



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
101 MARIETTA STREET, N.W.  
ATLANTA, GEORGIA 30303

June 20, 1985

Ms. Leslie A. Price  
c/o Route 2, Box 265  
Vidalia, GA 30474

Dear Ms. Price:

SUBJECT: ALLEGATIONS REGARDING VOGTLE NUCLEAR PLANT, RII-85-A-0016

Enclosed please find the write up I made regarding the interview I had with you on May 23, 1985. I am forwarding a copy per your request.

The information will be provided to the Technical Staff for review and any follow up action. I would also like to advise you that there may be some concerns which you reported that could be referred back to the licensee for follow up which would be subject to audit by the NRC.

Please review the enclosed document and if there are any changes or corrections that you would like to make, please call me collect at 404/221-4193.

I appreciate your cooperation and assistance in this matter. I'll be in touch with you regarding the resolution of your allegations, and if I can be of any assistance, please do not hesitate to contact me.

A handwritten signature in cursive script that reads "Bruno Uryc".

Bruno Uryc  
Investigation/Allegation  
Coordinator

Enclosure: Results of Interview, 8 pages w/atch

# ALLEGATION DATA FORM

Instructions on reverse side

## RECEIVING OFFICE

1. Facility(ies) Involved:  
(If more than 3, or if generic, write GENERIC)

(Name)

VOGTLE

Docket Number (If applicable)

0	5	0	0	0	4	2	4

2. Functional Area(s) Involved:  
(Check appropriate boxes)

X

operations  
construction  
safeguards  
other (Specify) \_\_\_\_\_


onsite health and safety  
offsite health and safety  
emergency preparedness

3. Description:  
(Limit to 100 characters)

A	B	U	S	E	O	F	D	R	U	G	D	E	T	E	C	T	I	O	N	I	P
R	O	G	R	A	M	A	N	D	C	O	N	S	T	R	U	C	T	I	O	N	C
O	N	K	E	R	N	S	.														

4. Source of Allegation:  
(Check appropriate box)

X

contractor employee  
licensee employee  
NRC employee  
organization (Specify) \_\_\_\_\_  
other (Specify) \_\_\_\_\_


security guard  
news media  
private citizen

5. Date Allegation Received:

MM	DD	YY
0	1	2
8	8	5

B. URYC

6. Name of Individual Receiving Allegation:

(First two initials and last name)

7. Office:

R	I	I
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## ACTION OFFICE

8. Action Office Contact:

(First two initials and last name)

B. URYC

9. FTS Telephone Number:

2	4	2	-	4	1	9	3
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10. Status:  
(Check one)

X

Open, if followup actions are pending or in progress  
Closed, if followup actions are completed

11. Date Closed:

MM	DD	YY

A-1

12. Remarks:  
(Limit to 50 characters)


13. Allegation Number:

Office	Year	Number
R	8	0
I	5	0
I	-	0
	A	0
		0
		1
		6

REC'D MAY 15

ACLU

American Civil Liberties Union of Georgia      88 Walton Street, NW Second Floor      Atlanta, Georgia 30303 (404) 523-5398

For Release:

Monday, May 13, 1985  
10:00 A.M.

For Further Information:

Gene Guerrero      Office: 523-5398  
Home: 523-3283

The American Civil Liberties Union announced this morning that it has filed a complaint with the U.S. Department of Labor on behalf of four former workers at Georgia Power Company's nuclear Plant Vogtle, under construction near Augusta, Georgia. The ACLU is asking federal officials to order Georgia Power to discontinue use of a urinalysis testing program. Under the program, anonymous tips of drug usage can be telephoned into a "hot line." Employees turned in on the "hot line" are then required to submit to urinalysis tests as are all new employees and non-construction personnel.

