

RAS 3507

RELATED CORRESPONDENCE

DOCKETED
USNRC

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD**

October 18, 2001 (2:54PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

**TVA'S RESPONSES TO NRC STAFF'S FIRST SET
OF DOCUMENT REQUESTS**

Pursuant to 10 C.F.R. § 2.741(d), Tennessee Valley Authority (TVA) makes the following responses to NRC Staff's first set of document requests.

Document Request No. 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. Chandresakaren; (f) Ronald O. Grover.

Response

Copies of the personnel files of Messrs. Fiser, Harvey, McArthur, and Grover were provided to Diana Benson, Nuclear Regulatory Commission Office of Investigations (NRC OI) in a March 2, 1999, letter from Brent R. Marquand and were again provided to NRC OI with a December 20, 1999, letter from Mr. Marquand to

Template = SECY-035

SECY-02

William J. McNulty. TVA will produce additional copies of those files upon the request of the Staff. TVA will produce copies of Mr. McGrath's and Mr. