



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

PDR
016

Docket 50-400

Robert Guild
Attorney At Law
2135 1/2 Devine Street
Columbia, SC 29205

IN RESPONSE REFER
TO FOIA-85-173

Dear Mr. Guild:

This is in partial response to your letter dated March 12, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), a copy of any and all records regarding the October 6, 1984, Affidavit of Chan Van Vo, also known as Van Vo Davis; the concerns expressed in that Affidavit by Chan Van Vo; and the NRC's action, response to and investigation of those concerns and the content of that Affidavit, including all documents regarding these subjects which are the basis for Inspection Reports 50-400/84-43 dated December 14, 1984, and 84-45 dated January 11, 1985, on the Shearon Harris plant.

The records listed on the enclosed Appendix A are being placed in the NRC Public Document Room (PDR), 1717 H Street, NW, Washington, DC 20555 for public inspection and copying. The records will be filed in PDR folder FOIA-85-173 under your name. We are enclosing a copy of a notice that provides charges and procedures for obtaining copies of records from the PDR. The released portions of the documents listed on Appendix B are also being placed in the PDR. In addition, copies of these records will be made available for free public inspection and copying at a nominal charge at the NRC Local Public Document Room (LPDR) for Shearon Harris, which is located at the Wake County Public Library, 104 Fayetteville Street, Raleigh, North Carolina. You may telephone Mr. Roy C. Dicks, Head of the Reference Department at 919-755-6077, for additional information concerning availability of the records at the LPDR.

Portions of documents one through ten on Appendix B have been deleted in order to withhold the home addresses and home telephone numbers of individuals. Because disclosure of this information would constitute a clearly unwarranted invasion of personal privacy, it is being withheld from public disclosure pursuant to Exemption (6) of the FOIA (5 U.S.C. 552(b)(6)) and 10 CFR 9.5(a)(6).

Portions of document 11 on Appendix B and Exhibits 8, 13, and 18 attached thereto are investigatory records compiled for law enforcement purposes and are being withheld from public disclosure pursuant to Exemption (7)(D) of the FOIA (5 U.S.C. 552(b)(7)(D)) and 10 CFR 9.5(a)(7)(iv) of the Commission's regulations, because disclosure would identify confidential sources.

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Documents identified as Exhibit 4 of document 11 on Appendix B have been referred to the Department of Labor for a disclosure determination and direct response to you. We have been informed by NRC staff that additional documents identified in Exhibit 23 to document 11 of Appendix B were provided to you separately and, therefore, they are not being provided in response to your FOIA request.

Documents 1 through 14 on Appendix C are withheld in their entirety in order to withhold information on employee counseling, promotion, and performance letters. Because disclosure of this information would constitute a clearly unwarranted invasion of personal privacy, it is being withheld from public disclosure pursuant to Exemption (6) of the FOIA (5 U.S.C. 552(b)(6)) and 10 CFR 9.5(a)(6).

Pursuant to 10 CFR 9.9 and 9.15 of the Commission'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 the denial of documents 1 through 10 on Appendix B, and 1 through 14 on Appendix C are the undersigned and Mr. J. Nelson Grace, Regional Administrator, Region II, Atlanta. The person responsible for the denial of portions of document 11 and portions of Exhibits 8, 13 and 18 on Appendix B is Mr. Ben B. Hayes, Director, Office of Investigations.

The denials by Mr. J. Nelson Grace and myself may be appealed to the Executive Director for Operations within 30 days from the receipt of this letter. 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." The denial by Mr. Ben B. Hayes may be appealed within 30 days to the Commission and should be addressed to the Secretary of the Commission.

Our search for any additional documents that may be subject to your request is continuing. We will communicate with you again upon completion of our search and review efforts.

Sincerely,



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

Enclosures: As stated

APPENDIX A

1. Undated Official Use Only Cover Sheet (1 page)
2. Undated Case Chronology (2 pages)
3. 02/04/85 Motion for Reconsideration of Order (14 pages)
4. 03/12/85 Memo from Uryc to Herdt (1 page)
5. Undated Inspection Report No. 50-400/85-47 (7 pages)
6. Undated Inspection Report No. 50-400/84-43 (9 pages)
7. Undated Review of Oct. 6, 1984 Affidavit (3 pages)
8. 02/11/85 Review of Transcript (7 pages)
9. Undated Charge Out Record (1 page)
10. 02/08/85 Memorandum to case file (1 page)
11. 02/06/85 Memo to Vorse from Jones (1 page)
12. 02/06/85 Memo from Uryc to Bemis (1 page)
13. 02/06/85 Memo from Uryc to Vorse (1 page)
14. 12/29/84 Newspaper article (1 page)
15. 01/16/85 Memorandum to Case File (1 page)
16. 12/24/84 Memo from Herdt to Lankford (4 pages)
17. 12/11/84 Memo from Uryc to Robinson (1 page)
18. 11/29/84 Memorandum to Case File (1 page)
19. 11/28/84 Memo from Lankford to Vorse (1 page)
20. 11/28/84 Memo from Lankford to Herdt/Gibson (1 page)
21. 11/25/84 Letter from Puckle to Kelley (13 pages)
22. 11/15/84 Order dismissing Complaint (2 pages)