According to the ACLU complaint, "workers with a history of making known their opinions regarding quality concerns at the plant, were identified on the hot line." Two of the workers, Steve McNally and Billy Weatherford, had previously said they regarded such tests as an invasion of privacy and would refuse to submit to a urine test. They were turned into the hot line after filing safety-related complaints. Both were then fired when they refused to take the urinalysis test. Leslie Price worked as a quality control inspector. She had complained to the Nuclear Regulatory Commission regarding quality control violations. Once she was warned by a welder that she would be turned in on the hotline if she was too careful inspecting welds. Soon her name was called in on the hot line and she was fired when

company officials said the tests came out positive for drug usage. James B. Register filed a quality concern regarding improper documentation of activities of the survey department. He was fired when his name was turned into the hot line and company officials said he failed the urinalysis test. Susan Register filed complaints with the Nuclear Regulatory Commission. She was fired after she was first unable to produce enough urine for a test and later refused to take a test.

In addition to filing the complaint on behalf of the five named workers, ACLU officials charged that the urinalysis testing program has made many Plant Vogtle workers afraid to act on quality or safety concerns. "Conscientious workers are afraid to file safety and quality control complaints for fear they will be turned in on the hot line," according to ACLU state director Gene Guerrero. "We have received complaints from a number of workers at Plant Vogtle, including workers who have taken the test once and passed but fear that if they step out of line, the testing program will be used to discharge them," said Guerrero. "Ironically," Guerrero continued, "a program which purports to be about safety is having the opposite effect. The workers who complain to us are safety conscious. They know how dangerous a large construction site can be and they recognize the need for careful construction of nuclear plants. They are pro-nuclear power. They believe this program adversely affects safety, and violates their right to be treated with respect and dignity on the job."

May 13, 1985

Office of the Administrator of the Wage and Hour Division  
Employee Standards Administration  
U.S. Department of Labor

STEVE McNALLY, BILLY WEATHERFORD, )  
LESLIE PRICE, JAMES B. REGISTER, )  
and SUSAN TILLER REGISTER, )  
Petitioners )  
vs. ) COMPLAINT  
GEORGIA POWER COMPANY, )  
Respondent )

I. INTRODUCTION

Petitioners Steve McNally, Billy Weatherford, Leslie Price, James B. Register and Susan Tiller Register file this complaint pursuant to the Energy Reorganization Act of 1974, 42 USC 5851; and 29 CFR Part 24.

In the spring of 1984, the Georgia Power Company implemented a drug policy at its nuclear Plant Vogtle construction site whereby workers can phone in on a "hotline" anonymous allegations of drug abuse by other workers. The caller may make any allegation, based on any motive; the accused party is never informed of the identity of his accuser. Any accused worker is then forced to take an EMIT urinalysis screening test which purportedly picks up traces of drugs in the urine up to 30 days after ingestion.

Petitioners were reported on the company's hotline or otherwise targeted to take the urinalysis screening test solely as a consequence of making complaints to company quality assurance personnel and the Nuclear Regulatory Commission (NRC)

staff in accordance with 10 CFR Part 50 Appendix B. Their complaints, which are further discussed below, concern inadequate documentation, falsification of records and other violations of the Atomic Energy Act. Petitioners Steve McNally, Billy Weatherford and Susan Tiller Register have been discharged as a result of refusing to take the urinalysis and petitioners Leslie Price and James B. Register have been discharged as a result of failing to pass the test.

Petitioners' complaints to quality assurance personnel and the Nuclear Regulatory Commission constitute protected activity under the Energy Reorganization Act of 1974, 42 USC 5851; Georgia Power's urinalysis program, as applied to petitioners, constitutes discrimination as prohibited by 42 USC 5851 and 29 CFR Part 24.

This discrimination continues as Georgia Power Company refuses to pay unemployment benefits to discharged petitioner Susan Tiller Register and refuses to allow petitioners Leslie Price and Susan Tiller Register to withdraw their contributions to the Company's saving plan program. The presence of Georgia Power attorney Chuck Whitney at a meeting between Petitioners, their attorneys and other workers opposed to the urinalysis program, including current Company employees as well as discharged workers, in Augusta on April 18th, 1985 constitutes further discrimination, harassment and intimidation.

When Mr. Whitney initially attempted to enter the meeting room, he was told that his presence was inappropriate and unacceptable. He insisted on entering in order to assure those

present that the company would not retaliate against them for attending the meeting. Again he was asked to leave the room and finally did so. Mr. Whitney stood outside the meeting room for several minutes; he was finally picked up by a passing car. His remarks and presence in general further raised workers' anxiety and fear of discrimination, intimidation and harrassment.

