

November 13, 1984  
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USNRC

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	)	Docket No. 50-400 OL
And North Carolina Eastern Municipal	)	
Power Agency	)	
	)	
(Shearon Harris Nuclear Power Plant)	)	

MOTION TO REOPEN RECORD  
ON JOINT CONTENTION 1 (MANAGEMENT INCAPABILITY)

Now come the Joint Intervenors with a motion to reopen the record on Joint Contention 1, dealing with Applicants' ability to safely manage the Harris Plant. There are presently three areas in which the Board should allow additional evidence--Chan Van Vo's affidavit and possible testimony, the material released by the NRC Staff following a Freedom of Information Act (FOIA) request by Wells Eddleman, and further material not yet released and which an appeal has been entered into. Each of these areas, following a brief introduction, will be addressed separately.

INTRODUCTION

The Board conducted hearings on this matter in Raleigh from September 5 through 7, and from the 10th through the 14<sup>th</sup>. Joint Contention 1 examined the Applicants' ability to manage the Harris Plant based on their performance at their other two reactors--Brunswick and Robinson. Issues were raised around direct supervision, training, quality assurance, and generally, the management philosophy of the CP&L upper management. Without doubt the most important evidentiary documents were the periodic Systematic Assessment of Licensee Performance (SALP) reports issued by the NRC Staff and the various exhibits

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which described the fines which the Applicants received for violations.

On the last day of the hearing on the management contention, Judge Kelley closed the record on that part of the proceeding. To reopen the hearing record, the NRC regulations at 10 CFR §2.718(j) states that the presiding officer has the power to "reopen a proceeding for the reception of further evidence at any time prior to initial decision." This direct granting of authority to the Board has apparently been modified by case law and rather than provide lengthy citations and discussion, the burden for reopening a record for most evidence can be summarized as follows: the record can be reopened to admit evidence which would somehow affect the outcome of the proceedings. Further, this need not be limited to whether the Board would issue a decision granting the operating license but would also include such matters as license conditions or even adverse findings.

As to the FOIA material released by the NRC Staff to date, the Board on September 14 allowed its admission if a showing of relevance was made. Pursuant to an oral order made during the hearing on October 25, 1984 (Transcript, page 5721), Joint Intervenors had until November 5, 1984, to move for the admission of the material released by the NRC Staff on September 14 and October 19, 1984. This deadline was not met as the released material was not relevant; it will be discussed later.

AFFIDAVIT OF CHAN VAN VO

The Board should reopen the record on the management contention to admit at a minimum the affidavit of Mr. Van Vo (Attachment 1). This affidavit has been distributed to the Board and the parties already by Mr. Eddleman on October 25, 1984. This was done in a timely manner as it did not come into the hands of Mr. Eddleman or any of the other Intervenors until October 24, 1984, although the Staff apparently had a copy prior to that date. Mr. Eddleman

discusses this matter before the Board beginning with Transcript, page 5730. The motion to reopen the record is timely at this time because until last Thursday or Friday when Applicants settled Mr. Van Vo's Department of Labor complaint (brought under 29 CFR Part 24), we were not certain whether Mr. Van Vo would be willing or able to participate further in this proceeding. This is now clarified and Mr. Van Vo is available to testify in this proceeding. Our motion is to admit his affidavit at this time and his testimony when it is given; this latter should not delay the proceeding as it is unlikely there will be much need for any discovery before Mr. Van Vo can testify. In most respects regarding the management contention, his testimony will be in the nature of rebuttal testimony.

Mr. Van Vo's affidavit and testimony is relevant to the management contention for several reasons. The first is that statements he makes on pp. 9 and 14 about taking his safety concerns to CP&L Vice President, M.A. McDuffie, and Executive Vice President, E.E. Utley, directly contradicts their testimony that no worker had ever brought safety concerns to them (Transcript pp.        and        ). Secondly, the nature of the allegations made by Mr. Van Vo goes directly to Applicants' ability to safely manage the Harris Plant; these serious construction problems should have been routinely noticed and corrected by the line supervisors and construction foremen. Regardless of the nature of these construction flaws, and both Mr. Eddleman and the Conservation Council have submitted contentions based on the safety aspects, "good" management should not have allowed these to occur. Thirdly, similarly the allegations go to the ability of Quality Assurance to check the checkers and otherwise develop and maintain a system which prevents substantial quality problems from arising. This flies in the face of 10 CFR Part 50, Appendix B, and specific allegations in Mr. Van Vo's affidavit go to several of the QA Criteria. For example, see specific problems

outlined in the late filed contentions by Wells Eddleman and the Conservation Council. It certainly goes to the Applicants' receptivity to complaints.

As to the burden which must be met to reopen the record to allow admission of Mr. Van Vo's affidavit and testimony, this evidence goes directly to the heart of the Applicants' ability to safely manage the construction and operation of a nuclear power plant. Admission of this evidence, in light of the testimony of the Applicants' witnesses already in the record, would likely affect the outcome of this proceeding. At a minimum the Board would necessarily find that it had grave concerns about the adequacy of the Applicants' QA program and its ability to meet the Appendix B Criteria. Further direction to the Staff to closely monitor Applicants' management would also follow; this could be done as a license condition setting standards which the Applicants must meet or reporting requirements they must follow. If the safety concerns raised by Mr. Van Vo are proved to be accurate, then there is the likelihood that the Board would not issue the operating license.

Now is the time for the Board to integrate Mr. Van Vo's testimony into the record, before the proposed decision is issued. Not only is our burden to reopen the record less at this juncture, it will make for a much more consistent decision process. Piecemeal separation of issues, such as taking safety issues as somehow apart from management, or holding a separate "whistle blower" hearing in the future, disregards the interaction between each of the components of the license test, that is, can the Applicant safely operate this particular reactor?

