

September 6, 2001

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
TENNESSEE VALLEY AUTHORITY	)	Docket Nos. 50-390-CivP; 50-327-CivP;
(Watts Bar Nuclear Plant, Unit 1;	)	50-328-CivP; 50-259-CivP;
Sequoyah Nuclear Plant, Units 1 & 2;	)	50-260-CivP; 50-296-CivP
Browns Ferry Nuclear Plant, Units 1, 2, 3)	)	ASLBP No. 01-791-01-CivP
)	
	)	EA 99-234

NRC STAFF'S FIRST SET OF DOCUMENT REQUESTS
TO TENNESSEE VALLEY AUTHORITY

The Nuclear Regulatory Commission (NRC) Staff (staff) hereby requests Tennessee Valley Authority (TVA) to produce the documents requested below within 30 days after service of this discovery request pursuant to 10 C.F.R. § 2.741(d). The Staff requests that TVA provide all documents within its possession, custody or control that are responsive to the following requests. Please send the documents responsive to these requests to: Nuclear Regulatory Commission, Office of the General Counsel, Mail Stop: O-15D21, Washington, D.C. 20555.

DEFINITIONS

1. The word "document" as used herein shall mean the originals and any copies of any written or recorded matter, whether produced, reproduced or stored on paper, cards, tapes, disks, film, e-mail, computer storage devices or any other medium and shall include, without limitation, matter in the form of books, reports, studies, statements, speeches, notebooks, agreements, appointment calendars, working papers, manuals, memoranda, notes, procedures, orders, instructions, directions, training materials, records, correspondence, diaries, plans, charts, diagrams, drawings, periodicals, lists, telephone logs, recordings, minutes, photographs, negatives,

computer printouts, legal pleadings (other than those filed in this proceeding), and any published materials, and shall also include, without limitation, originals, copies (with or without notes or changes thereon) and drafts.

2. "Relate" or "relating to" means pertaining to, recording, evidencing, setting forth, reflecting, referring to, discussing, showing, disclosing, describing, explaining, summarizing, concerning, or regarding.

3. "Concerns," "concerning," or any other derivative thereof, includes referring to, responding to, relating to, pertaining to, in connection with, comprising, memorializing, commenting on, regarding, discussing, showing, describing, reflecting, analyzing, supporting, contradicting, and constituting.

4. "Possession, custody or control" includes actual and constructive possession, custody and control. Any document which is not in a person's immediate physical possession, but in regard to which the person has a right to compel production from a third person, or which is otherwise subject to the control of the person in question, is within the person's "possession, custody or control".

DOCUMENT REQUEST 1

Provide copies of all documents contained in Tennessee Valley Authority (TVA) Official Personnel Files for the following employees or former employees: (a) Gary L. Fiser; (b) Sam L. Harvey; (c) Thomas J. McGrath; (d) Wilson C. McArthur; (e) E.S. Chandresakaran; (f) Ronald O. Grover.

DOCUMENT REQUEST 2

Provide copies of all records prepared and maintained by TVA's Office of Inspector General in connection with its investigations of any allegations of discrimination by Gary L. Fiser,

including, but not limited to, records of allegations, transcripts of depositions, interview summaries or statements, written notes, and investigatory reports.

DOCUMENT REQUEST 3

Provide copies of all documents related to a complaint filed by Gary L. Fiser with the United States Department of Labor under the Energy Reorganization Act on June 26, 1996, including, but not limited to, copies of depositions, interview statements, and responses to interrogatories, responses to requests for production of documents and admissions.

DOCUMENT REQUEST 4

Provide copies of all documents related to a complaint filed by Gary L. Fiser with the United States Department of Labor under the Energy Reorganization Act on September 7, 1993, including, but not limited to, copies of depositions, interview statements, and responses to interrogatories, responses to requests for production of documents and admissions, and the written agreement between Mr. Fiser and TVA settling Mr. Fiser's complaint.

