manner throughout the plant which further assured the probability of detecting unauthorized substance abuse.

One of the elements of the Seabrook Quality Assurance Program was the process for reporting and correcting nonconforming items. This process was utilized to report and correct any errors or defects including those that might have resulted due to the influence of drugs or alcohol. Unacceptable work was processed in accordance with the Seabrook multi-layered quality assurance program previously described.

The NRC periodically reviewed Seabrook Station activities regarding the drug and alcohol programs. Special inspections for this purpose were conducted in 1980 (NRC Inspection Report No. 80-01) and 1986 (NRC Inspection Report No. 86-52). All records dealing with re-training, terminations, investigations, arrests, etc., were made available for NRC review. Results of these inspections indicated that the drug and alcohol policy for Seabrook Station was working very well.

There is no evidence to suggest that the NRC, through its drug and alcohol investigations at Seabrook Station, was not cognizant of how the Fitness For Duty Program was being implemented or its results. NRC records in the public domain indicate that they devote a considerable amount of time to drug and alcohol investigations at all nuclear facilities throughout the country. It is quite evident that the nuclear utility industry is working on the implementation of individual and comprehensive Fitness For Duty programs. The NRC is performing its regulatory function by inspecting and

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 5: (Continued)

auditing the existing utility drug and alcohol programs under existing NRC guidelines, and we would not recommend further efforts to change the system.

Recommendation 6:

Appropriate rate setting authorities should undertake prudence reviews.

NHY Comments Regarding Recommendation 6:

This recommendation appears to be totally resolved in that the Seabrook project has been and continues to be subject to prudence-type investigations by multiple jurisdictions including the New Hampshire Public Utilities Commission, the Connecticut Department of Public Utility Control, the Massachusetts Department of Public Utilities, the Vermont Department of Public Service, the Maine Public Utilities Commission and the Federal Energy Regulatory Commission.

A summary of the prudence reviews follows:

NEW HAMPSHIRE

The New Hampshire Public Utilities Commission (NHPUC) has initiated a prudence investigation to establish the level of expenditures on the Seabrook project by PSNH which were prudently incurred. This proceeding was initiated in July 1986 when the NHPUC received the report of PSNH's consultant, Pickard, Lowe & Garrick. This report identified "supervening events", (e.g. events beyond the control of project management) which caused the cost increases and schedule extensions on the Seabrook project. Examples of supervening events addressed in the report are construction permit suspensions in 1977 and 1978 which resulted in demobilization/

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATION (Continued)

NHY Comments Regarding Recommendation 6: (Continued)

NEW HAMPSHIRE (Continued)

remobilization of the construction labor forces, strikes by various craft disciplines involved in critical activities and the new regulations evolving from the accident at Three Mile Island.

This report took over a year to prepare, it also required that hundreds of thousands of pages of project documents be reviewed and that hundreds of interviews be conducted.

Subsequent to the filing of the above report the NHPUC engaged the consulting firms of Touche Ross and Nielsen-Wurster to conduct a prudence review of the Seabrook project. This report, entitled "Review of the Reasonableness of the Costs and Management of the Seabrook Station", was released in July 1987. This report required about one hundred interviews and over one thousand data requests to complete. Experienced consultants analyzed performance in the key areas of Preplanning, Project Management, Project Controls, Licensing, Quality Assurance, Engineering, Procurement, Construction Management, Startup Management and Financial Management. The manhours and costs expended on this project have been substantial. A schedule for the remainder of this proceeding has not yet been established. Substantial additional manhours and costs will be required to complete this proceeding.

In addition to the prudence investigation, the NHPUC Staff has had a team of three to five auditors in residence at the Seabrook site since 1984. This audit team has submitted over one thousand data requests regarding contracts and purchase orders which the Seabrook Joint Owners have had with contractors and vendors. It is our understanding that this effort will continue for the foreseeable future in support of on-going NHPUC Prudence Reviews.

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 6: (Continued)

CONNECTICUT

The Connecticut Department of Public Utility Control (DPUC) is required by statute to conduct an investigation to establish the level of expenditures on the Seabrook project by The United Illuminating Company and Northeast Utilities which were prudently incurred. This proceeding was initiated in early 1986, when the DPUC solicited proposals from consultants. In October 1986, reports of the Connecticut utilities' consultants, Challenge Consultants Inc. and Management Analysis Company were submitted to the DPUC. These comprehensive reports analyzed, on a microscopic level, all aspects of the Seabrook project and attributed much of the cost increase and schedule extensions to events not within the control of the project management. Hundreds of thousands of pages of project documents and hundreds of interviews were conducted during the two-year long preparation of these reports.

In October 1986, the DPUC engaged the consulting firm of Theodore Barry and Associates to conduct the statutorily required prudence review. The resulting report by Theodore Barry took over one year to prepare and required project responses to over 2500 data requests involving hundreds of thousands of pages of documents and approximately one hundred interviews with a wide spectrum of individuals (Chief Executives to field supervisors.) The same documents supplied to Theodore Barry were also supplied to the DPUC Prosecutorial Division and the Consumer Counsel. Many interrogatories have also been filed by these parties.

The prudence investigation proceeding discussed above has yet to reach the hearing stage, discovery is continuing. Many more questions will be asked, many more documents produced, voluminous testimony will be filed and witnesses will be called. The manhours and cost expended thus far on this proceeding are staggering. To date, over three hundred thousand manhours (the equivalent of one hundred and fifty man-years) costing tens of millions of dollars, have been expended.

D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 6: (Continued)

CONNECTICUT (Continued)

In addition to the current prudence investigation, the DPUC has held open a continuing docket since 1983, through which they monitor the economic viability of the utilities continued involvement with the Seabrook project. A status report on the project has been filed weekly since the inception of this docket. At various times the utilities have also filed testimony and responded to interrogatories.

MASSACHUSETTS

The Massachusetts Department of Public Utilities and Fitchburg Gas and Electric Company (FG&E) in 1985 reached a settlement on the amount of FG&E's investment in the Seabrook project which was recoverable through rates. Subsequent to the recovery settlement in November 1986, FG&E sold its interest in the Seabrook project to EUA Power Corporation, a subsidiary company of Eastern Utilities Associates.

As part of this process the MDPU conducted a prudence investigation into the project.

VERMONT

In May 1987, the State of Vermont Public Service Board issued a decision regarding Central Vermont Public Service Company's (CVPS) request to recover its net investment in the Seabrook project. Prior to this decision, in November 1986, CVPS sold its interest in the Seabrook project to EUA Power Corporation. The decision was founded on a prudence investigation. The primary witnesses regarding prudence issues in this proceeding were MHB Technical Associates for the Vermont Department of Public Service and Mr. Charles Houston of Challenge Consultants Inc. for CVPS. This proceeding utilized much of the data developed in support of other prudence reviews.



D.) NHY COMMENTS ON CONGRESSMAN MARKEY'S SIX RECOMMENDATIONS (Continued)

NHY Comments Regarding Recommendation 6: (Continued)

MAINE

In 1985 and 1986 the Maine Public Utilities Commission issued decisions concerning the recoverable investment of the three Maine Joint Owners in the Seabrook project (Central Maine Power Company, Maine Public Service Company and Bangor Hydro Electric Company). These decisions regarding Unit No. 2 were based on another prudence investigation. Unit No. 1 recovery was determined through negotiations. Subsequent to the issuance of these orders in November 1986, the interests of the three Maine Joint Owners in the Seabrook project were sold to EUA Power Corporation.

FERC

Because of the "cancelled" status of Unit No. 2, the FERC regulated Joint Owners are currently recovering their Unit No. 2 investment in rates. The determination of the rate treatment of the Unit No. 2 investment was founded on prudence investigations including considerable intervention by each of the affected states. Unit No. 1 cases are pending, and will no doubt again involve substantial review and data request support.

As summarized above, prudence investigations of the Seabrook project are well developed with further investigations pending. The project has been analyzed in microscopic detail by many regulatory jurisdictions and their consultants. The investigations have encompassed the key areas of Project Management, Project Controls, Licensing, Quality Assurance, Engineering, Procurement, Construction Management, Startup Management, and Financial Management. Approximately one half million manhours and tens of millions of dollars have been expended on the prudence investigations thus far.

In light of the completed and continuing prudence investigations, further newly initiated prudence efforts would be duplicative, wasteful and represent an unnecessary burden to ratepayers.



Public Service of New Hampshire

New Hampshire Yankee Division

November 14, 1986

Honorable Edward J. Markey, Chairman  
Subcommittee on Energy  
Conservation and Power  
Room H2-318  
House Office Building Annex 2  
Washington, D.C. 20515

Dear Representative Markey:

This will refer to your letter dated October 28, 1986, in which you requested that the New Hampshire Yankee Division of Public Service New Hampshire ("project management")<sup>1</sup> provide information with respect to allegations of alcohol and drug abuse at Seabrook. Since commencement of the Seabrook project, we have been committed to banning alcohol and drugs from the site. To that end, project management implemented a number of aggressive measures designed to deter the use of alcohol and controlled substances and to detect their presence on site. We believe that measures in effect at Seabrook were and are among the

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<sup>1</sup> The terms "project management" and "project" will be used to refer to both past and present management at Seabrook station.

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strongest at any nuclear plant in the United States and that our facility was safely constructed.

Unfortunately, it is a fact that drug and alcohol abuse has become a national problem that affects all businesses and reaches into all trades. Notwithstanding vigorous efforts to bar these substances and to exclude persons under their influence, given the magnitude of the Seabrook project -- where approximately 35,000 workers of varying skills have labored for over ten years -- it had to be assumed that there would be incidents involving the presence or use of alcohol and controlled substances, such as marijuana. However, in our judgment, as confirmed by this recent review of all available information, by no stretch of the imagination can the incidents that did occur be fairly characterized as "rampant drug and alcohol abuse" or as reflecting that "employees routinely used drugs and alcohol."

We seek fair and impartial consideration of this issue, and we hope that the information contained in this letter and the documents being produced herewith<sup>2</sup> will be given

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<sup>2</sup> There is produced herewith a series of records indexed and compiled in a separate Appendix filed with this response.

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fair consideration. It is clear that any informed review of these matters must take account of the strong anti-drug and alcohol measures and of our full scale quality assurance program, whereby any individual's work involving plant safety was, and will continue to be, subject to multi-layered review to ensure the integrity of plant quality and safety.

We describe below the extensive and comprehensive programs that were instituted to safeguard against drug or alcohol use affecting work performed at the Seabrook site. Confirmation of the effectiveness of these programs may be found in the ongoing and stringent Nuclear Regulatory Commission ("NRC") inspections and assessments of licensee performance, which as recently as the assessment period ending March 1986, (Systematic Assessment of Licensee Performance SALP 50-443/86-99), marked Seabrook with one of the highest sets of ratings in the nation.

Project management has treated and will continue to treat as serious any question concerning the quality of work at the Seabrook plant. And, as we have repeatedly stated, we welcome and encourage full and open discussion of all nuclear safety issues. Accordingly, upon receipt of your letter, we sought to gather information that would be fully responsive to your questions. This process, however, was

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made more difficult because the project was not apprised of specific allegations, was not provided any substantiation and was not advised of any specific incident. Thus, project management found itself trying to answer undefined, anonymous allegations. It is precisely for this reason we had previously requested that, if you have specific facts or documentation regarding alcohol or controlled substance abuse, you bring these to our attention so appropriate inquiry might be made. We received no such information from you. Moreover, our search for information to answer your questions and document requests was further complicated because of the extraordinarily broad scope of the demands, which have no time limitation and are so expansive as to cover each and every worker, of the approximately 35,000, who ever worked at the Seabrook site from 1976 through the present. Given the range of information sought, and the abbreviated period of time allowed us to obtain it, project management conducted as comprehensive a search of records as was possible in the time allotted. However, we cannot represent that all relevant information was or is in our possession as of this writing. Accordingly, our search for any additional records that may exist and efforts to correlate information are continuing.

With this background, the following will respond to the six numbered paragraphs in your letter.

1. In large measure, the information that project management received concerning the presence of alcohol and drugs on site was obtained through the detection programs that the project itself instituted. That is, the very effectiveness of these programs led to the discovery of such substances and persons under their influence. In this regard, it is to be noted that, since the beginning of work at Seabrook, there have existed programs and practices designed to enforce the prohibition of drugs and alcohol on site. In fact, there is a specific site Rule 7, which states as follows:

Acts or conduct including but not limited to the following are prohibited and can result in discharge:

Project Rule #7: Reporting to work under the influence of intoxicants or non-prescribed tranquilizers, controlled substances, dangerous drugs, pep pills; or the bringing on site, use, control or

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possession of any quantity of such on  
the site or site-related areas.

Among the preventive and detection programs which served to deter such activities, and which indirectly provided information concerning alcohol and drugs, were random searches of vehicles, and searches of entering and exiting personnel and of containers such as lunch boxes carried to and from the site. Further, a drug detecting dog regularly monitored parking areas, worksite areas and various other places covering the plant site and site related areas.

Additionally, project management had always encouraged workers to convey information and concerns pertaining to the facility, including information with respect to alcohol or drug abuse. To foster this and in order that workers would be even more willing to come forward with information, in January, 1985 the employee notification process was formalized as the Employee Allegation Resolution program (the EAR program). Under the EAR program, an employee is assured that his or her identity will not be disclosed, and that the employee anonymously can bring to the attention of project management information with respect to alcohol or drug abuse, as well as any other concerns. (Certain records describing this program are being produced herewith; in addition, the information in other records is summarized).



Further, New Hampshire Yankee (NHY) has instituted a program for mandatory drug screening for all its employees and the employees of independent contractors who work on site -- a program which has been extraordinarily successful in obtaining full participation. That program includes chemical testing of every site worker with access to the plant and unannounced re-testing as a continuing requirement. In many respects, this program is unique. NHY is only one of a handful of companies nationwide that have succeeded in having such a program accepted by employees and union representatives. Although not required to implement such a program by NRC regulations, NHY gave priority to implementing the drug screening program and sought acceptance of the program through negotiations with bargaining representatives of the trade unions. Those efforts further attest to the strong commitment of NHY to ban drugs from our site. The results of such testing, of course, provide information concerning drugs, since the tests are designed to disclose if an employee has used any controlled substance.

Other sources of information are referred to in the ensuing paragraphs.

2. Approximately seven years ago, in or about April,

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1979, the project caused to be initiated an investigation to identify and apprehend certain individuals suspected to be engaged in the distribution of controlled substances. In that case, project management specifically arranged for an onsite investigation which was conducted with the full cooperation of New Hampshire State Police and the Rockingham County Sheriff's Office. Indeed, project management not only authorized the investigation, but also provided the funding to further it. In January, 1980, the investigation led to the arrest and subsequent prosecution of twelve persons for drug offenses.

In connection with this case, the project conducted a review to ensure the quality of the work performed by the men arrested. None of the jobs of these manual workers was directly safety-related. Nonetheless, as an extra precaution, the project verified the work of all twelve workers, nine of whom were laborers and three of whom were carpenters.

Thereafter, the NRC conducted an independent investigation and found that "no items of noncompliance or concerns about the quality of construction, as related to this drug inquiry, were identified." Furthermore, the NRC found "all of the work performed by these individuals had been checked both in process and at subsequent construction

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stages by supervisory and related craft personnel (e.g. - surveyors), and any safety-related work had additionally received quality assurance inspection." The inspection report of the NRC dated March 11, 1980 is being produced herewith. In addition, copies of documents in the public record with respect to the investigation are being produced herewith. While other records made in connection with this investigation exist, NHY cannot determine whether the reports were made public by law enforcement agencies and, accordingly, on advice of counsel, such documents are not being produced.

As noted, the EAR program was formalized in January 1985. Information obtained through that program included six matters relating to drugs and three matters relating to alcohol. The dates are: 3/22/85, 5/20/85, 9/13/85, 11/4/85, 12/12/85, 12/12/85, 4/24/86, 6/6/86, 8/11/86. The investigation into these matters determined that none of them constituted any risk to or compromise of safety-related installations at the plant. Indeed, two EAR referrals concerned suggestions that particular locations be checked for marijuana smoking; a third referral concerned a suggestion that certain areas be checked for alcohol bottles; and a fourth referral suggested that there be drug screening retesting, which is in effect.

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Your question specifically asks for "the identity and position of the alleged violator." Of the remaining five EAR allegations -- three relating to alcohol and two to drug allegations -- it was, following investigation, determined that there was not an "alleged violator". Specifically, there was not proof against four of the individuals to whom the allegations referred and with respect to the fifth allegation that concerned a worker, who, on a particular day (with no prior incidents), was found to have been drinking prior to coming to work; the individual was turned back upon attempting to enter the site and sent home. We do not believe it is proper to reveal the identity of the five workers since no proof of guilt was established. Therefore, the underlying reports are not being disclosed since such disclosure of the worker's identities would not only be unfair, but an invasion of individual privacy.

You have also requested a description of actions taken by project management against workers discovered with or discovered to have used alcohol or controlled substances.

At the outset, it is to be noted that it was the effectiveness of the project's detection and prevention programs that led to the discovery of such substances or of workers reporting to the site under their influence. As a result of such discovery, workers were barred from the site or were terminated. As more fully described herein, the

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programs included random searches of vehicles, random searches of containers such as lunchboxes, the use of a drug detecting dog, the EAR program, chemical screening for drugs and investigations undertaken in cooperation with the police. The figures summarized in the following chart show the effectiveness of our programs in that, with respect to workers terminated since 1976, less than nine tenths of one percent (0.90%) were terminated for alcohol or drug related causes -- 289 terminations out of approximately 35,000 workers.

EFFECTIVENESS OF ALCOHOL AND DRUG DETECTION/PREVENTION PROGRAMS

|   | <u>Total Records<br/>Reviewed</u>  | <u>Termination<br/>Records Which<br/>Contain<br/>References To<br/>Alcohol<br/>or Drugs</u> |
|---|--|---|
| 1. United Engineers & Constructors, Inc.<br>(UE&C, the construction manager until<br>the end of 1983) files on manual<br>employees (craftsmen) that were<br>terminated for cause for any reason and<br>were determined ineligible for rehire<br>covering the period 1978 through<br>1983. The files encompass the total<br>population of craftsmen determined<br>ineligible for rehire based on<br>circumstances of termination through<br>the end of 1983. | 716<br>(ineligible<br>for rehire)  | 117   |
| 2. UE&C files on terminated manual employees<br>covering the period 1984 to present, but<br>excluding 1986 chemical screening process<br>related terminations, which are<br>noted separately in item 3 below. At<br>the start of this time period, all<br>subcontractors to UE&C were eliminated<br>and UE&C assumed the hiring, payroll<br>and record keeping responsibilities.  | 6800<br>(includes<br>"rampdowns",<br>that is<br>reductions in<br>site craftsmen) | 26  |
| 3. 1986 chemical screening process  | 5421   | 136   |

Note: Record types 1, 2 and 3 above include all manual labor used on the site from 1978 to present with the exception of lump sum contracts labor, which, although small in terms of overall numbers, could not be estimated in the time available.

EFFECTIVENESS OF ALCOHOL AND DRUG DETECTION/PREVENTION PROGRAMS

|   | <u>Total Records<br/>Reviewed</u>   | <u>Termination<br/>Records Which<br/>Contain<br/>References To<br/>Alcohol<br/>or Drugs</u> |
|---|---|---|
| 4. UE&C non-manual files (supervisors, quality reviewing personnel, engineers, etc.) covering the period since onset of site work (7/14/76) through the present. (These files do not include non-manuals associated with UE&C subcontractors for the 1976 through 1983 time period because those records are the property of the various subcontractors and are not available.) | 3400<br>(includes<br>"rampdowns",<br>that is<br>reductions<br>in site<br>workforce) | 10<br>(1 rehabilitated<br>and rehired)  |



3. Project management has not advised the NRC that the utility believes there is a drug or alcohol abuse problem at Seabrook because project management does not believe one has or does exist. The project did advise the NRC of the law enforcement investigation and arrests. As noted, the NRC conducted an independent inspection, the report of which is being produced herewith.

4. The NRC has not advised project management that there may exist a drug or alcohol abuse problem at Seabrook. We believe this is because such a problem has not and does not exist. In particular instances in which the NRC has received allegations concerning drugs or alcohol at the site, project management believes that the NRC has informed the company.

Thus, in one instance, by letter dated April 14, 1986, the NRC requested that project management investigate allegations against a specific individual. Project management did so, and the results of that investigation determined that there was no proof that the suspected individual had engaged in the use or distribution of drugs. In any event, the project undertook to investigate the potential impact, if any, on safety-related plant hardware and documentation, assuming for purposes of the safety investigation that the allegations had been found warranted.

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This investigation determined that the worker, who had been employed at Seabrook for approximately three months, was in a position that was closely monitored by direct supervision as well as subject to multiple levels of quality assurance surveillance and reviews. It was only after this full investigation that it was concluded that there had been no adverse impact to safety-related hardware or documentation. The NRC resident inspector was briefed concerning the findings of the investigation.

On October 1, 1986 the NRC notified NHY of a letter written to Massachusetts Governor Michael J. Dukakis by a Massachusetts anti-Seabrook group who call themselves the Employees' Legal Project, and who wrote to protest the construction and operation of the Seabrook nuclear power plant. The letter contained a number of allegations described as construction flaws, and among the matters referred to were allegations of drug and alcohol abuse at the Seabrook site. The NRC provided to NHY a summary of the Employees' Legal Project allegations and requested that NHY investigate the matters raised and report to the NRC. This was referred to NHY by NRC letter dated October 1, 1986 and NHY filed a written response with the NRC on November 3, 1986. (Copies of these documents are being produced

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herewith). The NRC is in the process of its own independent inspection concerning these allegations.

Further, as previously noted, the NRC conducted an on site independent inspection after the 1979 investigation and subsequent arrests, and communicated with NHY in that matter.

On January 10, 1984, in connection with a survey relating to alcohol and drug abuse conducted at fourteen utilities, the NRC visited the Seabrook station. A summary questionnaire was discussed. A copy of that document is being produced.

The NRC has and continues to conduct on site inspections. The inspection of November 3-14, 1986 included questions regarding allegations of alcohol and drug abuse. As noted, the NRC is in the process of conducting its own independent inspection concerning these allegations.

5. In response to this request, we are producing a series of records indexed and compiled in an Appendix to this letter.

Documents responsive to your request are being produced to provide the subcommittee with information requested in your letter. There are, however, other records that contain

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confidential information of site workers, including personal and private information. The broad scope of your request may be interpreted to reach documents which implicate the workers' fundamental right to privacy. To the extent you intended to seek records containing private information with respect to such workers, project management, on advice of counsel, respectfully must decline to produce such records.