RELEASED FOIA MATERIAL

As the Board is aware, Mr. Eddleman requested that the NRC Staff supply "all minutes, meeting notes, other notes, drafts and other documents underlying, used in preparation of, or prepared in connection with" the various SALP reports

done by the NRC Staff on the Applicants and their nuclear plants. This request was done pursuant to FOIA on August 3, 1984. Although an agency must respond to a FOIA request within ten days, the NRC Staff did not respond until September 14 (the last day of the management hearing) and then made available a long list of documents (see Attachment 2). This was further supplemented on October 19, 1984, when the NRC Staff made further documents available and also withheld others (see Attachment 3).

At this time we are not moving for the Board to reopen the record on the management contention for any of the material which was admitted on September 14 or October 19 as almost all of it is material already in the record such as the SALP reports themselves and the material on the fines paid by the Applicants. It is important to note that documents relating the preparation of SALP 4 (the most recent one) were made available; these were however restricted to the sections on the Harris Plant construction. The latter did not appear to us to add much to the record as the material was extremely sketchy. We would move at this time to admit Attachments 2 and 3 into the record for the limited purpose of showing that this material does exist and was not destroyed as counsel for NRC Staff, Charles Barth, and NRC Staff witness, Paul Bemis, lead the Board to believe.

FURTHER FOIA MATERIAL NOT YET RELEASED

Attachment 3 also contains a list in Appendix B of material which the NRC Staff has proposed to withhold in their entirety, claiming that these are predecisional documents under Exemption (5) of FOIA. This exemption is discretionary on the NRC Staff's part and it appears to us that the material should have been made available as a matter of course, especially as it might provide relevant to the management contention. The NRC Staff position is that the production or disclosure of this material "is contrary to the public interest."

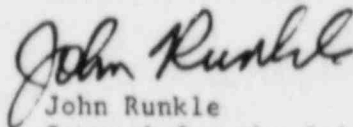
We are appealing this determination by the NRC Staff (see Attachment 4) and urge the Board to help expedite this matter.

The background material to the SALP reports may be relevant in showing that, as we strongly suspect, the recommendations and categories of SALP 4 (the most recent one) were significantly changed during the process of drafting the report. This suspicion may of course be groundless but we have done all we can to diligently get material from the NRC Staff which would prove or disprove this. Again, we move that the record on the management contention be reopened to admit Attachment 3 to contradict the assertions by NRC Counsel, Charles A. Barth, that these background documents were regularly destroyed and the assertion by NRC witness, Paul Bemis, that the material is not available.

CONCLUSION

The material described in the three areas above and attached to this motion should become part of the record on the management contention. All three contradict direct testimony of Applicants or Staff witnesses and the affidavit of Mr. Van Vo goes in addition to the very nub of the Applicants' ability to manage the operation and construction of nuclear power plants. The FOIA material, since it is the most important evidence in this part of the proceeding, needs to be fully understood by the Board and all parties before a decision can properly be made.

Respectfully submitted,



John Runkle  
Counsel for the Joint Intervenors--  
Management Contention (Joint 1)

This is the 13th day of November, 1984

CERTIFICATE OF SERVICE

I hereby certify that copies of the Motion to Reopen Record on Joint Contention 1 (Management Incapability) were served upon the following persons by deposit in the U.S. Mail, postage prepaid, or by hand delivery to the following:

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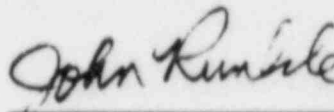
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This is the **13** th day of November, 1984

## AFFIDAVIT

My name is Chan Van Vo. I am also known as Van Vo Davis. I am giving this statement to Robert Guild, Attorney-at-Law, of Charleston, South Carolina, who has identified himself to me as a representative of the Government Accountability Project. I was employed for almost five years by Carolina Power & Light Company in the construction of the Shearon Harris Nuclear Power Plant near Raleigh, North Carolina, most recently in the position of Engineer where I was responsible for ensuring that the installation of pipe and pipe-hangers was in accordance with approved plans, specifications, codes, procedures and schedules. Although I am not opposed to nuclear power, my experience with CP&L causes me to have serious doubts about CP&L's commitment to nuclear safety and about the as-built quality of construction at the Shearon Harris Nuclear Power Plant. On many occasions I have brought safety concerns and construction deficiencies to the attention of my supervisors only to face lack of interest and hostility; and in one case only to find my documentation of a serious safety concern discarded in my supervisor's trash can the next day. I have taken these concerns up my chain of command to senior management at CP&L on several occasions only to be told that 'this is not Vietnam, here at CP&L you are only a soldier who must follow orders.' This lack of interest in my safety concerns was followed by a pattern of harassment, intimidation, pressure to resign, and ultimately my termination. I have filed a



complaint against CP&L with the U.S. Department of Labor for violation of the Employee Protection Provisions of The Energy Reorganization Act because of the Company's discrimination against me for raising safety concerns. I was only trying to do my job to the best of my ability according to my professional engineering training. I believed that the Quality Assurance regulations of the Nuclear Regulatory Commission, 10 CFR Part 50, Appendix B, and the Company's written policies and procedures meant what they said. However, I have learned that CP&L has very little interest in seeing that the Shearon Harris Nuclear Power Plant is built "by the book." Workers at the site are expected to "look the other way" when they see safety violations or risk losing their jobs. I hope that my concerns will be fully investigated and that effective action will be taken to ensure that the public health and safety is protected before the Harris plant is allowed to operate.