APPENDIX A
(Continued)

23. 10/22/84 Press Release (2 pages)
24. 10/06/84 Affidavit of Chan Van Vo (16 pages)
25. 01/08/80 Federal Register (3 pages)
26. 11/19/84 Memo from Lankford (1 page)
27. 11/19/84 Memo from Lankford to Herdt/Gibson (1 page)
28. Undated Investigation Status Record (1 page)
29. 10/25/84 Allegation Data Form (1 page)
30. 11/13/84 Memo from Lankford to Gibson (1 page)
31. 11/08/84 Two-Way memo from Lankford to Herdt (1 page)
32. 11/07/84 Memo from Lankford to Herdt (1 page)
33. 11/06/84 Memo from Lankford to Bemis (1 page)
34. 11/06/84 Memorandum to Case File (1 page)
35. 11/05/84 Memo from Lankford to Barth (1 page)
36. 11/05/84 Memorandum to Case File (1 page)
37. 10/26/84 Memorandum to Case File (1 page)
38. 10/27/84 Memorandum to Case (1 page)
39. 10/25/84 Memorandum to case File (1 page)
40. 10/24/84 Memo from O'Reilly to Vorse (2 pages)
41. 10/23/84 Memorandum to Case File (1 page)
42. 10/23/84 Newspaper Article (1 page)
43. 10/23/84 Newspaper Article (1 page)
44. 10/22/84 Press Release (2 pages)
45. 10/23/84 Memorandum to Case File (1 page)
46. 10/23/84 Memorandum to Case File (1 page)

APPENDIX A
(Continued)

47. 10/19/84 Memo from Blake to Lankford (1 page)
48. 10/12/84 Memorandum to Case File (1 page)
49. 10/12/84 Memorandum to Case File (1 page)
50. 10/10/84 Memo from Lankford to Herdt (17 pages)
51. 10/01/84 Memorandum to Case File (1 page)
52. 09/25/84 Memorandum to Case File (1 page)
53. 09/19/84 Allegation Data Form (1 page)
54. 11/01/84 Transcript of OI Interview of Chan Van Vo (114 pages)
55. 10/06/84 Affidavit of Chan Van Vo (16 pages)
56. 01/07/85 Routing and Transmittal Slip (1 page)
57. 01/02/85 Inspection Report No. 50-400/84-42 (13 pages)
- * 58. 12/06/84 Supplemental Affidavit of Norman H. Wagner (8 pages)
Accession No. 8412100564 PDR ADOCK 05000400
59. 01/14/85 Memorandum and Order (10 pages)
60. Undated Official Use Only Cover Sheet (1 page)
61. 11/13/84 Applicants Response to Late Filed Contentions (211 pages)
62. Undated Assignment Sheets (2 pages)
63. 03/06/85 Inspection Report No. 50-400/85-06 (6 pages)
64. 11/06/84 Memo from Ang to Blake (1 page)
65. 11/06/84 Memo from Lankford to Bemis (1 page)
66. 10/19/84 Memo from Blake to Lankford (1 page)
67. Undated Draft Memo from Herdt to Lankford (2 pages)
68. Undated Van Vo Allegations (4 pages)
69. Undated Draft Input for SALP (2 pages)
70. Undated Memo from Foscolo (2 pages) (Illegible copy)

APPENDIX A
(Continued)