We have a commitment to and endorse our obligation to honor the privacy of workers. Accordingly, project management does not believe that it can, in good faith, release documents that would invade the privacy interests of identified workers. In balancing our commitment to the workers with our desire to cooperate in whatever way possible with matters being considered by the subcommittee, we have attempted to provide information responsive to your questions in a manner that would not infringe upon privacy rights. Project management has also sought to produce records and relevant information that address the matters inquired of while not identifying particular workers. Such privacy concerns were expressed in a letter to NHY filed by the Building and Construction Trades Department on behalf of trade workers, a copy of which is included in the Appendix.

Furthermore, bearing in mind that we found no record and discovered no information of rampant alcohol or drug use,

there simply is not cause to strip the workers of their privacy by detailing individually specific information or by producing records which identify individuals and may reveal details of their personal lives. In order to assist the subcommittee, where a particular type of record is not being produced, a description is set forth summarizing the information in the record.

One category of records not being produced consists of medical records. In seeking to respond to the allegation that "Seabrook employees routinely use drugs and alcohol" and perform work under the influence of these substances, project management caused to be reviewed medical records of employees who reported illness or accidents on the job and were referred off site for medical treatment for the period 1976 through 1986. The review was conducted to determine whether, during these medical examinations, a worker was observed to have exhibited the effects of alcohol or of being under the influence of controlled substances. In respect to this, it is to be noted that Exeter Area Hospital is the primary care facility for site-related injuries. The hospital forwards to the project medical records covering each visit. Of the Exeter Area Hospital records reviewed for the ten years of work at Seabrook, there were only eight instances of alcohol related notations by the attending

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doctor in cases where workers from the site reported to the hospital the same day the injury occurred. Also reviewed were Exeter Area Hospital records of followup visits to doctors which, the records indicate, were normally conducted on days when the individual was off and not working. Of these follow-up cases, only one case medical record reflected alcohol related notations.

To provide as comprehensive an analysis as possible, we did not limit our review to Exeter Area Hospital, but we also examined every available medical record relating to site workers. In all, we examined 10,607 records of workers reporting illness or accident on the job and who were referred to outside medical facilities or were subject to follow-up workmen's compensation claim investigation. Even combining same day visits with follow-up visits and adding thereto references that may appear in medical history -- a number of which do not appear to be directly related to the injury, -- references to alcohol or controlled substances exist in only 44 cases. When that figure, in turn, is applied to the population of site workers as a whole (estimated as approximately 35,000 workers) the 44 incidents reflect less than thirteen one-hundredths of one percent (0.13%) of the total workers. Consequently, the medical records plainly do not support, but rather contradict,

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allegations of widespread drug or alcohol abuse. While such records, if produced as requested by your letter, would corroborate the information presented that there was not and is not rampant alcohol or drug abuse at Seabrook, project management does not believe these records properly may be disclosed because they contain highly personal information, including matters protected by the doctor-patient privilege and including confidential and intimate details regarding a worker's physical condition. Accordingly, on advice of counsel, such records are not being disclosed. However, to provide relevant information, we have compiled a summary of the medical records as follows:



MEDICAL RECORDS REVIEWED DEMONSTRATING LOW INCIDENCE  
OF ALCOHOL OR DRUG REFERENCES

It is to be noted the 44 case files described below represent less than thirteen one-hundredths of one percent (0.13%) of the total on-site workforce (approximately 35,000 individuals) over the 1976 to present time frame.

|   | <u>Total Records<br/>Reviewed</u> | <u>Records Which<br/>Contain<br/>References To<br/>Drugs Or Alcohol</u> |
|---|-----------------------------------|---|
| Medical records associated with illness, injury or workman's compensation claim files covering the time period of 1976 to present. This review encompassed all individuals that reported to the site (UE&C) first-aid station and were referred to any off-site medical practice or facility. | 10,607                            | 44  |

Note: Further broken down, the 44 medical record case files that involved notations relating to drugs or alcohol, (many of which are unsubstantiated by objective medical testing), appear as follows:

(I.) Day of Injury Visits

|  |                |    |
|--|----------------|----|
| a.) Exeter Area Hospital Emergency Room Reports; same day as site-related injury                               |                | 8  |
| b.) Exeter Clinic (a separate facility from Exeter Hospital) progress reports; same day as site-related injury |                | 3  |
|  | Subtotal (I.): | 11 |

(II.) Follow-up Visits

|  |  |   |
|--|--|---|
| c.) Exeter Area Hospital records reflecting notes by attending physicians in follow-up reports |  | 1 |
| d.) Notes by attending physicians in workman's compensation follow-up reports                  |  | 4 |

MEDICAL RECORDS REVIEWED DEMONSTRATING LOW INCIDENCE  
OF ALCOHOL OR DRUG REFERENCES

|  | <u>Records Which</u><br><u>Contain</u><br><u>References To</u><br><u>Drugs Or Alcohol</u> |
|--|---|
| e.) Exeter Clinic progress reports one or more days after the site-related injury  | 4   |
| f.) Notes in UE&C investigation reports (UE&C conducted a backup investigation for all 10,607 workman's compensation claims)                             | 7   |
| g.) Individuals terminated due to events unassociated with the on-going and incomplete workman's compensation claim and for violation of Project Rule #7 | 3   |
| h.) Records of testimony: New Hampshire Department of Labor decisions  | <u>3</u>  |

Subtotal (II.): 22

(III.) Medical History

- i.) Notes of attending physicians that refer to the injured employee's previous medical history, not appearing to be directly related to the current injury, but taken to establish medical historical reference

Subtotal (III.): 11

Total workman's compensation medical record files that involved mention of drugs or alcohol

TOTAL: 44

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Chairman

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Further, as referred to in paragraph 1 above, the project has instituted a drug screening program. The records relating to that ongoing drug screening program are also highly personal, containing details regarding chemical analysis performed in connection with assessment of the physical condition of site workers. Accordingly, project management does not believe that it can release these underlying records, but would represent that in any case where evidence of drug use was indicated by drug screening, appropriate action was taken. Information concerning termination of employees who have not passed chemical screening is summarized in the chart.

Also encompassed by your document request are such records as may exist in worker personal files referring to disciplinary action or to the discharge of identified persons. The disclosure of such documents where there has not been legal process could conceivably cause embarrassment, injure the individual's reputation, and impair prospects of employment. It is clear that the information contained in these documents is very personal. Accordingly, on advice of counsel, the records are not being produced because there are fundamental privacy issues at stake. The pertinent information has been summarized herein without identifying data.

Other documents that you have requested be produced

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Chairman

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include the nine EAR reports. The essence of the EAR program is that all information provided will be kept confidential and that promise has been conveyed to and has been relied upon by workers providing information under the program. Further, the EAR reports contain certain information which may identify the person described. Accordingly, as advised by its counsel, NHY does not believe it can properly produce the EAR reports. Because of the promise of anonymity and the privacy interests of employees wrongly accused in these allegations, disclosure of the specific allegation reports is not justifiable. To provide the requested information, the substance of the nine reports is described herein.

Your letter also appears to request disclosure of records relating to three programs that were instituted to help and provide assistance to our employees. A description of the three programs follows:

First, in 1979, the project instituted the Employee Assistance Project (EAP) primarily for employees working in the construction work-force of the construction manager and subcontractors. The program was and is entirely voluntary and any worker's participation is held in strict confidence. This program offers alcohol and drug counseling, but is also designed to assist in financial or domestic problems.

Second, in May, 1983, a similar program was developed for the station permanent staff who presently work as employees of NHY. This program is also referred to as the Employee Assistance Program. The main purpose of this program is to provide a referral service to assist any employee or family member with the resolution of personal matters, including drug and alcohol abuse, marital problems and personal family crisis. This program operates in a manner similar to the EAP for construction workers. If insurance does not cover the necessary services, attempts are made to refer employees to an agency with fee scales based upon the individual's ability to pay. Again, employees are assured that their participation will be held in strict confidence.

In March, 1986, in conjunction with the project's transition from construction to an operational status, NHY instituted a third program entitled the "Fitness for Duty Program". The program is based upon NHY's commitment to provide a safe work environment that protects the health and well being of both workers and the public. The program sets forth high standards of fitness for any worker at the project who has access to sensitive areas. Among others, overall program requirements include psychological testing and background checks. Administrative procedures are

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defined for violation of project rules and regulations. Drug screening is a part of the program. The program is designed to ensure that personnel performing safety-related functions will remain physically and mentally fit in order that they safely and efficiently may perform their assigned functions. As part of this program, NHY supervisory personnel have and will continue to receive training in behavioral observation to determine the continued dependability, including assurance of the absence of alcohol or drug use, for any personnel who have access to sensitive areas.

Pursuant to your request, we are producing informational documents describing these programs. Also being provided are bulletins and notices relating to the three programs. Not being produced, however, are the actual records of participants in these programs. The cornerstone of each program was, and is, confidentiality. Therefore, our counsel has advised that it would be improper to breach the promises of confidentiality that underlie the very programs designed to assist employees and, in the final analysis, to promote the health and well being of our workforce, as well as that of the general public served.

Since the project began, a full time security force has been employed at the site. The security officers have not only guarded and controlled access to the site, but they

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Chairman

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also have maintained posts throughout the site. Security officers conducted the random searches of persons, vehicles and articles previously referred to. If a security officer discovered the presence or use of alcohol or a controlled substance, a report of the incident was prepared. If the seized item was a controlled substance, the substance was turned over to the local police with an accompanying evidence transmittal form. In most cases, the incident report contains the name of the individual from whom the alcohol or controlled substance was taken. However, project management is not aware that prosecutions were undertaken against such persons who may have possessed controlled substances which, in most instances, consisted of small quantities of marijuana. In fact to the contrary, the project was notified by law enforcement officials that prosecution would not be instituted because of evidentiary problems, including that, in many cases, there was not direct evidence proving that the substance seized actually belonged to a particular individual. (The letter of the Seabrook Police Department to this effect is contained in the Appendix.) Accordingly, we do not believe that such documents can be produced where an individual's guilt or innocence has never been determined in a court of law. Thus, on advice of its counsel, project management is not producing these reports. It is to be noted that such security reports are not classified as safety related or



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Chairman

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November 14, 1986

quality assurance records as defined by 10 C.F.R. Part 50, Appendix B. Therefore, federal regulations do not require that such records be retained or produced to any regulatory agency, including the NRC. Project management has, however, retained copies of incident reports for the period January, 1984 to the present and of evidence transmittal reports for the period November, 1982 to the present.

6. No Seabrook worker has been suspected of causing or contributing to a problem of plant safety on account of the effects of drug or alcohol abuse. For the reasons stated, project management does not believe there is any problem with respect to plant safety.

As the foregoing demonstrates, the project has instituted programs for the deterrence and detection of alcohol and controlled substances at the Seabrook facility. We believe that those efforts have been successful in stopping the use of such substances at the site to the greatest extent practical. Moreover, as project management has repeatedly stated, the quality assurance program by its process of overlapping checks and balances, means that each aspect of safety related work performed at the plant is reviewed and re-reviewed by different individuals to ensure quality and safety.

We trust that the above description addresses the

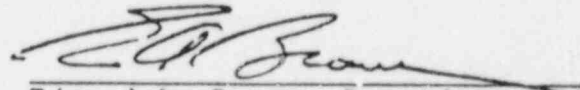
Honorable Edward J. Markey,  
Chairman

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November 14, 1986

matters as to which you inquired and persuasively demonstrates that there is not any substantiation for the anonymous allegations of rampant alcohol and drug use referred to in your letter. We hope that this response will be given full and impartial consideration in disproving these unfounded and unfair allegations. Indeed, the intensive review and analysis we have undertaken to compile this information for you has served to strengthen and reaffirm our confidence in the quality and safety of the Seabrook nuclear power plant.

Very truly yours,



Edward A. Brown, President  
New Hampshire Yankee Division  
Public Service of New Hampshire



Public Service of New Hampshire

November 21, 1986

New Hampshire Yankee Division

Honorable Edward J. Markey, Chairman  
Subcommittee on Energy Conservation  
and Power  
Room H2-318  
House Office Building Annex 2  
Washington, D.C. 20515

Dear Representative Markey:

This will refer to your letter dated November 7, 1986 which requests certain information and documents relating to a program established by project management at Seabrook which is called the Employee Allegation Resolution program (EAR). The EAR program is described in the letter addressed to you dated November 14, 1986. Accordingly, the description of the program set forth therein will not be repeated here.

With regard to the five paragraphs stated in your letter, we provide the following additional information:

1. Project management has always encouraged workers to convey information and concerns pertaining to the facility. In order to further encourage workers to come forward with information, in January, 1985, the employee notification procedure was formalized as the EAR program. Under this program, an employee is assured that he or she can anonymously bring to the attention of project management, information concerning any issues at the facility including matters relating to nuclear quality or safety.

Because project management wanted to provide the widest possible channels of information flow from employees, the EAR program provided several means whereby workers could bring concerns to the attention of the program. The prime method instituted was the systematic exit interview. Each site employed person, exiting or transferring to a new job, is provided an exit interview and the opportunity to discuss any concerns that the worker may have. As a second method for obtaining information, project management provided two toll free telephone lines; a toll free line for New Hampshire and a second toll free line for calls originating out of state. Third, the program includes a "mail-out," through certified mail, to contact those individuals that for whatever reason did not go through the exit process and to those that worked at the project prior to the inception of the formal EAR Program. The mail-out process provides individuals the opportunity to describe, on a form, any concerns that they may have.

Honorable Edward J. Markey, Chairman

November 21, 1986

Fourth, another means of communication available to workers was through a "mail-in" of self addressed mailers which are attached to EAR Program Posters located throughout the Project Site. This posting process provides the means for any person, at any time, to inform the project management of matters of concern. Fifth, any worker may walk into the EAR trailer which is well marked and is located at the main entrance and exit point for employees and they may present their concerns directly to EAR program staff. Finally, a comprehensive survey program has been in effect from the start of the formal EAR program. Personnel involved in safety-related activities, i.e., QC, QA and engineers, etc. have been individually surveyed. The survey process has included an interview and the opportunity to present any and all safety-related or quality-related concerns that they may have including concerns about alcohol or drug abuse. In summary, the EAR program has been thoroughly publicized through the use of posters, articles in site papers, indoctrination training, systematic exit interviews, certified mailings and surveys.

2. From January 1985 to present, three hundred and ninety-nine (399) employees have expressed concerns to the EAR program staff. In every instance a full investigation was undertaken. However, even in the broadest of terms many of the concerns expressed could not be described as safety related or quality related in that the concerns dealt with such matters as a hole in the floor of a temporary office space trailer or with industrial safety issues. In only sixty (60) instances to date has the aforementioned evaluation resulted in the determination that the concern raised was of potential safety or quality related significance. In these 60 matters, a full investigation was undertaken and, where warranted, full and appropriate corrective actions have been taken.

Typically, the investigation process has included extensive interviews, the searching out of all possible leads, the review of related records and procedures and the utilization of engineering or other technical advisors wherever appropriate. In many of these 60 instances, the investigation revealed that the standing regulatory and management controls systems had previously addressed and closed out the issues raised.

For the reasons stated in the letter addressed to you dated November 14, 1986, the names of employees who provided this information are not being disclosed.

Honorable Edward J. Markey, Chairman


November 21, 1986

3. You have requested that all documents relating to the EAR program be produced. As noted previously, the essence of the EAR program is that all information provided will be held strictly confidential. This promise has been conveyed to and relied on by workers providing information. Further, certain EAR file documents may identify specific individuals or contain information that would allow an individual to be easily identified.

Because of the promise of anonymity and the privacy interests of employees, disclosure of the specific documents is not justifiable. Therefore, for the reasons stated in the November 14th letter, we do not believe these EAR documents properly can be disclosed.

4. The EAR program documents and records are maintained at a separate office on site and are held confidential. The EAR program files are not available for NHY personnel inspection or use except by EAR program staff.
5. With respect to this inquiry, it should be noted that no governmental regulation or rule of the NRC requires the establishment of a program such as the EAR program. Project management voluntarily established the program at Seabrook in order that our employees would have an avenue to communicate information in confidence. Accordingly, no regulation defines access to these documents. Notwithstanding this, NHY has advised the NRC of the existence of the EAR program and the fact that files exist relating thereto. Remaining consistent with the obligations of confidentiality referred to herein, the EAR program files have not been made available to any entity, including the NRC. In instances, however, where the NRC has made a specific inquiry, discrete and limited parts of particular EAR files have been made available to the resident NRC inspector.

Very truly yours,



Edward A. Brown, President  
New Hampshire Yankee Division  
Public Service of New Hampshire



Public Service of New Hampshire

New Hampshire Yankee Division

December 1, 1986

Honorable Edward J. Markey, Chairman  
Subcommittee on Energy  
Conservation and Power  
Room H2-318  
House Office Building Annex 2  
Washington, D.C. 20515

Dear Representative Markey:

On November 14, 1986, The New Hampshire Yankee Division of Public Service New Hampshire (hereinafter "project management") filed a comprehensive 29-page letter with accompanying Appendix of documents in response to your request for information concerning allegations of drug and alcohol abuse at the Seabrook site. That submission, we believe, demonstrated the lack of truth to such allegations. We appreciate your acknowledgment that our submission contained "useful information" because we worked exceptionally hard to pull the information together in the time allotted. However, notwithstanding your acknowledgment of the usefulness of our prior efforts, another letter from you dated November 19, 1986, sets forth new and additional inquiries in seventeen (17) different categories which, in



turn, have numerous and varying sub-parts. Furthermore, your most recent letter not only requests broad ranging document production, but also demands preparation of a detailed documentary analysis which would require that thousands of documents again be searched for, re-reviewed, and re-analyzed to synthesize the documents in chart form. Your letter allowed only four work days (exclusive of the Thanksgiving holidays) within which to compile and chart all of this information and documentation. The task was impossible in the time assigned. Indeed, to catalogue and re-analyze the documents and to match the various different records in the form listed in the charts would be an original effort consuming an extraordinary expenditure of time. Presently, the necessary total work hours to complete such a task are not readily calculable. However, we are working on a projection of the work hours that the entire response will require. When that projection is finalized, we will be in a position, as your letter suggests, to coordinate with your staff the scheduling of our further response.<sup>1</sup>

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<sup>1</sup> To illustrate the problems presented by the manner in which your requests are stated: one of the charts requires analysis of all incident reports correlated to the personnel files of the entire project. Specifically, the letter and



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attached chart seeks to cross-reference incident reports with personnel files and demands "statistical data relating to disciplinary actions of Seabrook employees ... [including] such data on all 35,000 employees" (chart attachment 1 and paras. 1, 9) Putting to one side that a number of contractors and subcontractors retained their personnel files and such files are not in our possession, 35,000 personnel files, wherever located, simply cannot be reviewed in four days and will demand a more reasonable time frame. As a preliminary matter, the files are not arranged in the manner in which your questions are directed; therefore, to analyze the records in the manner you propose, even if feasible, will necessitate considerable work time. Indeed, to review just the personnel files currently available would entail a re-review of (as referred to in my prior letter) over 6,800 UE&C files on terminated manual workers and 3,400 UE&C files on terminated non-manual workers. For such records, it will be necessary to re-review each of the files to segregate the information requested in the charts and to match, if possible, each particular incident report with a particular personnel file to reflect the various gradations of disciplinary action.

Further, to compile the information referred to in the charts will require not only an outline summary of every available incident report to include date, security officer, description of incident, evidence seized, type and amount, whether an individual was identified, and action taken, but also will require re-review of corresponding evidence transmittal reports and existing personnel disciplinary action records which in some cases means the correlation of at least three separately maintained sets of records.

Further, your letter requests that the 10,607 medical records be re-reviewed to specify the number of employees whose name appears in each report of medical treatment to reflect, for example, if an employee is noted in more than one medical record. Further, the new requests call for the identity of each person who wrote or prepared each medical record and the nature of the record. This labor intensive re-review is demanded notwithstanding that the entire 10,607 records are fully described and classified by nine (9) discrete categories in our original submission.

While the form in which you request segments of information (particularly parts of questions 1-4, 8, 9 and 17 and accompanying charts), in certain respects appears to be unworkable, we believe that we can provide substantially all of the information relating to security reports you seek through a chart of available incident reports and evidence transmittals which will include: date, type and amount of controlled substance, brief description of incident and security officer. We are engaged in that endeavor and, by December 15, 1986, expect to be able to provide you with a date for completion. The principal information requested in your letter will be shown on the summary chart of available incident reports and evidence transmittals that we are preparing.

Consistent with our policy to respond in as timely a fashion as possible, we are including in this letter the information which we have been able to compile to date in response to several of the inquiries. That information is detailed herein in corresponding numbered paragraphs.

As I have represented in the past, New Hampshire Yankee intends to cooperate fully and completely and to answer your questions to the best of our ability. Reflective of that past and continuing cooperation, I wish to bring to your

attention certain background facts of which you may not be fully aware. I say that you may not be fully aware of these facts because, at the Amesbury hearing, you suggested that project management had been "stonewalling" and had not been responsive to your requests for information. Indeed, even your most recent letter suggests a willful "refusal to provide documents" and refers to what you describe as "a previous lack of cooperation in assisting us in an interview of a security official."

I wish to clarify the record on these points because, as I expressed at the Amesbury hearing, I intend and have expressly directed my staff to cooperate fully with the subcommittee. I believe our past efforts to provide useful information to you clearly demonstrate that cooperation. Accordingly, I want to correct any misperception that may exist with respect to the following: First, we have not willfully refused to produce any document. Rather, for the reasons carefully explained in the November 14, 1986 submission, in regard to certain records, there are serious and fundamental issues implicating the privacy rights of our workers. It was only after much deliberation and having sought and received the advice of counsel that it was determined that project management could not produce all of

the records requested without invading worker privacy rights.

Second, contrary to the reference in your letter, project management did not refuse to permit an interview of, nor did we fail to cooperate in connection with the request to interview Mr. Peter MacKinnon, the independent owner and handler of the drug detection dog. (I assume that the reference in your letter to "an interview of a security official" refers to Mr. MacKinnon.) It appears that your characterization of a lack of cooperation in this matter may be based on erroneous or incomplete information. Specifically, I am informed by counsel -- who has had a number of conversations with members of your staff -- that our counsel never refused to participate in an interview with Mr. MacKinnon; rather, on advice of his own independently retained counsel, Mr. MacKinnon decided that he would not consent to a unilateral interview by your staff. We are informed that Mr. MacKinnon and his attorney personally informed your staff that, to be fair to all concerned, Mr. MacKinnon would meet with your staff counsel provided that our counsel was also permitted to be present. I am informed that on three separate occasions, our counsel conveyed to your staff counsel our willingness to join in

the interview once our review of records in connection with the November 14, 1986 submission was completed so that, based on information in the records, any unintentional inaccuracy in the interview could be corrected. Last week, I was once again informed by our counsel that your staff would like to reschedule that interview. We intend to do that as soon as possible.