2. I was born in South Vietnam and became a U.S. citizen after I came to this country in 1975. I hold a degree in Math, Science and Physics from the French College and a Bachelor of Science degree in Mechanical Engineering with a specialty in Fluid Mechanics from Phutho Higher Technical University, Saigon, South Vietnam. In order to supplement my education for engineering certification in this country, I have taken courses in civil and mechanical engineering from Fayetteville Technical Institute and International Correspondence Schools. I am currently an MBA candidate at Campbell University, Buies Creek, North

Carolina, where I am concentrating in Production Management. I expect to receive my degree in May 1985. I am an Associate member of the American Society of Mechanical Engineers.

3. I was first employed by CP&L at the Harris site on April 10, 1979, as an Engineering Aide I, in the Mechanical Department under E.M. "Ed" McLean, where I was responsible for preparing requisitions for site material procurement and for performing inspections of mechanical installations in all parts of the plant. On October 10, 1979, I was promoted to Engineering Technician II where I was assigned responsibilities for piping and pipe-hangers. After I finished the ICS program for equivalence with a 4 year degree in mechanical engineering and based on my "outstanding" performance, I was promoted to Associate Engineer, effective October 4, 1980. In this position I performed material take-offs, prepared purchase specifications and material purchase orders for piping; and was in charge of field support for radwaste piping in the Waste Processing Building. In April, 1982, I was transferred to work for the Lead Hanger Engineer, A.G. "Alex" Fuller, where I was responsible for providing technical support to the hanger crafts including the preparation and interpretation of design documents and work procedures, investigation of field problems, preparation of field changes such as Field Change Requests/Permanent Waivers (FCR/PW), and the resolution of nonconformances.

4. Alex Fuller and his immediate superior, Resident Mechanical Engineer E.E. "Ed" Willett, particularly demonstrated a lack of commitment to nuclear safety and a general lack of knowledge and competence to perform their important engineering and management responsibilities. The Resident Engineering Unit carries responsibility for all site engineering functions at the Harris Plant, under the direction of a CP&L employee, the Senior Resident Engineer, a position held by A. Lucas until his removal for poor performance in early 1983. Under Lucas were the various engineering disciplines and the Construction Inspection (CI) organizations. Ed Willett took over the Mechanical Engineering group in 1980. He originally supervised activities in the piping, hangers, equipment and heating-ventilation-air conditioning (HVAC) areas; until equipment installation and HVAC were taken away from him in early 1983, and hanger work was taken away in October, 1983, because of mounting problems and growing recognition of Willett's lack of ability to effectively manage his work. Willett brought in his friend, Alex Fuller, to supervise the hanger program in late 1981, despite Fuller's lack of qualifications for this work. Fuller's training was in civil engineering and his only previous work experience was in dam construction with CP&L. As problems mounted in the hanger area, Al Rager was brought in over Alex Fuller. This did not help at all since Rager lacked any engineering experience. Rager has

since been placed in charge of the Construction Inspection program. This recent move will do nothing to improve the Quality Assurance program at the Harris Plant.

5. In mid-August 1982 I was performing my normal duties checking the installation of pipe-hangers in the Turbine Building. While doing so I observed several pipefitters attempting to fit a 24" carbon steel piping line to the discharge nozzle of Steam Generator Feed Water Pump 1A-NNS. This piping system is of large diameter pipe through which feedwater is pumped back from the turbine condensor to the steam generator which is located inside the Reactor Building containment. The system, including the piping and associated valves and pumps, is classified as Secondary System, Safety Category 4, Seismic Category 1. The integrity of reactor temperature and pressure control is dependent upon the effective function of these pumps, valves and piping, which are, therefore, nuclear safety significant. The 24" carbon steel pipe in question extended on a horizontal run in the direction of the length of the Turbine Building until it reached a position above the discharge nozzle of the pump in question where it dropped vertically toward the pump. Since the pipe-to-pump flange connection was the last remaining fit-up to be made in the pipe run, I was particularly concerned that proper alignment of the pipe to the flange was maintained in order to assure that no improper stresses were imparted to the pump.

6. To assure proper fit-up, I identified the fitters' Foreman and requested that he ask his General Foreman, Danny McGhee, to request Millwright assistance in fitting this connection. Millwrights are responsible for the installation of mechanical equipment such as this SGFW pump. The Foreman did as I requested, but reported back that McGhee had said go ahead without the Millwrights. I returned to my office where I called Piping Engineer D.M. Dasburg to whom I related the problem.

7. Several days later I encountered the same crew of pipefitters in the Turbine Building in the process of actually fitting up this pipe to the pump nozzle. The fitters had rigged a horizontal "come-along" from the pipe to a nearby beam and were "cold pulling" the pipe using extreme force which I would estimate at several thousand pounds in order to force fit the connection. When I encountered them they had almost completed the entire weld. No Millwright was present, nor did I observe any Quality Control, Construction Inspector, or supervisory authority present to witness the "cold pull" fit-up of this pipe.

8. About one week later I observed two Millwrights, a Mr. Strickland, Company No. 50-185 and Mr. Bass, Company No. 50-105, performing an alignment test on the subject Feedwater Pump. One of them said to me, "Mr. Chan they really screwed up this pump!" The Millwrights were measuring the pump shaft alignment using an instrument called a "Dial Indicator" which measures in thousands of an inch. Procedure calls for an alignment tolerance of +/- .005. The Millwrights reported to

me the results of alignment measurements over a three-day period under hot and cold temperature conditions. Their notes reflected a severe misalignment measurement of as much as + .108", - .078" under hot conditions; and + .108", - .075" under cold conditions!