DOCUMENT REQUEST 5

Provide copies of all records prepared and maintained by TVA's Office of Inspector General in connection with its investigations of any allegations brought by William Jocher, including, but not limited to, records of allegations, transcripts of depositions, interview summaries or statements, written notes, and investigatory reports.

DOCUMENT REQUEST 6

Provide copies of all TVA manual chapters, management directives, and other written policies concerning the preparation of employee performance evaluations, merit selection promotion, and procedures for conducting a reduction in force.

DOCUMENT REQUEST 7

Provide copies of all TVA manual chapters, management directives, and other written policies concerning the transfer of individuals and of functions from the corporate office to plant sites.

DOCUMENT REQUEST 8

Provide copies of all TVA manual chapters, management directives, and other written policies regarding Selection Review Boards, including, but not limited to, the composition and selection of individuals to serve on such Boards, the procedures followed by these Boards, and the materials to be furnished to individuals serving on such Boards to assist in their review of candidates for positions.

DOCUMENT REQUEST 9

Provide copies of all TVA manual chapters, management directives, and other written policies regarding reorganizations, including, but not limited to: the procedures governing the creation of new positions; the procedures for determining how new positions should be filled; the procedures for determining whether a particular position is required to be posted, specifying the circumstances or conditions for the posting and advertising of such positions; and the Nuclear Power Business Practice Memorandum dated September 30, 1993 and any updates or changes to the policy announced in that memorandum.

DOCUMENT REQUEST 10

Provide copies of organizational charts depicting the organizational structure of Operations Support (or the equivalent of Operations Support, if this department had a different title prior to 1996) for the years of 1993, 1994, 1995, and 1996.

DOCUMENT REQUEST 11

Provide any draft plans for reorganization of Operations Support that were reviewed by Thomas J. McGrath prior to the reorganization which occurred in 1996.

DOCUMENT REQUEST 12

Provide the position descriptions of record for the following positions as they existed in the years indicated:

- (a) Technical Programs Manager (1990)
- (b) Radcon Manager (1994)
- (c) Radcon Chemistry Manager (1995 and 1996)
- (d) Corporate Chemistry Program Manager Technical Support (1994)
- (e) Chemistry and Environmental Protection Manager, Operations Support (1994 and 1995)
- (f) Pressurized Water Reactor Program Chemistry Manager (1996)

DOCUMENT REQUEST 13

In connection with the Selection Board established in 1996 to interview candidates for the positions of Pressurized Water Reactor Program Chemistry Manager and Boiling Water Reactor Program Chemistry Manager, provide copies of the following:

- (a) All questions written for potential use in interviewing candidates.
- (b) A listing of which of these questions were actually presented to the candidates.
- (c) Any documentation of responses given to these questions by the candidates.
- (d) All documents containing comments on the interviews of these candidates.
- (e) All documents indicating scoring by the Board of these candidates.
- (f) The interview notebooks used by the members of the SRB in interviewing for the PWR Chemistry position.

DOCUMENT REQUEST 14

Provide copies of all documents related to vacant positions at the Sequoyah plant in 1996 prior to the reorganization.

DOCUMENT REQUEST 15

Provide copies of all documents relating to the functions of and procedures for operation of the Nuclear Safety Review Board as in effect in 1993 and in all years that the NSRB operated from 1993 until the present.

DOCUMENT REQUEST 16

Provide copies of all documents relating to TVA policies and procedures for receiving and addressing safety concerns as in operation in 1993 and in all years from 1993 to the present.

DOCUMENT REQUEST 17

Provide copies of all documents relating to the selection of Wilson McArthur for the position of Radcon Chemistry Manager in 1996, including his Position Description of record at the time of his selection, any documents reflecting the individual(s) who made the selection decision, and any documents reflecting the basis for the selection of McArthur without posting the position for competition.

DOCUMENT REQUEST 18

Provide all documents related to a complaint of sexual harassment filed against Sam L. Harvey by Tresha Landers and any other complaints filed against Sam Harvey.