Simply stated, we have never refused to cooperate nor do we intend to refuse to cooperate in your inquiry. To the contrary, upon receipt of your October 28, 1986 letter, I assigned top priority to the matter within New Hampshire Yankee and designated a staff group to respond as quickly as possible. We worked long, hard and for many hours to file that comprehensive response. In order to provide some perspective of the intensive work in which we engaged to answer your inquiries, I wish to bring to your attention the work effort expended: A review of our time records shows that to respond to your prior questions concerning alleged drug and alcohol abuse for the November 14, 1986 submission, we expended approximately 1,345 hours of which 812 hours were regular work hours and 533 hours were overtime hours. (I had directed my staff that all involved were, if necessary, authorized to work on an overtime basis,

including nights, weekends and holidays to respond promptly to your request.) That 1,345 hours was additional to, and independent of, another 2,216 hours expended in providing information regarding emergency preparedness. An additional 125 hours were expended responding to your letter of November 21, 1986 concerning the Employee Allegation Program. Thus, since September 15, 1986, the date of your first request for information, we have expended 3,686 hours to respond to the informational requests which you have directed to the company. We intend to continue to respond to all pertinent inquiries because, as I have stated, we treat seriously all questions concerning the quality assurance of the Seabrook project. Furthermore, we believe that ultimately our efforts will demonstrate the quality and safety of the Seabrook plant.

As to those particular matters referred to in your November 19, 1986 letter, in the time provided we have been able to compile the following relevant information. As noted, we will be filing supplemental responses.

4. (a) As best determined, it appears that incident reports have been utilized since 1976.

Documents entitled Evidence Transmittal Forms have been

in existence since May 18, 1983. Prior to that date, there are handwritten notes, dating from November 21, 1982 to April 28, 1983, which reflect nineteen occasions on which controlled substances were transmitted to the Seabrook Police Department within that five-month period. Without identification of particular workers indicated in the notes, the chart being prepared will include these nineteen evidence transmittals. No other documents reflecting evidence transmittals prior to November 21, 1982 have been discovered.

4. (b) Seabrook Station documentation and records are identified, controlled and retained in accordance with the New Hampshire Yankee - Nuclear Production Records Management Program (NPRM). This program identifies the policies and procedures required for transmitting, processing, filing, storing, and retrieving safety-related and quality assurance records which were generated during the construction and operation of Seabrook Station. The NPRM implements the recordkeeping requirements of ANSI N45.2.9 (1974) "Requirements for Collection, Storage and Maintenance of Quality Assurance Records for Nuclear Power Plants" and the Code of Federal Regulations, Title 18 - Conservation of Power, Water Resources Chapter 1 - Federal Energy Regulatory



Commission, Part 125 - Preservation of Records of Public Utilities and Licensees, subsection 125.3. "Schedule of Records and Periods of Retention."

The processing of construction related documents has included those quality or safety related documents which are within the requirements of 10 C.F.R. Part 50 Appendix B. In such cases, the documents are forwarded to Seabrook Yankee Document Control Center (SBYDCC) for microfilming, indexing, storage and disposition. There were and are no regulatory requirements mandating the storage of non-quality records not identified in either ANSI N45.2.9 (1974), or in 18 C.F.R - Chapter 1 (part 125). Incident reports and evidence transmittal forms do not fall within the category of temporary documents which are required to be retained.

10. The New Hampshire Yankee ("NHY") chemical screening program, which is a sub-element of the Fitness-For-Duty Program, was described in detail in our November 14, 1986 submission. All personnel who have unescorted access to the protected area of the plant are chemically screened. The scope of that program is presently being expanded to include all personnel assigned to work on the plant site. Contractor personnel are subsequently re-tested in conjunction with their yearly General Employee Training (one

to two days pre-notice). NHY personnel are re-tested when they have their annual physicals (three to five days pre-notice). Specimens are tested by International Clinical Laboratories Inc., One Clinical Way, Randolph, Massachusetts 02365. NHY does not pay for individuals to obtain any independent chemical screening analysis.

12. The NHY anti-drug and alcohol programs were outlined in the November 14, 1986 submission. A chronology for the date of initiation of the various aspects of the overall program is as follows:

- (a) Project Rule No. 7 was placed in effect coincident with the initiation of site work on or about July 14, 1976.
- (b) Vehicle/container searches - a review of security guard informal instructions indicates that searches were being conducted as early as January, 1977. However, a specific initiation date could not be determined.
- (c) Employee's Assistance Program, primarily for construction work force and subcontractors, but available for all site work force initiated in 1979.

- (d) A drug detection dog was first used in December, 1981. The first detector dog, "Baron," was not certified. The replacement detector dog, "Erko," began surveillances in August, 1982 and has been used to date. The state of New Hampshire has no formal certification process for drug detection dogs; however, Erko, the drug dog used since August 1982, has been certified by the Commonwealth of Massachusetts Bureau of Criminal Justice. Both dogs are owned and handled by Mr. Peter F. MacKinnon of Hampton, New Hampshire 03842.
- (e) Employee Assistance Program for PSNH permanent staff was initiated in May, 1983.
- (f) Employee Allegation Resolution (EAR) Program was formalized in January, 1985, as described in our November 14, 1986 and November 21, 1986 letters to you.
- (g) Fitness-For-Duty Program, which includes the NHY mandatory requirement of chemical screening of all personnel provided with unescorted access to the

plant protected area, was placed in effect on March 3, 1986.

13. Mr. Joseph O'Sullivan has been the Employee Assistance Program Administrator since the PSNH permanent employee program was initiated in May, 1983. The administrator position is full-time. It is anticipated that an additional professional staff member will be added in early 1987.

Mr. O'Sullivan holds a bachelor's degree in philosophy and political science and is currently a master's candidate at Lesley College in Cambridge, Massachusetts, where he will complete his master's in one year. Mr. O'Sullivan has also earned a two-year certificate in alcohol and drug counseling from New Hampshire Technical Institute. Mr. O'Sullivan has eight years experience in the field of counseling and Employee Assistance Programs, and has been an instructor for the Amethyst Foundation where he has taught an impaired driver intervention program for the past two years. Mr. O'Sullivan serves in the following professional associations:

Board of Directors - National Council on Alcoholism  
State of New Hampshire Chapter  
(member 1983 - to present)

- Board of Directors
- Greater Manchester Council on Alcoholism  
(member 1982 - to present)
  - Edison Electric Institute  
Drug Awareness Task Force Member
  - Governor's Task Force on DWI (NH)
  - Electric Council of New England  
Employee Assistance Program  
committee member
  - Association of Labor and Management  
Administrators and Consultants on Alcoholism  
(member 1983 - to present)

Employees were first informed of the Employee Assistance Program through a mass mailing of informational brochures. The program has also been communicated to employees through in-house publications, and the New Hampshire Yankee Employee Handbook. At orientation, new employees receive the handbook and informational brochure as well as a verbal description of the Employee Assistance Program.

In January, 1984, Mr. O'Sullivan conducted a training session on the EAP for supervisors. As part of the introductory training segment entitled Employee Relations Practices (IT-1), an awareness film on the effects of drugs and alcohol on the body is shown.

The administration of the Employee Assistance Program is coordinated by Mr. O'Sullivan at PSNH corporate offices in Manchester. To remain accessible to Seabrook employees,

Mr. O'Sullivan travels to the site to meet with employees, before, during and after working hours, including weekends. The number of the program's 24 hour telephone is listed in the informational brochure describing the EAP.

15. Based on available records, no controlled substances were forwarded to the Rockingham County Sheriff's Department. To the best of our knowledge (except for the controlled substances associated with the 1979 on-site investigation which were released to the New Hampshire State Police), any controlled substances seized have been transmitted to the Seabrook Police Department.

16. In order to maintain strict security requirements, the 1979 on-site investigation was conducted under the auspices of the New Hampshire State Police at the direct request of PSNH executive management. The individual who conducted the investigation at the site was deputized as a special officer of the Rockingham County Sheriff's Office to ensure a legal evidentiary chain and to maintain strict security. Both prior to that particular 1979 investigation and continuing thereafter, project management cooperated with the Seabrook Police Department, which has law enforcement jurisdiction over Seabrook Station.

Representative Edward Markey

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December 1, 1986

We anticipate that, by December 15, 1986, we should be able to provide a date for completion of the additional information referred to herein, including the incident report and evidence transmittal chart.

I trust the foregoing reflects our continuing commitment to cooperate with you and the subcommittee. Our further provision of information will similarly do so.

Very truly yours,



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Edward A. Brown, President  
New Hampshire Yankee Division  
Public Service of New Hampshire

JTB/jm





Public Service of New Hampshire

New Hampshire Yankee Division

December 16, 1986

Honorable Edward J. Markey  
Chairman  
Subcommittee on Energy Conservation and Power  
Room H2-318  
House Office Building Annex 2  
Washington, D.C. 20515

Dear Representative Markey:

The following information is provided in regard to your November 19, 1986 and December 5, 1986 letters to New Hampshire Yankee ("NHY"):

1(c). With respect to documentation relating to the disposition of alcohol and controlled substances, we have provided copies of all available incident reports (Doc. Nos. 138 - 579 and Doc. Nos. 1355 - 1490), evidence transmittals (Doc. Nos. 01 - 137), and other documents which reflect the disposition of alcohol. (Doc. Nos. 580 - 604).

We would note that, in virtually all cases, only small amounts of controlled substances were found during the searches. Generally the substance consisted of a "roach",

that is a previously smoked marihuana cigarette, marihuana seeds, residue or a small quantity of unrolled marihuana. In a limited number of cases, in the process of field testing to determine whether the small amount of substance was, in fact, marihuana, all or substantially all of the substance was consumed in the testing process and any residue remaining was appropriately disposed of by flushing. This method of disposition is noted on certain incident reports; however, it appears that such a notation was not made in every instance. In any event, this method of disposition was employed only where the marihuana residue was of such minimal remainder that continued retention was deemed unnecessary. Otherwise, the substance was retained for transfer to the Seabrook Police Department. This is clear from the evidence transmittals, which reflect that even small quantities of marihuana in the form of roaches were turned over to the police.

1(e). For the period November 21, 1982 through March 31, 1984, (Doc. Nos. 01 - 74 and handwritten log Doc. Nos. 132-137), the evidence transmittals listed the name of the individual from whom a controlled substances was taken. However, because the search conducted did not always conclusively prove knowledge of possession on the part of

the individual, the practice of publication of names on such documents was deemed inappropriate since proof of guilt had not been established. Thus, commencing in or about March 31, 1984, names were no longer listed on the evidence transmittals. As best determined, copies of incident reports which included names of individuals were not requested by the Seabrook Police Department and, therefore, were not released to the police.

3. We have prepared a chart of incident reports. That chart, which was previously produced, included: date of incident, security officer, brief description of incident and type and amount of evidence seized.

(Doc. Nos. 762 - 776).

4(b). Our letter dated December 1, 1986, included citations to the applicable federal rules and regulations governing the recordkeeping requirements for collection, storage and maintenance of safety-related and quality assurance records for nuclear power plants. Also described were the complying document control and retention programmatic controls and procedures in effect at Seabrook Station. We understand that you have requested additional information concerning, in particular, the manner of

distribution and retention of incident reports. As noted in the December 1, 1986 response, the aforesaid documents are not required to be retained under federal laws governing nuclear power plants.

Subject to that clarification, the following will describe the distribution and filing procedures relating to incident reports. As previously explained, incident reports were written by the security officers on duty at the site. Since 1976, the printed form for incident reports has changed several times. The UE&C printed incident report form included three copies color coded pink, yellow and white. These UE&C forms were distributed as follows: the white copy was retained at the construction security building on site; the yellow copy was forwarded to Warren Schuler, the security manager at the UE&C Philadelphia office; and the pink copy was forwarded to the UE&C field accountant to account, for example, for stolen tools and the like listed on incident reports or to adjust the payroll information for terminated employees. Further, where incidents involved an identified employee, an informational copy of the incident report was provided to the employee's supervisor, so that disciplinary action could be undertaken by the contractor.

After use of the UE&C three color printed form was discontinued, incident reports were copied and distributed as follows: a copy was provided to the NHY security department supervisor, S. Joseph Ellis; a copy was provided to the assistant construction director, John Powell; as previously described, a copy was provided to the worker's supervisor; and, a copy was filed on site.

In or about June - July 1984, when the NHY security department commenced operational control of security at the site, current incident reports and evidence transmittals were filed at the construction security building. The historical record set of security reports which previously had been filed at the construction security building were placed in storage at the temporary office trailer assigned to the NHY security department. Subsequently, security reports have been filed at the NHY security building, as that building became available for permanent occupancy.

4(c). You have requested additional information concerning the non-retention of the pre-1984 incident reports and the pre-November 1982 evidence transmittals. Because there is no federal regulatory requirement governing

the retention or storage of records such as incident reports, these documents were not classified for retention under the New Hampshire Yankee Nuclear Production Records Management Program (NPRM) and were not forwarded to the Seabrook Yankee Document Control Center (SBYDCC) for microfilming, indexing, storage and disposition. Rather, given their non-classified status, the historical record set of security reports was stored in a temporary office trailer assigned to the NHY security department. During the week of October 20, 1985, the security department was in the process of moving materials, including equipment and uniforms, from a double-wide trailer previously used as a security department office to a single-wide trailer which was one-third as large. In the course of this move, while viewing the materials to be transferred from the double-wide trailer, S. Joseph Ellis, the NHY security department supervisor, determined that the single-wide trailer would not be sufficiently large to contain all of the materials previously held in the double-wide trailer. This included five file cabinets. Mr. Ellis undertook a preliminary review of the documents in the file cabinets, and concluded that the cabinets contained duty logs, visitor's logs, gate logs, site checkpoint sign-in-logs, and related

correspondence regarding checkpoint sites. Mr. Ellis does not have a specific memory of viewing either incident reports or evidence transmittals in the file cabinets. The documents in the file cabinets were voluminous. They were not required to be retained under governing recordkeeping rules and regulations, therefore, because there was no room in the new security trailer, Mr. Ellis verbally directed that the documents be discarded at that time. This was done by workers assisting in the moving process.

There is a three-page document which appears to list certain records previously stored in the security trailer. However, in view of the fact that the underlying records are not available, the accuracy of the listing cannot be confirmed with any degree of certainty. In any event, we are providing a copy of that document herewith. We also note that, in isolated instances, pre-1984 copies of incident reports, from time to time, may have been included in other files, including personnel files. Where discovered, such reports have been and will be forwarded to you. During the course of our continuing search, a number of additional incident reports have been found, for example, attached to documents in personnel files and other files.



December 16, 1986

These are currently being produced.

(Doc. Nos 1355 - 1490).

4(d). As best determined, information in the incident reports was set forth in summary fashion, generally without detail, in supervisor's daily activity reports. Those supervisor's records, in the majority of instances, simply list the number of incident reports and occurrences on the site for a particular 8 hour shift. The supervisor's records were compiled for purposes of computing, among other things, necessary manpower resource predictions. We have provided copies of the supervisor's daily activity reports which refer to drug or alcohol related incidents. The names of identified individuals, as in prior document productions, have been deleted.

Another document which appears to summarize, collect or include information contained in incident reports is in the form of a summary list of controlled substances confiscated during 1982. We have been unable to confirm the accuracy or reliability of the information on the list. Nor can we identify who wrote the document or the purpose for which it was written. It is important to note that it cannot be established whether this list, in fact, accurately

corresponds to 1982 incident reports. The information in the document generally consists of the following: date, description of controlled substance, name of worker, and name of security officer or supervisor. While we caution that there is no basis of reliability, we provide the list with names deleted since it may be deemed within the ambit of question 4(d).

With respect to other documents within paragraph 4(d) that may include incident report information, as you are aware, there was an incident that occurred on January 31, 1980. A worker, who had been employed as an ironworker by a Massachusetts subcontractor, was brought to Exeter Hospital where the worker died from an alcohol overdose. That worker has been publicly identified as S.B. Cross. This incident was referred to at the initiation of your investigation in October and November, 1986. At the time of your original inquiry, NHY sought to obtain information regarding the incident from a local official who advised that the worker had been taken to the Exeter Hospital from an area off site. Through further investigation, it was later determined that the worker had been drinking on site. NHY has continued to seek to determine the facts relating to the death of the worker. Additional information relating to this matter was

recently discovered, and, accordingly, we bring the following to your attention.

On Friday, December 12, 1986, NHY was advised that during UE&C's regular review of its records in connection with business matters unrelated to the Subcommittee's inquiry, a UE&C employee engaged in reviewing records inadvertently discovered a file in which were found documents relating to the death of the worker Cross. UE&C immediately brought the matter to our attention. Since NHY did not have these documents, we requested that UE&C provide us copies in order that we could submit the documents to you. UE&C did so, and enclosed herewith are documents summarizing an investigation into the death that was conducted in February, 1980.

4(e). This question inquires as to whether incident reports and evidence transmittals are in the possession of any contractor or local law enforcement or government official. We do not have the personal knowledge to answer that question. We would state, as previously described in our responses, that evidence transmittals were provided to the Seabrook Police Department. As best determined,

incident reports were not requested by the police and, therefore, were not provided.

5. As stated in our prior responses, in February, 1983, project management was formally notified by the Seabrook Police Department that prosecution would not be instituted because of evidentiary problems including that, in many cases, there was not a direct evidentiary chain proving that the substance seized actually belonged to a particular individual. It is in that connection that Chief Crossland wrote to PSNH on February 15, 1983. Chief Crossland raised several legal issues including: potential violations of constitutional rights which, it was suggested, would result in the suppression of evidence; certain evidentiary challenges concerning the chain of custody of seized contraband; questionable methods in some searches; and, possible problems concerning the admissibility in evidence of the testimony of the security guards.

Thus, local law enforcement officials, in the exercise of their prosecutorial discretion, determined that criminal actions would not be instituted. It is clear -- but perhaps bears restating -- that the decision whether or not to prosecute a criminal case was within the jurisdiction of the

prosecuting authorities and not a decision of project management. Paragraph five of your November 19, 1986 letter suggests that, because the searches were voluntary, any constitutional questions raised by Chief Crossland were not a bar to prosecution. We, of course, cannot respond for the police department which is charged with and exercises independent jurisdiction for law enforcement. However, our counsel informs us that consent to a search is not necessarily dispositive of the constitutional issues and that the facts and circumstances of the consent determine whether constitutional standards are met. We assume that such legal issues were considered by the police and prosecuting authorities and may have been the bases, in part, for their decision not to prosecute.

Furthermore, we would note, as confirmed from the incident reports provided, that only small amounts of marihuana were involved consisting generally of a marihuana roach, residue or seeds of marihuana. We are informed by our legal counsel that possession of such small amounts of marihuana would be subject to criminal prosecution only for the lesser crime of possession for personal use. Further, the limited resources available to local law enforcement authorities also may have been a factor considered by the

police department and prosecutors in reaching their independent determination not to prosecute.

In further response to this question, note that members of construction security management and S. Joseph Ellis, the NHY security department supervisor, did discuss these issues with the Seabrook Police Department. Moreover, we would point out that, although the police did not institute criminal actions, project management undertook appropriate disciplinary action to terminate employees found to have possessed controlled substances.

6(a). Controlled substances found or seized were retained in a locked, double-door evidence locker located in the construction security building.

6(b). Evidence transmittals were completed on substances transferred to law enforcement authorities. In addition, a description of the substance was reflected on the related incident report.

6(c). This question inquires of the procedures and periods for holding controlled substances on site. The policy established was that in instances where such substances were found, telephone notice was to be provided

to the Seabrook Police Department. The police, however, did not immediately assume custody of such substances. In that regard, common sense dictates that the Seabrook Police Department would -- as they in fact did -- decline to dispatch a cruiser and police officers to Seabrook station to pick up a marihuana roach. Project management accordingly implemented procedures to ensure the security of such substances.

To provide further information relating to this question, we have compiled several charts analyzing the available incident reports for each year from 1982 through 1986. (Doc. Nos. 752 - 776) These charts are divided into years and the two general categories of drugs or alcohol. Each chart contains the following information for each incident report: date, description of the incident, description of the substances seized, amount seized, and name of the reporting security officer. Significantly, with respect to questions nos. 6 and 7 concerning the holding of controlled substances on site, the charts show that of the 116 total incident reports in the applicable four year period, 105 concerned small amounts of marihuana in the form of roaches, seeds, residue, paraphernalia, and the like.



Given the foregoing, no average length of retention time would be accurately computed because the frequency of the transmittals to local police must be viewed in the context of the small amounts seized on any specific occasion. In fact, given the response time required by the police department -- a matter which NHY did not control -- it was necessary that those small amounts of substances be stored in a secure evidence locker on site which, as described in 6(a) above, NHY did, securely holding the substances until the Seabrook Police Department assumed custody.

6(d). The longest period of time that any substance was retained in the secured evidence locker was from September 14, 1983 to June 28, 1984. That related to 1 marihuana roach and a pipe with marihuana residue.

6(e). The largest quantity of a controlled substance retained on site was one and one-half to two (1½ - 2) ounces of marihuana. We would note that the entire amount of controlled substances ever retained on site did not, by any measure, constitute a large quantity. Rather the vast majority of substance consisted of marihuana roaches.

6(f). Access to the security evidence locker was

limited to the security shift supervisor and the construction security supervisor.

6(g). The policy instituted by the security department was that when a controlled substance was seized, the Seabrook Police Department was to be notified by telephone. As a general rule, the police assumed custody of the substances as officers were dispatched to the site. At various points, NHY security department supervisor, S. Joseph Ellis, contacted the Seabrook Police Department and requested that the department institute a practice for more immediate pickup. However, once again, given the small amount of substance, the Seabrook Police made an independent judgment as to the infeasibility and impracticality of dispatching officers and a vehicle on an immediate basis. Because there was a time lapse before the police assumed custody, project management instituted procedures to preserve the evidence: a secure evidence locker was used to maintain the integrity of the substance and the transfer of the substance to the police department was verified by the evidence transmittals.

7(a). As explained in paragraphs 1(c) and (e), there were occasions in which, for example, the marihuana residue

was so small that it was virtually consumed in field testing. The remaining residue was disposed of through flushing.

