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RELATED CORRESPONDENCE

February 19, 1985
USNRC

UNITED STATES OF AMERICA '85 FEB 21 10:05
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD SECRETARY
ADMINISTRATIVE SERVICES

In the Matter of)
)
CAROLINA POWER & LIGHT COMPANY)
AND NORTH CAROLINA EASTERN)
MUNICIPAL POWER AGENCY)
)
(Shearon Harris Nuclear Power Plant))

Docket No. 50-400-OL

APPLICANTS' RESPONSE TO "WELLS EDDLEMAN'S
GENERAL INTERROGATORIES TO APPLICANTS
CAROLINA POWER & LIGHT et al. (12th Set)"

GENERAL INTERROGATORIES

INTERROGATORY NO. G1(a). Which contentions of Wells Eddleman do Applicants agree are now admitted in this proceeding, NRC Dockets 50-400/401 O.L.?

ANSWER: The contentions of Intervenor Eddleman which are admitted to this proceeding are set forth in various memoranda and orders issued by the Atomic Safety and Licensing Board, all of which are available to Mr. Eddleman.

INTERROGATORY NO. G1(b). [F]or each such contention, provide for any answers to interrogatories by Wells Eddleman which Applicants have previously or presently received (except those suspended by Board order, if any), the following information:

ANSWER: The answers to General Interrogatories herein are restricted to Eddleman Contention 41-G.

INTERROGATORY NO. G1(c). Please state the name, present or last known address, and present or last known employer of each person whom Applicants believe or know (1) has first-hand knowledge of the facts alleged in each such answer; or (2) upon whom Applicants relied (other than their attorneys) in making such answer.

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PDR ADOCK 05000400
G PDR

~~DS02~~ DS03

ANSWER: The following list identifies those persons who provided information upon which Applicants relied in answering the interrogatories on Contention 41-G and indicates the particular interrogatory answers for which such person provided information:

<u>PERSON</u>	<u>INTERROGATORY NO.</u>
Edwin E. Willett Carolina Power & Light Company Post Office Box 101 New Hill, N. C. 27562 Piping Instrumentation Manager - Harris Plant	41-G-1, 41-G-2
Alex Fuller Carolina Power & Light Company Post Office Box 101 New Hill, N. C. 27562 Area Supervisor - Harris Plant	41-G-1, 41-G-2
Richard Lumsden Carolina Power & Light Company Post Office Box 1551 Raleigh, N. C. 27602 Manager -QA Services	41-G-1, 41-G-2
A. Parks Cobb, Jr. Duke Power Company 422 South Church Street Charlotte, N. C. 28242 Manager - Project Management Division - Design Engineering	41-G-1
John D. Ferguson Carolina Power & Light Company Post Office Box 101 New Hill, N. C. 27562 Director - Personnel Relations - Harris Plant	41-G-1, 41-G-2
Dr. Thomas S. Elleman Carolina Power & Light Company Post Office Box 1551 Raleigh, N. C. 27602 Vice President -Corporate Nuclear Safety and Research	41-G-1

INTERROGATORY NO. G1(d). [P]lease identify all facts concerning which each such person identified in response to G1(c)(1) above has first-hand knowledge.

ANSWER: See answer to Interrogatory No. G1(c).

INTERROGATORY NO. G1(e). [P]lease identify all facts and/or documents upon which each person identified in response to G1(c)(2) above relied in providing information to respond to the interrogatory, including the parts of such documents relied upon.

ANSWER: All facts and/or documents relied upon by those individuals identified above are indicated within each response to the specific interrogatories on Contention 41-G.

INTERROGATORY NO. G1(f). Please identify any other document(s) used or relied upon by Applicants in responding to the interrogatory.

ANSWER: See Answer G1(e).

INTERROGATORY NO. G1(g). Please state which specific fact each document, identified in response to G1(e) and G1(f) above, supports, in the opinion or belief of Applicants, or which Applicants allege such document supports.

ANSWER: Applicants, within each response to the specific interrogatories on Contention 41-G, have referred Mr. Eddleman to the documents which speak for themselves.

INTERROGATORY NO. G1(h). Please state specifically what information each person identified in response to G1(c)(1) or G1(c)(2) above provided to or for Applicants' affiant in answering the interrogatory. If any of this information is not documented, please identify it as "undocumented" in responding to this section of General Interrogatory G1.