71. Undated Handwritten Notes (4 pages)
72. Undated Newspaper Article (3 pages)
73. 07/14/83 Speed Letter from Van Vo Davis to McDuffie (25 pages)
74. Undated Drawing No. SS1C-A 1039 (6 pages)
75. Undated Handwritten Note (1 page)
76. 11/14/83 Handwritten Organization Chart (1 page)
77. Undated Handwritten Listing (1 page)
78. 11/09/83 Weekend Rotation (1 page)
79. 08/01/83 Memo from Willett to Thompson (2 pages)
80. 07/83 Handwritten Notes (1 page)
81. 06/21/83 Memo from Willett to Thompson (2 pages)
82. 06/17/83 Handwritten Notes (1 page)
83. 05/22/83 Handwritten notes (1 page)
84. 04/21/83 Memo from Willett to Thompson (5 pages)
85. 03/14/83 Memo from Fuller to File (1 page)
86. 02/14/83 Handwritten Notes (1 page)
87. 01/17/83 Memo from Willett to Thompson (10 pages)
88. 02/12/80 Memo from Hinnat to Lucas (5 pages)
89. 04/30/80 Memo from Hinnat to File (1 page)
90. Undated Handwritten Notes (4 pages)
91. 07/14/82 Printout, subject: Pilot Evaluation (1 page)
92. Undated Interoffice Memo (1 page)
93. 06/10/83 NRC Exit Meeting (4 pages)
94. Undated Handwritten Notes (4 pages)

APPENDIX A
(Continued)

95. Undated Procedure No. WP-141 (28 pages)
96. Undated Procedure Change Notice (2 pages)
97. Undated Construction Procedures Manual (1 page)
98. Undated Deficiency and Disposition Report No. 1775 (2 pages)
99. Undated Deficiency and Disposition Report No. 1795 (1 page)
100. Undated Nonconformance Report No. OA-255 (1 page)
101. Undated Deficiency and Disposition Report No. 1776 (1 page)
102. Undated Deficiency and Disposition Report No. 1784 (1 page)
103. Undated DDR Package Checklist, DDR 1795 (3 pages)
104. Undated OA Record Correction Form (5 pages)
105. 11/06/84 Memo from Ang to Blake (1 page)
106. Undated Draft Affidavit of Chan Van Vo (11 pages)
107. Undated Deficiency Notice No. M-010 (13 pages)
108. 08/25/82 Speed Letter from Van Vo Davis to Fuller (1 page)
109. 07/03/80 Speed Letter from Harris (1 page)
110. 07/18/83 Speed letter from Van Vo Davis to Willet (14 pages)
111. Undated Handwritten Notes (1 page)
112. Undated Seismic Hanger Installation & Inspection Traveler (1 page)
113. Undated Work Directive (1 page)
114. Undated Seismic Hanger Installation & Inspection Traveler (1 page)
115. 12/29/82 Attachment to Exhibit 7 (1 page)
116. Undated Seismic Weld Data Report (2 pages)
117. Undated Seismic I Weld Data Report (1 page)
118. Undated As Constructed Documentation (1 page)

APPENDIX A
(Continued)

- 119. Undated Construction Material Requisition No. 090662 (1 page)
- 120. Undated Construction Material Requisition No. 77012 (1 page)
- 121. Undated Construction Material Requisition No. 087229 (1 page)
- 122. Undated Construction Material Requisition No. 124681 (1 page)
- 123. Undated Nonconformance Report No. 84-0063 (3 pages)
- 124. Undated Deficiency and Disposition Report No. 2317 (1 page)
- 125. Undated Nonconformance Report 83-132 (5 pages)
- 126. 10/14/83 Memo from Whitehead to Rager (5 pages)
- 127. Undated Deficiency and Disposition Report No. 2327 (1 page)
- 128. Undated Work Directive - 2836 (13 pages)
- 129. 03/12/85 Memo from Uryc to Herdt (1 page)
- 130. Undated Handwritten Notes (1 page)
- 131. Undated Handwritten Notes (1 page)
- 132. 12/12/84 Memo from Herdt to Lankford (4 pages)
- 133. 11/13/84 Memo from Lankford to Gibson w/enclosure (44 pages)
(Note: Only pages of enclosure with notations included, copy of complete enclosure included in document no. 55)
- 134. 11/19/84 Memo from Lankford to Herdt/Gibson w/enclosure (33 pages)
(NOTE: Only pages of enclosure with notations included, copy of complete enclosure included in document no. 61)
- 135. 11/20/84 Memo to Novak from Rubenstein, Subject: Review of Affidavit of Chan Van Vo Davis (4 pages)
- 136. 12/06/84 Memo for Novak from Rubenstein, Subject: Auxilliary Systems Branch Affidavit for Shearon Harris Nuclear Plant, Units 1 and 2 - Main Feedwater System (7 pages)

*This document can be located in the NRC Public Document Room by the Accession Number indicated