7(b). The documentation, if any, is previously described in paragraphs 1(c) and (e).

7(c). The information with respect to the disposition of such substances is referred to in paragraphs 1(c) and (e) and 7(a), (b) above.

8(a), (c) With respect to your questions regarding the employee termination table, the following may clarify the matter. The figures for total records reviewed stated in paragraph 1 - 716, paragraph 2 - 6800 and paragraph 4 - 3400, represent all records on site that are available to and have been reviewed by NHY for the time period 1976 to the present. Other worker personnel records, including those of subcontractors, are not located on site and may remain in the possession of applicable contractors. For example, the reference in paragraph 4 to 3400 records includes all UE&C nonmanual records which are available on site from the commencement of site work on July 14, 1976 to the present. In contrast, with respect to manual employees,

for the reasons described, all such records are not available.

8(b). Of the 6800 manual workers terminated from 1984 through 1986, 1406 were terminated for cause, which includes, among other reasons, excessive absenteeism, refusal to follow orders and other similar infractions. In connection with this response, we would note that in re-reviewing the 6800 UE&C files, the UE&C staff discovered three additional workers whose records reflect references to alcohol and drugs. Therefore, the figure 26 on the chart should be 29.

8(c). The Fitness For Duty Program became effective March 3, 1986, and the drug screening program which is a sub-element thereof commenced on April 4, 1986. Through December 10, 1986 five thousand six hundred and twenty six, (5626) individuals have been tested. (This represents an additional 205 individuals tested since the November 14, 1986 NHY response). To date, in accordance with NHY policies, all individuals who have tested positive have either been terminated or have voluntarily disengaged from employment at Seabrook station.

10. During the interviewing process, prospective NHY

employees are advised in writing of the chemical screening program that must be completed before qualifying for employment and are notified of the chemical screening requirements. The NHY drug screening program, including the notice given and the unannounced re-testing requirement, is described in our prior letters. We would note that no NHY staff member has ever failed drug testing and it has not been necessary to terminate any staff member for drug or alcohol abuse.

NHY standard contract terms and agreements include a requirement for chemical screening. Contract personnel, that is non-NHY personnel, who work for various contractors on site, are tested on the first day they report to the station for work.

11. With respect to construction meetings, during the period 1979 through 1984 PSNH, Yankee Atomic Electric Company and UE&C met on a weekly basis. Minutes of those meetings were prepared. We have reviewed all of the minutes which are voluminous, totalling approximately 3500 pages. That review of the entire set of minutes for this five-year period revealed only three minutes which contain references

to drugs or alcohol. Produced herewith are those three minutes.

During the period 1984 through 1986, weekly meetings were held by the NHY director of construction, PSNH, UE&C, and various contractors. Minutes were not maintained of these meetings.

There were construction related meetings which occurred on an irregular basis from 1981 through 1984. These meetings were scheduled from time to time among the construction staff to discuss construction issues. Minutes were not maintained of these meetings.

14. The 1979 investigation at Seabrook station was initiated to uncover and deter drug abuse on site. In or about March 1979, Herbert W. Bean of PSNH corporate security requested that the investigation be undertaken. Mr. George Hester, UE&C security supervisor, was delegated to establish the plans and operational goals. Mr. Hester met with the Detective Division of the New Hampshire State Police, and with the Rockingham County Sheriff's Department. No correspondence relating to these meetings is known to have been made nor was any located. The investigation started on April 11, 1979.

Honorable Edward J. Markey  
Chairman

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17. The medical records reviewed include records filed in connection with workmen's compensation cases. The records are cross referenced to an employee card file system arranged by employee in alphabetical order. One card is established for each employee listing all workmen's compensation cases initiated for that individual. We have counted those cards. There are 6,590 people involved in the 10,607 medical records relating to workmen's compensation cases.

Very truly yours,



Edward A. Brown, President  
New Hampshire Yankee Division  
Public Service of New Hampshire





Public Service of New Hampshire

New Hampshire Yankee Division

July 2, 1987

Honorable Philip Sharp, Chairman  
Subcommittee on Energy and Power  
Committee on Energy and Commerce  
United States House of Representatives  
H2-331  
House Office Building Annex 2  
Washington, D.C. 20515

Dear Mr. Chairman:

This letter provides updated information concerning the New Hampshire Yankee (NHY) Seabrook nuclear power plant. As you may be aware, in late 1986, the former Subcommittee on Energy Conservation and Power under the Chairmanship of Congressman Edward J. Markey conducted an investigation of allegations of drug and alcohol abuse at the Seabrook construction site. That investigation was concluded in January, 1987. While not aware of any ongoing investigation by your Subcommittee, NHY is providing your Subcommittee, which now has general jurisdiction over nuclear energy facilities, with an updated set of records, including materials previously provided to the former Subcommittee, as supplemented by records not then available as well as copies

July 2, 1987

of the security procedures and practices most recently promulgated by NHY to enhance its prevention and detection programs.

By way of background, approximately seventeen hundred and fifty records (1750) and related information set forth in interrogatory answers, as further summarized in chart form, were submitted by NHY in late 1986 to the former Subcommittee in response to requests for information concerning unsubstantiated allegations of widespread substance abuse at the Seabrook construction site. Throughout November and December, NHY produced all available incident reports and other security records that had been searched for and retrieved from the NHY files.<sup>1</sup> NHY also submitted detailed answers to questions and prepared

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<sup>1</sup> For your information incident reports may be described as follows: an incident report is written by a security officer on duty at the site. If a security officer discovered the presence or use of alcohol or a controlled substance, a report of the incident was prepared. The form of incident report would provide a brief description of the incident, the worker if identified, the date, the time and the security officer involved. If the seized item was a controlled substance, the substance was turned over to the local police with an accompanying evidence transmittal form. It is such incident reports and other records which were furnished by NHY. As noted below, a duplicate record set is being produced for your Subcommittee files.

July 2, 1987

summaries set forth in analytical documents. Given the broad range of documents requested, with production required on an extraordinarily expedited schedule,<sup>2</sup> the NHY document search conducted was as comprehensive as possible given the time allotted. Finally, in January, 1987, NHY received the last document request and submitted records in response, thereby completing the series of document requests and record production. Thereafter, our legal counsel was informed that the staff of the former Subcommittee had completed its review, that NHY was not required to produce any further records, and that the staff had drafted a final report.

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<sup>2</sup> The compilation of information to respond to the former Subcommittee's requests was assigned top priority within NHY. I designated a staff group to respond as quickly as possible and I directed that all involved personnel were, as necessary, authorized to work on an overtime basis, including nights, weekends and holidays to respond promptly to the requests for information and documents. The NHY staff worked long, hard and for many hours to file comprehensive responses. To provide some perspective of the scope of the effort in which NHY engaged and of the work expended, it is estimated from time records that, in the two and a half (2½) month period from September 15, 1986 to December 1, 1986, NHY had expended approximately 3,686 hours (of which 533 hours were overtime) compiling information to respond to the former Subcommittee's questions and document requests relating to these allegations as well as other information requests submitted concerning emergency response procedures.

Contemporaneous with the closure of the above described proceedings by the former Subcommittee, in December 1986 the Nuclear Regulatory Commission (NRC) also issued a lengthy ninety seven page report of the on-site inspection the NRC had conducted. This report encompassed the period up to December, 1986 and continuing review by the NRC is, of course ongoing. That NRC report found that the anonymous allegations concerning drug and alcohol abuse were "not substantiated" and concluded that while "there was some indication of substance abuse, . . . the licensee enhanced [its] basic drug and alcohol abuse control program to identify and minimize the effects of substance abuse. There are no identified equipment deficiencies resulting from this allegation. The licensee took appropriate corrective actions where instances of drug or alcohol abuse were identified." (A copy of this NRC report is enclosed).

In this regard and as further background, I would note that, since commencement of the Seabrook project, we have been committed to banning alcohol and controlled substances from the site. To that end, project management implemented a number of aggressive measures designed to deter the use of alcohol and controlled substances and to detect their

presence on site. The measures in effect at Seabrook were and are among the strongest at any nuclear plant in the United States. The effectiveness of such procedures strongly disproves the allegations -- which have never been substantiated -- of widespread drug and alcohol abuse at Seabrook. To the contrary, the intensive review and analysis undertaken to compile the information requested not only persuasively demonstrated that the allegations were unfounded, but also served to reaffirm the effectiveness of the detection and prevention programs instituted at Seabrook.<sup>3</sup>

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<sup>3</sup> For your information, it may be noted that, since the beginning of construction work at Seabrook, there have existed programs and practices designed to enforce the prohibition of drugs and alcohol on site. Among the preventive and detection programs implemented to deter such activities were: (1) random searches of vehicles; (2) searches of entering and exiting personnel and of containers such as lunchboxes carried to and from the site; (3) surveillance by a drug detecting dog which regularly monitored parking areas, work site areas and various other places covering the plant site and related areas; (4) the Employee Allegation Resolution Program which was established as an employee notification process to encourage workers to convey information and concerns pertaining to the facility, including information with respect to alcohol and drug abuse; and (5) a mandatory drug screening program implemented by NHY for all employees and the employees of independent contractors hired, for example, by construction companies and subcontractors. The extensive investigation and analysis conducted by project management, by the NRC, and submitted to the prior Subcommittee reflects the effectiveness of these programs and we believe serves to reaffirm that neither drug nor alcohol abuse negatively affected the quality and safety of Seabrook.

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Subsequent to document production in the above-described proceedings and the disbanding of the formerly constituted Subcommittee, no additional requests for documents or information were directed to NHY. However, NHY continued to conduct an internal review to devise means to further strengthen its drug/alcohol programs and security procedures. Indeed, because of difficulties encountered in document retrieval which became apparent in the course of the original search conducted to compile records, we at NHY determined that certain of our existing recordkeeping procedures were not consonant with the high standards which NHY seeks to meet. Therefore, the NHY staff sought ways to improve those procedures and to draft new rules which would more effectively coordinate the NHY security recordkeeping systems and procedures for documenting drug or alcohol related incidents and would enhance expeditious recovery of documents from the record system. In furtherance of this effort, over the past several months, consideration was given to revision of the rules that govern custody and control of substances found on site, the compilation and generation of records relating to such incidents and the procedures for the drug detection program utilizing the K-9 detection dog. Revised procedures in these two areas were,

July 2, 1987

in fact, promulgated in May, 1987, and commencing last month NHY instituted the new procedures on an operational basis. (Copies of two such revised security procedures are enclosed herewith.)

In connection with the recent implementation of these procedures -- particularly those governing standardization of the generation and retention of records concerning drug or alcohol related incidents, an issue was raised and brought to my attention with respect to the status of other records predating the new procedures which were not discovered and produced in the original record search, including, for example, an incident report which had been discovered by NHY after that record production. This incident report concerned the discovery on June 9, 1986, of approximately two ounces of a white substance believed to contain cocaine which was found near the exitway from the secure area on site. The substance was transmitted to the Seabrook Police Department for analysis. While an incident report of a cocaine seizure three days later on June 12, 1986 had been discovered and accordingly was included in the original document production, it appears that this earlier June 9, 1986 record through inadvertence was not in the record system then in effect. Therefore, the record was not



retrievable for inclusion in the original production of records.<sup>4</sup> Copies of these records are enclosed herewith. Furthermore, to confirm that the cocaine substances were, in fact, transmitted to the Seabrook Police Department for destruction, we obtained from the Department, and are submitting herewith, the petition filed with the Court for destruction of the two substances and the police laboratory analysis request.<sup>5</sup> I would note that these two cocaine-related incidents were isolated ones. In fact, as

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<sup>4</sup> The internal review of our security record system and implementation of the new procedures will ensure that such misfiling does not recur and that documentation of each incident will be governed by standardized procedures as set forth in the May, 1987 revisions. In this regard, the NHY procedures will be beyond those which are required by law. While applicable federal rules and regulations governing the recordkeeping requirements for collection, storage and maintenance of safety-related and quality assurance records for nuclear power plants would not require the retention of such security records, we at NHY have decided to ensure the continued retainage of such records, notwithstanding the lack of any such legal obligation. Thus, the records will be kept in a central repository and will be available for future reference.

<sup>5</sup> We assume these documents have already been filed with the former Subcommittee because our counsel was informed that the Seabrook Police Department produced its corresponding copies of documents relating to evidence transmittals of contraband that had been discovered on site. However, because we do not have access to the Seabrook Police Department records produced, we cannot confirm this and are providing extra copies of the pertinent documents.

Honorable Philip Sharp,  
Chairman

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July 2, 1987

the security reports produced to the former Subcommittee and provided herewith demonstrate, in virtually all cases where prohibited substances were discovered, it was marihuana and beer that were most generally found. Furthermore, the small amounts of marihuana discovered in searches were generally in the form of marihuana residue.

In conclusion, enclosed herewith are copies of the prior record filings by NHY. This will provide a set of documents to replicate for your Subcommittee files the record set that had been previously submitted by NHY, as supplemented further to include the past NHY written submissions, the revised procedures for control of contraband and found property, the revised procedures for K-9 drug detection, and the December 19, 1986 NRC report of the on-site inspection.

Honorable Phil [redacted]  
Chairman

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July 2, 1987

We trust that [redacted] will provide your Subcommittee both background and updated information.

As in the past, NHY will continue to cooperate with your Subcommittee to the full extent possible. If you have any questions or requests for additional information, I would be most willing and pleased to speak with you.

Very truly yours,



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Edward A. Brown, President  
New Hampshire Yankee Division  
Public Service of New Hampshire

EAB/smg  
Enclosure

cc. Honorable Edward J. Markey  
Honorable Carlos J. Moorhead



Public Service of New Hampshire

New Hampshire Yankee Division

December 4, 1987

Honorable Philip R. Sharp, Chairman  
Subcommittee on Energy and Power  
United States House of Representatives  
H2-331, House Office Building Annex 2  
Washington, DC 20515

Dear Mr. Chairman:

This will refer to your letter of November 6, 1987 which requested that New Hampshire Yankee (NHY) produce updated incident reports from October 1986 to the present and the number of terminations within that period relating to drugs and alcohol. Your letter stated that this information was requested by Congressman Edward J. Markey.

As you know, in the 99th Congress, Congressman Markey, who then chaired the former Subcommittee on Energy Conservation and Power, conducted an investigation that extended from October to December 1986 concerning what were characterized as allegations of rampant drug and alcohol abuse during construction of the Seabrook nuclear power plant. We were informed that the investigation was concluded almost a year ago. In January 1987, New Hampshire Yankee received notice from Congressman Markey's office that NHY had fulfilled its response and had provided all of the information requested. NHY received no additional requests and, in fact, heard nothing further at all. The 99th Congress adjourned. Upon the convening of the 100th Congress, the former Subcommittee on Energy Conservation and Power was disbanded, and a new Subcommittee on Energy and Power under your chairmanship was established. NHY was not notified of, or aware of, any further investigation, and no additional requests for information were directed from the Subcommittee. Notwithstanding that, in its continuing efforts to improve its programs, NHY conducted an independent internal review to strengthen its drug-alcohol prevention and detection programs and security procedures. Thus, in the spring of 1987, new enhanced security procedures governing

December 4, 1987

custody and control of substances found on site, the compilation and generation of records relating to such incidents, and the procedures for the drug detection program which utilized a detection dog were promulgated. These revised security procedures and incident records that had not been discovered previously for production to the former Subcommittee are described in our July 2, 1987 submission to you.

Following that July submission, NHY again received no further requests. Then, suddenly, some ten months after the past investigation closed, a member of Congressman Markey's staff made a new demand for forthwith production of all records up to the present.<sup>1</sup> Given that NHY was not and is not aware of any present investigation by your Subcommittee, and given the closure of the investigation conducted during the 99th Congress and concluded in January 1987, I frankly was at a loss to understand this renewed request for document production. Therefore, I wrote to Congressman Markey on October 15, 1987 stating our confusion over the request for information. A copy of this letter is attached. On October 23, a member of Congressman Markey's staff told our attorneys that our reply was unacceptable and that Mr. Markey was prepared to request that Congressman Dingell subpoena us for the information.

At that point we were faced with a dilemma. I could not authorize NHY to produce records which contain privileged and confidential employee information affecting workers at Seabrook unless and until clarification was obtained with respect to the jurisdiction under which such records were to be produced. It is for this reason that I wrote to Congressman Dingell on October 30, 1987. A copy of this letter is attached. Thereafter, I received your request as Chairman of the Subcommittee on Energy and Power.

Given your November 6 request -- and as confirmed by our counsel -- it is appropriate to release the records to your Subcommittee as the body that now has general jurisdiction over nuclear energy matters. NHY will fully cooperate in this regard since we believe that the vigorous drug and

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<sup>1</sup> The staff member stated that a copy of the July 2, 1987 letter addressed to you as Chairman of the Subcommittee on Energy and Power had not been received by Congressman Markey's office and that copies of the records referred to therein had not been produced. However, we checked the delivery papers relating to that letter and document production, and those records reflect hand delivery of the letter to Congressman Markey's office.

alcohol detection and prevention programs in effect at Seabrook are among the strongest of any nuclear power plant in the country. Therefore, I have confidence that the review of the NHY records -- both as originally produced and as supplemented here -- will persuasively demonstrate the effectiveness of our drug and alcohol procedures. NHY has sought, in the course of these proceedings to produce every available record, and we will continue to do so. Simply put, Seabrook has nothing to hide. We are proud of the drug and alcohol detection and prevention programs that we have in place. As I have stated several times, those programs implemented to deter drug and alcohol activities were effective and included random searches of vehicles, searches of entering and exiting personnel, surveillance by a drug detection dog -- who regularly monitored parking areas, work site areas and various places, covering the plant site and related areas -- the Employee Allegation Resolution Program and a mandatory drug screening program. This pattern of enforcement against drug and alcohol use continues to be evident from the records which are being produced herewith, including the incident reports and termination information requested.

Turning, then, to the specific two categories of information which you have requested, enclosed herewith are: first, updated copies of the incident reports through November 12, 1987. (As has been the prior practice, the names of identifiable individuals have been deleted in order to protect the confidentiality and privacy interests of workers.) Second, with respect to the numbers of terminations from the period October 1986 through the present, there have been eight (8) terminations relating to drugs or alcohol. We note that in sixteen (16) cases, our chemical screening was effective in detecting drugs, to the degree that sixteen (16) persons were discovered by the program during the initial employment screening process.

In conclusion, notwithstanding the persistence of New Hampshire Yankee's efforts in these matters, it cannot be, and has not been, denied that, over the past ten years, there have been some drug or alcohol related incidents at Seabrook. However, these incidents were very limited and cannot fairly be characterized as rampant or routine, as was claimed when the investigation was originated. It is to be emphasized, moreover, that vigorous efforts have been and will continue to be made to keep Seabrook entirely free of alcohol and drugs. In the final analysis, the project is confident that such proscriptive efforts have been highly effective and that neither drug nor alcohol use has impacted the safety or quality of our plant -- all as further confirmed by the multi-layered review and quality assurance programs that



operate as checks and rechecks on all quality and safety aspects of the plant.

I trust the enclosed information answers the requests stated in your letter. We stand ready to cooperate fully with you and your Subcommittee on any questions you may have relating to this issue.

Very truly yours,

Edward A. Brown  
President,  
New Hampshire Yankee Division,  
Public Service of New Hampshire





Public Service of New Hampshire

New Hampshire Yankee Division

October 15, 1987

NHY #870605

Honorable Edward J. Markey  
Member of Congress  
2133 Rayburn House Office Building  
Washington, DC 20515

Dear Congressman Markey:

On October 9, 1987, an attorney of the Ropes & Gray law firm in Boston, Massachusetts, received a telecopy of your October 6 letter addressed to me. Despite the fact that I have not received, at the New Hampshire Yankee offices, the original of your letter, I felt it was important to respond.

We are aware that unsubstantiated allegations regarding drug and alcohol use at Seabrook Station have been made by you in the past. However, we responded promptly and fully to each and every one of the extensive information requests made by you as chairman of a congressional subcommittee.

Frankly, I am confused by your latest request for information. Our Ropes & Gray counsel in this matter informed me in mid-January of 1987 that your requests for information had been fully met. Nevertheless, as a courtesy we sent on July 2, 1987 to the the Energy and Power Subcommittee Chairman, Congressman Philip R. Sharp all relevant information relating to this matter. Our records confirm that a copy of the cover letter to Chairman Sharp was hand delivered to your office on July 6, 1987.

To the best of our understanding, we have fulfilled all of our obligations relating to this matter.

Sincerely,

Edward A. Brown  
President

EAB:bes



Public Service of New Hampshire

New Hampshire Yankee Division

October 30, 1987

NHY #870636

The Honorable John D. Dingell  
Chairman, Energy and Commerce Committee  
2221 Rayburn House Office Building  
U. S. House of Representatives  
Washington, DC 20515

Dear Chairman Dingell:

During the 99th Congress, then Energy and Conservation Subcommittee Chairman Edward Markey conducted an investigation into his allegations of rampant drug and alcohol abuse during construction of the Seabrook nuclear facility. We believe that we acted in good faith in responding fully to Mr. Markey's demands for information. As might be expected, the issue attracted a significant amount of attention from the news media.

To ensure that such serious allegations were fully addressed, we updated Energy and Power Subcommittee Chairman Philip Sharp, supplying him and his staff with all pertinent information on this matter on July 6 of this year. Our records confirm that a copy of the cover letter to Mr. Sharp was hand delivered to Mr. Markey on that day.

I was surprised, therefore, when Mr. Markey recently wrote to me requesting that we supply additional information on this matter to him, referencing the investigation that took place under his chairmanship a year ago. In my written response to Mr. Markey dated October 15, I reminded him of our most recent contact with Mr. Sharp's subcommittee on July 6. In addition, I pointed out that in January, 1987, our attorney was informed by a member of Mr. Markey's staff that investigation by the Congressman's subcommittee in the 99th Congress was complete and a final report was in preparation.

On October 23, Larry Sidman of Mr. Markey's staff called Ropes and Gray, our attorneys in Boston, and told them that my reply to the Congressman was totally unacceptable. He then said that Mr. Markey was prepared to have you subpoena us for this information.

I want to assure you that we have been fully and completely cooperative with Congressional subcommittees in the past, and we will continue to be cooperative in the future. For the record, I would like to give you some perspective on the effort required to respond to Mr. Markey's subcommittee requests in 1986. Between the dates of 10/28/86 and 12/1/86 alone, we devoted more than 1,345 manhours of effort in responding to Representative Markey's unspecified drug and alcohol allegations. Overall, between September 15, 1986, and January 15, 1987, more than 3,680 total manhours of New Hampshire Yankee effort were expended in responding to the drug and alcohol investigation, as well as several other of the Energy and Conservation Subcommittee's requests for information.

