

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

Prepared by:



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1.0 Overview

This report documents results of discussions held with CP&L personnel related to statements contained in an Affidavit submitted by Chan Van Vo, a former CP&L employee in the construction organization at the Shearon Harris Nuclear Power Plant (SHNPP). The discussions pertained to the statements made in Paragraphs #12, 13, 14, 15, 23, and 24, which address CP&L management responsiveness to alleged safety concerns by Chan Van Vo. The purpose of the discussions with CP&L personnel was to ascertain facts related to CP&L involvement in the events cited in these paragraphs. Parties cited as contacts made by Chan Van Vo were interviewed, and others were interviewed who might have been in a position to confirm or contradict events recalled by those primary contacts. Personnel cited as contacts by Chan Van Vo and who were interviewed were Alex Fuller, Ed Willett, R M Parsons, M A McDuffie, and E E Utley. Others interviewed were John Ferguson, Dr. T S Elleman, and Darren Dasburg.

2.0 Background

Statements cited in Paragraphs #12, 13, 14, 15, 23, and 24 of the Affidavit were part of a sequence of events that occurred during Chan Van Vo's employment at SHNPP. Discussion with personnel involved, especially Alex Fuller and Ed Willett, provided a description of events related to Chan Van Vo's employment. This sequence of events is important to place statements made in the Affidavit in perspective.

1. Chan Van Vo was initially employed as an aide at SHNPP and was later promoted to technician.
2. Sometime later, in October 1980, Chan Van Vo was promoted to entry level engineer status after completing correspondence school training.
3. As an engineer, Chan Van Vo worked in the piping area under Ed Willett.
4. While working in the piping area, Chan Van Vo developed a history of problems associated with his work. There does not appear to be specific documentation available; however, Ed Willett was aware of problems, both in his individual performance and with his interface with others. Because it was not clear as to the source of the problem, it was deemed appropriate to move Chan Van Vo to another area of work and provide an opportunity for a fresh start.
5. In April 1982, Chan Van Vo was assigned to work under Alex Fuller in the area of pipe hangers. At the same time, Ed Willett contacted John Ferguson (CP&L Employee Relations) and arranged for Chan Van Vo to talk with Mr. Ferguson regarding concerns about his employment situation.
6. Chan Van Vo was promoted in October 1982 to the second level engineer classification at CP&L. This promotion was generally

in accordance with CP&L's promotion policy whereby an entry level engineer is promoted at the end of two years if performance is satisfactory.

7. Counseling for performance problems in Chan Van Vo's work under Alex Fuller began formally in March 1983. This counseling was received in a resentful hostile manner by Chan Van Vo, who denied any unsatisfactory performance even though he was presented with documented examples.
8. Counseling continued until August 1983, at which time Chan Van Vo was placed on probation and provided again with a clear statement of areas of his performance that were unsatisfactory.
9. Counseling continued from August 1983 until February 1984 without noticeable improvement in performance in the areas cited when Chan Van Vo was placed on probation.
10. In late February 1984, a final counseling session was held and Chan Van Vo was informed that progress on items requiring improvement in performance had not been satisfactory. He was given an opportunity to resign in order to prevent having a job termination on his record. He refused to resign and was terminated on that same day. He was escorted to the gate on that day in accordance with standard procedure.

Technical items cited in the Affidavit which relate to the fitup of piping to a steam generator feedwater pump and related to the Phase II hanger program occurred during the time frame that Chan Van Vo worked under Alex Fuller's supervision in the hanger area and was receiving counseling for unsatisfactory performance. Both the steam generator feedwater pump piping and the Phase II hanger program situations were complex and covered a substantial span of time (months). Chan Van Vo became involved in these situations either due to actions of his own or by virtue of assignment and worked on isolated aspects of each. He collected an isolated sample of data, drew his own conclusions, and may have pursued some actions on his own as he was prone to do. Since both situations were already being attended to by assigned CP&L personnel who had knowledge of the entire situations, Chan Van Vo's information provided little help and nothing new and was likely not given special attention. As can be ascertained from information later in this report, individuals who he supposedly contacted and provided specific information regarding these two situations have no recollection of any such contacts. To aid in understanding of events that actually transpired related to steam generator feedwater pump piping and the Phase II hanger program, individuals interviewed provided an overview which is documented later in this report.