ANSWER: See Answer G1(c).

INTERROGATORY NO. G2(a). Please state the name, present or last known address, title (if any), and present or last known employer, and economic interest (shareholder, bondholder, contractor, employee, etc.) if any (beyond expert or other witness fees) such person holds in Applicants or any of them, for each person you intend or expect to call as an expert witness or a witness in this proceeding, if such information has not previously been supplied, or has changed since such information was last supplied, to Wells Eddleman. This applies to Eddleman and Joint Contentions as admitted, or stipulated by Applicants.

ANSWER: Applicants have not yet identified the expert or other witnesses they expect to call in this proceeding regarding Eddleman Contention 41-G. When and if such witnesses are identified, Applicants will supplement this response in a timely manner.

INTERROGATORY NO. G2(b). Please identify each contention regarding which each such person is expected to testify.

ANSWER: See Answer G2(a).

INTERROGATORY NO. G2(c). Please state when you first contacted each such person with regard to the possibility of such person's testifying for Applicants, if you have contacted such person.

ANSWER: See Answer G2(a).

INTERROGATORY NO. G2(d). Please state the subject matter, separately for each contention as to which each such person is expected to testify, which each such person is expected to testify to.

ANSWER: See Answer G2(a).

INTERROGATORY NO. G2(e). Please identify all documents or parts thereof upon which each such witness is expected to, plans to, or will rely, in testifying or in preparing testimony.

ANSWER: See Answer G2(a).

INTERROGATORY NO. G3(a). [P]lease identify any other source(s) of information which Applicants have used to respond to any interrogatory identified under G1 above, stating for each such source the interrogatory to which it relates, and what information it provides, and identifying where in such source that information is to be found.

ANSWER: Applicants have identified all other such sources of information, if any, within the answers to the specific interrogatories set forth herein.

INTERROGATORY NO. G3(b). [P]lease identify any other source(s) of information not previously identified upon which any witness identified under G2 above, or other witness, has used in preparing testimony or exhibits, or expects to use in testimony or exhibits, identifying for each such source the witness who is expected to use it, and the part or part(s) or such source (if applicable) which are expected to be used, and, if not previously stated, the fact(s) or subject matter (or both) to which such source relates.

ANSWER: See Answer G2(a).

INTERROGATORY NO. G4(a). [P]lease identify all documents, and which pages or sections thereof Applicants intend or expect to use in cross-examination of any witness I call in this hearing. For each such witness, please provide on a timely basis (ASAP near or during hearings) a list of all such documents, the subject matter Applicants believe they relate to, and make the document(s) available for inspection and copying as soon as possible after Applicants decide or form intent to use such document in cross-examination.

ANSWER: Applicants have not at this time identified which documents, if any, they intend to use in cross-examination of Mr. Eddleman's witnesses.

INTERROGATORY NO. G4(b). [P]lease identify any undocumented information Applicants intend to use in cross-examination of each such witness for me.

ANSWER: See Answer G4(a).

INTERROGATORY NO. G5(a). [F]or each contention Applicants state or admit is an admitted Eddleman contention under G1(a) above, or an admitted joint intervenor contention, please state whether applicants have available to them experts, and information, on the subject matter of the contention.

ANSWER: Applicants have available to them experts and information on the subject matter of Contention 41-G.

INTERROGATORY NO. G5(b). If the answer to (a) above is other than affirmative, state whether Applicants expect to be able to obtain expertise in the subject matter, and information on it, and if not, why not.

ANSWER: Not applicable.

INTERROGATORY NO. G6(a). [F]or each document identified in response to any interrogatory herein, or referenced in response to any interrogatory herein, please supply all the following information which has not already been supplied:

- (i) date of the document
- (ii) title or identification of document
- (iii) all authors of the document, or the author

- (iv) all qualifications (professional, technical) of each author of the document
- (v) the specific parts, sections or pages, of the document, if any, upon which Applicants rely
- (vi) the specific information each part, section or page identified in response to (v) above contains.
- (vii) identify all documents used in preparing the document, to the extent known (and also to the extent not identified in the document itself)
- (viii) state whether Applicants possess a copy of the document
- (ix) state all expert opinions contained in the document, upon which Applicants rely, or identify each such opinion.
- (x) identify the contention(s) with respect to which Applicants rely upon (a) the expert opinions (b) the facts identified in the document
- (xi) state whether Applicants now employ any author(s) of the document, identifying each person for each document.
- (xii) state whether Applicants have ever employed any author(s) of the document, identifying each such person for each document.
- (xiii) identify all sources of data used in the document. Answers to all the above may be tabulated or grouped for efficiency.