October 30, 1987

In the process of dealing with Mr. Markey's as-yet-unsubstantiated allegations and his massive data requests, we were able to reaffirm our confidence and pride in the New Hampshire Yankee fitness-for-duty programs and record. All companies, nationwide, must deal with our societal alcohol and drug use problems. However, we are convinced that the New Hampshire Yankee programs for detecting and preventing drug use, as well as for counseling and treating employee problems of any sort, are at a minimum as sophisticated and effective as any of you will find anywhere.

I have attached materials we routinely send to our employees, as well as the exchange of correspondence with Mr. Markey. If we at Seabrook can be of further assistance to you or to Chairman Sharp, we will gladly respond.

Thank you for your kind consideration.

Sincerely,



E. A. Brown

EAB/hej

Attachments

cc: Congressman Edward J. Markey  
Congressman Philip R. Sharp



Ted C. Feigenbaum  
Vice President

Public Service of New Hampshire

New Hampshire Yankee Division

March 11, 1988

NYN-88030

Mr. Victor Nerses, Project Manager  
Project Directorate I-3  
Division of Reactor Projects  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dear Mr. Nerses:

I am writing to you because I am alarmed at the recent (March 3, 1988) Associated Press newspaper articles associated with Mr. Markey's public responses concerning the NRC evaluation of his investigative report on alleged drug and alcohol abuse at the Seabrook Nuclear Power Station.

As the NRC has done, NHY has carefully examined the report page by page. My staff informs me that they have found no new issues raised by this report and that all specifically identifiable issues have been previously reviewed and documented as having no bearing on the quality and safety of Seabrook Station design, construction, testing and operations.

I want to apprise you of the full extent, as well as the status, of our response to Mr. Markey's report because a number of the allegations made in the report would have fallen outside the scope of reports considered to be routine or which would have required a report to the NRC at the time.

First, our staff undertook a page by page review of the entire report to analyze its accuracy, to determine whether there was substantiation for any of the allegations contained therein and to ensure that, where warranted, additional review would be conducted. That effort has been completed. The documented investigation details, as well as the conclusion that no new nuclear safety related issues have been raised in the report, have been made available to the NRC Senior Resident Inspector.

Second, based on the completion of that effort, Mr. Edward A. Brown, President of New Hampshire Yankee, has submitted a brief letter to Mr. Markey, informing him of these facts. A copy of Mr. Brown's letter is attached. The Markey report clearly contains numerous inaccurate and unsubstantiated allegations on which we cannot take further action without Mr. Markey providing us with factual details or more reasonable substantiation. Should he do so, we are fully prepared

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Mr. Victor Nerses, Project Manager

March 11, 1988

to investigate and take specific and appropriate actions to the full extent necessary to get to the bottom of any such issues. As has been our practice throughout the course of Mr. Markey's allegations, we will share the results of any such efforts completely with the Senior Resident Inspector as soon as they are completed.

Third, we are in the process of finishing a more extensive document that is primarily designed for our own internal use and the use of our Joint Owners in response to Mr. Markey's report. We have also apprised the Senior Resident Inspector of this effort and have told him that it will be made available to him upon its completion, which is now targeted for Friday, March 18, 1988. This document is not intended to respond point by point to the Markey Report because the report is so inaccurate and filled with errors. Rather, it addresses the more sensationalized and flagrantly abused issues that have been so frequently repeated in the press.

Finally, we have undertaken efforts to clarify the record associated with the submittal of an affidavit to Mr. Markey deposed by Mr. John Powell. I am concerned that the affidavit, taken alone, is misleading on two important points.

First, in Mr. Powell's third statement, he says "If a substantial amount of controlled substance or alcohol were found on site, I ordinarily would have been contacted and would have been informed." This statement is entirely true for incidents known to be, or even potentially related to his role as Assistant Construction Director on the site. However, the referenced incidents occurred at site locations either already turned over to the Operations disciplines or in the final stages of turnover closeout. Thus, absent cause to believe that the incidents were clearly construction personnel related, construction management including Mr. Powell would not normally have been contacted or otherwise informed of the incidents.

Second, Mr. Powell states in his sixth statement that "... I recommended to the Director of Construction that Pittsburgh Testing Laboratories (PTL) be discharged, and within a few days the company was dismissed from further work at the site." In fact, there was no determination of guilt or negligence on the part of any PTL employee and no potential nuclear safety significant issues have been raised. Therefore, a more orderly transition of the associated project responsibilities occurred. Due to non-nuclear safety concerns related to the December 1985 marijuana security incident report associated with a PTL assigned work location, further coupled with the then on-going rampdown and consolidation of site construction related services, the PTL contract was terminated on March 14, 1986. It was subsequently extended to March 28, 1986 in order to complete outstanding paperwork but UE&C assumed responsibility for lab work from that time forward.

In order to clarify the record associated with these issues, please find attached to this letter two affidavits that resulted from our Employee Allegations Resolution investigation. The affidavits are from Mr. John Powell, Assistant Construction Director, and Mr. George R. Gram, then Director of Construction, and serve to clarify the previous affidavit submitted by Mr. Powell on February 26, 1988.

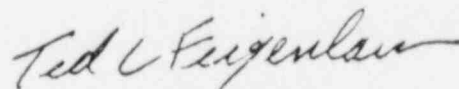
Mr. Victor Nerses, Project Manager

March 11, 1988

In conclusion, I would like to state that we have made every effort to comply fully with Mr. Markey's requests for information and feel that we have been entirely forthright and complete in doing so. We are greatly concerned, however, that Mr. Markey is continuing with his attempts to influence both NRC decisions and public opinion based on less than full or accurate representation of the facts.

I trust that this letter will help to resolve any concern created by Mr. Markey's public or written responses to the NRC staff review and conclusions associated with his report.

Very truly yours,



Ted C. Feigenbaum  
Vice President

NAP/TCF:bes

Enclosures

cc: Mr. William T. Russell  
Regional Administrator  
United States Nuclear Regulatory Commission  
Region I  
425 Allendale Road  
King of Prussia, PA 19406

Mr. Antone C. Cerne  
NRC Senior Resident Inspector  
Seabrook Station  
Seabrook, NH 03874





Public Service of New Hampshire

New Hampshire Yankee Division

March 11, 1988

NHY #880174

Congressman Edward J. Markey  
House of Representatives  
2133 Rayburn House Office Building  
Washington, DC 20515

Dear Congressman Markey:

On January 27, 1988, you released a document entitled "An Investigative Report: Drug and Alcohol Use at the Seabrook Nuclear Power Plant." In this document you express your personal views on the subject of alleged drug and alcohol use at Seabrook Station.

As is our practice regarding all allegations, NHY has undertaken a review of the report to analyze its accuracy, to determine whether there was substantiation for any of the allegations contained therein and to ensure that, if appropriate, we have re-checked quality assurance.

After careful and extensive reverification efforts on our part, we can state that no new issues have been raised in your report. All issues have been previously reviewed and documented as having no bearing on the quality and safety of Seabrook Station design and construction.

Apart from the inaccurate and unsubstantiated allegations, I must protest the manner in which you released your charges. The document was pre-released to the press without notice to New Hampshire Yankee. Even after we began to get specific questions from the press, your staff refused to provide us with a copy of the report.

During the development of the report, we willingly provided all information requested. It appears that those who wrote the report used unverified and frequently unsworn statements, did not check facts, did not make follow-up inquiries of NHY, and did not grant us the opportunity to rebut the errors and misstatements. Conclusions apparently were reached in the same manner. This approach does not lead to the truth.

In addition, the report ignores our strong commitment to anti-drug and alcohol detection and prevention programs, which are among the most forceful in effect anywhere.

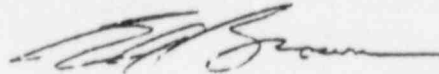


Congressman Edward J. Markey

March 11, 1988

We wish to state again, that should you be willing or able to provide us with factual details or reasonable substantiation for any allegations, we will investigate thoroughly and take specific and appropriate actions to the full extent necessary. Otherwise, we consider this matter to be closed.

Very truly yours,



Edward A. Brown  
President

EAB:bes

## AFFIDAVIT OF JOHN POWELL

I, John Powell, being duly sworn hereby depose and state as follows:

1. From March 1984 to September 1986, I served as Assistant Construction Director during the construction of the Seabrook nuclear power plant. In general, my day to day work involved overseeing construction work at the plant to coordinate work among the various contractors so that construction would proceed in a timely and proper fashion. In that regard, I assisted the Construction Director George Gram. On a daily basis, my work included maintaining contact with the sub-contractors and workers on site.
2. A few days before February 26, 1988, I received a telephone call from one Philip Greenberg who represented to me that he was with Congressman Markey's office. Mr. Greenberg specifically told me that he was calling from what he described as the Rayburn Congressional Office in Washington, D.C. Mr. Greenberg stated that he had questions that I was to answer in connection with an investigation being conducted by Congress.
3. Mr. Greenberg asked me whether I was aware that there was found cocaine approximately totalling 100 grams within the protected area at Seabrook in June 1986 on

two occasions within three days, and I truthfully stated I was not aware of that. However, Mr. Greenberg failed to inform me that there were security incident reports prepared regarding the discovery of the cocaine and did not tell me that the cocaine had been transmitted to the Seabrook Police Department for destruction.

4. Mr. Greenberg said he would draft an Affidavit for me. In fact, the first two Affidavits Mr. Greenberg drafted were inaccurate. I informed him that I would not sign an Affidavit which did not contain accurate information. The descriptions set forth in this Affidavit will provide a fuller description of the events.
5. The Affidavit Mr. Greenberg drafted does not refer to the fact that, in the normal course, I would not have had access to all security incident reports for the site. Indeed, during the summer of 1986, including the month of June of 1986, I was working as the Assistant Construction Director on the construction division for New Hampshire Yankee. This construction division was a separate administrative division from the New Hampshire Yankee plant operating division. The usual procedure was that, upon completion of construction of a building or facility, that building or facility would be "turned over" from the construction unit to the plant operating division. I am informed that the areas to which Mr.

Greenberg was referring are described in the security incident reports as the waste processing plant and the guard house to the protected area. Therefore, the referenced incidents occurred at site locations either already turned over to the operations department or involved in the final stages of turnover-closeout. Thus, these areas would have been under the management and administration of the operations department rather than the construction division in which I worked. Moreover, Mr. Greenberg failed to ask me whether Peter McKinnon informed me about these cocaine discoveries. I would have responded that Mr. McKinnon had not.

6. The Affidavit drafted by Mr. Greenberg also refers to an incident involving the discovery of marijuana in the facility of Pittsburgh Testing Laboratories. Again, Mr. Greenberg did not inform me that the incident reports and evidence transmittal to the Seabrook Police Department in this matter had been produced to Congressman Markey over a year ago. Had Mr. Greenberg so inquired -- and in order to complete the accuracy of the Affidavit he prepared -- I would have explained that there was an incident where Peter McKinnon informed me that he had reason to believe that there might be marijuana at the Pittsburgh Testing Laboratories (PTL) facility. Thereafter, in December 1985, a small

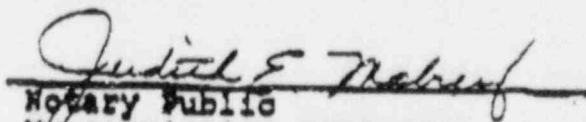
quantity of marijuana contained in a film vial was found in that facility. Mr. McKinnon informed me that he had applied a dye to the vial in order to determine who would have access to it. The next day, the dye appeared on the hand of one of the PTL workers and on a water cooler in the facility. I reported these facts to my boss, George Gram, the Construction Director. He took action to terminate the PTL contract and there was other appropriate action concerning quality review of the PTL work.

7. In conclusion, I would state that I have been in the nuclear construction field for approximately 22 years. During that time, I have been associated with nuclear plants at 18 different sites. During the years that I worked at New Hampshire Yankee as Assistant Construction Director, there were programs in place to deter and detect the presence of drugs and alcohol. It is my opinion that those programs were effective. As I have stated, in my judgment, no drug or alcohol problems at Seabrook have had any impact on safety related systems or construction. Further, in my judgment, there are no major problems at Seabrook in terms of substance abuse. There were some minor drug and alcohol incidents, but

action was taken. I believe Seabrook is a safe and well built nuclear power plant.

  
\_\_\_\_\_  
John Powell

Then appeared before me the above-named John Powell on this 11th day of March, 1988, who stated that the above statements are true and correct to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
Notary Public  
My commission expires:

Notary Public State of Florida at Large.  
My Commission Expires April 27, 1990

AFFIDAVIT OF GEORGE R. GRAM

I, George R. Gram, hereby depose and state as follows:

1. I was the Director of Construction at the Seabrook Station Nuclear Power Plant. I held that position from March 1984 to November 1986. I am currently Executive Director of Emergency Planning and Community Relations for New Hampshire Yankee (NHY). Among my duties as Director of Construction was management authority for overseeing the progress of the construction at Seabrook Station. My duties included management and coordination of the construction by the major contractor, United Engineers and Constructors (UE&C) and also management and coordination of the construction work by the many sub-contractors.
2. During the construction period from March 1984 to November 1986, the executive administration of New Hampshire Yankee included: (a) a construction division of which I was the Director, and (b) a management administration division for production and operation of the plant. Essentially, the construction division would oversee the building of the various systems, buildings and facilities in the plant, then, when a system, building and facility was completed, the completed elements would be "turned over" to the jurisdiction of production and operation for planned operation. Before such turnover, a complete checklist would be performed on all construction work that had been performed on the particular elements. In this turnover phase, as Director of Construction, I and my staff would follow standard procedures for the complete review prior to turnover of the system, building or facility to NHY plant management.
3. On December 2 - 3, 1985, I was informed by John Powell, who worked as my Assistant Director of Construction, that a search had been conducted in the offices of Pittsburgh Testing Laboratories (PTL) and that a small vile containing marijuana had been found. To seek to determine who had access to the marijuana, an invisible dye was placed on the vile containing the marijuana. Shortly thereafter, Mr. Powell informed me that traces of the dye had been discovered on a water cooler in the PTL laboratory and a hand of one of the workers. It was not possible, however, to prove exactly who had touched the marijuana. I was informed that the particular worker contended that the dye on his hand had come from his contact with the water cooler and not from contact with the marijuana container. Proof could not be established in any definitive way. However, I determined that immediate management action was required by PTL's on-site project management. Discussions between NHY and PTL's management resulted in an unsatisfactory response by PTL. Basically, their position was that there was nothing they could do because of the lack of conclusive proof of any individual's involvement. I then concluded that conservative action should be taken and that the PTL contract would be terminated at our discretion as allowed by the existing contract.



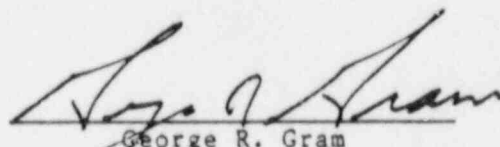
Affidavit of George R. Gram (Continued)

4. Therefore, I arranged for a transfer of the testing responsibilities previously provided by PTL to UE&C. The contract of Pittsburgh Testing Laboratories was terminated in March of 1986. I note that, subsequent to the contract termination, a number of PTL employees contended that there had never been any proof of involvement in the use of any drugs. Indeed, in connection with the proceedings before the National Labor Relations Board, it was determined that NHY should make compensation payments to PTL workers. However, consistent with its high standards, I believe that NHY took conservative action, and acted properly in this instance. It is clear that proof could not have been and can not be established that PTL or any of its workers were involved in drug activity. In any event, I believe the incident reflects NHY's strong commitment to banning drugs from the site.
5. Moreover, as Construction Director, I was assured that all of the work performed by PTL was subject to rechecking and multiple layers of quality assurance. No issue associated with PTL was raised concerning the safety or quality of the plant.
6. In addition, I note that during the period PTL was on site from mid-1976 until March of 1986, audits on PTL activities were performed by UE&C and by Yankee Atomic Electric Company (YAEC) Quality Assurance. These audits included planned and unplanned surveillances on every day activities of the PTL laboratory for all areas of PTL laboratory testing responsibility. No problems were identified that invalidated the quality of their test results.
7. In addition, from 1976 through 1984 the NRC performed numerous inspections and investigations, in the area of containment concrete alone, to verify conformance to specification codes and standards. Observation of ongoing work was an integral part of these inspections. Also, the NRC monitored and witnessed many of the safety related concrete placements.
8. I am further aware that the NRC has also independently performed non-destructive tests; i.e. hammer and windsor probe tests of concrete and safety related structures. These tests indicate an average value of approximately 7200 PSI.
9. I further note that the testing efforts by PTL were a support activity for Perini Construction Company, the civil structural contractor and later for UE&C when UE&C assumed construction responsibilities from Perini. Perini and UE&C reviewed the tests results reported by PTL. Thus, the nature of the tests in the area of concrete were such that no single task by itself, including by PTL, determined the acceptability of the concrete related product. Instead, one test complemented others. Therefore, any significant discrepancies would be apparent in more than one of the tests. As an example, there were several checks of concrete quality. The constituents of concrete (water, cement, aggregate, admixtures, etc.) were sampled and tested at specified intervals as required by codes, specifications and procedures. Inspections were performed to assure that the specified amounts of each constituent were properly discharged to provide the required mix. At the point of placement, the temperature and an air

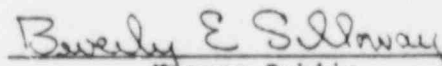
Affidavit of George R. Gram (Continued)

content and slump test was conducted for every 50 cubic yards of concrete placed. In addition, a minimum of two sets of cylinders for compression tests were taken for every 100 cubic yards of concrete placed. Each cylinder was uniquely identified so that it could be correlated to a specific placement. After "setting up", the cylinders were moved to the laboratory curing room where they were maintained until compression tests were performed at 7, 28, 56, and 90 day intervals. The strength of the cylinder test was a direct correlation to the quality of the concrete and produces an independent check.

10. For the containment concrete pours, in particular, the results of cylinder tests indicate the average actual strength of the minimum 4000 PSI mix-design was in excess of 5000 PSI. The test cylinders representing concrete used in the containment structure indicated a strength distribution range from 4400 PSI to 6000 PSI at twenty-eight (28) day intervals.
11. In addition, all PTL test reports were signed by qualified and certified personnel performing the tests and in addition all reports were reviewed by the PTL supervisor or his designee.
12. I am further aware that the Security Incident Report and Evidence Transmittal forms regarding this matter involving PTL were produced to Congressman Markey in or about December of 1986. Congressman Markey's staff never inquired of NHY concerning this matter to determine the true facts.
13. During the period that I was Director of Construction at Seabrook Station, it is my opinion that the Quality Assurance Program was comprehensive and thorough and the highest quality levels were achieved for safety related construction activities in conformance with regulatory and our program requirements.

  
George R. Gram

Then personally appeared the above named George R. Gram, who read the foregoing and stated that it is true to the best of his information, knowledge and belief.

  
Beverly E. Sellaway  
Notary Public

March 11, 1988

My Commission Expires: March 6, 1990

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By CHRISTOPHER CALLAHAN Associated Press Writer

WASHINGTON (AP) — A leading nuclear power critic on Thursday labeled the Nuclear Regulatory Commission an "outlaw agency" for not launching an independent investigation following evidence of drug and alcohol abuse at the Seabrook nuclear power plant.

"Like a mother who refuses to confront a child on drugs, the NRC refuses to confront the possibility of danger at Seabrook," said Rep. Edward J. Markey, D-Mass. "They have turned their backs on the people of New England and ignored their own mandate as the agency that insures nuclear plant safety."

Markey renewed his call for an independent investigation after releasing an affidavit from John Powell, former assistant construction director at the New Hampshire nuclear power plant, that said a longtime Seabrook subcontractor was fired in 1986 for alleged drug abuse by its employees.

Powell's sworn affidavit backs up evidence Markey released earlier this year, the congressman said.

David Scanzoni, spokesman for plant operator New Hampshire Yankee, confirmed that Pittsburgh Testing Laboratories, hired in 1976 to test concrete used at the plant, was fired in 1986 following drug allegations. The allegations were never proven, he said.

Scanzoni said the work of Pittsburgh Testing, like other Seabrook subcontractors, went through a series of rigorous tests and internal checks.

And he said the company's work was reviewed again by New Hampshire Yankee following the drug allegations. Scanzoni said he did not know if the NRC re-checked the work after Pittsburgh Testing was dismissed.

NRC Chairman Lando W. Zech Jr., in a letter to Markey this week, said there was no need for an independent review of Seabrook's construction "in light of the extensive safety reviews."

"The NRC staff has carefully reviewed your report and advises us that no new issues have been raised to support the contention that the safe operation of the Seabrook plant is in question due to construction deficiencies caused by drug or alcohol use," Zech wrote.

He said "routine and special inspections" showed that Seabrook is a well-built and safe reactor.

Scanzoni released a statement from Powell, who retired last year, defending the company.

"No drug or alcohol problems at Seabrook have had any impact on safety related systems or construction at Seabrook," Powell said. "In general terms, there have been no major problems at Seabrook in terms of substance abuse. There have been ~~some~~ minor drug and alcohol incidents, but action was taken immediately."

Scanzoni refuted the congressman's charges that New Hampshire Yankee tried to cover up drug problems at the plant, noting that most of the documents cited by Markey came from the company.

Last page !

Testimony

of

Ted C. Feigenbaum

Vice President

New Hampshire Yankee Division  
Public Service of New Hampshire

Before

the

Science, Technology and Energy Committee  
New Hampshire House of Representatives

Concerning

House Bill No. 1127-FN

January 19 and 28, 1988

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APPENDICES

Appendix A Conclusions from Project Assessments by Independent Consultants

Appendix B List of Consultants to Pickard, Lowe and Garrick, Inc.

## 1.0 INTRODUCTION & PURPOSE

Good morning, my name is Ted Feigenbaum, I'm the New Hampshire Yankee Vice President of Engineering and Quality Programs representing the Joint Owners of Seabrook Station.

I would like your attention this morning to discuss with you House Bill No. 1127-FN. This proposed House Bill would mandate the New Hampshire Public Utilities Commission to contract the National Academy of Science to perform a two year, independent study of the sufficiency, integrity and safety of Seabrook Station at the expense of the ratepayers - you and I.