DOCUMENT REQUEST 19

Provide all documents in the possession, custody or control of TVA which refer or relate to any DOL or NRC enforcement activity by Gary Fiser.

DOCUMENT REQUEST 20

Provide all documents relating to any incidents in which Sam Harvey represented that a report was his work product when he had not written the report or when Harvey was alleged to have plagiarized the work of others, including, but not limited to, his alleged plagiarism of a paper on controlled shutdowns of steam generators written by the head of Corporate Chemistry at Carolina Power and Light.

Respectfully submitted,

Jennifer M. Euchner
Counsel for NRC Staff

Dated at Rockville, Maryland
this 6th day of September, 2001

September 6, 2001

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
	)	Docket Nos. 50-390-CivP; 50-327-CivP;
TENNESSEE VALLEY AUTHORITY	)	50-328-CivP; 50-259-CivP;
(Watts Bar Nuclear Plant, Unit 1;	)	50-260-CivP; 50-296-CivP
Sequoyah Nuclear Plant, Units 1 & 2;)	
Browns Ferry Nuclear Plant, Units 1, 2, 3)	)	ASLBP No. 01-791-01-CivP
)	
	)	EA 99-234

NRC STAFF'S FIRST SET OF INTERROGATORIES
TO TENNESSEE VALLEY AUTHORITY

Pursuant to 10 C.F.R. §§ 2.720(h)(2)(ii), 2.740, and 2.740b, and the July 19, 2001, prehearing conference conducted by the designated Atomic Safety and Licensing Board Panel and the Chief Administrative Law Judge, the Nuclear Regulatory Commission (NRC) Staff hereby requests that the Tennessee Valley Authority (TVA) answer the following interrogatories, under oath, in writing, separately, in the fullest detail possible, and send the answers to the Nuclear Regulatory Commission, Office of the General Counsel, Mail Stop: O-15D21, Washington, D.C. 20555.

DEFINITIONS AND INSTRUCTIONS

1. "Identify" when used in reference to a natural person means to set forth the following: his name; his present or last known residential address and telephone number; his present or last known business address and telephone number; his employer; his title or position; his area of responsibility; and his business, professional, or other relationship to TVA.

2. "Identify" when used in reference to a document shall mean to set forth the following: its title; its subject matter; its date; its author; its addressee (including the designated recipient, "cc" and "bcc" recipients, and the like); its file designation or other identifying designation; and its present location and present custodian.

3. Each interrogatory shall be answered separately and fully, in writing and under oath or affirmation, and shall include all pertinent information available to TVA, its officers, employees, directors, advisors, representatives, or counsel, based upon the personal knowledge of the person answering.

4. To the extent that you do not have specific, complete and accurate information with which to answer any interrogatory, you should so state, and the interrogatory should be answered to the extent information is available, identifying each person who is believed to have accurate information with respect thereto.

5. If privilege is claimed as a ground for not answering the interrogatory or if the interrogatory is otherwise objected to in whole or in part, describe the legal and/or factual basis for the claim of privilege or other objection to the interrogatory or interrogatory part in sufficient detail so as to permit the Atomic Safety and Licensing Board (Board) to adjudicate the validity of the claim or objection, and identify all documents which refer or relate to the information requested.

6. If documents are produced in response to an interrogatory, expressly identify the interrogatory to which they pertain and identify the official custodian of the documents.

7. If an interrogatory is not answered in full, please state the reasons for not answering, describe the steps taken to secure complete information, and detail the information which is available to TVA regarding the unanswered portions.

8. For each interrogatory, identify all documents that support, refer, or relate to the subject matter of each interrogatory and the answer thereto.

INTERROGATORY 1

State the last known residential address, last known business address, and telephone numbers at those addresses for Gary L. Fiser.

