

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of )  
 )  
CAROLINA POWER & LIGHT COMPANY )  
and NORTH CAROLINA EASTERN ) Docket No. 50-400 OL  
MUNICIPAL POWER AGENCY )  
 )  
(Shearon Harris Nuclear Power )  
Plant) )

AFFIDAVIT OF MICHAEL W. KING

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

MICHAEL W. KING, being duly sworn according to law, deposes and says as follows:

1. My name is Michael W. King. My business address is P.O. Box 1551, Raleigh, North Carolina 27602. I am employed by Carolina Power & Light Company (CP&L) as Senior Commissioned Construction Security Agent, in the Support Services Section of the Nuclear Plant Construction Department. I have been employed by CP&L in various security positions since February, 1978. Previously, I spent over seven years on the Raleigh Police Department, where my assignments included narcotics investigations. My experience as a narcotics investigator has included work as an undercover officer while on active duty with the military, and undercover operations while in civilian law enforcement. The last undercover operation that I participated

in as an undercover officer lasted for seven months. This operation resulted in the arrest of more than 100 suspects on over 300 felony indictments. In addition, I have received classroom training in college and law enforcement schools on Narcotics and Drug Abuse, Drug Identification, Drug Analysis, and all applicable laws of arrest, search and seizure. I have been a member of the armed services of the United States since February, 1967. My most recent tour has been with the United States Army Reserves, serving in law enforcement positions and as a Military Police instructor among other things. I have completed Military Police Officers Basic and Advance Courses, and I earned a B.S. degree in Police Science in 1976 from North Carolina Wesleyan College. I am a member of the North Carolina Law Enforcement Officers Association, and have been awarded an Advanced Law Enforcement Certificate from the North Carolina Criminal Justice Training and Standards Commission. A complete statement of my education, training and experience is provided as Attachment A to this affidavit.

2. My responsibilities as Supervisor of the Construction Security Unit currently include review of construction activities and formulation of recommendations to management on security plans and procedures designed to protect Company facilities, material, equipment and personnel; supervision of contractor security organizations' performance; conduct periodic project security reviews; conduct confidential security investigations; and interface with/assist all levels of law

enforcement in matters concerning Company-owned materials and equipment or Company personnel. Since construction of the Shearon Harris Nuclear Power Plant has been by far the most significant construction activity within CP&L for the past seven years, security at that site has dominated my responsibilities. With respect to the identification and control of drug use and activity within the work force at the Shearon Harris construction site, I have been responsible for and personally involved in the following: preparation and implementation of the Site Security Plan and Procedure; from February, 1978, to September, 1979, onsite supervision of the security program a minimum of three days per week; since September, 1979 supervision of a CP&L on-site Construction Security Agent who reports to me; the conduct and supervision of two undercover operations and one investigation with members of the Wake County Sheriff's Department (WCSD) and the State Bureau of Investigation (SBI); primary interface between the site and all law enforcement agencies; and review of all security incident and investigative reports.

3. The purpose of my affidavit is to respond in part to the allegations in CCNC Contention WB-3 that drug use at the Harris Plant is widespread and that Applicants' management has failed to control drug use during the construction. I will first provide some factual information on the undercover operation reported in the newspaper article which served as the basis advanced for the contention. I will then describe the

various means used at the site to identify drug use and activity among the employees. Finally, I will assess the extent of drug use/activity at the site based on the information obtained through the identification means described.

4. CCNC Contention WB-3 refers to a newspaper article for details and basis in support of the CCNC allegation that drug use at the Harris Plant is widespread. The article appeared in the Raleigh News & Observer on January 11, 1985, and was attached to CCNC's "Request for Admission of New Contention WB-3 (Drug Abuse During Construction)," dated January 18, 1985. The article reports on the arrest of six workers following an investigation into drug activity at the Harris site. Warrants were also issued for the arrest of two other workers.