ANSWER: All such information available to the Applicants with regard to each document identified in response to an interrogatory herein is contained in the particular document which is being made available to Mr. Eddleman. It would be particularly burdensome for Applicants to research all historical employment records to determine whether the authors of each document identified herein have ever been employed by Applicants. However, Applicants will supplement this response in a timely manner if and when Mr. Eddleman identifies any such author regarding whom he is particularly interested in determining this information.

INTERROGATORY NO. G7(a). Please identify all documents which Applicants plan, expect or intend to offer as exhibits (other than for cross-examination) with respect to each Eddleman contention admitted in this proceeding which (i) is included in your current response to G1(a), or (ii) is the subject of interrogatories in this set; please state for which contention or contentions each exhibit will be or is expected to be offered.

ANSWER: Applicants have not yet identified those documents they intend to offer as exhibits relating to Contention 41-G.

INTERROGATORY NO. G7(b). Please identify all documents which Applicants plan, expect or intend to use in cross-examination of any other parties' witnesses or joint intervenor witness in this proceeding, with respect to (i) Eddleman contentions identified under G7(a)(i) (or G1(a)) above, or any other Eddleman contention which is the subject of interrogatories in this set; (ii) each Joint contention now admitted in this proceeding; (iii) per our agreement of 4-8-83, each contention of each other party to this proceeding which is currently admitted. Please identify for each such document the witnesses, or witness, and all contentions with respect to whom (or which) that document is planned, expected, or intended to be offered or used.

ANSWER: Applicants have not yet identified those documents they intend to use for cross-examination of any witness.

INTERROGATORY NO. G7(c). Please identify which of the documents identified in response to (b) above (i) will be offered into evidence by Applicants, and (ii) which of the same documents Applicants expect to offer into evidence or intend to offer as evidence or exhibits in this proceeding.

ANSWER: See Answer G7(b).

INTERROGATORY NO. GIO(a). Where the above general interrogatories, and/or specific interrogatories below, or any of them, call for identification of documents, (i) and no documents are identified, is that the same as Applicants stating that there are no documents responsive to this general interrogatory, in each case where no documents are identified? (ii) and documents are identified, is that the same as Applicants stating that the identified documents are the only ones presently known which are responsive to the interrogatories? (iii) If your answer to GIO(a)(ii) is other than affirmative, please state all reasons for your answer. (iv) If your answer to GIO(a)(i) above is other than affirmative, please state all reasons for your answer.

ANSWER: (i) Yes.
(ii) Yes.
(iii) Not applicable.
(iv) Not applicable.

INTERROGATORY NO. GIO(b). Where any interrogatory, general or specific, herein, calls for factual information (i) and an opinion is stated in response, is that the

expert opinion of any person(s) identified as having contributed information to that response? (ii) and facts are given or identified (or a fact is) in response, but no documents are identified, does that mean Applicants have no documents containing such fact(s)? (iii) If your answer to (i) above is affirmative, please state for each such response all qualifications of each expert upon whom Applicants rely for each such answer. The qualifications need be stated only once for each such person if they are clearly referenced in other answers. (iv) if your answer to (i) above is other than affirmative, please state which opinions, if any, given in response to interrogatories (general or specific) herein is the opinion of an expert, identify each expert whose opinion you used in response to each interrogatory, and state in full the qualifications of each such expert. (v) If your answer to (i) above is other than affirmative, please identify all opinions of non-experts used in your responses, and identify each non-expert whose opinion is included in each answer herein. (vi) If your response to (ii) above is other than affirmative, please identify each document which contains a fact not previously documented in your response(s), stating what the fact is, and at what page, place, chapter or other specific part the document contains such fact.

ANSWER: (i) Yes.

(ii) See Answers G1(e), (f) and (g) and G10(a)(i) above.