3.0 Paragraph #12 Items

In Paragraph #12 of the Affidavit, Chan Van Vo made reference to "increasing pressure from Fuller and Willett." He stated that he sought a transfer which was refused by Willett. Based on the time frame he is

referring to, this was the time frame during which counseling for performance problems unrelated to the steam generator feedwater pump piping was taking place. He requested a transfer and the transfer was approved by all levels of supervision. He was interviewed once or twice for assignment to other areas, but other organizations were not interested. Willett had no other areas under his supervision available in which to transfer Chan Van Vo and, in fact, needed his assistance in the hanger area due to the magnitude of the hanger work. Chan Van Vo did not contact R M Parsons directly with respect to his request for transfer or concerns with Fuller and Willett. Although he saw him frequently, Parsons recalls only two contacts with Chan Van Vo, one related to organizational information which he provided and one contact made in the field where statements were made about the installability of diesel generator piping and pipe supports.

4.0 Paragraph #13 Items

Chan Van Vo relates incidents associated with a discussion he held with M A McDuffie in 1982. According to McDuffie, he talked with Chan Van Vo sometime in 1982, the exact date of which was not recorded. He recalls the discussion because Chan Van Vo requested to come talk with him on a Saturday morning, and McDuffie was particularly impressed that an employee would take his own time in the attempt to provide information which might improve the work situation at SHNPP. In that discussion, which lasted for a considerable time, Chan Van Vo complained about his work situation and expressed concern about not being fully utilized and work in general being done in an inefficient and costly manner. There

was no suggestion or discussion from Chan Van Vo indicating that work was being performed incorrectly from a technical point of view or that items were being completed in an improper manner. He produced a number of organization charts that he had personally prepared and explained how he felt the site should be organized, and in so doing, he could be more fully utilized. There was no mention of safety concerns during this conversation. McDuffie expressed to Chan Van Vo the need to demonstrate to his supervision that he was capable of handling additional or higher quality work and he would be given additional assignments. During the course of this conversation, Chan Van Vo criticized almost everyone above him in the management chain, but this criticism focused on their administrative capability and not their technical capability. As followup to this discussion with Chan Van Vo, McDuffie talked to R M Parsons by telephone and satisfied himself that personnel at the site were providing an audience to Chan Van Vo regarding his concerns with his job and that action that they deemed appropriate was being taken. No further followup was considered necessary or was made.

5.0 Paragraph #14 Items

In Paragraph #14, Chan Van Vo alleges that in March 1983 (assumed 1983), Alex Fuller increased pressure on him and threatened him with termination and subjected him to formal counseling regarding job performance. He noted that this counseling required that he improve his understanding and explanation of problems. This information coincides with the point in time at which formal counseling due to unsatisfactory job performance did in fact start. This counseling is documented thoroughly and spells out

specifically the job performance-related concerns supervision had with Chan Van Vo. In Paragraph #14, Chan Van Vo noted that he requested assistance from R M Parsons; however, to the contrary, Parsons has no recollection of any contact from Chan Van Vo related to concerns about this counseling. There were no instructions provided from Parsons to Fuller and Willett to alter their course of counseling with Chan Van Vo. Parsons confirmed that he stayed aware of the counseling that was being conducted as he did with counseling of any person in the construction organization.

6.0 Paragraph #15 Items

In Paragraph #15, Chan Van Vo refers to a second visit to M A McDuffie. McDuffie confirms that a second visit was held sometime in 1983, but events suggest this visit was held later than April. At this meeting, Chan Van Vo laid out a plan he had developed for the as-built program for piping and hangers at SHNPP. He provided a hand written document to McDuffie which consisted of a compilation of his ideas, along with information he had collected from sources at the site. Since this was the second proposition he had made to McDuffie regarding substantial reorganization of the operation at SHNPP, McDuffie was less interested and the conversation took less time. At no time in this conversation did Chan Van Vo raise concerns regarding the technical competence of work at the site or safety concerns in general. Mr. McDuffie has no recollection of making the quoted statement in the Affidavit which is attributed to him regarding Chan Van Vo being a soldier and Ed Willett being his lieutenant and that he should obey orders. As followup, McDuffie sent