5. The investigation followed a request by CP&L in August, 1984, to meet with representatives of the WCSD to explore the merits of using undercover agents for drug use detection at the Harris Project. This request was prompted by information that was being developed mutually between WCSD personnel and CP&L Security personnel. The two organizations had worked together in July, 1984, to arrest a site employee for possession of cocaine (off site). Information developed during that investigation led officers to believe that other site employees might be involved. In September, 1984, a site employee was found by Daniel Industrial Relations personnel to be in possession of a felony amount of cocaine. The subject and evidence were turned over by CP&L Security to the WCSD. As

a result of charges filed against him, this subject agreed to work with WCSD and CP&L Security as an informant in an undercover operation. The meeting mentioned at the outset of this discussion then took place with representatives of CP&L Security, WCSD and SBI. As a result of that meeting, arrangements were made to conduct an undercover operation at the Harris site. The operation involved the use of two undercover agents -- one from the SBI and one from the Sheriff's Department -- who posed as site employees. They began work at the site on October 21, 1984. CP&L arranged to have the informant back on the site, provided cover for the undercover officers on the site, and consulted regularly to provide needed assistance. The operation ended around the turn of the year. According to the newspaper account, the eight individuals charged as a result of the investigation made sales of drugs to the undercover agents, involving a total "street value" of \$3,000.

6. Cooperation with responsible law enforcement agencies is one of the means utilized by CP&L to identify drug activity among the employees at the Harris site. Undercover operations, such as the one which was conducted in late 1984, not only serve to identify employees involved in drug activity, but also to deter others who are contemplating involvement with drugs. The undercover operation discussed above is not the first one conducted on site by law enforcement officers in cooperation with CP&L. Further, CP&L will use such investigative techniques in the future whenever the situation warrants.

7. In addition to these special efforts with law enforcement personnel, the full-time security force at the construction site provides an on-going means for identifying and discouraging drug activity at the site. The contract security guard service at the Harris site is provided by the Wackenhut Corporation. There are currently 1,225 manhours per week authorized for the security contractor. These hours and the post assignments allow around-the-clock patrol of the entire job site by foot and vehicle patrols. These mobile patrols account for 5 of the 11 posts that are staffed on a daily basis to deter and detect any violations of site rules, regulations or policies. Through their contact with and observation of employees, the security personnel are able to provide management with intelligence information on drug activity at the plant. In addition, they pursue information received on possible drug activity in an attempt to confirm the accuracy of the information and to pursue additional sources of information.

8. Contract Security personnel are at the entrances to the site where they observe incoming and outgoing employees and watch for physical signs of incapacity such as staggering, falling, weaving, lack of coordination and odors. These observations of employees are also made by timekeeping and supervisory personnel assigned to monitor the entrance and exit of workers. During every shift change, lunch boxes, briefcases and other containers are opened for inspection as the employees leave the site, and on a random basis as the employees enter

the site. On a random basis employees are selected for search using a hand-held metal detector. It should also be noted that construction personnel are rigidly controlled from the moment they access the site and until they leave. When on the job, they must remain in the job area; and when on break or lunch, they must be in a designated area.

9. Security personnel also learn about drug activity from information reported by co-workers and supervisors of those involved. Anonymous reports of drug activity have been made directly to Security personnel and site management, and indirectly through use of the site Quality Check program. In addition, employees willing to identify themselves and to assist us have provided information on a confidential basis. I note that the newspaper article filed by CCNC states that several construction workers interviewed by the reporter "indicated they would turn in their co-workers if they noticed them using alcohol, drugs or similar stimulates." One worker was quoted expressing the threat he perceived to his own safety which would be created by a co-worker using drugs.

10. Beginning in February, 1985, under the direction of the Construction Security Unit, a narcotic detection dog is on the site twice per month, on an unannounced schedule, to search a random sampling of areas on the site. If specific requests are made or information is available relative to specific areas on site, those areas are given priority for search by the narcotic detection dog. The dog and handler are provided by



Canine Detection Services of Durham, North Carolina. The dog is capable of detecting marihuana, hashish, opiates, heroin, cocaine, amphetamines and barbiturates. As an example of its capability, during its first visit the dog identified a pipe with marihuana residue in a locked toolbox. CP&L Security personnel have conducted a controlled test to ensure the continued reliability of the dog and handler.

11. Based upon information from the sources described above, or upon the actual discovery of controlled substance possession and/or use, identified workers are directed to submit to a search and/or a urinalysis drug screen test. Security, Employee Relations and Industrial Relations personnel conduct the searches and arrange for the urinalysis drug screen test. Searches of employees include a detailed inspection of the individual's clothing, work area, and any tools, equipment or personal property. Any vehicles within the construction security fence are also subject to search.