The purpose of my presentation is to discourage any support of proposed House Bill 1127-FN based on the following facts:

- ° The Seabrook project has been subjected to numerous, independent, in-depth assessments by technical expert type consulting firms all of which have indicated that Seabrook Station was designed, constructed and tested in a safe, reliable manner meeting all of the latest industry codes, standards, and NRC regulatory requirements.
- ° Seabrook's safety is currently and routinely being assessed by external, independent organizations and internal, independent Seabrook Station organizations.
- ° External organizations include the:
  - ° Nuclear Regulatory Commission
  - ° Institute For Nuclear Power Operations
  - ° Joint Utilities Management Audits

Internal organizations include the:

- ° Nuclear Quality Group
- ° Independent Review Team
- ° Independent Safety Engineering Group
- ° Station Operation Review Committee
- ° Nuclear Safety and Audit Review Committee

Based on these facts and others identified throughout this presentation, the adoption of House Bill 1127-FN would be imprudent legislative action and impose unnecessary, unjustifiable costs on the ratepayers of New Hampshire.

## 2.0 BODY OF PRESENTATION

### 2.1 PROJECT ASSESSMENTS BY INDEPENDENT CONSULTANTS

- ° To date, the Seabrook project has been assessed by numerous, independent management consulting firms for the purpose of evaluating project performance in the cost, schedule, design, construction, testing and quality areas.
- ° The direct cost of these assessments is well in excess of 10 million dollars with over 30,000 manhours expended by just the consulting firms. This cost figure does not include the indirect costs associated with Seabrook Station personnel manhours. While the primary purpose of these assessments was to evaluate costs and schedules to ascertain the reasonableness the Seabrook project, many other aspects of the project were also included in these assessments. Two of the primary areas are; quality of construction and effectiveness of the quality assurance program. In four of the more comprehensive of these independent assessments, the reports



consistently identified the excellent, superior quality of construction and adequacy of the quality assurance programs.

The four reports are entitled:

- ° Study of the Seabrook Project  
By  
Challenge Consultants, Inc.  
Nov. 1986
  
- ° Seabrook Project Management Prudence Audit  
By  
Pickard, Lowe, and Garrick, Inc.  
July 1986
  
- ° Evaluation of Cost and Schedule for the Seabrook Nuclear  
Generating Station  
By  
The Nielsen-Wurster Group Inc.  
May 14, 1984  
For  
The New England Conference of Governors, Inc.
  
- ° Review of the Reasonableness of the Cost and Management  
of  
The Seabrook Station  
By  
Touche Ross and the Nielsen-Wurster Group  
July 1987

I would like to direct your attention to appendix "A" which identifies specific excerpts from these four independent assessments.

## 2.2 PROJECT ASSESSMENTS BY THE NUCLEAR REGULATORY COMMISSION

- ° In addition to the independent project assessments just explained, project performance including quality programs, was continuously assessed and monitored by the Nuclear Regulatory Commission. This was accomplished through the licensing process and site inspections which were conducted by NRC personnel both onsite and by their regional, technical specialists and expert consultants.

There had been in excess of 23,000 manhours of actual inspections conducted by the NRC at Seabrook Station up to June of 1986. The number of manhours reflects actual time spent performing actual inspections and not just time spent on site. This inspection time included a number of "team type" inspections by the NRC consisting of teams of NRC specialists and expert, technical consultants to perform indepth reviews of documentation and inspections of station hardware. The following outline describes examples of the "team type" inspections and a brief explanation of their scope:

There were two NRC Construction Assessment Team (CAT) inspections conducted. Both were conducted during the "heavy" construction period of the project and were intended to verify that the as installed condition of the station met the design requirements. One was completed in 1982 and the other in 1984. These CAT inspections were structured on a discipline basis, and covered all project disciplines such as Mechanical, Electrical, Instrumentation and Controls, Piping, etc. These inspections included a review of the design basis documents such as specifications and drawings; a review of installation documents such as procedures, process sheets, erection diagrams; actual "field" inspections of station hardware such as pipe supports, cable terminations, instrumentation installation and a review of associated documentation including procurement installation and installation inspection and test records. In addition, as part of these CAT team inspections, the NRC brought in their own Nondestructive Examination (NDE) equipment and certified examination personnel for the purpose of re-examining completed work at the station and assuring the quality of safety related welds for components such as piping, pipe supports, structural steel, etc.

- ° In 1983, the NRC conducted an "Independent Design Inspection" (IDI) of the Containment Building Spray System (CBS). The purpose of this inspection was to determine whether the design process used in constructing the plant had complied with NRC regulations and licensing commitments and if the design of the CBS system met safety standards. This consisted of a team of NRC specialists and expert, technical consultants who performed a complete assessment of the CBS system from design through installation. The NRC team reviewed the methodology of the design process; design assumptions and conclusions; design bases documents such as specifications, piping and instrumentation diagrams, calculations, and control wiring drawings.
  
- ° After the 1984 project reorganization, the NRC conducted a special construction team inspection. The purpose of this inspection was to assess the effectiveness of the construction activities which resumed under the new site organization of 1984. This was accomplished through a multi-disciplinary review of selected portions of key, safety related systems. The overall site management was also reviewed to assess the effectiveness and adequacy of management overview in safety related activities. The conclusions were that the project was effectively being managed and that safety systems checked met the design.
  
- ° An NRC "as-built" team inspection was conducted in March, 1986 to verify that the Service Water System, Primary Component Cooling Water System and associated electrical power supplies and distribution systems were constructed and functioning in agreement with the Seabrook Station Final Safety Analysis Report (FSAR) description and project design documents.

An NRC sponsored Technical Specification (TS) team inspection was conducted in 1986 by an independent NRC contractor. The purpose of this inspection was to determine whether the Technical Specifications and the Final Safety Analysis Report were in agreement with the plants as-built configuration and whether the TS requirements were measurable. Included in the inspection was a review of design documents and in situ plant equipment visual inspections to verify actual installations agreed with various project documents.

#### IN SUMMARY

I would like to take this opportunity to point out a few, very important facts regarding NRC assessments of Seabrook Station.

- ° Considering all of the NRC inspection actions just described, the Commission has not been required to issue any Stop Work Orders; Confirmatory Action Letters; Level 1, 2 or 3 violations or impose any civil penalties. This is not typical in the industry and demonstrates superior quality and attention to detail.
- ° The NRC Atomic Safety and Licensing Board (ASLB) presently has no outstanding contentions or issues which relate to the sufficiency, integrity, and safety of the physical construction of the plant.
- ° The NRC's Systematic Assessment of Licensee Performance (SALP) reviews have continuously graded Seabrook Stations construction and quality assurance activities as good to excellent. The following excerpts from some of the more recent SALP reports issued confirms Seabrook Station's commitment to quality:

SALP Report for Assessed  
Period April 1, 1986 through July 31, 1987

- ° "During this assessment period, a major transition occurred as construction and preoperational testing were completed, and startup testing and operations under the technical specifications (TS) and license conditions commenced. Throughout this transitional period, the licensee's commitment to quality, along with its safety conscious attitude and management support of quality assurance (QA) initiatives has been maintained."
- ° "Construction completion has resulted in quality hardware, which is being maintained at the same level. Similarly, the Station's approach to component problems and testing anomalies reflects the same comprehensive attitude toward corrective action that was evident during construction. Management attention to plant readiness and independent, internal review of plant performance remains high."

SALP Report for Assessed  
Period January 1, 1985 through March 31, 1986

- ° "The inspection effort during this period was far in excess of that of previous SALP periods. An evaluation of a broad spectrum of licensee activities was necessary because of the nature of ongoing construction completion, preoperational testing, and operational preparedness activities. Hardware quality has been found to be in conformance with design requirements and system installation has met licensing commitments. The preoperational test program has confirmed the existence of quality construction with generally outstanding test results and minimal number of test exceptions."

° "Our overall assessment of construction activities at the Seabrook Station is that Seabrook's performance has been acceptable and is aggressively oriented toward safe completion of the facility. We found a high degree of management support of quality assurance, a quality conscious philosophy, and strong management initiatives toward improving organizational interfaces and strengthening management controls. Seabrook is to be commended for such active management involvement, particularly where high levels of performance were noted in the areas of structures and supports, auxiliary systems, quality programs, preoperational testing, and operational readiness."

° The NRC has recognized and documented the fact that Seabrook's commitment to quality is clearly stated and provided to all its employees and that Seabrook management recognizes the role of quality assurance and is supportive of all quality assurance functions. The Commission has also noted that a strength in the Seabrook quality assurance program is that strong and effective corrective action is directed to the programmatic causes and extent of a given problem, and not just to the identified deficiencies. Also the use of corrective action documents and project trending program is effective as both a problem prevention and diagnostic tool and represents another example of a Seabrook QA program strength.

All Nuclear Regulatory Commission inspection reports are on file and available for public review.

### 1.3 EMPLOYEE ALLEGATION RESOLUTION PROGRAM (EARP)

- ° In addition to the system of checks and balances previously described in my presentation this morning, I would like to introduce to the members of the House a separate, independent program which is being implemented at Seabrook Station. This program is the "Employee Allegation Resolution Program".
  
- ° The Seabrook project instituted the EAR Program in February of 1985. The charter of the EAR program is to identify, investigate, and resolve all employee concerns regarding quality or safety related issues. Quality or safety related as used in context with the EAR program means the quality of material parts or components and the workmanship associated with these items as they relate to the health, welfare and safety of the public. The EAR program operates independently from the project. The purpose of the program is to provide a formal process whereby any individual may register concerns pertaining to the quality or safety of the plant without concern or fear of reprisal. The concerns of an employee or any other individual are reviewed and when necessary additional investigation is performed. The individual is appraised of the outcome of all investigations. The identity of the individual who registers the concern is kept in strict confidence and is not identified to management. Seabrook management has committed to implement any corrective action resulting from the resolution of allegations.



In addition to the investigations performed by the Seabrook Station Employee Allegation Resolution Program, the Nuclear Regulatory Commission conducts its own investigations of allegations. The NRC stated in their Systematic Assessment of Licensee Performance report issued in 1987 that in the time between April 1, 1986 and July 31, 1987, 1100 manhours of additional inspection were expended to investigate allegations brought to their attention. They also stated, "The expenditure of this large inspection effort into the several construction disciplines and areas of as-built quality has resulted in a reaffirmation of the NRC position that Seabrook Station was constructed in accordance with its design bases and regulatory requirements."

#### 2.4 PROBABILISTIC SAFETY ASSESSMENT

- ° A full scope probabilistic safety assessment was performed for Seabrook Station by the consulting firm Pickard, Lowe, and Garrick, Inc. and several technical consultants to PLG. Appendix "B" identifies PLG's consultants who contributed to the probabilistic safety assessment report. This assessment provided an independent assessment of the safety of the plant using the most modern evaluation techniques in the industry. Specific features of the station which were considered in the study included; geographic location, design, plans for operation, maintenance and emergency response. The methodology and results are documented in a 4000 page report entitled "Seabrook Station Probabilistic Safety Assessment, (PLG-0300, December 1983)." This study was conducted during a 20 month period from April, 1982 through December, 1983, and accounts for approximately 20 man years of effort at a cost of approximately 3 million dollars.

- ° In addition to the internal, technical review and quality assessment performed by PEG and its technical consultants, an independent Technical Review Board reviewed the study while in progress to assure the highest degree of technical quality possible. The board included Dr. Norman Rasmusson (MIT), Dr. Donald Norman (University of California-San Diego), as well as other recognized experts in specific risk assessment fields.
- ° The conclusions of this study are that:
  - ° The operations of Seabrook Station are considered to be very safe  
and
  - ° will have no adverse affects on the environment, health and welfare of the general public  
and
  - ° the station design, construction, operational practices and procedures meet or exceed all Nuclear Regulatory Commission regulatory requirements and safety goals.

This study was reviewed by the Nuclear Regulatory Commission and is on file and available for public review.

## 2.5 QUALITY ASSURANCE PROGRAM - YANKEE ATOMIC ELECTRIC COMPANY (YAEC)

- ° During the design and construction phase of the Seabrook project YAEC was responsible for the development, execution and administration of the quality assurance program for all safety related structures, systems and components at Seabrook Station.

YAEC has been involved in the commercial nuclear power industry since its beginning in New England in the late 1950s with the design, construction and operations of the Yankee Nuclear Power Plant in Rowe, MA. This involvement continued with the Connecticut Yankee Nuclear Power Plant, Maine Yankee Power Plant, and the Vermont Yankee Nuclear Power Plant. YAEC possesses numerous years of experience in nuclear industry and employs several hundred technically competent, professional individuals.

A significant part of the Seabrook quality assurance program was an overview provided by YAEC of the design, procurement, construction and quality activities. There were well in excess of 200 man years expended on audits and surveillances performed by onsite YAEC QA personnel which attest to the fact that the station was constructed in a safe manner. The YAEC quality assurance program consistently received high ratings when evaluated by external, independent assessment organizations.

## 2.6 START-UP AND PREOPERATIONAL TEST PROGRAM

As the various structures, systems and components were completed they were subjected to actual, physical testing to assure that the engineering requirements were met and the items functioned correctly. These tests were conducted as part of the Seabrook Station start-up and preoperational testing program. For example, each safety related piping system at Seabrook was hydrostatically tested to levels beyond their design pressure to assure their integrity. As another example, the Seabrook Containment building and all penetrations were pressure tested following construction. These tests will be routinely repeated as required by the ASME code.

Critical station components are included in the Station ISI and IST programs. The purpose of these inspections/tests is to assure component integrity during the lifetime of the plant. A brief overview of these programs is as follows:

Inservice Inspection Program

- ° The ISI program has been developed by Seabrook Station and will be approved by the NRC prior to implementation. The intent of the ISI program is to ensure the integrity (or leak tightness) of critical station components and systems.
- ° The ISI program begins at commercial operation of Seabrook Station and continues through its forty (40) year life. The program is updated every ten (10) years to keep current with changing regulations.
- ° The program entails gathering data from systematic nondestructive examinations of pumps, valves, vessels and their supports. This data is analyzed by engineers who determine the condition of a given component. Based on this analysis components are given a clean bill of health, repaired, replaced or reexamined.

## Inservice Test Program

- ° The IST program is similar to the ISI program described above, except that it only concentrates on the operational testing of critical pumps and valves. The intent of the IST program is to insure that critical pumps and valves will continue to function properly. The IST program entails gathering data from tests conducted while a pump or valve operates. Data such as pump speed, flow, vibration, etc. and valve opening and closing speed are gathered for analysis. Any degradation of equipment is investigated and corrected.

Complete descriptions of the ISI and IST programs are on file and available for your review.

### 2.8 TECHNICAL SPECIFICATION SURVEILLANCES

- ° One of the provisions of our Operating License is a commitment to perform Technical Specification surveillances. These surveillances are performed to verify through testing, that the Station equipment and components are operable and meet the operating requirements of the NRC issued license.

These surveillance checks are performed by highly competent, technically knowledgeable personnel with operational backgrounds. They are conducted on a daily basis, around the clock. Approximately 2,871 surveillances were completed during 1987.

All Technical Specification surveillances are identified in the Station Technical Specifications which are on file and available for review.

## 1.9 AUTHORIZED INSPECTION AGENCY

- As required by the American Society of Mechanical Engineers (ASME) and the State of New Hampshire Seabrook Station has contracted the service of an independent, licensed Authorized Inspection Agency. An Authorized Inspection Agency is an independent, "third party" type organization contracted by Seabrook Station. The inspectors are licensed by the National Board of Boiler and Pressure Vessels and the State of New Hampshire to perform Boiler and Pressure Vessel inspections and verifications. The Authorized Inspection Agency verifies Seabrook Station's compliance to the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Codes. Each Section of the Code details specific items which must be verified and inspected. The Authorized Inspection Agency's representatives (Authorized Nuclear Inspector, Authorized Nuclear Inservice Inspector, Authorized Inspector) are also authorized to verify compliance with other aspects of the Code if desired.
- Seabrook Station has had at least one (1) resident Authorized Inspection Agency representative on site since safety related construction began. Representatives from the Agency's corporate office also audit Seabrook Station activities on a regular basis.

2.10.1 External Organizations

The Seabrook project is presently subjected to routine, on going assessments by three different independent, external organizations and five internal, Seabrook organizations. The independent, external organizations are as follows:

° Nuclear Regulatory Commission

The NRC is continuing to assess and monitor Seabrook Station in a like manner as previously described utilizing two on-site resident NRC inspectors and other regional personnel as needed. There has been more than 6000 manhours of inspections since June, 1986. The NRC's Systematic Assessment of Licensee Performance (SALP) issued in 1987 gave Seabrook Station an assessment rating among the highest in the industry.

° Joint Utility Management Audit Program

The JUMA program is a program of cooperative audits conducted by member utilities. The audits are conducted annually by Q.A. management type personnel from other utilities to assess the effectiveness of implementation of each member's quality assurance organizational responsibilities as they are applied to design, construction, and operation of nuclear power plants licensed by the Nuclear Regulatory Commission. There has been three comprehensive JUMA audits completed at Seabrook Station.



## Institute of Nuclear Power Operations

INPO was established by the nuclear utilities in the United States to provide improved safety and reliability in the operation of nuclear power plants. It consists of a staff of over 400 professional individuals with experience in the nuclear industry. The Institute focuses on improvements in established programs and refinements of methods and practices. INPO promotes improved human resource management in the nuclear industry and assists utilities in identifying and correcting root causes of performance problems and enhancing the diagnostic abilities of nuclear plant operators. INPO performs audits of Seabrook on an annual basis throughout the construction and operational phases of the project.

### 2.10.2 Internal Organizations

The independent, internal Seabrook Station organizations who perform routine, preplanned assessments of Station activities include:

Nuclear Quality Group (NOG)

The Nuclear Quality Group has developed the Operational Quality Assurance Program (OQAP) which defines the requirements and controls that are applied to activities and materials associated with the design, maintenance, testing and operation of safety related and other selected structures, systems and components. The NOG with over 60 full time professional staff members, verifies implementation of the OQAP through a preplanned system of audits, surveillances, inspections, and reviews of activities and records. The NOG assures that industry codes, standards, and Nuclear Regulatory Commission regulatory requirements are met.

Independent Safety Engineering Group (ISEG)

The ISEG examines station operating characteristics, NRC documents, industry advisories, Licensee Event Reports, and other sources of Station design and operating experience information, including stations of similar design, which may indicate areas for improving Station performance and safety. The ISEG makes detailed recommendations for revised procedures, equipment modifications, maintenance activities, operations activities, or other means of improving Station safety to management.

Independent Review Team (IRT)

The IRT is a multi-discipline organization of technically competent professional individuals who assist Seabrook Station management by providing the following services:

- ° Monitor implementation, progress and effectiveness of Station action plans and assist in technical and procedural problems.
- ° Review and evaluate work practices, policies, programs and procedures. Review potential problem areas and recommend changes to increase efficiency and assure timely support of test, startup, and operating activities.
- ° Provide random, independent reviews of engineering, construction and operations status.
- ° Act as a technical and licensing advisory source to management.

Nuclear Safety Audit and Review Committee (NSARC)

The function of the NSARC is to provide to management a means to independently ascertain that activities related to nuclear safety of Seabrook Station are performed safely and in accordance with the policies of Seabrook Station and the requirements of the Nuclear Regulatory Commission.

The NSARC is composed of experienced management level personnel who function to provide independent review and audit of designated activities such as:

- ° Nuclear Power Plant Operations
- ° Nuclear Engineering
- ° Chemistry and Radiochemistry
- ° Metallurgy
- ° Instrumentation and Control
- ° Radiological Safety
- ° Mechanical and Electrical Engineering
- ° Administrative Controls and Quality Assurance Practices

The NSARC meets on a regular basis throughout the year.

° Station Operation Review Committee (SORC)

The SORC performs on site operational review responsibilities and advises the Station management on all matters related to Station nuclear safety.

Additionally, SORC performs timely and continuing monitoring of operating activities and keeps the Station management appraised of observations.

### 3.2 SUMMARY AND CLOSING STATEMENTS

- ° The quality of the design, construction and testing program at Seabrook Station has undergone numerous independent, third party inspections, surveillances and audits and has repeatedly been found to be excellent.
- ° There are no current, outstanding issues pending with the Nuclear Regulatory Commission Atomic Safety and Licensing Board which pertain to the construction of Seabrook Station or it's quality assurance program.
- ° Seabrook Station management has established multiple systems of checks and balances during the design, construction, testing and operational phases of the project which go beyond those required and normally committed to by others in the nuclear industry. This is exemplified by adoption of the Independent Review Team and Employee Allegation Resolution Program previously discussed.
- ° An additional independent review such as that proposed in House Bill 1127-FN would be considered duplicative and redundant with no added benefits to the health, welfare or safety of the public.
- ° The cost of performing another independent study such as the one proposed in House Bill 1127-FN would be on the order of millions of dollars and would impose additional unnecessary, financial burdens on the New Hampshire ratepayers.

- IN CLOSING -

- ° This concludes the testimony which I originally prepared for presentation on January 13, 1988. However, based on the testimonies provided by Sharon Tracey and Douglas E. Richardson from the Employee Legal Project the following comments and responses are hereby provided.

- ° Both testimonies contained erroneous information and biased opinions which were directed to mislead this legislative committee. Their testimonies contained numerous allegations which were previously identified and reported to the Nuclear Regulatory Commission and have been adequately resolved.
- ° I direct your attention to a separate report for Seabrook Station's responses to all of the allegations provided during testimonies by Sharon Tracey and Douglas E. Richardson. Copies of this report are available from our legislative representative, Liz Murphy.
- ° I, Ted Feigenbaum on behalf of the Joint Owners of Seabrook Station would like to thank you for your time and attention this morning and would like to personally invite each member of the New Hampshire House of Representatives to visit Seabrook Station and personally review or discuss in detail any of the documents discussed in my presentation this morning.
- Thank you all very much and good day.

APPENDIX A

CONCLUSIONS FROM PROJECT ASSESSMENTS BY INDEPENDENT CONSULTANTS

Report

Study of the Seabrook Project  
By  
Challenge Consultants, Inc.  
Nov. 1986

Conclusions

- ° "Design includes an 1150 MW Westinghouse nuclear steam supply system, steam generators and a GE Turbine Generator. Operating experience indicates this to be an exceptionally good combination of primary equipment. Seabrook experienced a relatively problem-free startup and testing period. It appears that both the basic design and the completion of the project to that design are very sound."
- ° "In addition to promising a high degree of plant reliability, the design of the Seabrook project incorporates highly advanced safety features. It is the only pressurized water nuclear plant in the United States which has a reinforced concrete secondary containment structure. Moreover, the Seabrook design is based on the most stringent seismic factor of any nuclear project on the East coast."
- ° "The quality assurance program throughout the duration of the Seabrook project has been exceptionally strong. The quality program was well defined and the enforcement of its provisions has been strong. This conclusion is supported by the relatively positive NRC reviews of the Seabrook quality program."