(iii) Answers to these interrogatories do not require an expert opinion. Rather, the individuals who have responded to the interrogatories have obtained documents to which they had access because of their positions in the Company or outside the Company. Their respective positions are as indicated in the answer to Interrogatory No. G1(c).

(iv) Not applicable.

(v) Not applicable.

(vi) Not applicable.

INTERROGATORY NO. G11. For each answer to each interrogatory herein (or any subpart or part thereof), please identify each item of information in possession of Applicants (including facts, opinions of experts, and documents) which (a) contradicts the answer you made, (i) in whole (ii) in part (please identify each such part for each item of information identified); (b) casts doubt on your answer (i) in whole (ii) in part (please identify each such part for each item of information identified); (c) Please identify all documents not already identified in response to parts (a) and (b) above (and their subparts) which contains any item of information asked for in (a) or (b) above. Please identify for each such document what information item(s) it contains and what answer(s) each such item is related to.

ANSWER: G11(a)-(c): Applicants have no such information.

INTERROGATORY NO. G-12(a): In your previous & present answers where you have not identified documents, (i) have all relevant documents been produced in lieu of stating identification of each such document? (ii) do you rely on the entire document, since you have not identified parts or page numbers? (iii) if there are any particular parts or pages of each document produced, which you believe are responsive to an interrogatory or portion [sic] thereof, please identify each set of parts or pages in each document, together with the interrogatory or portion [sic] thereof (or interrogatories and/or portion thereof) to which it is responsive. (iv) where no documents are identified and identification of documents has been requested, are you saying no such documents exist? Or that no such documents are in your possession? (b) In your present answers, are you actually identifying documents where identification of documents is requested? (c) If not, how are you going to provide identification of documents? Will that identification include statements of relevant pages or parts?

ANSWER: G12(a)-(c): All responsive documents have been either identified in or produced in response to the discovery requests. Where identification of documents has been requested, and none are identified, Applicants know of no responsive documents.

SPECIFIC INTERROGATORIES ON EDDLEMAN CONTENTION 41-G

INTERROGATORY NO. 41-G-1. Please identify fully all documents which:

(a) contain any of the following:

- (i) any information in the personnel file of Chan Van Vo (also known as Van Vo Davis, or the same person under any other name)
- (ii) Chan Van Vo's application for employment, work assignments, work record, transfers, applications for transfer, job performance evaluations, probation, disciplinary actions proposed or taken with respect to Chan Van Vo or Van Vo's termination from CP&L, any written or verbal warnings to Chan Van Vo; all records of Van Vo's attendance, hours worked, promotion(s), recommendations for promotion(s), and any other information concerning Van Vo's employment, work performance, hiring, "counselling", or allegations raised by Chan Van Vo concerning safety (or lack of it) of work related to the Shearon Harris Nuclear Power Plant.
- (iii) Any records or documentation concerning, directly or indirectly, any and all meetings, conversations, interviews, discussions, or information not to be discussed (in all cases including written or verbal, formal or informal meetings, discussions, etc.) with anyone (including other CP&L and Daniel employees or

other persons employed at the Shearon Harris site, supervisors, CP&L quality assurance personnel, M. A. McDuffie, E. E. Utley, NRC personnel, other investigators, news media, or anyone else) which directly or indirectly concern: Chan Van Vo, his work performance, his safety concerns, any others concerns raised by him to CP&L supervisonal management, disciplinary action against Chan Van Vo, "counselling" Chan Van Vo concerning work performance or any other matters, transfers, promotions, hiring, firing, harassing, or retaliating against Chan Van Vo; or allegations raised by Chan Van Vo with the Nuclear Regulatory Commission (NRC), Department of Labor (DOL), Department of Justice (DOJ), Government Accountability Project (GAP), Citizen intervenor groups or individuals, news media, or any government or private investigatory body.