12. We have reviewed Security, CP&L and Daniel records to provide an assessment of the extent of drug activity among employees at the Shearon Harris site since February, 1978, and through June 24, 1985. Thirteen employees have been identified for whom it was established that drugs were being used on the site. None of these employees worked for the Quality Assurance, Quality Control or Construction Inspection organizations. When considering the positive results of the drug screen urinalysis test (which would indicate that drug(s) had been



consumed, but not that the drug(s) necessarily had been consumed on site), the total number of employees identified as consumers of drugs (whether on or off site) is 31. In addition, we have compiled a list of the site employees, including the above, who have been confirmed or suspected, on reasonable cause, of drug activity. That number is 173 employees. To illustrate the relatively low (conservative) standard for including personnel in this total, the group includes employees who refused to take the drug screen test and in some cases workers who failed to report drug activity within the work group. I cannot conclude with certainty that such individuals consumed drugs on the job or engaged in any drug activity. I should note that in excess of 26,000 personnel have worked at the Harris site since January, 1979.

13. The newspaper article filed by CCNC refers to statements reportedly made by Major T. W. Lanier of the Wake County Sheriff's Department to the effect that drug use at the plant was widespread. Major Lanier -- who was not the involved undercover agent during the investigation, but who has administrative responsibility for Department investigations -- is reported to have stated that by a conservative estimate, about 100 out of the 6,000 workers at the plant used drugs on the site. Applicants do not have information which confirms Major Lanier's statements. The results of the two-month undercover operation by two professional law enforcement officers do not confirm these statements. I also note the observations by

workers, in the newspaper article filed by CCNC, that they saw little evidence of drug use on the job. Finally, I am confident that the numerous and diverse means employed by CP&L to identify drug activity at the site would have provided corroboration by now if drug use at the site was in fact widespread.

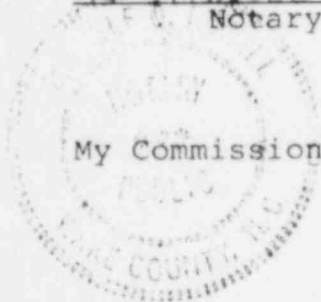
14. In conclusion, I am confident that drug use at the Harris Plant is not widespread as CCNC contends. It is also my opinion that Applicants' management has undertaken reasonable and prudent steps to control drug use during the construction and that those steps have been reasonably successful.

Michael W. King  
Michael W. King

Sworn and subscribed to before me  
this 9<sup>th</sup> day of July, 1985.

Michael D. Howell  
Notary Public

My Commission expires April 6, 1988.



RESUME

MICHAEL W. KING

SENIOR COMMISSIONED CONSTRUCTION  
SECURITY AGENT

Birthdate: May 25, 1949

Education and Training:

Civilian:

AAS Degree in Police Science Technology from W. W. Holding Technical Institute,  
Raleigh, N. C. - 1974

BS Degree in Police Science from N. C. Wesleyan College, Rocky Mount, N. C. -  
1976

Military:

Officers Basic Course: Military Police, Officers Advance Course: Military  
Police, Officers Advance Course: Infantry

Professional Affiliations and Achievements:

Veterans of Foreign Wars

N. C. Law Enforcement Officers Association

Raleigh Police Club

Experience Prior to Joining CP&L:

01/66 - 06/67: Corning Glass Works - Process Engineering Technician.

01/67 - 03/73: United States Marine Corps - (a) Infantry; (b) Intelligence;  
(c) Interpreter.

03/76-Present: United States Army Reserves - (a) Law Enforcement;  
(b) Instructor, Military Police; (c) Company Commander

04/70 - 08/70: Fast Fare - Assistant Manager.

08/70 - 01/78: Raleigh Police Department -

Uniform  
Community Relations

Personnel  
Organized Crime/Consumer Protection  
Narcotics Investigator (Undercover & Investigations)

Experience with CP&L:

02/20/78: Employed as Construction Security Agent in the Administrative  
Section, Construction Security Unit of the E&C Support Services  
Department. Located in the General Office.

Michael W. King  
Senior Commissioned  
Construction Security Agent

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- 02/23/80: Reclassified as Commissioned Construction Security Agent in the Construction Security Unit of the Administrative Section, E&C Support Services Department. Located in the General Office.
- 09/18/82: Promoted to Senior Commissioned Construction Security Agent in the Construction Security Unit of the Administrative Section, E&C Support Services Department. Located in the General Office.
- 03/11/85: Reorganization - Lateral transfer to Nuclear Plant Construction Department, Support Services Section. Located in the General Office.

6/6/85