These conclusions were extracted from page 10 of the report.



Report

Seabrook Project Management Prudence Audit

By

Pickard, Lowe, and Garrick, Inc.

July 1986

Conclusions

- ° "By all indicators available to PLG, the end result of the Seabrook project quality assurance program -- the quality of the product itself -- is excellent. This excellent result contrasts sharply with the adverse results that have been experienced elsewhere within the industry. Unlike what has occurred at other nuclear projects, the NRC has not had to issue any stop work orders or to assess any civil penalties for violations of regulations against the management of the Seabrook project".
- ° "Top management commitment to quality and the Quality Assurance Program by project management began at the outset of the project and continued throughout. This emphasis on quality and top-level management involvement was not common in the industry at the time it was initiated for the Seabrook project."
- ° "Timely or correct initial selection decisions were made to set the course for the project."
- ° "PSNH and its contractors pursued the project aggressively and with the correct strategy of emphasizing high quality and maximum production."
- ° "The excellent results of the startup program confirmed the fact that the startup program was well planned and organized. Both Cold Hydrostatic and Hot Functional Testing were conducted successfully on or ahead of schedule."

These conclusions were extracted from pages 1.2-20, 1.1-21, 1.1-22 and 1.1-55 of the report.

## Report

Evaluation of Cost and Schedule for the Seabrook Nuclear  
Generating Station

By

The Nielsen-Wurster Group Inc.

May 14, 1984

For

The New England Conference of Governors, Inc.

## Conclusions

- ° "Design - Nielsen-Wurster has evaluated project records, regulatory records and sources external to the project to ascertain the quality of the Seabrook design to date. By industry standards, Seabrook reflects a sound design with no significant safety or licensing - related problems."
  
- ° "Construction - Nielsen-Wurster has evaluated project records, regulatory records and external sources with respect to recorded or perceived construction workmanship. The quality of Seabrook construction to date in comparison to industry standards is good."  
  
They have reviewed project QA/QC records, regulatory compliance records and external source data regarding Unit 1 and Common Facilities construction. Workmanship and mandated quality levels at Seabrook are above industry averages. No significant additional work is likely to be required during completion from prior performance issues. All estimates reflect the quality of performance to date."
  
- ° "Startup - Nielsen-Wurster has evaluated project documentation and regulatory records regarding start-up activities and operating personnel. The record to date has been outstanding compared to industry standards. NRC records reflect recognition of Seabrook as a quality project with below average open items."

"Quality Assurance - Nielsen-Wursters interviews with project, regulatory and external sources, together with reviews of sampled inspection reports and assessment, support the conclusion the quality record for Seabrook has been above industry standards to date."

These conclusions were extracted from pages 14, 15, 16, 24 and 60 of the report.

#### Report

Review of the Reasonableness of the Cost and Management of  
The Seabrook Station

By  
Touche Ross and the Nielsen-Wurster Group  
July 1987

#### Conclusions

- ° "The Advisory Committee on Reactor Safeguards favorable low power (5%) letter to Seabrook Station in April, 1983 indicates this independent body of experts was satisfied with the Seabrook project."
- ° "Audits and inspections conducted by the NRC of the QA activities and programs at Seabrook Station did not result in the issuance of any Stop Work Orders, Confirmatory Action Letters, Level 1, 2 or 3 violations or civil penalties. This indicates a high level of commitment by senior management to endorse and execute a viable QA program that was responsive to NRC requirements."
- ° "The project procedures were comprehensive in their coverage of design activities including technical, safety, quality and budgetary factors."

"PSNH was particularly effective in developing policies for the training of Seabrook Station craft labor. Also training programs for non-manual employees were established for site indoctrination and training as well as quality assurance education purposes."

These conclusions were extracted from pages 28, 29, 34 and 52 of the report.

Complete copies of these four project assessment reports are on file and available for your review.

APPENDIX B

CONSULTANTS TO PICKARD, LOWE AND GARRICK, INC.

PROBABILISTIC SAFETY ASSESSMENT

Consultants

Structural Mechanics Assoc., Inc.  
Seismic Analysis

Dames and Moore  
Seismic Hazard Analysis

Fauske and Associates, Inc.  
Physical Processes Accidents

Westinghouse Electric Co.  
Analysis of Accident Sequences and Releases

Mesomet, Inc.  
Meteorological Modeling

Digital Graphic, Inc.  
Data Processing

|                                |   |       |
|--------------------------------|---|-------|
| New Hampshire<br><b>Yankee</b> | Programs and Procedures<br>FITNESS FOR DUTY PROGRAM | 11400 |
|--------------------------------|---|-------|

## 1.0 INTRODUCTION

This procedure provides the NHY Fitness For Duty Policy and establishes the Fitness For Duty Program.

### 1.1 FITNESS FOR DUTY POLICY

New Hampshire Yankee (NHY) is committed to providing a safe work environment that protects the health and safety of employees and the public. The operation of a nuclear plant requires that employees be trustworthy and meet strict job performance standards. Public and regulatory agency confidence in NHY's ability to fulfill its responsibilities also depends on meeting such standards. Personnel performing functions related to the operation of Seabrook Station must be physically and mentally fit to safely and efficiently perform their assigned functions.

### 1.2 FITNESS FOR DUTY PROGRAM

The NHY Fitness For Duty (FFD) Program establishes elements considered essential by NHY to provide a comprehensive fitness-for-duty program and ensure a safe and productive environment for employees. The FFD Program includes:

- o a Use of Controlled Drugs policy,
- o a Use of Alcoholic Beverages policy,
- o a Behavior Observation Program,
- o an Employee Assistance Program,
- o procedures addressing policy violations,
- o pre-employment screening, and
- o communication of the FFD policies and procedures including the employee's role in the program.

### 1.2 SCOPE

This procedure applies to all NHY and contractor employees and to visitors who are on the property that is controlled by NHY and known as Seabrook Station.

All individuals entering Seabrook Station are subject to personal search and/or vehicle search. NHY and contractor employees shall be subject to chemical screening. The refusal to participate in such search and screening shall be grounds for denying access to Seabrook Station and/or suspension or termination of employment by NHY.

## 2.0 RESPONSIBILITIES

Vice President-Nuclear Production - Ensures that the Fitness For Duty Program is implemented. Ensures that supervisory personnel receive training in behavior observation.

Responsible for the technical adequacy and accuracy of this procedure.

Vice Presidents/Directors - Ensure that management and supervisory personnel throughout their respective organizations remain cognizant of the provisions of the Fitness For Duty Program and support its continuing application at all levels.

Employees - Comply with the FFD Program and report direct observations of violations of the Program to their Supervisor and the Security Department Supervisor.

Security Department Supervisor - Establishes a chemical screening program. Administers appropriate search and screening programs. Authorizes access to the Protected Area.

Employee Relations Manager - Coordinates all referrals to the Employee Assistance Program Administrator for Fitness For Duty Program violations.

Training Manager - Coordinates the development and presentation of Behavior Observation Training.

## 3.0 REQUIREMENTS

### 3.1 GENERAL

All personnel at Seabrook Station shall adhere to the NHY Fitness For Duty Program.

Violation of the program shall result in denial of access to the Protected Area, and may result in disciplinary action up to and including termination of employment by NHY or denial of access to Seabrook Station.

### 3.2 USE OF ALCOHOLIC BEVERAGES

The NHY policy on the use of alcohol is provided in NHY Procedure 11401, Use of Alcoholic Beverages.

### 3.3 USE OF CONTROLLED DRUGS

The NHY policy on the use of controlled drugs is provided in NHY Procedure 11402, Use of Controlled Drugs.



### 3.4 COMMUNICATION OF FITNESS FOR DUTY PROGRAM INFORMATION

The Security Department Supervisor shall ensure that all NHY and contractor employees are provided information on the Fitness For Duty Program during in-processing.

The Employee Relations Manager shall provide ongoing FFD Program information to NHY employees. This effort may include, but is not limited to, the use of:

- o pamphlets, newsletters and other publications to raise employee awareness and provide information,
- o bulletin board notices, signs, booklets, and similar devices to disseminate policy and guidance, and
- o questionnaires or surveys to monitor the effectiveness of the FFD Program.

### 3.5 BEHAVIOR OBSERVATION

Supervisors, because they are in daily contact with personnel and are most familiar with employees' normal behavior patterns, are in the best position to detect changes in employees' behavior which may affect their job performance. NHY and contractor supervisory personnel shall be provided information and training on:

- o the Behavior Observation Program,
- o recognition and documentation of job performance deterioration,
- o handling drug and alcohol abuse and policy violations, and
- o cooperation with and support of the Employee Assistance Program.

Initial training shall be provided to all NHY and contractor supervisors as soon as possible after they start employment or assume their first NHY supervisory position.

This training should include, as a minimum, behavioral observation guidelines (i.e., examples of behavior and job performance "warning signs"), information on stress and its effects, procedures on documentation and discipline, and identification of resources available for troubled employees, such as the Employee Assistance Program.

Refresher training shall be provided to all NHY and contractor supervisors on an annual basis.

Supervisors should, through observation, be alert to changes in the work and behavioral patterns of employees. If, after objective observation, a supervisor has reason to suspect that any employee is unfit for duty, he shall take the following actions.

- o Interview the subject employee to determine the scope of the problem.

### 3.5 BEHAVIOR OBSERVATION

- o If drug or alcohol policy violations are suspected, notify Security.
- o Document unacceptable behavior, (e.g., overreaction to criticism, avoidance of associates, unsatisfactory attendance), and job performance which fails to meet established standards.
- o Implement disciplinary action, where appropriate.
- o Refer the employee to the Employee Assistance Program (EAP) for assistance, if appropriate.

### 3.6 EMPLOYEE ASSISTANCE PROGRAM

NHY will provide confidential assistance to NHY and contractor employees in dealing with drug, alcohol, emotional, family, financial or personal problems that may adversely affect job performance. The assistance shall be provided in accordance with NHY Procedure 16360, Employee Assistance Program.

Participation in the Employee Assistance Program does not preclude administrative action as a result of violating the Fitness For Duty Program.

### 3.7 CHEMICAL SCREENING

Chemical screening shall be utilized to test for the presence of alcohol and controlled drugs in an individual's body and, when applicable, the individual's use of controlled drugs shall be documented. Chemical screening for controlled drugs shall be conducted on an annual basis and may be conducted on a random basis. Chemical screening for controlled drugs or alcohol may be conducted for cause when there is a reasonable belief that an individual may have violated the FFD Program.

All NHY and contractor employees shall complete a chemical screening prior to being issued an Employee Identification Badge or being allowed unescorted access to the Protected Area.

**NOTE** - At the discretion of the Vice President-Nuclear Production, contractor personnel may be waived from participation in the NHY chemical screening program if they are certified by their employing organization (e.g., NRC, Westinghouse) to have successfully completed an acceptable chemical screening program.

Chemical screening shall be conducted in accordance with NHY Procedure 11403, Fitness For Duty Program Implementation.

### 3.8 VIOLATION OF THE FITNESS FOR DUTY PROGRAM

Violation of the Fitness For Duty Program shall be handled administratively in accordance with the Use of Alcoholic Beverages Policy, Use of Controlled Drugs Policy, or for other concerns through normal NHY administrative practices in cooperation with the Employee Assistance Program.

### 3.9 FITNESS FOR DUTY ADVISORY BOARD

The Fitness For Duty Advisory Board shall review all cases where a retest has been requested or when a review has been requested by a Vice President or Director. The FFD Advisory Board shall render a final decision regarding chemical screening results or implementation of the FFD Program. The FFD Advisory Board shall be composed of:

- o Vice President-Nuclear Production - Chairman
- o Director of Management Control
- o Subdivision Head of the individual appealing the screening results

### 3.10 FITNESS FOR DUTY COMMITTEE

An FFD Committee shall meet periodically to review FFD Program performance, industry activities, etc. and to recommend program enhancements to the Vice President-Nuclear Production. The FFD Committee shall be composed of:

- o Director of Management Control - Chairman
- o Security Department Supervisor
- o Employee Relations Manager
- o Employee Assistance Program Administrator
- o Training Group Representative
- o Corporate Services Representative
- o Operational Projects Supervisor

### 3.11 EMPLOYEE REPORTING REQUIREMENT

Any employee, who directly observes possession or use of drugs or alcoholic beverages by any individual on NHY controlled property, or who is directly aware that any individual is under the influence of drugs or alcohol while on NHY controlled property or in NHY vehicles, has observed a violation of the FFD Program.

- o The cognizant employee is required to report any such violation to his supervisor and the Security Department.
- o Failure to report such a violation is cause for disciplinary action.

### 3.12 EAP REFERRALS

The Employee Relations Manager shall refer all employees who violate the Fitness For Duty Program to the Employee Assistance Program unless their employment by NHY is terminated.

### 3.13 RETURN TO WORK

An individual who has been suspended due to a chemical screening failure shall have a Fitness For Duty evaluation prior to returning to work. The Fitness For Duty evaluation shall include:

- o chemical screening,

## 3.13 RETURN TO WORK

- o Employee Assistance Program clearance (a written clearance from the EAP Administrator),
- o psychological evaluation (if determined necessary by the EAP Administrator), and
- o approval by the appropriate Vice President or Director.

The Security Department Supervisor shall authorize access to the Protected Area in accordance with access control procedures.

4.0 INSTRUCTIONS

None

5.0 ATTACHMENTS

None

APPROVED:

*W. B. Derrickson*  
W. B. Derrickson, Senior Vice President

11/23/87  
Date

|                                |   |       |
|--------------------------------|---|-------|
| New Hampshire<br><b>Yankee</b> | Programs and Procedures<br>USE OF ALCOHOLIC BEVERAGES | 11401 |
|--------------------------------|---|-------|

## 1.0 INTRODUCTION

This procedure provides the NHY policy regarding the use, possession, or sale of alcoholic beverages. This procedure applies to all NHY and contractor employees and to visitors who are on the property that is controlled by NHY and known as Seabrook Station.

## 2.0 RESPONSIBILITIES

Supervisors - Responsible for enforcing this policy and for reporting to other appropriate levels of supervision any activities that are prohibited herein.

Vice President - Nuclear Production - Responsible for the technical adequacy and accuracy of this procedure.

## 3.0 REQUIREMENTS

### 3.1 GENERAL

The sale, use, or possession of an alcoholic beverage by

- o a visitor while at Seabrook Station shall be cause for denial of access to Seabrook Station.
- o an NHY or contractor employee while at Seabrook Station or in an NHY vehicle shall be cause for suspension or termination of employment by NHY.

An NHY or contractor employee shall not consume an alcoholic beverage during lunch time if the individual will be returning to work at Seabrook Station.

The use of an alcoholic beverage by an NHY or contractor employee while off-duty may be cause for suspension or termination of employment or denial of access to Seabrook Station if such use could reasonably be expected to adversely affect:

- o the individual's job performance, or
- o public or regulatory confidence in NHY to effectively carry out its public service responsibilities.

The following shall be considered alcoholic beverages:

- o distilled and rectified spirits
- o wines
- o fermented and malt liquors and ciders
- o beer, lager beer, ale, porter, stout, and
- o any other liquid containing one percent or more of alcohol by volume at 60° Fahrenheit.

### 3.2 SEARCH AND CHEMICAL SCREENING

All personnel entering Seabrook Station shall be subject to personal or vehicle search. NHY and contractor employees shall be subject to chemical screening. The refusal to participate in such search and/or screening shall be grounds for denying access to Seabrook Station and for suspension or termination of employment by NHY.

Screening for alcohol shall consist of both a breathalyzer test and a blood test as described in NHY Procedure 11403, Fitness For Duty Program Implementation.

### 3.3 ALCOHOLIC BEVERAGE POLICY VIOLATIONS

Visitors who sell, use or possess alcoholic beverages shall be immediately escorted from Seabrook Station.

When an NHY or contractor employee violates the Use of Alcoholic Beverages Policy by sale or use at Seabrook Station or by chemical screening failure, the appropriate Vice President or Director shall immediately:

- o suspend an NHY employee without pay for seven days, or
- o inform the contractor representative to remove the contractor employee from Seabrook Station for seven days.

When an NHY or contractor employee violates the Use of Alcoholic Beverages Policy by consumption of an alcoholic beverage during lunch time, the appropriate Vice President or Director shall immediately:

- o suspend an NHY employee without pay for three days, or
- o inform the contractor representative to remove the contractor employee from Seabrook Station for three days.

An NHY or contractor employee who possesses an alcoholic beverage at Seabrook Station shall be subject to disciplinary action at the discretion of the appropriate Vice President or Director.

The employee may return to work after appropriate disciplinary action has been taken and with the concurrence of the appropriate Vice President or Director. The employee's access to the Protected Area will be determined by the Security Department Supervisor.

A second violation of the Use of Alcoholic Beverages Policy shall be grounds for termination of employment by NHY.

4.0 INSTRUCTIONS

None

5.0 ATTACHMENTS

None

APPROVED:

*W. B. Derrickson*  
W. B. Derrickson, Senior Vice President

11/23/87  
Date



## 1.0 INTRODUCTION

This procedure provides the NHY policy regarding the use, possession, or sale of controlled drugs. This procedure applies to all NHY and contractor employees and to visitors who are on the property that is controlled by NHY and known as Seabrook Station.

## 2.0 RESPONSIBILITIES

Supervisors - Responsible for enforcing this policy and for reporting to other appropriate levels of supervision any activities that are prohibited.

Vice President - Nuclear Production - Responsible for the technical adequacy and accuracy of this procedure.

## 3.0 REQUIREMENTS

### 3.1 GENERAL

The illegal sale, use or possession of a controlled drug by:

- o a visitor while at Seabrook Station shall be cause for denial of access to Seabrook Station.
- o an NHY or contractor employee while at Seabrook Station, in an NHY vehicle or while assigned to NHY duty shall be cause for termination of employment by NHY.

The illegal sale of a controlled drug by an NHY or contractor employee while off-duty shall be cause for suspension or termination of employment by NHY.

The illegal use of a controlled drug by an NHY or contractor employee while off-duty may be cause for suspension, termination of employment or denial of access to Seabrook Station if such use could reasonably be expected to adversely affect:

- o the individual's job performance, or
- o public or regulatory confidence in NHY to effectively carry out its public service responsibilities.

The following substances are considered CONTROLLED DRUGS:

Amphetamines,  
Barbiturates,  
Cannabis-based substances (e.g., marijuana, hashish, THC),  
Cocaine,  
Codeine,  
Hallucinogenic/psychotropic substances,  
Heroin, Morphine & related derivatives,  
Meperidine,

### 3.1 GENERAL

Methadone,  
Methaqualone,  
Phencyclidine,  
Propoxyphene,  
Other legally controlled stimulants or depressants,  
Other prescription drugs, and  
Any other drug or mind-altering substance of which the use, possession or sale is considered to be a violation of law.

### 3.2 PRESCRIBED DRUGS

An employee using a drug that has been prescribed by a licensed physician for personal use shall report the use of that drug to his immediate supervisor if such a drug might reasonably be expected to impair that employee's ability to safely and efficiently perform any of his assigned duties.

### 3.3 SEARCH AND CHEMICAL SCREENING

All personnel entering Seabrook Station shall be subject to personal search and/or vehicle search. NHY and contractor employees shall be subject to chemical screening. The refusal to participate in such search and/or screening shall be grounds for denying access to Seabrook Station and for suspension or termination of employment by NHY.

Law enforcement officials shall be notified whenever illegal drugs are found at Seabrook Station.

Chemical screening for controlled drugs shall consist of both an Enzyme Multiplied Immunoassay Technique (EMIT) test and either a Gas Chromatography/Mass Spectroscopy (GS/MS) test or a Thin Layer Chromatography (TLC) test as described in NHY Procedure 11403, Fitness For Duty Program Implementation.

### 3.4 CONTROLLED DRUGS POLICY VIOLATIONS

Visitors who illegally sell, use or possess controlled drugs shall be immediately escorted from Seabrook Station.

When an NHY or contractor employee violates the Use of Controlled Drugs Policy by sale, use, or possession at Seabrook Station or by chemical screening failure, the appropriate Vice President/Director shall immediately:

- o suspend an NHY employee without pay, or
- o inform the contractor representative to remove the contractor employee from Seabrook Station.

### 3.4 CONTROLLED DRUGS POLICY VIOLATIONS

An NHY employee who violates the Use of Controlled Drugs policy shall be suspended without pay for 7 calendar days. At the end of 7 days the employee must pass a chemical screening for controlled drugs or be suspended, without pay, for another 7 calendar days.

At the end of 14 days the employee must pass a chemical screening for controlled drugs or be suspended without pay for another 7 calendar days. An employee who does not pass a chemical screening for controlled drugs at 21 calendar days shall be subject to termination of employment by NHY.

A contractor who violates the Use of Controlled Drugs policy shall not be employed by NHY for 30 calendar days.

A second violation of the Use of Controlled Drugs Policy by an NHY or contractor employee shall result in termination of employment by NHY.

### 3.5 RETURN TO WORK

An NHY or contractor employee may return to work after completing the appropriate suspension without pay, obtaining a written clearance from the EAP Administrator, successfully completing a chemical screening for controlled drugs and obtaining the concurrence of the appropriate Vice President or Director. The employee's access to the Protected Area shall be determined by the Security Department Supervisor.

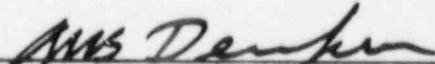
### 4.0 INSTRUCTIONS

None

### 5.0 ATTACHMENTS

None

APPROVED:

  
\_\_\_\_\_  
W. B. Derrickson, Senior Vice President

11/23/87  
\_\_\_\_\_  
Date

## 1.0 INTRODUCTION

This procedure defines the requirements for implementation of the chemical screening activities and actions to be taken when a question arises concerning an individual's Fitness For Duty.

## 2.0 RESPONSIBILITIES

Employee Relations Manager - Coordinates referrals to the Employee Assistance Program.

Security Department Supervisor - Implements a chemical screening program and administers the appropriate search procedures.

Responsible for the technical adequacy and accuracy of this procedure.

## 3.0 REQUIREMENTS

### 3.1 CHEMICAL SCREENING

The FFD Program requires that an individual's fitness be verified by chemical screening for controlled drugs prior to authorization of unescorted access to the Protected Area. Chemical screening shall also be utilized when there is cause to believe an individual has utilized alcoholic beverages or controlled drugs in violation of the Fitness For Duty Program.