the document provided to him by Chan Van Vo to R M Parsons via informal note for review and requested that they discuss the information with Chan Van Vo. The date on this note and McDuffie's recollection of when it was sent relative to the conversation he held with Chan Van Vo suggests that the meeting with Chan Van Vo actually was held in May or June 1983. The note to Parsons containing the package of information was dated in July. The response to McDuffie by Parsons indicates that discussion was held with Chan Van Vo by Ed Willett and Alex Fuller and that the package of information was reviewed in detail. Willett and Fuller pointed out that a number of items contained in that proposal were in fact included in the current hanger program at the site. Other items were not included and were not deemed appropriate to include. Parsons' response to McDuffie was dated in late July 1983 and a copy can be obtained from Parsons.

Chan Van Vo makes reference to pressure from Alex Fuller in the spring of 1983 and alleges that he was assigned more and more work and that this was more than his fair share. As noted earlier, in the spring of 1983, Chan Van Vo did receive formal counseling which started in March 1983 because of poor performance. The areas of poor performance were clearly cited in counseling documentation in March 1983. Subsequent counseling sessions monitored progress in areas cited as unsatisfactory. Fuller states that Chan Van Vo's assignment was changed during this period because work in this group was reorganized under lead personnel. Because he was experiencing performance problems, Fuller worked more closely with Chan Van Vo than others and utilized him in several activities in the attempt to find one he could handle satisfactorily. Assignment of Chan

Van Vo to the QA surveillance activity was one such attempt by Fuller. Chan Van Vo's assignments did not constitute a disproportionate amount of work compared to others in the group, according to Fuller.

7.0 Paragraph #23 Items

In Paragraph #23, Chan Van Vo states that he received a memo signed by Alex Fuller and Ed Willett in August 1983 that stated he was on probation due to performance problems of the past year and one-half. He makes reference to being promoted by Fuller less than a year earlier and notes that he believes that this probationary action was in retaliation for his expression of safety concerns. In October 1982, Chan Van Vo was promoted from entry level engineer to the next level. In March 1983, formal counseling on performance problems actually started. In August 1983, Chan Van Vo was placed on probation, and the basis for this probation is well documented. This was as a result of his failure to respond to unsatisfactory performance in areas documented earlier. Documentation related specifically to performance problems observed while working under Alex Fuller. Chan Van Vo was promoted based on CP&L's system which allows promotion from entry level engineer to the next level in two years if performance is at least satisfactory. At the time of the promotion, Fuller had concerns about Chan Van Vo's performance but they were not significant enough to block the promotion or to initiate formal counseling. By March 1983, the concerns reached a level to justify formal counseling and documentation. Chan Van Vo objected to the documentation that performance was unsatisfactory and refused to sign the

counseling memo. There was no information to suggest that CP&L demonstrated that they wanted personnel to look the other way when they encountered deficiencies as alleged in Paragraph #23.

8.0 Paragraph #24 Items

In Paragraph #24, Chan Van Vo refers to a meeting with E E Utley in the fall of 1983. He refers to documentation of safety concerns and deficiencies which he carried with him and alleges that he explained these concerns to Mr. Utley, including the responses he received from his supervision. He goes on to state that Mr. Utley did not ask questions regarding these concerns and that he promised to help him and did not. Contrary to the statements in the Affidavit, Chan Van Vo met with E E Utley on July 1983 as documented on Mr. Utley's calendar. He brought with him a package of information two to three inches thick. His discussion with Utley consisted of expressing his concern with the way CP&L was managing the job with respect to pipe hangers. He noted that he had reviewed his concerns with his management, with personnel at the site, and with M A McDuffie and that they had not accepted his proposal for the way the job should be conducted and he was concerned about that. He noted that he felt that he had a much better understanding of how this work should be conducted than they did and had a thorough knowledge of his particular job. There was no expression of concerns related to safety. In fact, the conversation did not at all involve the package of information that he had brought with him, although he left that information with Mr. Utley. Mr. Utley made no specific promises to Chan Van Vo other than to give his input consideration.

