

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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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))
)

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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 affidavit of July 9, 1985, describes my position, experience and role in the undercover drug investigation at the Harris site in late 1984. I have reviewed the Affidavit of S. L. Burch, dated July 31, 1985, which addresses paragraphs 4, 5 and 13 of my July affidavit. The purpose of this affidavit is to respond to the Burch Affidavit.

2. I note at the outset that my review of the Burch Affidavit has caused me to change one statement in my July 9 affidavit. I was in error (based on misreading of my notes) in stating that the officers began work at the site on October 21, 1984. Ms. Burch states that the undercover operation began in November, and I now conclude that it began on November 6, 1984.

3. I did not state that the NRC or anyone else was putting pressure on CP&L to conduct an undercover operation at the Harris site. (Burch Affidavit, ¶ 4). As Mr. Joyner explains in his affidavit, the CP&L proposal to conduct the operation arose from our own desire to curb drug activity at the project.

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4. Ms. Burch states that the initiation of random exit gate searches of employees with metal detectors was a problem for the investigation. (Burch Affidavit, ¶ 6). The use of metal detectors has little impact on the possession of drugs when used in the manner employed at the Harris site. The searches are performed at the end of the shift on a random basis to supplement the visual inspection of containers. The detectors will only identify metal objects concealed on a person. The individual is allowed to empty his or her pockets before the search, and is not subject to further searches unless the unit alarms. The metal detectors are used to detect tool and material thefts. Their use was requested prior to the undercover operation by Daniel management personnel who were not aware of the investigation. While CP&L could have stopped this search procedure, such action would have caused suspicion and would have required informing more personnel about the investigation.

5. I am not assigned to the Harris site full time, and I did not conduct any search of stash areas based on information provided by Deputy Hensley. (Burch Affidavit, ¶ 7). During the course of the undercover operation, only two drug investigations were conducted by CP&L security personnel. The first involved a plastic bag of marijuana found on the ground. The second involved a second-shift employee who was reported by industrial safety personnel as being in possession of marijuana. All other drug-related information received was given to Deputy Hensley for use in his investigation.

6. When Lt. Self of the WCSO contacted me in mid-December about the possibility of extending the undercover operation beyond the end of 1984 (Burch Affidavit, ¶ 10), I advised him of our plan to begin the use of narcotic detection dogs on site and of an upcoming reduction in force which could result in the departure of suspects. I also had in mind the fact that the confidential informant could not safely and effectively continue in his role for an extended period and that he could not help with the second shift. (Once a person has a circle of drug contacts and his current friends know him to be well supplied,

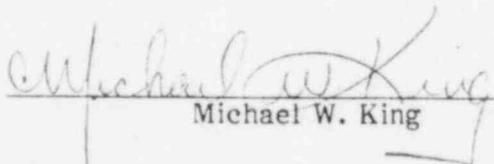
it becomes highly suspicious if he attempts to associate with a different group in order to make purchases.) We were also concerned about the potential continued and extended presence on site of employees already identified by the investigation as being known drug users.

7. I did not encourage the SBI and WCSD to continue the operation. However, the narcotic detection dog was not introduced in order to thwart the investigation. The first plans for using drug dogs began in July, 1981. A decision was made to continue to evaluate the possible use of dogs, but not to enter into a contract at that time. Over the next three years, we continued to evaluate the possibility, and visited a dog training center to observe a demonstration. The CP&L Drug and Alcohol Interdepartmental Procedure (Attachment B to Ferguson Affidavit) adopted in 1982 states that trained animals may be used to conduct searches for illegal drugs. In August, 1984, Mr. McDuffie (CP&L Senior Vice President, Nuclear Generation Group) requested additional information on the use of dogs. At that time, we began talks with local dog handlers and started making plans to bring dogs on after the undercover operation was completed. (We then expected the operation to be concluded by the end of the year.) We understood that it would be undesirable to initiate searches with dogs in the midst of the investigation -- not because of concern with the agents' cover (I do not believe the dog searches would affect the agents' cover), but because the drug activity under investigation might dry up at least temporarily.

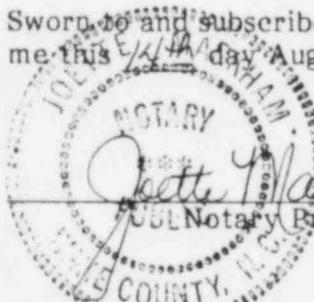
8. When I was approached in mid-December and during a subsequent meeting about extending the operation, we had already contacted a dog handler and were beginning contract negotiations. I did advise the WCSD and SBI personnel that Harris Project management wanted the dog detection searches. The first visit with the dog was in fact on February 25, 1985 -- some six weeks after the undercover operation ended. I do not recall stating that CP&L was going to use, or insisted upon using, the drug dogs

"immediately". (Burch Affidavit, ¶ 14). However, it is clear from our discussions at the meeting of August 12, 1985 with WCSD personnel, that I did not succeed back in December in communicating that the dog would not actually be on site until late February, and that they were left with the impression that use of the drug dog was imminent. Sheriff Baker stated at this week's meeting, however, that he did not believe CP&L was attempting to stop the investigation, but rather that we had a conflict of goals and objectives.

9. I continue to challenge the suggestion that drug use at the site is widespread. There have been 13 searches at the site with the detection dog, on an unannounced basis, at all hours of the work day, and covering all areas of the site, including 16 vehicles the dog selected in the parking lots. These searches, including physical searches of the vehicles, have uncovered no, or only insignificant quantities of, drugs.


Michael W. King

Sworn to and subscribed before
me this 12th day August, 1985.



Notary Public

My commission expires: 2-16-88