9. On August 25, 1982, I explained this problem to my Supervisor, Alex Fuller. I asked him how I should document and report this safety deficiency; and whether I should inform Resident Mechanical Engineer Ed Willett. Fuller told me to document the problem on a "Speed Letter" which he said he would route to Willett. "Speed Letters" are commonly used at the Harris site for not only routine internal communication, but also in place of prescribed Quality Assurance documentation. Use of "Speed Letters" is not prescribed in any procedures for the documentation of construction deficiencies, nor are "Speed Letters" controlled documents which are normally part of the Nuclear Plant's permanent quality records. I documented the cold pulling misalignment of the Steam Generator Feedwater Pump as I was instructed in such a "Speed Letter" to Alex Fuller, "Subject: Loads Imposed on the Steam Generator Feed Pump 1A-NNS," which detailed my observations and attached a diagram showing the Dial Indicator alignment readings and the Millwrights' names and Company numbers. I closed my message: "Please investigate." The very next day I happened to find my "Speed Letter" with attached diagram discarded in Fuller's trash can!

10. The following day I spoke with R.T. "Roy" Settle, a Daniel Construction employee who serves as Equipment Installation Supervisor. I told him of the problem and showed him my discarded "Speed Letter". Roy said that he had told Ed Willett of the problem three times. He quoted Willett as cursing him and adding: "I don't want to hear any more about that problem. If something happens I will fire you first!"

11. Several months later on October 14, 1982, I observed Millwrights re-checking the alignment of the subject pump. They gave me a note reflecting the results of their Dial Indicator readings: + .098", - .075". I showed this note to Alex Fuller. He said nothing. The following day I showed it to Ed Willett. He said tell Daren Dsaburg the Piping Engineer. I already had. I gave a copy of the note to Dasburg.

12. Since I first raised my concern regarding the cold pulling of this pipe and its effect on the feedwater pump, I became aware of increasing pressure from Fuller and Willett. I sought a transfer out from under Fuller and Willett thinking that a change in supervision would ease this retaliation. Willett refused to approve my transfer request. I pursued my concern regarding the mishandling of the pump deficiency and my request for transfer to avoid the mistreatment. Both Senior Resident Engineer A. Lucas and Harris Project Manager Parsons showed no interest and offered no help. They sent me back to Willett.

13. In November or December 1982 I went to see CP&L Vice President, M.A. McDuffie. I told him that I was just trying to serve my Company. I explained to him all about my report of the pump deficiency. I showed him my "Speed Letter" and diagram and the Millwrights' notes; I told him of Roy Settle's comments. He showed no reaction and asked no questions. I told him of the retaliation and pressure from Fuller and Willett. He told me that I was a good man, that the Company needed me. He said he would help and that I should go back and request a transfer. I did as he told me; but my transfer was refused. Mr. McDuffie did not help me, nor did he investigate my safety concerns.

14. In March, Alex Fuller increased the level of pressure on me and threatened me with termination of my job. He subjected me to "formal counseling" regarding my job performance, including a requirement that I improve my "understanding and explanation of problems." After I requested Project Manager Parsons' help in allowing me to rebut Fuller's allegations, Fuller and Willett backed down and dropped their charges.

15. In April, 1983, I went to see Vice President McDuffie again for help. This time he sent me back without any action or help. Mr. McDuffie said, "This is the U.S. This is CP&L, not Vietnam. Here Ed Willett is your Lieutenant and you are only a soldier. You must obey orders." During the Spring the pressure from Fuller continued to increase. I was assigned more and more work: hangers in the diesel generator building, the turbine



building, the reactor building, the auxiliary building and the waste processing buliding. Much more work than my fair share.

16. In June, 1983, the NRC began to identify serious problems in the hanger installation program at Harris. In a June 10, 1983, exit meeting with site management, NRC Senior Mechanical/Welding Engineer J.W. York noted problems in the hanger inspection area with particular regard to missed deficiencies and material control problems. Several weeks later Alex Fuller assigned me to work with the QA Surveillance Group under the direction of OA Engineer "Buck" Williams. Our task was to begin an evaluation of the adequacy of the existing pipe hanger installation program. Fuller instructed me to select, at random, about 50 hanger packages for review, with particular emphasis on material substitutions, use of surplus materials, and identification of Construction Material Requisitions (CMR's) that did not match the hanger materials actually installed. These areas represented significant problems which the NRC had observed and which indicated the potential need for costly and time consuming reinspection and rework.

17. At Buck Williams' request I pulled 50 hanger packages for seismic hangers on safety-related systems which were supposed to be Phase II complete: installed, inspected, and found acceptable for turn over to operations with only the final Phase III stress analysis yet to be performed. Of these, the QA Surveillance Group inspected 12 at random. In

the course of this review numerous serious deficiencies were noted which had not been identified, documented or corrected although these hangers had all received final approval by CI and CP&L QA/QC.

18. By "Speed Letter" of July 18, 1983, I transmitted to Alex Fuller and Ed Willett my completed "Hanger Phase II Verification Checklists" for these sample hanger packages. Fuller was very angry that such a large number of deficiencies had been identified, and he blamed me for documenting all of these problems. In particular he focused on the problem of material traceability which we had identified on many of these hangers. For example on pipe hanger A-2-236-1-CC-H-105, a "Speed Letter" of 4/25/80 indicates that a 1" x 10" x 10" plate was obtained from Purchase Order 21022 and installed as per drawing. PO 21022 was cited as the source for material in many of the hangers we examined. I explained to Fuller that I had researched this PO with QA Inspector Jay Vincent and another man on the Surveillance team. We could find no documentation of this PO in the QA records vault. In the Purchasing Department, Robert Babb informed us that the Purchasing Log showed that PO 21022 had been voided and that no materials had ever been received through that order! We could not determine where these hanger materials had come from or document that such materials were of acceptable quality for nuclear safety application.

