

# Carolina Power & Light Company

POST OFFICE BOX 1551  
Raleigh, North Carolina 27602

LEGAL DEPARTMENT  
Writer's Direct Dial Number  
(919) 836-8161  
Telecopier  
(919) 836-7678

October 2, 1986

Director  
Office of Administration  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-86-720  
Rec'd 10-7-86

Attention: Joseph Felton, FOIA Branch

Re: Freedom of Information Act Request

Sirs:

I hereby request, pursuant to the Freedom of Information Act, 5 U.S.C. Sec. 552 et seq., copies of all documents related in any way to any complaint, charge or allegations brought to the attention of the Nuclear Regulatory Commission by John J. McWeeney concerning the Shearon Harris Nuclear Power Plant, and copies of all documents related in any way to the NRC's investigation of Mr. McWeeney's complaint, charge or allegations. The requested documents include, but are not limited to:

- 1) all statements, summaries of statements and transcripts of statements made by Mr. McWeeney or any other person;
- 2) all documents provided to the NRC by Mr. McWeeney or any other person;
- 3) all reports prepared by or on behalf of the NRC.

If you refuse to release any particular document, please identify the document in question and specifically state the reason why you decline to release it. If any documents responsive to this request become available subsequent to your response, I request that you supplement your response by providing those documents when they are available.

Please copy all documents responsive to this request and mail them to me by first-class mail at the above address. We will reimburse you for all reasonable expenses incurred in connection with copying and mailing these documents.

Please feel free to contact me if you have any questions.

Very truly yours,

*Dale E. Hollar*

Dale E. Hollar  
Associate General Counsel

DEH:ew

cc: Mr. Bradley Jones

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PDR FOIA  
HOLLAR86 /20 PDR

8610230016-4P



## U.S. NUCLEAR REGULATORY COMMISSION

RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) REQUEST

000016

NRC FOIA REQUEST NUMBER(S)	
FOIA-86-720	
RESPONSE TYPE	
FINAL	<input checked="" type="checkbox"/> PARTIAL
DATE	
OCT 24 1988	
DOCKET NUMBER (SEE APPENDIX)	

REQUESTER

Mr. Dale E. Hollar, Carolina Power &amp; Light Co.

## PART II - RECORDS RELEASED OR NOT LOCATED (See checked boxes)

☐ No agency records subject to the request have been located.☐ No additional agency records subject to the request have been located.☐ Agency records subject to the request that are identified in Appendix \_\_\_\_\_ are already available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.☐ Agency records subject to the request that are identified in Appendix \_\_\_\_\_ are being made available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.☐ The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.☐ Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.☒ Agency records subject to the request are enclosed. Any applicable charge for copies of the records provided and payment procedures are noted in the comments section.☐ Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.☐ In view of NRC's response to this request, no further action is being taken on appeal letter dated \_\_\_\_\_.

## PART II.A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

☒ Certain information in the requested records is being withheld from public disclosure pursuant to the FOIA exemptions described in and for the reasons stated in Part II, sections B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

Comments

SIGNATURE, DIRECTOR, DIVISION OF FILES AND RECORDS

Donna Brinsley, by L. Robinson

## FREEDOM OF INFORMATION ACT RESPONSE

FOIA NUMBER:

86-720

DATE 10-24-86

## PART II.B - APPLICABLE FOIA EXEMPTIONS

Records subject to the request that are described in the enclosed Appendices \_\_\_\_\_ are being withheld in their entirety or in part under FOIA Exemptions and for the reasons set forth below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.5(a) of NRC Regulations.

1. The withheld information is properly classified pursuant to Executive Order 12356 (EXEMPTION 1)

2. The withheld information relates solely to the internal personnel rules and procedures of NRC (EXEMPTION 2)

3. The withheld information is specifically exempted from public disclosure by statute indicated (EXEMPTION 3)

Section 141-145 of the Atomic Energy Act which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).

Section 147 of the Atomic Energy Act which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).

4. The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated: (EXEMPTION 4)

The information is considered to be confidential business (proprietary) information.

The information is considered to be proprietary information pursuant to 10 CFR 2.790(d)(1).

The information was submitted and received in confidence from a foreign source pursuant to 10 CFR 2.790(d)(2).