As followup to this meeting, E E Utley sent the package of information left with him by Chan Van Vo to Dr. T S Elleman, Vice President of Corporate Nuclear Safety, for his evaluation for potential safety concerns. At about this same time, Dr. Elleman had been made Chairman of a review panel to investigate potential concerns by personnel at SHNPP. Mr. Utley received no input from Chan Van Vo indicating that there were technical concerns contained in this package. Discussion with Dr. Elleman indicates that he reviewed the package and was unable to determine what Chan Van Vo was attempting to communicate. The package contained a collection of site procedures, non-conformance reports, and as he recalls, possibly some speed letters. There was no documentation as to what the compilation of information was intending to communicate. Dr. Elleman contacted Chan Van Vo by telephone and had a long and somewhat disjointed conversation. Chan Van Vo's main concerns expressed to Dr. Elleman related to his own job stability and the fairness of his supervision and the fact that people were not listening to his ideas about how the job should be conducted. Dr. Elleman tried to obtain specific concerns from him. After a lengthy conversation, Dr. Elleman obtained information from Chan Van Vo regarding concerns he had on the following items:

- 1) Q-List nut and bolt control (PO-40924)
- 2) Purchase orders for steel plates (PO-21022, PO-21021)
- 3) Vibration of installed air compressor

The first two of these items were converted to Review Panel Concern C-23, which was addressed by the Review Panel and resolved. The third item was

converted to Review Panel Concern C-24, which the Review Panel addressed and resolved. In none of these cases did information provided by Chan Van Vo constitute new information that had not been obtained previously by means of programs in place at SHNPP and solution paths had either been already taken or were in process.

After the Review Panel completed its work on these items, Dr. Elleman made repeated attempts to get back in contact with Chan Van Vo to relate the resolution of these items to him. After repeated attempts, he made contact and explained the resolutions. Chan Van Vo indicated that he was satisfied and had no further concerns with these items. At that time, Dr. Elleman inquired as to the basis of information Chan Van Vo had provided to E E Utley. Chan Van Vo related to Dr. Elleman that this information was brought to Mr. Utley to prove to him that Chan Van Vo was a capable performer and was doing his job satisfactorily. Following the completion of the Review Panel work, Dr. Elleman did not retain the package of information passed to him by Mr. Utley.

9.0 Events Related To Steam Generator Feedwater Pump Piping Installation

Based on discussions primarily with Willett and Dasburg, the situation that existed with regard to installation of the steam generator feedwater pump piping was as follows. Normal practice generally requires installation of piping such that the final closure weld does not occur at a piece of equipment such as a pump. Normally, piping is installed beginning with the connection at the pump and installed moving away from the pump, and a closure weld with other piping is made somewhere at a

distance remote from the equipment. The purpose of this is to ensure that any loading that may be necessarily applied to align the piping for the final closure weld is not transmitted to the nozzle of the equipment. In this particular case, craft personnel had requested approval to make the final closure weld at the pump. Because CP&L had concerns about potential loading on the pump, approval was granted with restrictions which included ensuring that hangers close by the pump were installed and would rigidly hold the pipe in place after it was aligned to the pump, and secondly, that movement of the pump be monitored carefully to ensure that the welding process itself did not create pipe movement which would provide loading on the pump. Actual construction of this particular closure weld was conducted utilizing continuous monitoring of pump movement by millwrights using dial indicators. During the process of welding, movement of the pump was monitored and if it moved in one particular direction, this could be corrected by welding on the opposite side of the piping and create a compensating movement. This iterative technique of welding, providing compensation for movement, would allow the welding to proceed in a manner not to create unacceptable pump loading and/or misalignment when welding was completed. During the course of this iterative technique, the two millwrights who had been monitoring movement were out of work one day, and two substitute millwrights were utilized. Craft personnel were reluctant to proceed with substitute millwrights, but decided to do so anyway in the interest of time. During the day when substitute millwrights were used, the iterative technique was continued and it was believed that no adverse alignment was created. On the day that followed, when the two original millwrights returned to work and made readings with dial indicators,

there was indication that adverse movement had in fact occurred and, because welding was virtually completed at that time, the misalignment could not be corrected by further iterative welding on one side or another. At this point, CI (Construction Inspection) Inspector Ed Williams wrote a non-safety nonconformance because the alignment was unsatisfactory. There were several options considered to correct or compensate for the unacceptable alignment. Two options considered were breaking the joint and rewelding or adjusting the motor installation position to compensate for the misalignment. Considerable amount of time passed while these options were being evaluated and work priorities in the field shifted such that the situation was not at that time resolved and had not as of the interview date been resolved. In the time that has passed since the welding to the pump, the pump vendor has visited the site and has observed that the barrel is out of round, which may now necessitate breaking the weld and rewelding. The nonconformance that was written at the time the misalignment was observed is apparently still open and will have to be resolved before the item can be considered closed. Based on the above sequence of events, it appears that CP&L was both knowledgeable and in control of events that occurred to the degree that could be reasonably expected. Although the pump welding did produce an unacceptable alignment, the program for inspection picked up the misalignment as a nonconformance. This particular event does not relate to safety since both the pump and piping in question are non-safety related.