19. Later that afternoon Fuller called me into his office. He called me "a liar" and said that he had found documentation for PO 21022 in the warehouse. He accused me of not doing my job properly. I asked him to wait for the issuance of the Deficiency and Disposition Report (DDR) by the QA Surveillance Group which would confirm my report of material traceability problems and, in particular, the apparent falsification of documentation involved in the repeated use of void PO 21022 to supply traceability for hanger materials of unknown origin. I returned to my work.

20. DDR 1775 was issued by Buck Williams on July 26, 1983, documenting the QA Surveillance findings, as well as my report to Fuller and Willett regarding the void PO. That DDR states that "PO # 21022 was voided and no documentation exists that material was received." It also states: "A further investigation of PO # 21022 revealed that material from this PO was used on pipe hanger 1-CC-H-1242, 1-RH-H-183, and numerous other pipe hangers not listed here, although PO # 21022 was voided . . . ." DDRs 1776, 1784, 1795 and Nonconformance Report (NCR) QA-255 also document problems we found in the hanger verification.

21. In response to my report to Fuller and Willett of QA failures, Willett issued a Memo July 29, 1983, "Subject: Shearon Harris Nuclear Power Plant - Compliance with Project QA Programs and Procedures", which emphasized that compliance with QA procedures is "mandatory" and provided examples of "DO's and Don't's".

22. On August 1, 1983, Assistant Project General Manager P.F. Foscolo responded to our Phase II hanger surveillance and the NRC concerns by providing for significant changes in the hanger program. A stop work order had been issued on July 29, 1983, halting all work and inspection on seismic hangers. Phases I and II were eliminated; work and QA procedures were substantially changed, including particularly WP-110, and TP-34, which provided for hanger installation and inspection. In particular, CP&L noted that hanger documentation should be checked to insure "that the surplus hangers number/purchase order number is legitimate". At that time only about 300 of the 18,000 seismic pipe hangers had successfully passed inspection. I remain concerned about the use of false documentation on such safety grade materials. Has any effort been made to investigate the cause or extent of this problem at the Harris Plant?

23. On August 22, 1983, Alex Fuller presented me with a Memo signed by himself and Ed Willett reflecting their decision to place me on probation due to what was described as a decline in my performance "over the past year and one half". Of course, Fuller himself had promoted me to Engineer less than a year earlier! I believe that this action was in retaliation for my expression of safety concerns. I refused to acknowledge Fuller's false charges, and, instead I wrote: "I do not agree with this statement", on the memo. Ironically one of the actions required of me over the next 6 months was: ". . . problems that are detected must be reported accurately and timely.". CP&L management

demonstrated time and time again that they wanted us to look the other way when we encountered deficiencies. "Problems" were the last thing they wanted reported.

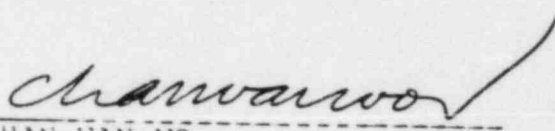
24. In the Fall of 1983 I met with CP&L Executive Vice President E.E. Utley in Raleigh. I carried with me all my documentation of safety concerns and deficiencies, including those described here. I explained these concerns to Mr. Utley and the responses to them by my supervision. He showed little interest in anything I said or any document I showed him. He did not ask questions regarding my concerns or my treatment. He said I was a "good man" and that I should go back to work. He promised to help. He did not. I performed all work assigned to me over the next 6 months, and have retained documentation of my satisfactory performance under increasing pressure and intimidation by my supervisor, Alex Fuller. All my requests for transfer were refused. At the end of 6 months, I was called before Messers Foscolo, Rager, Ferguson and Fuller who told me that if I did not resign I would be terminated. They urged me to make it easier on myself by resigning; and said I would have a hard time getting another nuclear industry job if I did not resign. I told them I had done nothing wrong and would not resign. That afternoon, February 29, 1984, Fuller escorted me like a prisoner out the gate without even a chance to exchange farewells with my colleagues and friends.

25. I have very serious concerns regarding the breakdown of Quality Assurance at the Shearon Harris Nuclear Power Plant. There is a great deal of pressure on the Construction Inspection (CI) organization which lacks the freedom and independence from cost and scheduling considerations to effectively perform their QA duties of identifying and documenting deficiencies. As an Engineer I was always aware of the conflict between production and quality. Both CI and Construction Engineering reported to the Senior Resident Engineer.


26. CP&L and its prime contractor Daniel employ a confusing and ineffective array of different documenting systems for controlling nonconformances such as DR's, DDR's, NCR's FCR/PW's and such commonly used uncontrolled paperwork as Memos and "Speed Letters". Few of us were trained in which procedures were to be used when. Mostly we wrote things down informally. I doubt that the QA vault contains even a fraction of the deficiencies in safety systems which have been identified. In order to ensure that I communicated effectively in my work - particularly since English is my second language - I made it a practice to retain full documentation of work in my areas. I have "Speed Letters" reflecting numerous deficiencies which I am sure have been discarded by CP&L. I also have retained copies of many quality documents which I believe have not been properly controlled by CP&L.

I hope that someone will seriously investigate my safety concerns. I know that many other present and former Harris employees, including craft and other engineers, share my concerns. However, they are not eager to share my experience in order to voice those concerns, since they have every reason to fear the same kind of retaliation that I have experienced. I hope that this statement of mine will make it easier for the others to speak more freely.

I am willing to assist in identifying and correcting quality assurance and workmanship problems in any manner necessary to ensure that the Shearon Harris Nuclear Power Plant does not harm the public.

  
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CHAN VAN VO

Sworn to and subscribed before me  
this the 6 day of Oct-----, 1984.

