

RELATED CORRESPONDENCE

February 1, 1985

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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OFFICE OF SECRETARY  
DOCKETING & SERVICE  
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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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)	)	

APPLICATION FOR ISSUANCE  
OF SUBPOENA DUCES TECUM

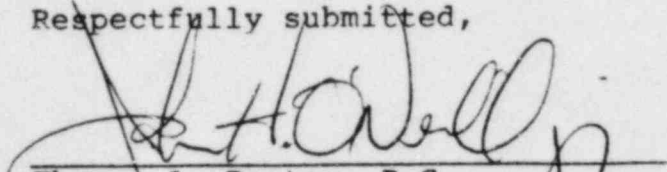
Pursuant to 10 C.F.R. § 2.720, Applicants Carolina Power & Light Company and North Carolina Eastern Municipal Power Agency hereby apply to the Atomic Safety and Licensing Board for the issuance of a Subpoena Duces Tecum to Chan Van Vo (also known as Van Vo Davis) for the purpose of requiring the above-mentioned individual to appear and produce documents for a deposition scheduled to commence on February 26, 1985 at 10:00 a.m. A copy of the proposed Subpoena is attached.

Mr. Van Vo's testimony and the documents requested are relevant to the issues raised in Eddleman Contention 41-G; specifically, allegations made by Mr. Van Vo are the sole basis for said Contention.

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PDR ADOCK 05000400  
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Wherefore, Applicants respectfully request that the Chairman of the Licensing Board issue a Subpoena Duces Tecum in the form attached hereto directing Mr. Van Vo to appear for deposition and to produce the documents described in the Subpoena at his February 26, 1985 deposition.

Respectfully submitted,



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Thomas A. Baxter, P.C.  
John H. O'Neill, Jr., P.C.  
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(919)836-7707

Counsel for Applicants

Dated: February 1, 1985

February 1, 1985

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CAROLINA POWER & LIGHT COMPANY	)	Docket No. 50-400 OL
and NORTH CAROLINA EASTERN	)	
MUNICIPAL POWER AGENCY	)	
	)	
(Shearon Harris Nuclear Power	)	
Plant)	)	

SUBPOENA DUCES TECUM

THE NUCLEAR REGULATORY COMMISSION and JAMES L. KELLEY,  
CHAIRMAN, ATOMIC SAFETY AND LICENSING BOARD, TO:

Chan Van Vo (a/k/a Van Vo Davis)  
514 York Road  
Fayetteville, North Carolina 28303

You are hereby commanded to appear at a deposition com-  
mencing at 10:00 a.m. on Tuesday, February 26, 1985 at the of-  
fices of Carolina Power & Light Company, Corporate Legal De-  
partment, 411 Fayetteville Street Mall, Raleigh, North Carolina  
27602 and to continue thereafter until completed. The subject  
matter of the deposition, to be conducted by Applicants  
Carolina Power & Light Company and North Carolina Eastern Mu-  
nicipal Power Agency, relates to issues raised by Eddleman Con-  
tention 41-G in the above captioned proceeding.

You are further commanded to produce the below-described documents at said deposition for inspection and copying by Counsel for Applicants:

1. All documents (as used herein, "documents" shall mean all writings and records of every type including, but not limited to memoranda, correspondence, reports, surveys, tabulations, charts, books, pamphlets, photographs, maps, bulletins, minutes, notes, speeches, articles, transcripts, voice recordings and all other writings or recordings of any kind) in your possession, custody or control upon which you rely in alleging that you were subject to harassment by Carolina Power & Light Company for raising nuclear safety concerns.

2. All documents in your possession, custody or control upon which you rely in alleging that Carolina Power & Light Company ignored nuclear safety concerns which you sought to raise.

3. All documents in your possession, custody or control upon which you rely in alleging that your employment with Carolina Power & Light Company was terminated because you sought to raise nuclear safety concerns and not because of poor job performance.

4. All documents in your possession, custody or control upon which you rely to substantiate the claims set forth in Paragraphs 9 through 15 of your Affidavit dated October 6, 1984, relating to the "cold pulling" of a pipe.

5. All documents in your possession, custody or control upon which you rely to substantiate the claims set forth in Paragraphs 18 through 21 of your Affidavit dated October 6, 1984 relating to pipe hanger material traceability issues.

6. All documents in your possession, custody or control prepared by you and addressed to your former supervisors at the Shearon Harris Plant or to any other person employed or formerly employed by Carolina Power & Light Company, and all documents addressed or forwarded to you by any of the aforementioned individuals.

7. All documents in your possession, custody or control describing, discussing or relating in any way to any meetings, conversations or discussions of any nature between you and (1) your former supervisors at the Shearon Harris Plant and (2) any other person employed or formerly employed by Carolina Power & Light Company.

You have been subpoenaed by Applicants Carolina Power & Light Company and North Carolina Eastern Municipal Power Agency.

Pursuant to the Commission's regulations, 10 C.F.R. § 2.720(f), on motion made by you promptly, and in any event before 10:00 a.m., on February 26, 1985, and on notice to Counsel for Applicants, the Chairman of the Atomic Safety and Licensing Board, or, if he is unavailable, any alternative Chairman may (1) quash or modify the Subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion on just and reasonable grounds.

YOU ARE HEREBY NOTIFIED THAT ANY FAILURE TO OBEY THIS SUB-  
POENA MAY BE DEEMED A CONTEMPT AND APPROPRIATE SANCTIONS MAY BE  
ORDERED.

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1985.

ATOMIC SAFETY AND LICENSING BOARD

By: \_\_\_\_\_  
James L. Kelley, Chairman