10.0 Events Related to Phase II Hanger Program

Early in the program for installation of the pipe hangers, CP&L utilized a two phase hanger program. Phase I consisted of partial erection of hangers whereby some portion of the hangers was not installed or was left in an adjustable state to facilitate piping erection. The Phase II program was intended to complete the installation of partially installed hangers and to complete all necessary inspections. When the Phase II program was started, CP&L performed a number of routine checks to ensure that final inspections under Phase II were accomplishing the intended purpose. Most of these checks proved the opposite, and it was clear that they were not achieving the level of quality desired and required. The QA surveillance in which Chan Van Vo was involved was one such exercise initiated by CP&L that demonstrated to CP&L management that they were not achieving the desired level of quality in Phase II. This particular surveillance was one of the final events before CP&L stopped the inspection program and redesigned the entire hanger erection and inspection program. The program was redesigned to utilize a one step process whereby total hanger installation and inspection was performed at one time, as opposed to the original Phase I and Phase II approach. Results of the particular QA surveillance activity to which Chan Van Vo was assigned produced several nonconformance reports. These and others were written based on findings of surveillance activities. The stop work order referred to by Chan Van Vo was a stop work on inspection until a formal and detailed checklist could be developed to ensure that hanger inspections would achieve the level of quality required by CP&L's QA program. All of the hangers that had been installed and inspected under

the old Phase II program were reinspected under the new program to ensure that the desired level of quality was achieved. Since restart of the program, which occurred approximately December 1, 1983, the hanger program at SHNPP has proceeded satisfactorily according to Parsons.

11.0 Isolated Incorrect Statements in the Affidavit

Based on interviews with CP&L personnel and review of the Affidavit in general, there appear to be several incorrect statements in the Affidavit. Information related to these is provided below.

Affidavit

Paragraph

Information

- | | |
|---|--|
| 6 | Contrary to Chan Van Vo's claim that he contacted D M Dasburg regarding the steam generator feedwater pump piping, Dasburg has no recollection of ever being contacted by Chan Van Vo regarding concerns he had with this piping installation. |
| 9 | Alex Fuller has no recollection of ever being contacted by Chan Van Vo regarding concerns he had with the steam generator feedwater pump piping installation. Fuller has no recollection of receiving a speed letter or throwing a speed letter in the trash can. Fuller acknowledges that he may have been contacted on the item and, if so, would have in turn contacted the |

responsible piping engineer, who would likely have confirmed that they were aware of the situation regarding the installation of this piping and had it under control. Having received this feedback, he would likely have discarded any information he had received such as a speed letter. Again, he has no recollection of being contacted at all by Chan Van Vo, either verbally or by speed letter regarding steam generator feedwater pump piping installation.

9 Chan Van Vo refers to his concern with steam generator feedwater pump piping as a safety deficiency. CP&L engineering should be able to confirm that neither the piping nor the pump are safety related items at SHNPP.

9 Chan Van Vo alleges that speed letters are utilized in place of prescribed quality assurance documentation. There is no information to support this allegation. R M Parsons and others interviewed confirmed that speed letters are used to transmit information from one party to another, and occasionally the information contained on the speed letter is converted to a nonconformance if deemed appropriate. The speed letter itself is not considered sufficient documentation for nonconformances and is not used for that.

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Fuller denies ever calling Chan Van Vo a liar as alleged. Fuller confirmed that another engineer in his group was assigned to research the concern with PO-21022, that documentation associated with this PO (Purchase Order) was found, and there was no residual safety problem. The particular PO had been used in a manner different from a normal PO which did make the information in question difficult to find. This was one of the PO numbers provided to Dr. Elleman and was addressed in Review Panel Concern C-23.

