



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF INVESTIGATIONS FIELD OFFICE, REGION II  
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ATLANTA, GEORGIA 30303

APR 03 1986

MEMORANDUM FOR: Polly Schofield, Program Assistant  
Office of Investigations

FROM: James Y. Vorse, Field Office Director *YV*  
Office of Investigations Field Office RII

SUBJECT: FOIA-86-43

Enclosed is the index of documents relating to the above subject matter. Based on the fact that the materials relate to an open inquiry, none of its contents should be released.

Enclosure:  
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# At Georgia's Vogtle Plant, a Battle of Regulations & Civil Liberties

By Mary Battista  
Washington Post Staff Writer

WAYNESBORO, Ga.—The Alvin W. Vogtle nuclear power project begins 15 miles out of town, 3,180 acres of cement and steel rising out of pine woods and green- ing farm land like a slab of future shock. Quitting time here is like the decampment of a small army with thou- sands of workers climbing into jeeps and pickups and vans. They rumble out past the two colossal cooling towers that yawn beside the containment domes, past the visitors' center with free booklets like "Radiation, a Fact of Life," and out the gate. If you look closely, you can see some of the cars have company bumper stick- ers that read "Drugs and Construction Don't Mix."

Georgia Power, owner and manager of the Vogtle project, declared war on drugs three years ago, trou- bled by a rise in job-related accidents, and accident re- ports that noted aberrant behavior in the employees in- volved. With the help of a national drug abuse consulting firm, the company set up a urinalysis pro- gram to screen employes and potential employes and a toll-free hot line as well, so that at any time, any one of the project's 13,000 workers (a labor force larger than the population of the nearest town) could pick up the

phone and without identifying himself or herself, finger a coworker as a drug user. Employees who refused to take the subsequent urine test were fired, as was any- one whose urine sample showed traces of illegal drugs.

Human nature being what it is, the hot line soon be- came a kind of bogymen. "It got so bad, you'd worry about cutting someone off on the highway on the way to work. Get somebody mad, and they'd call you in."

It was in this atmosphere that Billy Weatherford, 35, a small, serious man whose fair skin has been baked a deep red by years of surveying work in the sun, a fa- ther and grandfather who says he neither drinks nor uses drugs, lost his job, his house and his life's savings after being identified as a drug user on the company hot line and refusing to take the test.

He refused not because he regarded the test as an invasion of privacy, although he does. And not because he was afraid of testing positive. (He says he hasn't touched drugs since high school.) Billy Weatherford re- fused the test because he believed the company was using it to get rid of him. Weatherford says that, in the months before he was fired, he had made repeated safety complaints, to coworkers and the quality assur-

ance office the Nuclear Regulatory Commission requires at all nuclear construction sites.

"I've said a million times I wish I'd... just went ahead and took my chance. But every time I think that I say to myself, 'Billy, most of the people who come back [with test re- sults] positive were voicing com- plaints.'"

Weatherford and four other ex- Georgia Power employes have, with the help of the American Civil Lib- erties Union, filed a complaint with the U.S. Department of Labor, al- leging they were required to have urine tested solely because they'd complained about safety and con- struction irregularities to the com- pany and the Nuclear Regulatory Commission. The ACLU complaint alleges that the dismissals violate a federal law protecting whistle blow- ers at nuclear power and construc- tion sites.

The case has become a cause in Georgia and around the country, part of the growing controversy over the use of urine, blood and sali- va tests to keep drug users off the job. It has also, in the wake of last week's disaster at the Soviet Cher- nobyl plant, added to the debate over the safety of nuclear power plants in general. In one way, the Vogtle controversy is tailor-made for critics of drug testing, who say the workers' only crime was trying to make sure the company built a safe nuclear power plant.

Critics say the company's drug policy has worked to lessen safety rather than improve it, by chilling employes' desire to report safety problems, to challenge supervisors or speak out if production pressure gets in the way of safety.

"They fear if they stick their necks out and make another co- worker or boss mad, they may lose their jobs through the hot line or the use of these unreliable tests," says Gene Guerrero, executive di- rector of the Georgia ACLU.

But in another way the Vogtle case is grist for the proponents of drug testing, too. If there is one place where the need for clear heads is unassailable, this argument goes, it is at a nuclear power plant.

Georgia Power attorney Charles Whitney says the company has tak- en great pains to ensure the accu- racy of the tests, and he denies that the hot line and testing were ever used to harass self-described whis- tle blowers or anyone else.

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A big construction project like Vogtle is a rumor mill anyway, employees say, but the hot line and the knowledge that the company had deployed undercover drug agents of its own made things worse. Shortly before her name came up on the hot line, Susan Register says she heard rumors that she was working as an undercover agent, for which one co-worker threatened to drop a 2-by-4 on her head.