INTERROGATORY 2

State whether the following individuals are currently employed at TVA, their current position at TVA, or whether they are no longer employed by TVA:

- (a) Thomas McGrath
- (b) Wilson McArthur
- (c) Ron Grover
- (d) John Corey
- (e) Charles Kent
- (f) Heyward (Rick) Rogers
- (g) Jack Cox
- (h) Rob Beecken
- (i) Melissa Westbrook
- (j) David Voeller
- (k) Sam Harvey
- (l) Ben Easley
- (m) David Goetcheus
- (n) James (Ed) Boyles
- (o) Tresha Landers
- (p) Gordon Rich
- (q) Naomi Lindsay
- (r) Dan Keuter
- (s) William Jocher
- (t) Pat Lydon
- (u) Katherine Welch
- (v) Phil Reynolds
- (w) John Long

INTERROGATORY 3

With respect to any person listed in response to Interrogatory 3, state the individual's last known residential address, last known business address, and telephone numbers at those addresses.

INTERROGATORY 4

Identify all individuals, by name and position, who served on the Nuclear Safety Review Board in 1993, including whether they are currently employed by TVA, in what position, and the last

known residential address, last known business address, and telephone numbers at those addresses.

INTERROGATORY 5

Identify each position that was eliminated during the reorganization that occurred in Operations Support in 1994 and for each of these positions, provide a position description.

INTERROGATORY 6

Identify each new position that was created as a result of the reorganization that occurred in Operations Support in 1994, provide a position description for each of these positions, and indicate which of these positions were advertised/posted.

INTERROGATORY 7

Identify each new position that was created as a result of the reorganization that occurred in Operations Support in 1996, provide a position description for each of these positions, and indicate which of these positions were advertised/posted.

INTERROGATORY 8

Identify each position that was eliminated during the reorganization that occurred in Operations Support in 1996 and for each of these positions, provide a position description.

INTERROGATORY 9

Identify what policy was in effect regarding posting of positions PG-1 through senior manager at the time of the 1996 reorganization of TVA Nuclear, including any similarities or differences between the policies for PG-1 through PG-11 positions and senior manager positions.

INTERROGATORY 10

Explain the Hay Classification System, as mentioned by Phil Reynolds in his NRC OI Interview, OI Exhibit 25, how the system is used by TVA, whether it applies to TVA, whether it can be used to determine whether a position should be posted or the RIF guidelines should be used, and how it was applied to the 1996 reorganization of TVA Nuclear.

INTERROGATORY 11

Explain the basis for concluding that Wilson McArthur could be transferred into the Radcon Chemistry Manager position without posting this position for competition, including the individual(s) involved in making this decision and whether the decisionmakers considered whether or not Ron Grover also qualified to transfer into this position.

INTERROGATORY 12

Explain the basis for concluding that the PWR and BWR Chemistry positions were required to be posted rather than permitting Gary Fiser to transfer into the PWR position, including the individual(s) involved in making this decision.

INTERROGATORY 13

Identify the following information related to the 1996 Selection Review Board which selected individuals for the PWR and BWR Chemistry positions:

- (a) what individuals selected the members of the SRB.
- (b) how the members of the SRB were selected.
- (c) what individuals drafted the questions or other materials posed to the applicants during the selection process.
- (d) what individuals decided which questions to pose to the PWR Chemistry candidates.
- (e) what documents were included in the notebooks given to the SRB members.
- (f) what individuals prepared the interview notebooks given to the SRB members.
- (g) what individuals had access to the interview notebooks prior to the interviews.

- (h) what efforts were made to have a representative from the Watts Bar plant as a member of the SRB.
- (i) the basis for the exclusion of Ben Easley from the SRB.
- (j) what individual decided that Easley should not participate in the SRB.
- (k) the basis for the inclusion of Charles Kent in the SRB.
- (l) explain whether Kent's knowledge and involvement in Gary Fiser's DOL activities was considered in including him on the SRB.
- (m) explain whether Kent's attempt to have Sam Harvey transferred to the Sequoyah plant was considered in including him on the SRB.