21

Based on conversation with Ed Willett, Willett's memo of July 29, 1983 was stimulated by input received from INPO (Institute of Nuclear Power Operations) and not by input received by Chan Van Vo. Willett, in fact, did not receive information from Chan Van Vo as a result of his QA surveillance activity, and the memo was unrelated to information emanating from the QA surveillance in which Chan Van Vo was involved.

EXHIBIT B

10/25/84 WE

Contentions

(based on Chan Van Vo affidavit made public 10/22/84)
(& NRC regulations/requirements)

41C - CP&L Quality Assurance procedures and records violate NRC requirements because falsification of Nuclear Safety Material traceability records has occurred and there is inadequate assurance it is not continuing (or undetected so far in Harris Plant QA records). This violates 10 CFR 50 Appendix B Criteria, e.g. #'s 17, 6, 1, 2, 7, & 15, 16, 8, 9. For initial basis, Refer, e.g. to Chan Van Vo affidavit (available to me as of 10/22/84), e.g. paragraphs 18, 17, 16, 3, 4, 22, 23, 24.

41-D The Harris plant is in violation of the material traceability requirements of 10 CFR 50 Appendix B Criteria 8, 4, 6, 7, 1, 2, 15, 16 & 17, because of inadequate or nonexistent documentation of material used in safety related equipment, e.g. as stated or described in Chan Van Vo affidavit (dated 10/06/84, first available to me 10-22-84) #'s 20, 16, 17, 3, 4, 13, 18, 19, 22, 24 & 26.

41-E There has been a breakdown in Harris QA/QC programs for safety-related pipe hanger recordkeeping, installations, and inspections, violating all 17 requirements of 10 CFR 50 Appendix B. Basis is as described in Chan Van Vo affidavit (1st available to me 10/22/84) ¶s 17, 18, 1, 3, 4, 14, 15, 16, 19, 20, 21-(past noncompliances not corrected*), 22, 23, 24 &

26) This also includes the wholesale discarding of documents including pipe hanger documentation or packages,* to Mr. Chan Van Vo's belief.

*These amplifications of CVV affidavit conveyed to me by his counsel by phone - 8 pm 10/24/84.

41-F: QA concerns not documented properly at Harris in violation of 10 CFR 50 APP. B Criteria 6, 7, 8, 17, 1, 2, 3, 10, 11, 13, 14, 15, 16 & 17. See Chan Van Vo affidavit of 10-6-84 at ¶s 26, 9, 10, 13, 15, 16, 17, 18, 20, 19, 22, 24. These violations mean that the safety & quality of Harris safety - related systems cannot be established

41-G. There exists a pattern of harassment, intimidation, & failure to respond positively to employees bringing forward QA/QC concerns at the Harris plant (see, e.g. Chan Van Vo affidavit of 10-06-84 e.g. ¶s 26, 25, 24, 23, 19, 15, 14, 13, 12, 11, 10, 9, 6, 4, 3, & 1. This prevents concerns from being brought forward & dealt with properly in compliance w/10 CFR 50 App B e.g. criteria 15, 16, 14, 1, 2, & 3

41-H CP&L's failure to give sufficient independence to Construction Inspection (CI) & other QA personnel to perform their duties without pressure or harassment, prevents proper QA/QC on the plant, particularly all parts/systems/items inspected by CI when it did not have sufficient independence of cost/schedule concerns, and other parts/systems inspected by QA/QC personnel w/o the independence required to comply w/10 CFR 50 App B. See e.g. Chan Van Vo affid. ¶ 25, 26, & as cited in 41E & G above

EXHIBIT C

CONSERVATION COUNCIL'S LATE FILED CONTENTIONS BASED ON THE AFFIDAVIT OF
CHAN VAN VO--October 30, 1984

WB-1 The Quality Assurance program at Shearon Harris is deficient in that the nuclear safety material traceability documentation was falsified and other QA documents relating to safety were falsified or destroyed. This is in violation of 10 CFR 50, Appendix B, Criteria II (the QA program "shall be documented by written policies...and shall be carried out...") (emphasis added), Criteria VI, Criteria VII, and Criteria VIII. Basis is provided for this contention by the affidavit of Chan Van Vo and other related documentation, as well as other similar material from other current or former workers at the Harris Plant.