Three weeks before her name came up on the hot line, Register had attended briefly a New Year's Eve party with her husband. A few days later, she was told by a neighbor that guests at the party who had been using drugs in a back room

were convinced Register had called their names in on the company hot line, and that these guests planned to call her name in in retaliation. She believes the company used the hot line complaint as an excuse to get her off the site.

Leslie Price, a quality control inspector, helped Susan Register make the calls to the NRC, and according to the complaint, added her own concerns about falsification of records, faults in the concrete on the north wall of the containment building and that the company was camouflaging drug-related dismissals so the NRC would not force the utility to reinspect those employees' work.

A week before she was informed that her name had come up on the hot line, the complaint states, she notified a welder that his welds were inadequate; he warned her that her "pickiness" might some day result in a hot line call.

On Feb. 11, Price notified her supervisor that her party chief was "drunk on the job, performing his work inadequately and preventing other workers from performing their jobs," according to the ACLU complaint. The next day she was asked to take a urine test because she had been reported on the hot line. She was informed that her urine had showed traces of marijuana and she was fired. Her termination paper listed the reasons for dismissal as misconduct and violation of work rules. She says she hasn't used marijuana since she was in the Army. On

the day she was fired she warned her supervisors that they had not heard the last of her. "I told them, 'I'm not one of your southern peaches just going to take this.'"

Brett Register, Susan's husband, a waconic, 31-year-old surveyor, filed a written grievance with the company the day after his wife was fired. According to the ACLU complaint, the grievance alleged that the survey department was not documenting its field work according to Nuclear Regulatory Commission standards and that surveyors who insisted on following procedure were being harassed. One month later, he was told his name had been reported on the hot line and ordered to take a urinalysis test. The company said his urine showed traces of marijuana, and fired him. Brett Register says he, too, does not use the drug, and believes the company wanted him off the site because his wife was known to be talking to the NRC.

And Steve McNally, a quality control inspector with 10 years experience at nuclear plant sites, according to the complaint had wrangled with supervisors after making written and verbal complaints about safety problems. Two months before his name was phoned in on the drug hot line, McNally had notified an on-site NRC investigator that the company was trying to intimidate him into leaving his job because he was raising questions about safety, according to the ACLU complaint. McNally, who had said publicly that he considered the urinalysis an inva-

sion of privacy, refused to take the test and was fired.

"The company used those tests as a scapegoat to get rid of us," says Susan Register, "and it worked. But they're not going to shut us up." Reaction among their former coworkers varies. Some have rallied with support. The Registers and Price, who have a WATS line in their house courtesy of a public interest group, say they have received dozens of calls, complaints and tips about continuing problems at Vogtle and at other power plants.

But another colleague says that when word of Leslie Price and Susan Register's weepy appearance on the Phil Donahue show earlier this year got around at the plant, many workers jeered. "They were saying 'Look at those crybabies. They did it, and now they got caught.'"

How to evaluate the self-described whistle blowers' claims?

Georgia Power's Whitney says most of the allegations of the Vogtle five—including falsification of soil compaction records, flawed concrete, and failure to document construction work—have been examined by NRC investigators and dismissed as without merit.

Brad Jones, the legal counsel for the NRC in the Southeast region, says that's premature. "I don't think I would agree that most have been resolved," he said. According to Jones, about half of the technical allegations have been "resolved" and the rest are pending.

Some say that answers are particularly difficult to come by because of the recent history of the Nuclear Regulatory Commission in the region. Watchdogs of the nuclear industry consider the Southeast region of the NRC to have had a weak enforcement record, particularly at the federal nuclear project at the Tennessee Valley Authority. The region's activities are now under scrutiny by at least two congressional committees.

Georgia Power officials continue to press for licensing, and defend their plant as a safe one. The company will also continue to refine its drug testing program.

The Vogtle five, meanwhile, are hoping their complaint, now before an administrative law judge, will restore their jobs or at least clear their names. "I can't wait to get back to the real world," says Leslie Price.

Others have. According to former and current workers, at least one worker fired at Vogtle for drug abuse, a man who had bragged to supervisors about "smoking a joint every night," found a new job at another nuclear power plant within the month.

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Weatherford has grown tired explaining himself to the vast universe of people who think that the only man who refuses to take a urine test is a man with something to hide.

"The only thing that really bothers me is that I know I can tell people what's going on there, and people who know me, they'll probably believe me, but somebody who don't won't believe me . . . He's going to think, 'Well, he's just saying that because he got caught . . .'"

Burke County is what is known as a former plantation county, meaning its population is largely black, largely poor, with a high rate of unemployment. The big business is agribusiness, and power still rests securely in the hands of the established farming families. Waynesboro, the county seat, looks like any other town in rural Georgia. There are two banks, a few small department stores, and of course, a Georgia Power office.