5. The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency. (EXEMPTION 5)

X 6. The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy. (EXEMPTION 6)

7. The withheld information consists of investigatory records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (EXEMPTION 7)

Disclosure would interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow them to take action to shield potential wrongdoing or a violation of NRC requirements from investigators. (EXEMPTION 7(A))

Disclosure would constitute an unwarranted invasion of personal privacy (EXEMPTION 7(C))

The information consists of names of individuals and other information the disclosure of which would reveal identities of confidential sources. (EXEMPTION 7(D))

## PART II.C - DENYING OFFICIALS

Pursuant to 10 CFR 9.9 and/or 9.15 of the U.S. Nuclear Regulatory Commission 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 the denial are those officials identified below as denying officials and the Director, Division of Rules and Records, Office of Administration, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			SECRETARY	EDO
J. Nelson Grace	Regional Administrator NRC Region II	App. B/1		X

## PART II.D - APPEAL RIGHTS

The denial by each denying official identified in Part II.C may be appealed to the Appellate Official identified in that section. Any such appeal must be in writing and must be made within 30 days of receipt of this response. Appeals must be addressed as appropriate to the Executive Director for Operations or to the Secretary of the Commission, 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."



APPENDIX B

<u>DATE</u>	<u>DOCUMENT DESCRIPTION</u>
1. 08/21/86	Letter from B. Uryc to J. McWeeney regarding Case RII-86-A-0218 - Termination for Reporting Safety Concerns (3 pages)



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
101 MARIETTA STREET, N.W.  
ATLANTA, GEORGIA 30323

AUG 21 1986

Mr. John J. McWeeney

Dear Mr. McWeeney:

SUBJECT: RII-86-A-0218 - TERMINATION FOR REPORTING SAFETY CONCERNS

This refers to your letter dated August 14, 1986, which provided additional information relative to your concerns.

I have revised the Statement of Concerns to include those additional comments. A copy of the revision is enclosed for your information, however, as before, if the enclosure does not accurately reflect your concerns, please contact me collect at (404) 331-4193.

Your cooperation and assistance in this matter is appreciated.

Sincerely,

Bruno Uryc  
Regional Allegation Coordinator  
Enforcement and Investigation  
Coordination Staff

Enclosure:  
Statement of Concerns (Revision 1)

**FOIA-86-720**

**FOIA-86-735**

Certified Mail No. P 142 897 489

**B/1**

~~86102803793 PP.~~

Statement of Concerns  
(Revision 1)

AUG 21 1986

R11-86-A-218

- 2860218001: Termination of employment was due to raising concerns relative to engineering calculations performed on electrical cable tray supports.
- 2860218002: Some supports installed may not be adequate for their intended purpose.
- 2860218003: There is a generic problem with supports at the plant. Work Package EN 26627T-A4, support 627T, generic detail G on drawing 2168-G-251 S01 is an example of the common problem.
- 2860218004: There is a tension member below a platform beam and there is a requirement for a maximum clearance of  $\frac{1}{2}$  inch eccentricity. In reality, the member is  $7\frac{1}{2}$  inches off center. This can be located in Work Plan EN 2367-A-3, cable tray support no. 67 on elevation 236.
- 2860218005: There is a brace on a cable tray support which has an angle changed with no original calculations and when this was questioned the reply was that the calculation would be redundant. This information can be found in Work Plan EN 26242, support 242 on elevation 262.
- 2860218006: The Civil Engineering Section at the Harris Plant was encouraged and coerced to use simple statements such as "acceptable by engineering judgement" or "considered adequate by engineering judgement" to substantiate justification of inspection report deficiencies on numerous occasions. Some of the deficiencies were of such simple nature that minimal research and no additional calculations were necessary to justify approval. On the other hand, many of the deficiencies were of a complexity requiring additional investigation and revised calculations to determine the approval or disapproval of the existing condition, and this required work was not performed due to coercive pressures by supervisors to approve by engineering judgement. The proper use of engineering judgement was actually rejected for a distorted version which produced deficiency approvals more abundantly. The unreasonable compulsion of supervision to produce a high level of inspection deficiency approvals caused a lower level of plant safety.
- 2860218007: On two occasions, by two separate supervisors, instructions were received to stop reading material on the "required

reading list" in order to produce work said to be "more important." The required reading was never accomplished and on the last two days before termination of employment, (alleger) was harassed and cajoled to initial the list as having been read. Alleger was not allowed to finish the last day of employment and was escorted off the site by two supervisors.