  
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NOTARY PUBLIC

My Commission expires: 8/12/86-----

September 14, 1984

Mr. Wells Eddleman  
Staff Scientist  
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P.O. Box 2901  
Durham, NC 27705

IN RESPONSE REFER  
TO FOIA-84-652

Dear Mr. Eddleman:

This is in partial response to your letter dated August 3, 1984, in which you requested, pursuant to the Freedom of Information Act (FOIA), all records related to the Systematic Assessment of Licensee Performance (SALP) reports prepared since 1979, or now under preparation, for the following nuclear plants:

H. B. Robinson #2 (Docket 50-261)  
Brunswick 1 and 2 (Dockets 50-324/325)  
Shearon Harris (Dockets 50-400, 401, 402, and 403)

The documents listed on Appendix A are responsive to your request. Documents one, two, three and 23 through 36 have previously been placed in the NRC Public Document Room (PDR). Access to these records may be acquired by referencing the accession number listed by each document. The remaining 35 documents are being placed in the PDR in FOIA file folder 84-652.

The search and review of additional documents related to your request are continuing. You will be notified at the completion of the search and review.

Sincerely,

J. M. Felton, Director  
Division of Rules and Records  
Office of Administration

Enclosure: Appendix A



APPENDIX A

1. SALP Report 50-324/80-40, 50-325/80-43, 50-261/80-31, 50-400/80-24, 50-401/80-22, 50-402/80-22 and 50-403/80-22 - PDR Accession #8102170224
2. SALP Report 50-325/82-15, 50-324/82-15, 50-261/82-17, 50-400/82-14 and 50-401/82-14 - PDR Accession #8210010375
3. SALP Report 50-325/83-09, 50-324/83-09, 50-261/83-07, 50-400/83-10 and 50-401/83-10 - PDR Accession #8306290537
4. Letter from James P. O'Reilly to E. E. Utley dated 9/15/82 - 4 pages
5. Letter from L. W. Eury to James P. O'Reilly dated 6/9/82 - 2 pages
6. Letter from R. C. Lewis to J. A. Jones dated 6/10/82 - 1 page
7. Letter from E. E. Utley to James P. O'Reilly dated 7/26/82 w/attachments - 49 pages
8. Letter from James P. O'Reilly to E. E. Utley dated 6/14/83 w/enclosures - 24 pages
9. Memorandum from James P. O'Reilly to Chairman, SALP Review Group, dated 1/15/81 w/enclosures - 4 pages
10. SALP Meeting handout, 5/29/82 - 14 pages
11. SALP Meeting Slides, 5/10/83 - 46 pages
12. Memorandum from M. V. Sinkule to R. C. Lewis, J. A. Olshinski and J. P. Stohr dated 2/8/83 - 3 pages
13. Memorandum from James P. O'Reilly to J. R. Denton, Carlyle Michelson and J. G. Davis dated 2/9/83 - 1 page
14. Notice of Significant Meeting dated 4/20/83 - 2 pages
15. Notice of Significant Meeting dated 3/24/83 - 2 pages
16. Notice of Significant Meeting dated 3/25/83 - 2 pages
17. Letter from E. E. Utley to P. R. Bemis dated 4/13/83 - 1 page
18. Memorandum from G. R. Jenkins to M. V. Sinkule dated 8/5/82 - 3 pages
19. Notice of Significant Meeting dated 7/7/83 - 2 pages

APPENDIX A

(CONTINUED)

20. Memorandum from M. V. Sinkule to R. C. Lewis, J. A. Olshinski and J. P. Stohr dated 5/4/84 w/copy of Inspection Report Number Log Book - 22 pages -
21. Regional Office Instruction No. 1411, Rev. 4, dated 2/1/84
22. Listing of CPL Inspection Report Numbers for Independent Measurements Section.
23. EA 82-75 dated 7/16/82 - PDR Accession #8208060125
24. EA 82-106 dated 2/16/82 - PDR Accession #8303090166
25. EA 83-8E dated 1/10/84 - PDR Accession #8402010027
26. EA 83-70 dated 9/1/83 - PDR Accession #8310070273
27. EA 84-14 dated 3/13/84 - PDR Accession #8403300324
28. EA 83-94 dated 11/15/83 - PDR Accession #8312230292
29. Inspection Report 50-261/82-03 - PDR Accession #8208160377
30. Inspection Report 50-261/83-16 - PDR Accession #8307140089
31. Inspection Report 50-324, 325/83-08 - PDR Accession #8304110828
32. Inspection Report 50-324, 325/83-31 - PDR Accession #8311070132
33. Inspection Report 50-324, 325/84-01 - PDR Accession #8404060093
34. Notice of Violation dated 12/3/82 - PDR Accession #8307140317
35. Notice of Violation dated 7/13/82 - PDR Accession #8309090552
36. Letter to CP&L containing the SALP Report for Brunswick, Robinson and Harris - PDR Accession #8306290524, dtd. June 14, 1983 -
37. SALP Evaluation For Core Performance Branch Input For SSER Plant: Shearon Harris Units 1 and 2 (1 page)
38. Systematic Assessment of Licensee Performance Board Report Shearon Harris Nuclear Power Plant Units 1 and 2 (64 pages)
39. Memo from W. Russell to Gus Lainas dated April 4, 1984 re: SALP Input For Shearon Harris Unit -1 w/enclosure (5 pages)
40. Memo from M. Srinivasan to George Knighton dated April 11, 1984 re: Input to SALP Report For Shearon Harris - 1 w/enclosure PSB/DSI SALP Input sheet (2 pages)

## APPENDIX A

(CONTINUED)