Plant Vogtle is seen as something of a savior here. It has meant an alternative to minimum wage at the lawn chair factory or the house curtain plant. Since construction on the plant began in the mid-'70s, Waynesboro has acquired a new Hardee's, open 24 hours. There is a large new high school going up, and the Burke County hospital has a huge new addition, with a \$75,000 radiation decontamination unit paid for by Georgia Power. The county just opened a new, million-dollar emergency management center, which houses everything necessary in the event of what the county's new emergency management chief calls "an unusual event" at Plant Vogtle.

Georgia Power pays a hefty portion of the local taxes, too. In six years the county budget has gone from \$1 million to \$6 million. The town fathers have nothing but good things to say about the nuclear project in their back yard, and seem to regard its salutary effect on the local economy as proof of its safety. Herman Lodge, a county commissioner, spoke for the majority in a speech he read at a plant licensing hearing recently:

"We are grateful and proud for Plant Vogtle because it is the largest construction project ever to locate in Burke County and the State of Georgia. Therefore, we believe the most stringent safety standards and procedures have been implemented to ensure the safety of our citizenry in this area."

Lodge, a leader in the black community, says he is sometimes asked by visitors, "Ain't I cared that thing will blow up?"

"I tell them if you have seven children pulling at you because they're hungry and you don't have a job, you're willing to take your chances."

Plant Vogtle lies about 30 miles south of Augusta on the west bank of the Savannah River. The Savannah River plant, a federal nuclear facility that manufactures plutonium for U.S. weapons and stores nuclear waste material from the United States, Sweden and South Africa, among other countries, sits on the opposite bank in South Carolina. Normally the Savannah River plant operates without much publicity, but it made headlines last week during the Soviet disaster because it contains four of the five U.S. nuclear reactors that lack containment facilities to prevent the release of radioactive material during an accident. (Documents published in a scientific journal last year indicate a large radioactive release occurred there in 1955.)

Between Vogtle and the Savannah River plant, there are a lot of people in the area who rely on the nuclear industry for a living. They have made a kind of peace with it; they even make jokes about it. Did you see the cartoon about the mother who met a friend while out walking with her toddler? "I declare," says the friend, "that child has grown a foot since I saw you last!" In the drawing, the child has grown a foot—a third foot, toes and all, out of the top of his head.

By and large, the workers at Plant Vogtle are male, conservative and pronuclear. Many are living away from their families in trailer communities, several of which boast their own makeshift taverns, with the predictable effect on social life.

"There's no television out there; they're around . . . lot of people who don't know them, or their families, so they can do things they wouldn't ordinarily do," says Leslie Price, one of five petitioners in the ACLU complaint. "It's kind of like the Wild West."

"Well, you've got to take the fleas with the dog," says County Commissioner Lodge.

Present and former Georgia Power employees, including the five petitioners in the ACLU case, say drugs had been widely used on and off the job site. Drug use is "rare now," says one current employee. "It's nothing like what it used to be. The drug program has . . . scared the hell out of people who want to keep their jobs. No one wants to lose a \$40,000, \$50,000 a year job just to snort some coke."

Georgia Power lawyer Charles W. Whitney compares his lack of freedom to discuss the details in the case of the Vogtle five to being in a boxing ring with his hands tied behind his back. He will say that the company is confident the five petitioners in the ACLU complaint were fired for cause.

"We have taken two and perhaps three different looks at this situation from different perspectives and we're absolutely convinced that their termination was due solely to violations of the antidrug program and had absolutely nothing to do with retaliation for any safety concerns."

Georgia Power officials never denied the possibility that some employees might abuse the hot line, but its reasoning all along has been that no employee could be hurt by the testing program unless he or she had used drugs, in which case the company didn't want them around anyway.

Because the company will not comment on the details of the urine tests, case, the accounts of the urine tests, dismissals and safety allegations are based on the statements from the five petitioners contained in their complaint as well as their recollections and those of other current and former Vogtle employees.

The details of the other petitioners' dismissals vary, but they are united in their allegations in the ACLU complaint that the company used the tests to silence them.

Susan Register contacted the Nuclear Regulatory Commission on the day she was fired. She had been feuding with the company over back pay from a promotion, and accordingly to the complaint, had learned about what she believed were fabrications in the documentation of soil compaction. According to the complaint she was unable to produce enough urine for a sample on her first two attempts while a nurse hovered over her. She refused to try a third time and was fired for insubordination, excessive absenteeism and unsatisfactory job performance. That day, the complaint says, she telephoned the Nuclear Regulatory Commission office in Atlanta with a list of safety complaints, including excessive settlement of the soil around the auxiliary building, faulty construction of turbine building and protection of certain employees who were not being required to take urine tests.