- (iv) any other information directly or indirectly concerning, evaluating, discussing, or in any way mentioning Chan Van Vo, any proposed or actual action against him, or any other information concerning Chan Van Vo or his safety concerns or other concerns;
- (v) any and all internal CP&L or external investigations or inquiries concerning Chan Van Vo, his work performance, any action against Chan Van Vo, any action proposed to be taken with respect to Chan Van Vo, any allegations made by Chan Van Vo or any contacts between Chan Van Vo and NRC or DOL or DOJ or GAP or any citizen intervenor group, or any news media or any other person;
- (vi) any records or evaluations or Chan Van Vo's work performance, including evaluations [sic] made either before, at the time of, or after Chan Van Vo's being placed on probation;
- (vii) any evaluations or reports on Chan Van Vo's allegations (including the Cobb Report), identifying each document produced or used in preparing, or in connection with such evaluation(s) or report(s), and any information which was available [sic] to the preparer(s) of such evaluation(s) or report(s) which was not used or reported in such evaluation(s) or report(s);
- (viii) any internal or external investigation(s), evaluation(s), or inquiry(ies) into Chan Van Vo's character, employment qualifications, or job performance, including any information requested or sought, any questions asked, and all information received;
- (ix) medical or psychological reports, evaluation(s) and/or record(s) concerning Chan Van Vo;

- (x) information concerning the dates or matters discussed in meetings between Chan Van Vo and any higher ranking CP&L employee, concerning any matters raised as concerns by Chan Van Vo.

(b) Refer to any of the items or matters listed in (a)(i)-(x) above

(c) may have contained or referred to any of the matters inquired about above but which has been (1) destroyed, (2) lost, (3) given away, (4) loaned to anyone, (5) mislaid, or (6) otherwise found unavailable for inspection any copying. For each such document please provide a summary of the contents of such document, the date when the document was destroyed, lost, loaned, given away, mislaid, or otherwise became unavailable, and all reasons why; and the name and address or any other person(s) who have or may have said document or a copy of it, or information the document contains or contained.

ANSWER: 41-G-1(a), (i)-(x), and (b): All documents as referenced in (a), (i)-(x) and all documents which refer to any of these items referenced in (a), (i)-(x) have been identified and physically assembled by Carolina Power & Light Company at its corporate offices located at 411 Fayetteville Street Mall, Raleigh, North Carolina. Mr. Eddleman may inspect and copy said documents as provided for in "Applicants' Response to 'Wells Eddleman's Request for Production of Documents' (Contention 41-G)" filed simultaneously with the filing of this Response.

(c) A. Parks Cobb, Jr. was retained by Applicants to make an investigation relating to an affidavit of Chan Van Vo. Mr. Cobb informed Applicants' attorneys that he made handwritten notes during his interviews pursuant to his investigation and that upon his subsequent completion and submission of a report to Carolina Power & Light Company entitled "REPORT OF RESULTS OF INTERVIEWS CONDUCTED WITH CP&L PERSONNEL RELATED TO SELECTED ASPECTS OF AN AFFIDAVIT SUBMITTED BY FORMER CP&L EMPLOYEE CHAN VAN VO", dated October 31, 1984, Revised November 9, 1984, he destroyed his said notes (a copy of said Report was attached as Exhibit F to "Applicants' Response to Late-filed Contentions of Wells Eddleman and Conservation Council of North Carolina Based on the Affidavit of Mr. Chan Van Vo", dated November 13, 1984).

Dr. Thomas S. Elleman reviewed a package left by Chan Van Vo with E. E. Utley in the Fall of 1983. The package contained a collection of papers related to site procedures, non-conformance reports and other papers. Dr. Elleman contacted Chan Van Vo about the package and, in said conversation, elicited certain concerns from Chan Van Vo. Subsequently, certain of these concerns were addressed by a Review Panel and subsequently resolved. Upon resolution by the Review Panel, the said package was not retained by Dr. Elleman and was destroyed.

A "Speed Letter" from Chan Van Vo to Alex Fuller reportedly given to Alex Fuller concerning cold pull on steam generator feedwater pump and "Hanger of the Week Checklists" written by Chan Van Vo describing what he found when investigating completed hangers have been lost or are missing.

Barney L. Rickenbacker, Director - Employee Assistance Program, met with Chan Van Vo on two occasions during 1982. Handwritten notes were taken by Mr. Rickenbacker during the interviews concerning demographic information furnished by Chan Van Vo. After Chan Van Vo's termination of employment with CP&L in 1984, these notes were destroyed by Mr. Rickenbacker.