As the Company had failed to post NRC Form 3 at readily accessible points at the construction site at the time petitioners were terminated, petitioners were unaware that this federal grievance procedure was available to them. Because petitioners were first informed of their legal rights regarding this proceeding at a meeting with American Civil Liberties Union attorneys on April 18th, 1985, this complaint is timely filed.

## II. DESCRIPTION OF PETITIONERS

A. Steve McNally, 70 Washington St., Apt. #1, New London, CT. 06320, worked for nine months at Plant Vogtle as a quality control inspector. He has over ten years of experience in this field. In August 1984, Mr. McNally submitted a written quality concern in accordance with 10 CFR Part 50 Appendix B regarding management's attitude of production before quality to head quality control manager, Mike Upchurch. No action was taken regarding this concern. Mr. McNally continued to urge management, particularly assistant quality control manager Roy Page, to follow their own procedures involving the handling of cable reels and filling out EE-580 cable installation cards, as

well as others. In the last week of November 1984, Page fired Mr. McNally for refusing to work unscheduled overtime without pay. This decision was overridden and Mr. McNally was rehired the same week though he was given the next scheduled work week off without pay for insubordination.

In early November, Mr. McNally was assigned to a problem-solving team by Mr. Pinson, Georgia Power Company vice-president for site construction. The team's task was to identify quality problems, formulate solutions and present results to management. Team meetings were to start in December. As a result of Mr. McNally's history of making quality assurance complaints, Fred Page, the new head quality control manager, directed him not to attend the meetings and without authorization removed him from the problem-solving team. When the team leader informed Mr. Pinson of this, Mr. McNally was immediately reassigned to the team.

On November 30, 1984, Mr. McNally notified a Nuclear Regulatory Commission investigator on-site that Georgia Power Company management was attempting to intimidate him into leaving his job for expressing his concerns regarding quality assurance. One week later Mr. McNally was transferred, without choice, from the electrical quality control department to the field engineering department. In mid-January of 1985, three quality control inspectors were called in on the hotline for suspected drug abuse. Mr. McNally, suspecting that he would be the next to be called in, asked Roy Page for a copy of the quality concern he had submitted in August 1984. He also told

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Page that he considered the test an invasion of privacy and would refuse to take the test in the event he was asked to. The following day, Mr. McNally's name was phoned in on the hotline. He refused to take the urinalysis and was subsequently discharged on January 16, 1985.

B. Billy Weatherford, Box 1123, Clearwater, SC, 29822, has been employed at Plant Vogtle since 1977. He has worked in both the survey and mechanical sections at the plant. At the time he was discharged he held the position of party chief and supervised a crew of four surveyors. In October of 1984 he reported to Ed Groover of the quality assurance division his concern that the lack of documentation of design changes in the powerblock buildings would result in an open item in the event of a quality assurance audit of the field books.

Mr. Weatherford continually reminded the crews on other shifts of the necessity of proper documentation. The other party chief supervisors, particularly David Moncus, began to harass him and search for faults in his work. Moncus accused him of time theft but Mr. Weatherford was acquitted. He reported to his supervisor, Herman Richards, that he was being harassed for insisting that work be done properly by the crews and predicted that he would be forced to take the urinalysis as a means of intimidation. Soon thereafter Mr. Weatherford was told by Moncus that his name had been phoned in on the hotline and thus he would have to take the urinalysis screening test. Mr. Weatherford had stated publicly many times before that he believed the drug test was a constitutional violation and that

he would not take it. He did in fact refuse to take the urinalysis and walked off the site when he was ordered to do so. He was discharged by the Company on March 1st, 1985.

