

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'85 AUG 19 A11:57

In the Matter of)

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

Docket No. 50-400 OL

(Shearon Harris Nuclear Power Plant))

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

AFFIDAVIT OF MICHAEL L. PLUEDDEMANN

County of Wake)

State of North Carolina)

ss.

MICHAEL L. PLUEDDEMANN, being duly sworn according to law, deposes and says
as follows:

1. My name is Michael L. Plueddemann. I am employed by Daniel Construction Company as Senior Industrial Relations Representative at the Harris Nuclear Plant. I have been employed at the Harris Plant since 1978. Among my duties is the investigation of alleged theft and narcotic violations by Daniel employees. I have a bachelor's degree from East Carolina University.

2. During the undercover drug investigation at the Harris Plant which began in the fall of 1984, I acted as an on-site contact with the two law enforcement undercover operatives -- Deputy Ken Hensley of the Wake County Sheriff's Department and State Bureau of Investigation agent Don Williams. I met with both operatives on a regular basis during the operation -- almost every day that they were on the site. The purpose of this Affidavit is to describe some of the facts about the undercover operation about which I have personal knowledge.

3. At the outset of the undercover operation, Deputy Hensley stated to me that he thought the operation would produce "easy pickings". He also stated that the Sheriff's Department had only \$11,000 for the entire year to use in purchasing drugs during undercover operations and that they had allocated \$7,000 to this operation. During the first day that Deputy Hensley was on the plant site, he and the confidential informant used during the investigation (a former employee of Davis Electric Company, a Daniel subcontractor, who had been arrested for drug activity) reported to me about a drug "buy" that had been made. Hensley and the informant reported that the informant, not Hensley, had made this "buy". During the course of the investigation, I talked several times with Hensley and Glenn Joyner about the fact that agent Williams appeared at the site only on an irregular basis.

4. Paragraph 8 of the Affidavit of S. L. Burch makes reference to a statement that one of the undercover operatives (Deputy Hensley) was obtaining information that a supervisor with either Daniel or CP&L was "allegedly making trips to Florida and picking up pound quantities of pure cocaine which was being distributed by an identified suspect." I have direct knowledge of the facts concerning this allegation. Several weeks before the end of the undercover operation, Deputy Hensley told me about some information that the informant assisting in the operation had told him. Hensley told me there was allegedly an electrical supervisor who was making trips to Florida and picking up large quantities of drugs. Hensley stated that the supervisor was supposedly working somewhere "on the hill", a reference to the main construction building at the Harris Plant. Hensley did not have a name or other identifying information about this person. Deputy Hensley asked me if I could trace the person down if he gave me the dates when the individual was making his trips. Using information provided by Deputy Hensley on the dates that this person was allegedly making his trips, I researched time cards for Daniel and Davis Electric Company personnel to try to determine whether anyone had been absent from work during those time periods. Given the small amount of information

available and the large number of time records, this was a time-consuming process. After completing my research, I reported back to Deputy Hensley and told him I was not able to identify anyone who was not working during the combination of times he furnished me. I told Hensley if he could provide me a name (either a first name, last name or nickname), I could probably trace the individual down for him. Hensley told me that he would work on obtaining more information, but I never heard back from him about this individual. After talking to Deputy Hensley, I went back and double-checked our records in case I had overlooked anyone. This second check confirmed the results of my initial research.

5. Ms. Burch's Affidavit also states that there was an "identified suspect" who was distributing cocaine received from the supervisor. In none of my conversations with Hensley did he state that such a suspect existed nor did he supply me with the name of that person.

6. I also have personal knowledge about an incident, referred to in paragraph 7 of Ms. Burch's affidavit, in which two individuals were prevented from bringing drugs onto the plant site. Deputy Hensley and Lt. Ray Self were fully aware of the plan to stop these individuals at the plant gate. Contrary to the implication in Ms. Burch's affidavit, Deputy Hensley concurred fully in this plan. I am not aware that anyone requested that CP&L security allow the two individuals to pass through the gate.

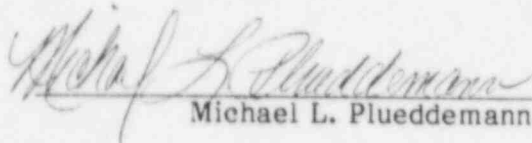
7. On December 20, 1984, Deputy Hensley, Glenn Joyner, the informant and I discussed information about two electricians who were to come to work the next day with approximately one pound of marijuana on their persons. The informant had obtained this information. Hensley was concerned because neither he nor the SBI undercover agent could personally make a buy from either one of these individuals. It was decided between Joyner and Hensley not to allow the two individuals to enter the project. We discussed a plan to have a sheriff's deputy with a search warrant at the project site and to search the two individuals as they attempted to enter. Hensley agreed with this

idea. Joyner asked Hensley and the informant whether searching these individuals would blow their cover, and they both felt it would not. Deputy Hensley called Lt. Self in my presence to explain the plan. Hensley told Lt. Self that he agreed with it. Self also talked to Joyner during this telephone call about the plan, and Joyner came away with an understanding that a sheriff's deputy with a search warrant would be at the plant gate at 6:00 the following morning.

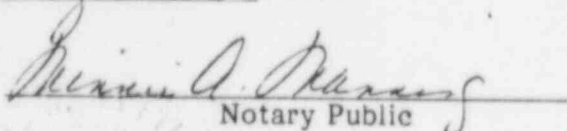
8. On the morning of December 21, 1984, I arrived at the plant site at approximately 6:00 a.m. and met Joyner in his office. He told me that he talked to Lt. Self again at home the previous night and discussed the plan to stop these two individuals. Joyner stated that Self had agreed with the plan and would have a deputy with a search warrant to support us. By 6:30 a.m., no deputy had arrived. Since workers began arriving at about that time, I went to the plant gate to assure that the two individuals did not enter the gate, and Joyner waited in his office for a call from the Sheriff's Department. Joyner joined me at the gate at approximately 6:35 a.m. We decided that since we had knowledge of the quantities of drugs that the two individuals were allegedly carrying and that Hensley indicated he could not touch them, we should go ahead and perform an employee search. When the two individuals arrived, Joyner and I took them to the Daniel personnel trailer for a search. One of the suspects was found to have two packages of marijuana in his pants, and the other had a small amount of cocaine in a pocket and a package of marijuana in his pants. The marijuana found on both persons was packaged in individual glassine bags and clearly was for distribution to other persons.

9. Joyner and I reported the results of the search to Deputy Hensley later that morning. Hensley seemed quite pleased and reiterated that this was the only way we could have gotten them since the individuals would not sell drugs to him or the SBI agent.

10. At no time during the undercover operation did Hensley or SBI Agent Williams give any indication to me that they felt their safety was endangered by any actions that CP&L or Daniel had taken or intended to take.


Michael L. Plueddemann

Sworn to and subscribed
before me this 9th day of
August, 1985.


Notary Public

My commission expires: 4/25/87