INTERROGATORY NO. 41-G-2(a). Please identify all documents used by, reviewed by, or in the possession of Alex Fuller, Ed Willett, E. E. Utley, M. A. McDuffie, A. Parks Cobb, Jr., or any other person who was employed by CP&L and supervised or met with or investigated Chan Van Vo, which concern Chan Van Vo or any action or allegation by Van Vo, including notes, recordings or any other information, stating who possesses each item of information (including information used by or reviewed by any person including those named above, which is not now in that person's possession. (b) Please make available all statements, notes, or other information produced by or possessed [sic] by any of the persons inquired about above, or any other persons, concerning meeting with Chan Van Vo, discussion(s) or conversation(s) with Chan Van Vo, or investigation of, disciplinary action against, or any other action against, Chan Van Vo.

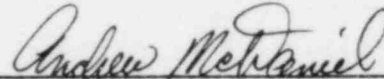
ANSWER: 41-G-2:

(a) See ANSWER 41-G-1.

(b) Applicants will make available to Mr. Eddleman all documents concerning meeting with Chan Van Vo, discussion(s) or conversation(s) with Chan Van Vo, or investigation of,

disciplinary action against, or any other action against Chan Van Vo. As set out in ANSWER 41-G-1, Mr. Eddleman may inspect and copy said documents as provided for in "Applicants' Response to Wells Eddleman's Request for Production of Documents (Contention 41-G)" filed simultaneously with the filing of this Response.

This the 19th day of February, 1985.



Andrew McDaniel
Carolina Power & Light Company
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(919) 836-6513

ATTORNEYS FOR APPLICANTS:

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

CAROLINA POWER & LIGHT COMPANY)
AND NORTH CAROLINA EASTERN)
MUNICIPAL POWER AGENCY)

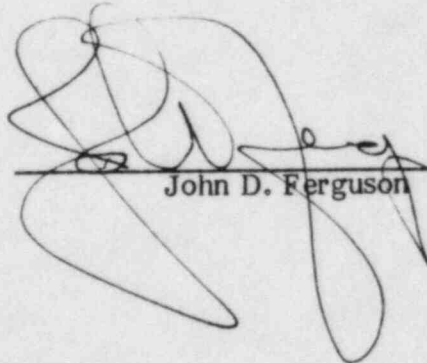
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(Shearon Harris Nuclear Power Plant)

WAKE COUNTY
NORTH CAROLINA

AFFIDAVIT OF JOHN D. FERGUSON

John D. Ferguson, being duly sworn according to law, deposes and says that he is Director - Personnel Relations - Harris Plant for Carolina Power & Light Company; that the documents identified in Applicants' responses to interrogatories 41-G-1 and 41-G-2 (Contention 41-G) relative to personnel matters and people who worked and met with Chan Van Vo and information relative thereto were prepared by him or compiled by him or by people under his direction or by other people who cooperated with him in said compilation and are complete and accurate to his best information and belief; and that the sources of his information and belief are employees, agents and contractors of Carolina Power & Light Company.



John D. Ferguson

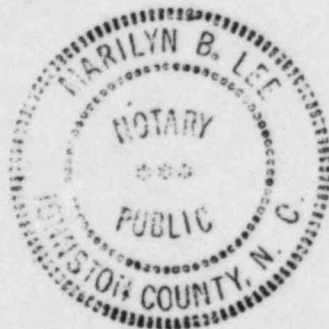
Sworn to and subscribed before me
this 19th day of February, 1985.



Notary Public

My commimssion expires:

11-15-87



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

CAROLINA POWER & LIGHT COMPANY)
AND NORTH CAROLINA EASTERN)
MUNICIPAL POWER AGENCY)

) Docket No. 50-400 OL

(Shearon Harris Nuclear Power Plant))

WAKE COUNTY
NORTH CAROLINA

AFFIDAVIT OF RICHARD LUMSDEN

Richard Lumsden, being duly sworn according to law, deposes and says that he is Manager - QA Services for Carolina Power & Light Company; that the documents identified in Applicants' responses to Interrogatories 41-G-1 and 41-G-2 (Contention 41-G) relative to internal investigations and reports on quality assurance were compiled by him or by people under his direction or by other people who cooperated with him in said compilation and are complete and accurate to his best information and belief; and that the sources of his information and belief are employees, agents and contractors of Carolina Power & Light Company.

Richard Lumsden
Richard Lumsden

Sworn to and subscribed before me
this 18th day of February, 1985.

Marilyn B. Lee
Notary Public

My commimssion expires:

11-15-87