Georgia Power administered more than 8,000 urinalysis tests in 1985, according to Whitney. About 200 came back positive, and those employees, most of them the unionized employees of subcontractors, have been barred from the site. (Many times, however, according to Georgia Power employees, subcontractors simply transfer the employees to another job site.) A handful of the cases have gone to arbitration and about half of those have been decided in the company's favor.

Drug testing is working, Whitney says. According to the company, the accident rate at the plant has dropped steadily since the drug program was established, from 5.4 for every 200,000 man-hours in 1981, well above the national average of 3.8, to .49 last year (although some of the credit must go to a union-management safety program).

"I look at the opposition to these cases and I see the same faces," Whitney says. "I count them on less than one hand. On the other side I see 13,000 workers."

"This isn't a police state, it's a construction site. You run a construction site different than a loose, collegial organization, and everybody out here supports and understands that."

Billy Weatherford smiles and shakes his head when this is repeated to him a few days later. He looks around at the cramped front parlor of the little house in Clearwater, S.C., that he has borrowed from his father since losing his job. The furniture is set close together. There are a few art reproductions on the wall, a Confederate flag and a crucifix. Weatherford speaks slowly and deliberately, emphasizing a point with a drawn out, "Yes, ma'am."

He works as a surveyor at a local engineering company now, making less than half what he made at Vogtle. The family has had to make some adjustments. The new car is gone, and they lost the house, and the \$32,000 in savings he'd put into it. He still wonders whether he did the right thing.

One spring day two years ago, Billy Weatherford quarreled with a fellow crew chief over the correct way to lay out a length of pipe in the containment building. The colleague wanted it done in a way that Weatherford believed contradicted the specifications of the original design, according to the complaint. He refused to sign the paper necessary to let the work go forward. His colleague promised to take full responsibility.

"Fine," Weatherford remembers saying. "You sign it."

Weatherford had been complaining for months about what he regarded as failure of work crews in the containment building to properly document their work, and had twice spoken to the company's quality assurance office about the problem, according to the complaint. The other crew chiefs began to harass him. He was accused of billing the company for time he hadn't worked, but was cleared.

This time, however, the dispute was heated. Some time later a friend of Weatherford's told him about overhearing a conversation between crew chiefs in which they discussed a plan to call in Weatherford's name. "He told me they were saying that 'March 1 would be a good day to test Billy,'" Weatherford recalls.

Two weeks before his name turned up on the company hot line, Billy Weatherford walked into his supervisor's office and said he was being harassed on the job for insisting that work be documented according to NRC regulations. He predicted the exact date, March 1, that his name would be called in on the hot line.

His supervisor reminded Weatherford that his entire work

section was scheduled to undergo a routine urinalysis within the month, and advised him not to worry.

"I said, 'You wait and see,'" Weatherford says.

According to Weatherford and the other petitioners in the ACLU case, changes to the design of the plant have been frequent, but the complaint alleges, records of those changes have not always been properly kept. The pressure to get Plant Vogtle "On Line, On Time," as the company's exhortatory billboards put it, is more intense than ever, and corners are cut, according to Weatherford and his copetitioners.

The Vogtle project has been plagued by problems similar to other nuclear projects that were begun in the pre-Three Mile Island days when oil was dear and nuclear energy was thought to be the country's answer. Since construction began in the mid-'70s, the plant's estimated cost has ballooned from about \$680 million to \$9.2 billion, four reactors have been cut back to two, and the company has been dogged by serious speculation from members of the state's Public Service Commission and regional environmental groups that it would be substantially cheaper in the long run for the state's utility customers if Georgia Power gave up on Plant Vogtle and built a coal-fired plant instead.

The utility has asked the state for a \$1.1 billion rate increase that, it is estimated, will raise the cost of energy from 50 to 75 percent, a prospect that has some of the utility's corporate customers threatening to build their own generators. An aggressive "Stop Vogtle" campaign is under way, mounted by environmental and public interest groups that have testified at NRC licensing

hearings that Vogtle is an economic boondoggle and an environmental threat to Tuscaloosa Aquifer, which runs underneath the plant site and supplies water throughout the Southeast.

Plant Vogtle, says Public Service Commissioner Jim Harnock, "is the biggest issue in Georgia since desegregation."

On March 1, just as he had predicted, Weatherford was informed that his name had been reported to the company hot line and he was told he would have to take a urine test.

He was sent into an administrator's office, where he attempted to defend himself. "I told him, 'Do I look like I'm on drugs to you? My eyes are as clear as yours and I haven't used no drugs.'"

He agreed to take the test, then changed his mind.

"I was driving out of the gate with the security man and I said, 'You can let me out right here. If Georgia Power don't think any more of me than this, I don't need them.'"

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