### 3.2 TYPES OF CHEMICAL SCREENING

- o Initial Screening - NHY and contractor personnel shall receive a chemical screening for controlled drugs prior to issuance of an Employee Identification Badge and before obtaining unescorted access to the Protected Area.
- o Annual Screening - NHY employees and contractor personnel shall receive an annual chemical screening for controlled drugs.
- o Screening for Cause - NHY and contractor personnel are subject to chemical screening for drugs and/or alcohol when there is reason to believe that an individual is in violation of the Fitness For Duty Program.
- o Random Screening - Random screening of an individual who has returned to duty following a Use of Controlled Drugs Policy violation may be conducted at anytime during a three-year period.

### 3.3 REFUSAL TO SUBMIT TO CHEMICAL SCREENING

Personnel may refuse to submit to drug or alcohol chemical screening; however, such refusal is considered to be a chemical screening failure and is handled administratively in the same fashion.

### 3.3 REFUSAL TO SUBMIT TO CHEMICAL SCREENING

Refusal to cooperate with the required screening procedures, failure to appear for screening as scheduled, or failure to complete the screening sequence as prescribed is considered to be a screening failure and will be reported as such for administrative purposes.

### 3.4 TESTING METHODS

The chemical screening shall utilize reliable standardized tests for the presence of alcohol, controlled drugs and/or drug metabolites in the body to verify compliance with the FFD Program.

#### 1. Drug Testing

EMIT - The Enzyme Multiplied Immunoassay Technique (EMIT) is a preliminary test to determine probable drug use. The EMIT specimen is obtained by the Station Nurse, a Security Supervisor in the absence of the Station Nurse, or a qualified contractor under the supervision of the Security Department Supervisor. The EMIT test is performed by an independent laboratory.

GC/MS or TLC - EMIT test results which are positive for drugs are confirmed by Gas Chromatography/Mass Spectrometry (GC/MS) or a Thin Layer Chromatography (TLC). The GC/MS and TLC analysis is performed by an independent laboratory.

Positive Drug Use Confirmation Criteria - An EMIT test and a positive GC/MS or TLC analysis are required to establish a positive drug confirmation.

#### 2. Alcohol Testing

Breath Analysis - Breath analysis may be used as a preliminary field test to determine probable alcoholic beverage use. Breath analysis is conducted by security personnel trained and qualified in the use of the required testing devices.

Blood Alcohol Analysis - Breath analysis which is positive for alcohol should be confirmed by a blood alcohol analysis performed by qualified medical personnel.

### 3.5 DRUG SCREENING PROTOCOL

A standard protocol shall be adhered to in the drug screening methods employed by NHY. This protocol has been developed by NHY and its medical contractors to ensure that:

- o the analysis values obtained are of the highest possible reliability,
- o a documented chain of custody of the required specimens is maintained to preclude wrongful assignment of test results to any individual,
- o testing techniques are not compromised by contaminated specimens, and
- o confidentiality of test results is maintained.



### 3.5 DRUG SCREENING PROTOCOL

To ensure a protocol of the necessary quality, certain procedures are required of NHY, its medical and laboratory testing contractors, and the individual being screened. These may include, but are not limited to:

- o positive identification of the individual being screened,
- o visual search of the individual, including partial disrobing, to prevent specimen substitution,
- o maintenance of a system of like-numbering all individual documentation, specimens, lab work orders, and test result reports, to ensure accurate assignment of test results,
- o evidentiary quality methods of sealing, segregating and handling specimen containers to preclude mix-ups,
- o security controls of the testing area as necessary to ensure the integrity of the screening protocol,
- o methods to ensure the maximum possible privacy and comfort of the individual being screened, within the limits allowed by the nature of the screening methods employed, and
- o other specific measures stipulated by the Security Department Supervisor and the NHY medical and laboratory testing contractors to maintain the highest possible degree of reliability of each test, and the Chemical Screening Program as a whole.

### 3.6 UNACCEPTABLE SPECIMENS

The laboratory methods employed by NHY's testing contractors are capable of detecting specimens which may have been adulterated by ingestion of various materials prior to testing, or by addition at the time the specimen is taken/provided. In such cases, the following steps shall be taken:

- o The Security Department Supervisor shall attempt to determine if the individual being screened knowingly took any action to affect the results of the test.
- o If it is determined that the individual did take such action, the test will be reported as an unsuccessful completion due to tampering, and the administrative action appropriate to a drug or alcohol screening failure shall be taken.
- o If it cannot be determined that any such intentional action was taken, the individual shall be recalled, without notice, for rescreening.
- o Prior to administration of the rescreening, the employee shall be interviewed by medical personnel to determine if an individual health condition exists which could result in production of an untestable specimen.
- o If such a condition is found to exist, the Security Department Supervisor shall consult with the NHY Medical Consultant, to determine an alternate method of chemically screening the individual.

### 3.6 UNACCEPTABLE SPECIMENS

- o If no such condition can be determined, a confirming rescreening shall be administered immediately.
- o If the rescreening results in a second untestable specimen, the results shall be reported as an unsuccessful completion, and the administrative actions appropriate to a drug or alcohol screening failure shall be taken.

### 3.7 INVESTIGATION OF POSITIVE RESULTS

When the confirming drug test has shown positive results, the following action shall be taken:

- o The Security Department Supervisor shall determine if the drugs which have tested positive were listed on Consent for Chemical Screening, NHY Form 11403 A.
- o If the drugs have been declared, and are prescription drugs, the Security Department Supervisor shall confirm that the prescription is current.
- o If the validity of the individual's usage of the drugs involved cannot be verified, the positive test results shall be handled as a failure of the drug screening.
- o If the individual has tested positive, and there are non-prescription drugs listed on the declaration, the Security Department Supervisor shall consult with the NHY Medical Consultant or NHY medical personnel to determine if any declared non-prescriptive drugs may have affected the test results.
- o If the Security Department Supervisor confirms the individual's usage of the specific drugs in question is valid and current, he shall annotate the test record detailing the results of the investigation and discuss the individual's Fitness For Duty with NHY medical and supervisory personnel as required.

### 3.8 ACTION UPON A SCREENING FAILURE

The Security Department Supervisor shall take the following actions:

1. Notify the appropriate Vice President or Director and the Manager of the employee of the screening results.
2. Establish a meeting with the employee and a representative from the employee's supervisory chain at the Department Manager/Supervisor Level.
3. Inform the employee and the manager of the screening results, provide the employee with the completed PFD chemical screening results and revoke the employee's Protected Area access if applicable.
4. Inform the employee that the screening results may be appealed through his/her supervisory chain of command.
5. Inform the Employee Relations Manager for purposes of initiating an Employee Assistance Program referral.



### 3.8 ACTION UPON A SCREENING FAILURE

The appropriate Vice President or Director shall take disciplinary action in accordance with NHY Procedure 11401, Use of Alcoholic Beverages or 11402, Use of Controlled Drugs.

### 3.9 RETESTS

In the event of an appeal of the chemical screening results the appropriate Vice President or Director may request a retest. The Security Department Supervisor shall initiate the retest process and refer the matter to the Fitness For Duty Advisory Board.

The FFD Advisory Board shall review all cases when a retest has been requested and render a final decision regarding the screening results and implementation of the FFD Program. If the FFD Advisory Board rules in the employee's favor, the employee shall be returned to duty with pay for the time suspended but shall be subject to random chemical screening for one year.

## 4.0 INSTRUCTIONS

### 4.1 SUSPECTED VIOLATION OF FITNESS FOR DUTY PROGRAM

#### PERSONNEL

1. Report suspected violations of FFD Program to their immediate supervisor/department supervisor or, on back shifts, to the Security Supervisor or the Shift Superintendent.
2. Notify the Security Shift Supervisor, if an individual attempts to enter, or is found at Seabrook Station while apparently under the influence of alcohol, drugs or other intoxicants and/or in possession of drugs, including alcoholic beverages.
3. Report the discovery of alcoholic beverages or drugs to the Security Shift Supervisor.

#### SECURITY SHIFT COMMANDER

4. Withholds issue of security badges/key cards from personnel believed to be under the influence of alcohol, drugs or other intoxicants, or in possession of drugs, including alcoholic beverages.
5. Notifies the Security Shift Supervisor when an individual's entry to Seabrook Station is delayed because of suspected alcoholic beverages/drug policy violations.
6. Informs personnel who are believed to be unfit for duty that they shall not be permitted to report to work until they are interviewed by their immediate supervisor or the Shift Superintendent, and the Security Shift Supervisor.

## 4.1 SUSPECTED VIOLATION OF FITNESS FOR DUTY PROGRAM

- SECURITY SHIFT COMMANDER 7. Provides an incident report to the Security Shift Supervisor on incidents of alcoholic beverages/drug possession.
- SECURITY SHIFT SUPERVISOR 8. Determines if a report to the NRC is required, per Chapter 3, §2.0 of the Security Manual.
9. Permits entry to those personnel deemed fit for duty.
- SHIFT SUPERINTENDENT 10. Provides guidance to the Security Shift Supervisor as to whether the individual will be permitted access to Seabrook Station.
- SUPERVISORS 11. Notify the Security Department Supervisor, or the Security Shift Supervisor on duty, when an individual under their supervision appears to be unfit for duty or in possession of drugs, including alcoholic beverages.
12. Document the employee's behavior, and relieve from duty if appropriate, pending further action.
- SECURITY SHIFT SUPERVISOR 13. Supervises the removal from Seabrook Station of personnel believed to be unfit for duty or in possession of alcoholic beverages and/or drugs.

NOTE - Removal from Seabrook Station of an individual suspected to be unfit for duty shall be accomplished in as non-confrontational a manner as possible. Whenever time and/or the situation allows, the Security Shift Supervisor shall first contact the individual's supervisor, and the individual shall be confidentially requested to comply with the Security Shift Supervisor's instructions. Only in aggravated situations, or when the individual refuses to cooperate with the Security Supervisor's direction, should uniformed security personnel be dispatched to escort an individual from the workplace.

14. Notifies the individual's group manager/department supervisor, as soon as possible, if an individual is refused entry to Seabrook Station because of suspected alcoholic beverages/drug policy violations.
- INDIVIDUAL'S SUPERVISOR 15. If available, meets with the Security Supervisor and the person believed to be under the influence of alcohol/drugs to determine the individual's Fitness For Duty.
- SECURITY SUPERVISOR 16. Notifies the Shift Superintendent when there is a difference of opinion between the individual's supervisor and the Security Supervisor regarding the person's Fitness For Duty.

## 4.1 SUSPECTED VIOLATION OF FITNESS FOR DUTY PROGRAM

SECURITY SHIFT  
SUPERVISOR/MEDICAL  
PERSONNEL

17. Conducts Screening for Cause when appropriate, in accordance with §4.3.

SHIFT SUPERINTENDENT

18. Makes the final determination on fitness for duty if there is a difference of opinion among the other supervisors.

## 4.2 TRANSPORT OF INDIVIDUALS UNFIT FOR DUTY

When it is necessary to remove an individual from Seabrook Station in accordance with NHY policy, and the individual appears to be under the influence of an intoxicating substance, the following action shall be taken:

SECURITY DEPARTMENT  
SUPERVISOR/SECURITY  
SHIFT SUPERVISOR

1. Offers the individual a ride home, to be provided by the Security Department.
2. Should the individual refuse NHY-furnished transportation, contacts the Seabrook Police Department to advise that an individual determined to be unfit for duty is preparing to leave the site and enter onto a public highway, after informing the individual that such a call will be made if NHY-provided transport is refused.

SECURITY PERSONNEL

3. Transport individual home, when assigned by the Security Shift Supervisor.
4. Report Station departure time, mileage to and location of the point to which individual is transported and time individual is left off at home.

## 4.3 SCREENING FOR CAUSE

SECURITY DEPARTMENT  
SUPERVISOR/SECURITY  
SHIFT SUPERVISOR

1. Upon determination that cause exists to conduct immediate screening of an individual, provides a copy of NHY Form 11403 A, Consent for Chemical Screening and 11403 B, Consent for Release of Chemical Screening Information and requests the individual to complete the forms and provide a specimen for analysis.

SECURITY DEPARTMENT  
SUPERVISOR/SECURITY  
SHIFT SUPERVISOR

2. If the individual refuses to sign the consent forms or provide the required specimen in compliance with the required protocol, provides the following warning:

"FAILURE TO COMPLETE THE CONSENT FORM AND/OR PROVIDE THE REQUIRED SPECIMEN SHALL RESULT IN SUSPENSION OF ACCESS TO THE STATION, AND SHALL BE ADMINISTRATIVELY PROCESSED AS AN UNSUCCESSFUL COMPLETION OF THE DRUG AND/OR ALCOHOL SCREENING."

## 4.3 SCREENING FOR CAUSE

- SECURITY DEPARTMENT  
SUPERVISOR/SECURITY  
SHIFT SUPERVISOR
3. If the person further refuses to sign the consent forms and/or comply with the screening protocol:
- a. Suspends the individual's access to Seabrook Station.
  - b. Notifies the Shift Superintendent and the individual's supervisor.
  - c. Completes a Station Incident/Complaint Report, indicating the reasons for unsuccessful completion.
- SHIFT SUPERINTENDENT
4. Relieves the individual from duty pending administrative action.
- SECURITY DEPARTMENT  
SUPERVISOR/SECURITY  
SHIFT SUPERVISOR
5. If the individual agrees to sign the consent form and submit to drug and/or alcohol screening, ensures that preliminary screening is immediately performed in accordance with established sampling, processing and administrative protocol.
6. If the screening result is positive, take the appropriate action in accordance with Section 3.8 of this procedure.
7. If the individual has refused screening but is believed to be intoxicated, or if a positive test result is obtained, offers the individual transport in accordance with §4.2.
- SHIFT SUPERINTENDENT
8. If the test is negative, determines what further action, if any, is appropriate prior to returning the individual to duty.

## 4.4 ANNUAL DRUG SCREENING

- SECURITY DEPARTMENT  
SUPERVISOR
1. Ensures that annual chemical screening is scheduled for all NHY employees and contractor personnel assigned to work at Seabrook Station.
- MEDICAL PERSONNEL/  
SECURITY SHIFT  
SUPERVISOR
2. Provides the individual with NHY Forms 11403 A and 11403 B for completion at the time of the scheduled screening.
3. Conducts drug screening of the individual in accordance with the established chemical screening protocol.
4. Provides the results of the drug screening to the Security Department Supervisor.

## 4.4 ANNUAL DRUG SCREENING

- SECURITY DEPARTMENT 5. If the chemical screening has not been successfully completed, notifies the appropriate Vice President/Director and takes the actions specified in §3.8 of this procedure.

## 4.6 CONFIRMING TEST FOR ALCOHOL

- SECURITY SUPERVISOR 1. If the results of the breath test are positive for alcohol, advises the individual and offers the opportunity to take a blood test at the Exeter Hospital.
2. If the individual refuses the blood test, advises the Shift Superintendent.
- SHIFT SUPERINTENDENT/  
INDIVIDUAL'S  
SUPERVISOR 3. Counsels the individual regarding the situation and again offers the individual the opportunity to take the blood test.
4. If the individual refuses once more, suspends the individual from duty and offers the individual transportation home in accordance with §4.2 of this procedure.
- SECURITY SUPERVISOR 5. If the individual agrees to a blood test, contacts the Exeter Hospital and arranges for the test to be completed immediately.
6. Assigns a security officer to transport the individual to the hospital for the test.
- SECURITY OFFICER 7. Transports the individual to the hospital for the test and obtains a copy of the lab testing order.
8. Upon completion of the test, returns the individual to the Station, and gives the test order copy to the Security Supervisor.
9. If the blood test results are negative, determines if the individual is Fit for Duty and, if so, allows the individual to return to work.
- SHIFT SUPERINTENDENT 10. If the blood test results are positive or if the final results are not available relieves the individual from duty.
- SECURITY SUPERVISOR 11. Suspends the individual's access to the Protected Area and completes the action of §3.8 of this procedure.
12. Offers the individual transportation home in accordance with §4.2 of this procedure.

5.0 ATTACHMENTS

Figure 1, Fitness For Duty: Administrative Action

NHY Form 11403 A, Consent for Chemical Screening

NHY Form 11403 B, Consent for Release of Chemical Screening Information

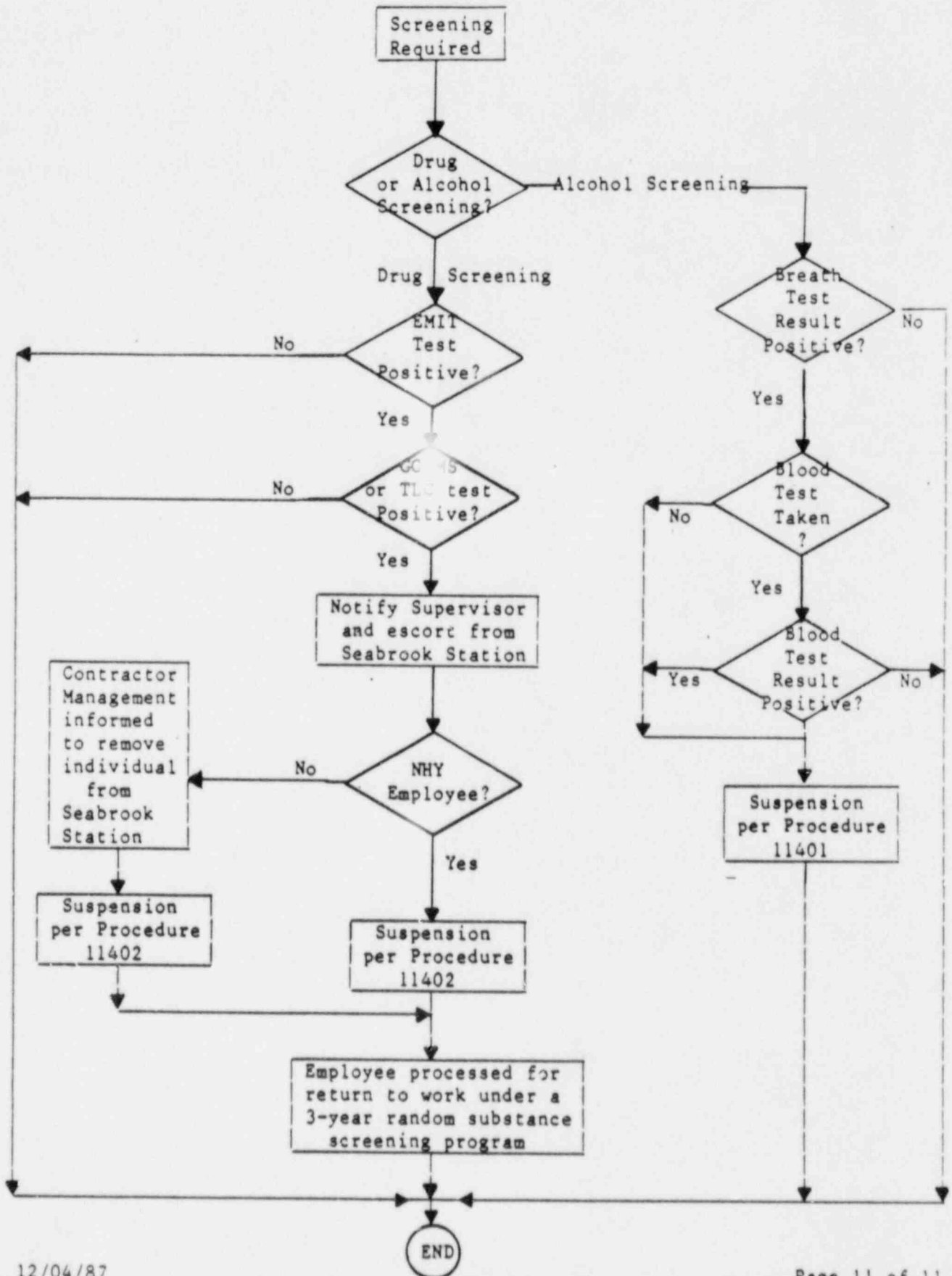
APPROVED:

*W. B. Derrickson*  
W. B. Derrickson, Senior Vice President

11/23/87  
Date



FIGURE 1  
FITNESS FOR DUTY: ADMINISTRATIVE ACTION





NEW HAMPSHIRE YANKEE

CONSENT FOR CHEMICAL SCREENING

I, \_\_\_\_\_ Employee ID # (site badge): \_\_\_\_\_

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Employer

do hereby give my consent to New Hampshire Yankee to perform chemical screening on me for purposes of determining Fitness For Duty. If a contracted employee, I further give my permission to New Hampshire Yankee to release the results of the tests or examinations to the firm employing me for work at Seabrook Station.

Chemical Screening results are held confidential, on a strictly need-to-know basis. Results of pre-employment chemical screenings are released ONLY to the Security Department Supervisor, the Employee Relations Manager, the appropriate Vice President/Director, and the NHY Medical Department. Results for contract workers may be released to the Contract Representative of the firm which employs the individual at Seabrook Station.

I am now taking, or have taken, or have been administered, the following medications within the past 30 days:

Name of Drug  
(Include all medication of any type)

Name of Prescribing Physician  
(If non-prescription, enter N/P)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature of individual being tested)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\* \* \* \* \*

SPECIMEN IDENTIFICATION CONFIRMATION

I have furnished a urine specimen for screening. The specimen container has been sealed in my presence and labeled:

\_\_\_\_\_  
(Specimen Number)

\_\_\_\_\_  
(Signature of individual being tested)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

NEW HAMPSHIRE YANKEE

CONSENT FOR RELEASE OF CHEMICAL SCREENING INFORMATION

International Clinical Laboratories, Inc. (ICL) has been retained to conduct drug screen urinalysis in accordance with specifications established by New Hampshire Yankee.

The purpose of the drug screen urinalysis is to determine whether any of the following substances (or metabolites) are present in the urine. The urine will be tested for:

- a. Amphetamines
- b. Barbiturates
- c. Benzodiazepines
- d. Cocaine/metabolites and Benzoyllecgonine
- e. Methadone
- f. Methaqualone
- g. Opiates
- h. Propoxyphene and metabolite(s)
- i. Phencyclidine
- j. Cannabinoid

\*\*\*\*\*

I give my permission to International Clinical Laboratories (ICL) and/or designated medical staff to release the results of my Chemical Screening to New Hampshire Yankee.

Specimen Number \_\_\_\_\_

Print Name \_\_\_\_\_

Specimen Temperature \_\_\_\_\_  
(degrees Fahrenheit)

Social Security Number \_\_\_\_\_

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date