C. Leslie Price was employed for two and a half years as a civil quality control inspector at Plant Vogtle. On January 24, 1985 she contacted Bruno Uryc of the Nuclear Regulatory Commission staff about quality assurance violations at the plant including falsification of soil density records during 1976-77, extensive honeycombing in the concrete of the control building on the north wall, the fact that Georgia Power Company was purposefully camouflaging the fact that workers were being terminated for drug abuse activity so that NRC would not force them to reinspect the work performed by these individuals, and documentation problems in the quality assurance vault. On or about February 4th, she notified a welder that his welds were inadequate. He warned her that her pickiness might someday result in a hotline complaint. On February 11th, she notified her supervisor, Allen Chestnut, that her party chief Charlie Bonnell was drunk on the job, performing his work inadequately and preventing other workers from performing their jobs. The following day she was ordered to take the urinalysis as a result of an alleged hotline complaint. She was subsequently discharged on February 12, 1985 for misconduct and violation of work rules. A Georgia Department of Labor administrative hearing officer found that she had been discharged for being at work with drugs in her system.

D. James B. Register, Route 2, Box 265, Vidalia, GA 30474,

is a surveyor with eleven years of experience in his field. He was employed at Plant Vogtle for almost three years as an instrument man in the survey department. On January 25, 1985, Mr. Register filed a quality concern on survey regarding the department's failure to follow its procedures regarding field work, documentation and harrassment of surveyors. On February 21, 1985 he was ordered to take the urinalysis as his name had allegedly been identified on the hotline. On February 27th he was discharged as a consequence of failing to pass the test.

E. Susan Tiller Register, Route 2, Box 265, Vidalia, GA 30474, was employed at Plant Vogtle for four and a half years. Her last job title was that of Junior Coordinator in the Mechanical Division. Around the first of January 1985 she began hearing rumors that she had identified other workers as drug users on the hotline and was thus target for a hotline call herself. Ms. Tiller was allegedly identified as a drug user on the hotline soon thereafter and was ordered to take the urinalysis screening test. She was unable to produce enough urine for the test on January 22nd and on January 23rd. She refused to take the urinalysis again on January 24th and was discharged for insubordination, excessive absenteeism and unsatisfactory job performance. On January 24th she contacted Bruno Uryc of the Nuclear Regulatory Commission with her concerns regarding settling of the Auxiliary Building as a result of improper backfilling, protection by Georgia Power Company of certain employees who were not being required to take the urinalysis and problems with concrete in the turbine

building resulting from walls being backfilled too soon. She also told Mr. Uryc that she was being harassed and intimidated for being a suspected hotline accuser. On January 25th she was discharged for insubordination, excessive absenteeism and unsatisfactory job performance.

### III. CONCLUSION

Petitioners' complaints to quality assurance personnel and the Nuclear Regulatory Commission staff in accordance with company policy and 10 CFR Part 50 Appendix B constitute protected activity under the Energy Reorganization Act of 1974, 42 USC 5851; use of the hotline and urinalysis screening test as a means of discharging employees, including petitioners, who have engaged in protected activity constitutes discrimination as prohibited by 42 USC 5851. Furthermore, the presence of Georgia Power's attorney, Chuck Whitney, at the April 18th meeting between workers and ACLU attorneys constitutes discrimination, harrassment and intimidation as well.

Thus, pursuant to 42 USC 5851 (b)(2)(B), petitioners request reinstatement with full back pay in their former positions at the Plant Vogtle facility. Furthermore, because Georgia Power Company's drug testing program is both unreliable(1) and unconstitutional(2) and because a strong likelihood exists that other workers who have made quality assurance and safety complaints have been and will continue to be discriminated against by use of the hotline and urinalysis screening test, petitioners request that the use of the urinalysis be discontinued and that the Company reinstate, with full back

pay, all workers who have been discharged as a result of their refusal to take, or failure to pass, the urinalysis. Petitioners request any other relief the board might deem appropriate.

Respectfully submitted,

May 13, 1985

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Ralph Goldberg  
1133 Healey Building  
57 Forsyth St.  
Atlanta, GA 30303

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Gary Flack

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Laurie Fowler

Attorneys for Petitioners

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The Syva Company's literature concedes that its test is only 95% accurate. A 1982 study by the Department of Defense and the Air Force, however, shows that the EMIT test produces up to 11.1 percent unconfirmed, or false, positives. The Syva Company has found that 11 substances, including aspirin, can trigger false positives. See S. Clark et al., EMIT Cannaboid Assay: Clinical Study No. 74 Summary Report (Palo Alto: The Syva Company, 1980), pp. 22-24. Studies indicate that passive inhalation of marijuana by nonsmokers as well as substances produced by the human body may also trigger false positives. See P. Zeidenberg et al., "Marijuana Intoxication by Passive Inhalation: Documentation by Detection of Urinary Metabolites," American Journal of Psychiatry 134:1 at pp. 76-77 (January 1977).