INTERROGATORY 14

Explain the basis for concluding that Jack Cox, had he been available to participate in the Selection Review Board, would have been biased in favor of Gary Fiser, including the identity of each individual who concluded that Cox would have been biased and whether or not that individual would have excluded Cox from the SRB because of this bias.

INTERROGATORY 15

Explain the basis for TVA conclusion that Charles Kent, a member of the SRB, was not biased in favor of Sam Harvey, including, but not limited to, the identity of each individual involved in deciding which individuals should serve on the SRB and whether or not these individuals considered if Kent should be excluded from the SRB for bias or for his knowledge of Fiser's DOL activity.

INTERROGATORY 16

Provide all information relating to Charles Kent and Gordon Rich's attempt to get Sam Harvey transferred to the Sequoyah plant prior to the 1996 reorganization, including the individuals consulted in making this request, the reasons why Harvey was not transferred, and the individuals involved in making any decision regarding either the availability of a position or the required posting of any open position.

INTERROGATORY 17

Provide all information relating to any complaints of sexual harassment or inappropriate behavior towards female employees by Sam Harvey, including, but not limited to a sexual harassment complaint filed by Tresha Landers.

INTERROGATORY 18

Provide all information relating to any incidents in which Sam Harvey represented that a report was his work product when he had not written the report or when Harvey was alleged to have plagiarized the work of others, including, but not limited to, his alleged plagiarism of a paper on controlled shutdowns of steam generators written by the head of Corporate Chemistry at Carolina Power and Light.

INTERROGATORY 19

State whether you contend that Gary L. Fiser had weak chemistry skills, managerial skills, and/or leadership qualifications and if so, state the basis for your contention. Provide copies of each pertinent document supporting your conclusion, identify each person with information regarding such conclusion, and state the information you impute to each person.

INTERROGATORY 20

Explain TVA's policy or practice for informing TVA employees of pending DOL complaints by other TVA employees, including what individuals are informed, how TVA determines which employees need to be informed of the DOL cases, how the employees are informed, and what information they are provided.

INTERROGATORY 21

Identify each individual who TVA provided copies of transcripts of or information about taped conversations by Gary Fiser during the investigation and resolution of the Jocher case, what transcripts or other information about these taped conversations was provided to each individual, and copies of all relevant documents.

INTERROGATORY 22

Provide all information and documents relating to investigations of Ron Grover for improper activity during his employment at TVA.

Respectfully submitted.

/RA/

Jennifer M. Euchner
Counsel for NRC Staff

Dated at Rockville, Maryland
this 6th Day of September, 2001

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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) Docket Nos. 50-390-CivP; 50-327-CivP;
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) 50-260-CivP; 50-296-CivP
(Watts Bar Nuclear Plant, Unit 1;)
Sequoyah Nuclear Plant, Units 1 & 2) ASLBP No. 01-791-01-CivP
Browns Ferry Nuclear Plant, Units 1, 2, 3))
) EA 99-234

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S FIRST SET OF DOCUMENT REQUESTS TO TENNESSEE VALLEY AUTHORITY" and "NRC STAFF'S FIRST SET OF INTERROGATORIES TO TENNESSEE VALLEY AUTHORITY" in the above-captioned proceeding have been served on the following by deposit in the United States mail; through deposit in the Nuclear Regulatory Commission's internal system as indicated by an asterisk (*), or by electronic mail as indicated by a double asterisk (**) on this 6th day of September, 2001.

Administrative Judge **
Charles Bechhoefer, Chairman
U. S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop: T-3F23
Washington, D.C. 20555

Administrative Judge **
Richard F. Cole
U. S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
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Administrative Judge **
Ann Marshall Young
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Thomas F. Fine **
Brent R. Marquand
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Office of the Secretary *
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Jennifer M. Euchner */RA/*
Counsel for NRC Staff