41. Memo from B. Liaw to G. Knighton dated May 29, 1984 re: Input To SALP Report For Shearon Harris Unit 1
42. Memo from G. Knighton dated May 21, 1984 re: Input to SALP Report for Shearon Harris-1 w/enclosure Evaluation Matrix (2 pages)
43. Memo from Faust Rose to George Knighton dated May 24, 1984 re: Input to SALP Report for Shearon Harris Unit 1 w/enclosure (2 pages)
44. Memo from L. Hulman to G. Knighton dated May 24, 1984 re: AEB Input to SALP Report for Shearon Harris-1 w/enclosure Accident Evaluation sheet (3 pages)
45. Memo from W. Butler to G. Knighton dated May 29, 1984 re: CSB Input to SALP Report for Shearon Harris 1 w/enclosure (2 pages)
46. Memo from F. Congel to G. Knighton dated May 29, 1984 re: SALP Input For Shearon Harris-1 w/attachment Evaluation Matrix (3 pages)
47. Memo from Olan D. Parr to George Knighton, dated May 29, 1984 re: SALP Report For Shearon Harris w/enclosure (2 pages)
48. Memo from Ronald Ballard to G. Knighton dated May 29, 1984 re: Input to SALP Report for Shearon Harris-1 w/attachment Evaluation Matrix (2 pages)
49. Memo from Brian Sheron to G. Knighton dated June 4, 1984, re: Input to SALP Report For Shearon Harris 1 w/enclosure Systematic Assessment of Licensee Performance (2 pages)
50. Memo from William Gammill to G. Knighton dated June 6, 1984 re: Meteorology Input to Shearon Harris, Unit No. 2, SALP w/enclosure Evaluation Matrix (2 pages)
51. Memo from William Regan to G. Knighton dated June 12, 1984 re: Input to SALP Report For Shearon Harris-1 w/attachment Evaluation Matrix (2 pages)
52. Memo from B. Buckley to Darrell Eisenhut dated June 25, 1984 re: NRR SALP Input For Shearon Harris w/enclosure Assessment (4 pages)



UNITED STATES  
 NUCLEAR REGULATORY COMMISSION  
 WASHINGTON, D. C. 20555

OCT 19 1984

Mr. Wells Eddleman  
 Staff Scientist  
 NC Public Interest Research Group  
 P.O. Box 2901  
 Durham, NC 27705

IN RESPONSE REFER  
 TO FOIA-84-652

Dear Mr. Eddleman:

This is in further response to your letter dated August 3, 1984, in which you requested, pursuant to the Freedom of Information Act (FOIA), all records related to the Systematic Assessment of Licensee Performance (SALP) reports prepared since 1979, or now under preparation, for the following nuclear plants:

H. B. Robinson #2 (Docket 50-261)  
 Brunswick 1 and 2 (Dockets 50-324/325)  
 Shearon Harris (Dockets 50-400, 401, 402, and 403)

The documents listed on enclosed Appendices A and B are responsive to your request; Appendix A documents are being released in their entirety and are being placed at the NRC Public Document Room (PDR) in file folder FOIA 84-652.

Appendix B documents are being withheld in their entirety. These documents consist of predecisional information compiled by the NRC staff as part of the development of the recently issued (August 21, 1984) SALP report by Carolina Power and Light Company for the period February 1983 to April 1984. The working papers and drafts represent preliminary and proposed selections of information to be evaluated in development of the SALP report, and the evaluations, opinions, and recommendations of the staff resulting from its assessment of the information. Release of the facts in the drafts and working papers would reveal a deliberative process in which the selection of facts is important. Also, the documents contain no reasonably segregable factual portions not already in the public domain.

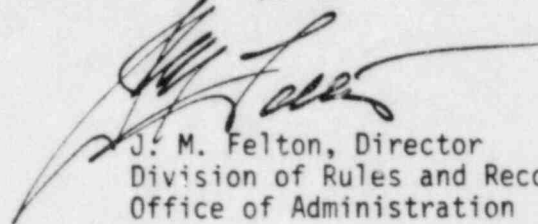
Release of these documents would tend to inhibit the open and frank exchange of ideas and other information essential to the deliberative process involved in developing SALP Reports. The documents reflect the predecisional process and, therefore, are exempt from mandatory disclosure pursuant to Exemption (5) of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations.

Pursuant to 10 CFR 9.9 of the NRC's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The persons responsible for this denial are the undersigned and Mr. James P. O'Reilly, Regional Administrator, Region II.

This denial may be appealed to the NRC's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, any such appeal must be in writing, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

This completes NRC's action on your request.

Sincerely,



J. M. Felton, Director  
Division of Rules and Records  
Office of Administration

Enclosures: As stated

cc: John Runkle, Esquire

APPENDIX A

1. 1/1/82 - U.S. Nuclear Regulatory Commission, Region II, Systematic  
1/31/83 Assessment of Licensee Performance Board Report - Carolina  
Power and Light Company (68 pages)
2. 1/11/84 Agenda - Performance Overview - Brunswick Nuclear Project  
(19 pages)
3. 8/21/84 Letter to E. E. Utley from Richard C. Lewis re: Report Nos.  
50-261/84-24, 50-324/84-16, 50-325/84-16, and 50-400/84-18  
w/enclosed SALP Board Assessment for Carolina Power and Light  
Company (73 pages)