APPENDIX B

1. Undated Envelope to Nuclear Regulatory Commission from Chan Van Vo (1 page)
2. Undated Certified Mail receipt (1 page)
3. 09/21/84 Letter to Mr. Chan Van Vo from J.B. Lankford, NRC, RII (1 page)
4. 10/01/84 Memorandum to case file (1 page)
5. 10/05/84 Letter to Mr. Bruno Uryc from Chan Van Vo (1 page)
6. 10/05/84 Letter to Mr. Bruno Uryc from Chan Van Vo (1 page)
7. 10/23/84 Memorandum to case file (1 page)
8. 10/25/84 Letter to Mr. Chan Van Vo from J.B. Lankford, NRC, RII (1 page)
9. 10/25/84 Letter to Mr. Chan Van Vo from J.B. Lankford, NRC, RII (1 page)
10. 10/30/84 Memorandum to case file (1 page)
11. 05/16/85 Report of Investigation, Shearon Harris Nuclear Plant, Alleged Harrassment/Intimidation and Falsification of Documentation Commitments (10 pages) w/the following attachments:
 1. 10/24/84 Memorandum for James Y. Vorse, Director, Office of Investigations, Atlanta Field Office, from James P. O'Reilly, subject: Request for Investigative Assistance - Harris Nuclear Plant. (18 pages)
 2. 11/01/84 Investigative Interview of Chan Van Vo (114 pages)
 3. 11/24/84 Letter to Mr. Larry Robinson from Chan Van Vo (20 pages)
 4. Undated Exhibit 4 - This exhibit has been deleted in its entirety at the request of the Department of Labor
 5. 12/14/84 Letter to Carolina Power and Light Company, ATTN: Mr. E. E. Utley from David M. Verrelli, subject: Report no 50-400/84-43 (9 pages)

APPENDIX B
(Continued)

6. 02/13/85 Results of Interview with Richard Jones and Margaret Glass, as prepared by Larry L. Robinson (1 page)
7. 02/14/85 Results of Interview with William P. Chriscoe as prepared by Larry L. Robinson (2 page)
8. Undated Results of Interview with (Deleted) as prepared by Larry L. Robinson (3 pages)
9. 02/15/85 Results of Interview with Theodore A. DiBlasi as prepared by Larry L. Robinson (2 page)
10. 02/15/85 Results of Interview with Larry Wayne as prepared by Larry L. Robinson (2 pages)
11. 02/15/85 Results of Interview with Michael L. Pruitt as prepared by Larry L. Robinson (1 page)
12. 02/15/85 Results of Interview with Charles Regan Germany as prepared by Larry L. Robinson (2 pages)
13. Undated Results of Interview with (Deleted) as prepared by Larry L. Robinson (3 pages)
14. 02/20/85 Results of Interview with Leslie Eugene Newton as prepared by Larry L. Robinson (2 pages)
15. 02/20/85 Results of Interview with James P. Johnson as prepared by Larry L. Robinson (2 pages)
16. 02/20/85 Results of Interview with Gary Allen Pollard as prepared by Larry L. Robinson (2 pages)
17. 02/20/85 Results of Interview with Johnny Jackson as prepared by Larry L. Robinson (2 pages)
18. Undated Results of Interview with (Deleted) as prepared by Larry L. Robinson (2 pages)
19. 02/21/85 Results of Interview with William C. Hartley as prepared by Larry L. Robinson (3 pages)
20. 02/21/85 Results of Interview with Jerry Dedge as prepared by Larry L. Robinson (2 pages)
21. 02/21/85 Results of Interview with Alexander Graham Fuller as prepared by Larry L. Robinson (3 pages)

APPENDIX B
(Continued)

22. 02/22/85 Results of Interview with Edwin Eugene Willett as prepared by Larry L. Robinson (3 pages)
23. 02/26/85 Deposition of Chan Van Vo, 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. (316 pages)

APPENDIX C

1. 06/22/76 Letter to Whom It May Concern from Welch (1 page)
2. 05/16/77 Letter to Whom It May Concern from Whitehead (1 page)
3. 03/16/79 Letter to (Unnamed) from Perkins Motors, Inc. (1 page)
4. 09/15/80 Memo to Vo from Smith, CP&L (1 page)
5. 10/09/80 Memo to Whom It May Concern from French, CP&L (1 page)
6. 10/10/80 Memo to Supervisors from Willett (1 page)
7. 05/27/81 Memo to Whom It May Concern from Willett (1 page)
8. 10/02/82 Memo to Van Vo from McDuffie (1 page)
9. 10/13/82 Memo to Distribution from Fuller (1 page)
10. 03/11/83 Memo to File from Fuller (4 pages)
11. 03/15/83 Memo to Parsons from Van Vo Davis (1 page)
12. 03/17/83 Memo to Van Vo Davis from Ferguson (1 page)
13. 08/22/83 Memo to File from Fuller (4 pages)
14. 01/10/84 Letter of Recommendation from Bell (1 page)