2

The chilling effect of the hotline and urinalysis is apparent. Workers now fear to make their quality and safety concerns known in light of the hotline retaliation which might follow.

# criticized for unreliability

By Charles Seabrook  
Science/Medicine Writer

The reliability of drug screening tests, like those proposed by baseball commissioner Peter Ueberroth, is being increasingly challenged for their inability to consistently identify users of illicit drugs.

Now used by the military, public agencies and a number of corporations, some urine tests administered by some laboratories have been wrong up to 100 percent of the time, according to a recent report from the U.S. Centers for Disease Control.

The CDC said "serious shortcomings" in the accuracy of test results — coupled with rapid increases in the use of the screening procedures — has created a "crisis in drug testing" in the United States.

"The baseball people are going to be awfully, awfully sorry for getting into testing people's urine for drugs," says Dr. Arthur McBay, chief toxicologist for the state of North Carolina and a national expert on testing for marijuana.

While McBay applauds Ueberroth's efforts to rid professional baseball of drug abuse, he says that inaccuracy of the tests may spawn a flurry of legal challenges, as it already has among some industrial and government workers who have been denied employment because of test results.

Because of doubts about the reliability of the tests, McBay says he himself would refuse to cooperate if his livelihood depended on the outcome of the test.

The proposed screening program will include all baseball personnel — from owners to secretaries to 3,000 minor-league players. It does not yet include major-league players because the plan must first be accepted by the Major League Players Association before drug testing for the players becomes mandatory.

"The baseball commissioner is focusing attention on drug abuse, a major problem in this country, and it is not in the best interest of the major league players to resist his efforts to rid sports of the problem," says Peter B. Ben-



The Associated Press

Commissioner Peter Ueberroth has ordered drug tests for all baseball personnel, except major-league players

singer, a former administrator of the federal Drug Enforcement Administration and now president of a Chicago consulting firm that advises companies on drug screening programs.

But Ueberroth's announcement comes at a time when such tests are under increasing fire. The CDC report, published two weeks ago in the *Journal of the American Medical Association*, found that more than a dozen private laboratories serving 262 drug treatment centers around the nation had "false-positive" error rates of up to 66 percent when testing for methadone and up to 37 percent when testing for amphetamines.

A false-positive result indicates a person has been taking a certain drug, when he has not.

In the study, the researchers found that some of 12 laboratories could reliably test for amphetamines 80 percent of the time — the rate the CDC considers "acceptable."

Only one of 11 labs had "acceptable" tests for cocaine and five of them were unable to detect traces of the drug in any of the urine samples that actually contained it.

The increase in screening for illicit drugs has come about only during the past four or five years as new technology has made analysis reliable and cheap. The tests can detect most drugs, including marijuana, barbiturates, am-

phetamines, cocaine, codeine and morphine.

The testing programs have been used most widely in the military, prisons and drug-abuse treatment programs. Lately, government agencies, including the U.S. Postal Service, have started using the tests to screen job applicants and employees. Many of the Fortune 500 companies now perform similar drug tests.

"Within a year or two, in order to get a good job, you are going to have to be drug-free," says Dr. Michael Walsh, chief of clinical and behavioral pharmacology at the National Institute of Drug Abuse.

"This may be the ultimate prevention device against drug abuse, which is costing this country untold hundreds of millions of dollars in lost productivity, absenteeism from work and on-the-job accidents," he says.

But Walsh is also concerned that the tests often yield inaccurate results.

Because of the growing threats of lawsuits from persons who claim they have been falsely accused of drug abuse, many companies are now rechecking the results of drug tests.

Since June, the Army has also been reviewing the cases of 51,000 soldiers or veterans who may have been improperly disciplined on the basis of poorly administered tests for illegal drugs.

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