APPENDIX B

1. Draft version of CPL SALP report for February 1983 through April 1984 (P. Stohr)
2. Draft version of CPL SALP report for February 1983 through April 1984 (Olshinski)
3. Assorted graphs and listing used as background data - 31 pages (Olshinski)
4. Draft version of CPL SALP report for February 1983 through April 1984 (Jenkins)
5. Draft version of CPL SALP report for February 1983 through April 1984 (not identified)
6. Draft comments to SALP report undated - 7 pages (Jenkins)
7. Draft comments to SALP report undated - 1 page (Montgomery)
8. Notes on allegations for CPL SALP undated - 14 pages
9. Robinson LER worksheet and cover sheet - 3 pages; Brunswick 1 LER worksheet and cover sheet - 8 pages
10. CPL SALP Board Meeting package - 21 pages
11. Draft version of CPL SALP report for December 1983 through April 1984 (MacArthur)
12. Brunswick 2 LER worksheet and cover sheet - 6 pages
13. Draft version of CPL SALP report for February 1983 through April 84 (Price)
14. Draft version of CPL SALP report for February 1983 through April 1984 (not identified [2])
15. Draft version of CPL SALP report for February 1983 through April 1984 (not identified [3])
16. Notes on SALP report from J. A. Olshinski to D. Price dated 8/1/84 - 6 pages
17. Comments on SALP report from J. A. Olshinski to M. Sinkule dated 8/1/84 - 3 pages
18. Rewrite of EPS for Brunswick SALP from M. Sinkule to R. Lewis, J. Olshinski, P. Stohr and D. Verrelli dated 7/30/84 - 3 pages

19. CPL SALP report comments from P. Stohr to D. Price dated 8/1/84 - 6 pages
20. Comments on EPS portion of SALP report from P. Stohr to M. Sinkule undated - 3 pages
21. Comments on EPS portion of SALP report from P. Stohr to M. Sinkule dated 7/27 - 3 pages
22. Comments on EPS portion of SALP report from J. A. Olshinski to M. Sinkule dated 7/27/84 - 3 pages
23. Note from M. Sinkule to SALP Board Members dated 7/27/84
24. Undated charts - 3 pages
25. Comments from R. Prevatte to P. Bemis dated 7/30/84 - 3 pages
26. Draft report pages from D. Price to D. Verrelli dated 8/1 - 6 pages
27. Draft SALP report w/comments unidentified #4
28. Draft SALP report w/comments unidentified #5
29. SALP report comments from A. Herdt to D. Verrelli dated 5/29/84 - 1 page
30. SALP report comments from S. P. Weise to B. Cline/P. Bemis dated 5/29/84 - 2 pages
31. SALP report comments from S. P. Weise to D. McGuire/P. Bemis dated 5/29/84 - 2 pages
32. Draft SALP report w/comments from D. McGuire to A. Hardin dated August
33. Notes, undated - 1 page
34. Draft SALP report w/comments from J. Jape to A. Hardin dated 8/6/84
35. Draft SALP report w/comments from D. Verrelli to A. Hardin, undated
36. Draft SALP report w/comments from G. Jenkins to A. Hardin dated 8/7
37. Draft SALP report w/comments dated 8/8/84 (Price)
38. Draft SALP report w/comments undated, not identified #6
39. Draft SALP report w/comments dated 8/3, Price to Olshinski
40. Draft SALP report w/comments dated 8/7/84, Stohr to Price
41. Draft SALP report w/comments dated 7/30/84, Hardin



42. Memorandum for M. Sinkule from Clode Requa dated 6/7/84 - 7 pages
43. Memorandum for D. Eisenhut from B. C. Buckley dated 6/25/84 - 6 pages
44. Draft SALP report dated 6/26, not identified #7
45. Draft SALP report dated 7/27/84 (Hardin)
46. Draft SALP report dated 6/26, not identified #8
47. Handwritten notes for CPL sites unsigned and undated - 5 pages
48. Handwritten notes dated 5/8/84, unsigned - 4 pages
49. Draft pages from SALP report, undated - 13 pages
50. Draft comments dated 7/13/84 - 3 pages
51. Draft SALP report w/comments, undated (Price)
52. Draft SALP report w/comments dated 7/11/84 (Jape)
53. Draft SALP report w/comments undated (not identified #8); draft SALP report w/comments (McGuire)
54. Memorandum from M. Grotenhuis to R. Lewis dated 6/27/84 - 6 pages
55. Twenty-three draft pages from SALP report
56. Twenty-eight draft pages from SALP report
57. Thirty-eight draft pages from SALP report
58. Memorandum from K. V. Seyfrit to R. C. Lewis dated 5/23/84 - 3 pages
59. Memorandum from K. V. Seyfrit to R. C. Lewis dated 5/29/84 - 3 pages
60. Memorandum from A. F. Gibson to M. V. Sinkule dated 6/12/84 - 1 page
61. Fifteen pages handwritten draft unsigned, undated
62. Fifty-three handwritten draft pages unsigned, undated
63. Forty-five handwritten draft pages unsigned, undated
64. Thirty-two handwritten draft pages unsigned, undated

65. Draft copy of SALP report 50-324/84-16, 50-261/84-24, 50-325/84-16, 50-400/84-18
66. Handwritten note undated/unsigned - 1 page
67. Partial extract from SALP report, undated - 5 pages
68. Extract from SALP Report, undated - 3 pages
69. Memo from Karl V. Seyfrit to R. C. Lewis, dated 5/29/84 - 3 pages
70. Extract from SALP report undated/unsigned - 1 page
71. Handwritten note on Robinson - 1 page
72. Section 5 of SALP report, 12 of 21 - 1 page
73. Facsimile to M. Sinkule from Grotenhuis dated 6/4/84 - 2 pages
74. Extract from SALP report undated - 5 pages
75. Handwritten notes undated/unsigned - 2 pages
76. Memo from M. Sinkule to R. Lewis, J. Olshinski and P. Stohr dated 5/4/84 with attached comments - 3 pages
77. Extract from SALP report undated - 9 pages
78. Extract from SALP report, Section 2 - 1 page
79. Handwritten draft for Robinson unsigned/undated - 2 pages
80. Handwritten notes for Operator Licensing-Harris unsigned/undated - 3 pages
81. Extract from SALP for Harris unsigned/undated - 10 pages
82. Handwritten note unsigned/undated - 1 page
83. Handwritten note unsigned/undated - 2 pages
84. Draft copy of portion of 1982/83 SALP for Brunswick with comments - 29 pages