WB-2 The piping line to the discharge nozzle to the Steam Generator Feed Water Pump 1A-NNS was improperly installed thus causing improper stresses to the pump (see Chan Van Vo Affidavit, page 5 et seq., for details). The safety significance of this improper installation is that the integrity of the reactor temperature and pressure control is dependent upon the effective function of these pumps, valves, lines, etc.

The five factors applying to late-filed contentions was supplied upon oral arguments by Wells Eddleman and John Runkle, Counsel for the Conservation Council, during the hearings on safety issues, October 25, 1984.

John Runkle

EXHIBIT D

EXHIBIT E

U.S. Department of Labor

Employment Standards Administration
Wage and Hour Division

P. O. Box 27486
Raleigh, N. C. 27611

Telephone No. 919-753-4190

DATE: October 12, 1984



Reply to the Attention of: Wage-Hour
Chan Van Vo vs. CPL

Mr. Chan Van Vo
514 York Road
Fayetteville, N.C. 28303

Dear Mr. Van Vo:

This letter is to notify you of the results of our compliance action in the above case. A previous letter from this office advised you that your complaint was received on September 13, 1984, and enclosed a copy of Regulations, 29 CFR Part 24 and a copy of the pertinent section of the Energy Reorganization Act.

Our initial efforts to conciliate the matter revealed that the parties would not at that time reach a mutually agreeable settlement. An investigation was then conducted. Our investigation did not verify that discrimination was a factor in the actions comprising your complaint. Conversely, it is our conclusion that your allegations are unprovable for the following reasons:

In order to have a valid complaint the following factors must be met.

1. You must be employed by an employer subject to the Energy Reorganization Act.
2. You must have been discharged or otherwise discriminated against with respect to compensation, terms, conditions, or privileges of employment.
3. Finally, the alleged discrimination arose because the employee participated in a Nuclear Regulatory Commission Proceeding Under the Energy Reorganization Act of 1974.

We could not substantiate item 3 cited above.

Employer's records and interviews with supervisory employees reveal that you were placed on six months probation in August 1983, because of unsatisfactory work performance. You were terminated in February 1984, because your work performance had not improved.

This letter will notify you that if you wish to appeal the above findings you have a right to a formal hearing on the record. To exercise this right you must, within five (5) days of receipt of this letter, file your request for a hearing by telegram to:

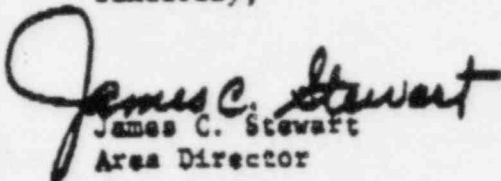
The Chief Administrative Law Judge
U. S. Department of Labor
Suite 700, Vanguard Building
1111 - 20th Street, NW
Washington, D. C. 20036

Chan Van Vo
514 York Road
Fayetteville, N.C. 28303

Unless a telegram request is received by the Chief Administrative Law Judge within the five-day period, this notice of determination will become the final order of the Secretary of Labor dismissing your complaint. By copy of this letter I am advising Carolina Power & Light Company of the determination in this case and the right to a hearing. A copy of this letter has also been sent to the Chief Administrative Law Judge with your complaint. If you decide to request a hearing it will be necessary to send copies of the telegram to Carolina Power & Light Company and to me at U. S. Department of Labor, Wage and Hour Division, P. O. Box 27486, Raleigh, N. C. 27611. After I receive the copy of your request, appropriate preparations for the hearing can be made. If you have any questions do not hesitate to call me.

It should be made clear to all parties that the role of the Department of Labor is not to represent the parties in any hearing. The Department would be neutral in such a hearing which is simply part of the fact-development process, and only allows the parties an opportunity to present evidence for the record. If there is a hearing, an Order of the Secretary shall be based upon the records made at said hearing, and shall either provide appropriate relief or deny the complaint.

Sincerely,


James C. Stewart
Area Director

cc: Ms. Margaret Glass, Associate General Counsel
Carolina Power & Light Company
P. O. Box 1531, Raleigh, N. C. 27602

Nuclear Regulatory Commission
101 Marietta Street
Suite 3100
Atlanta, Georgia 30303

EXHIBIT F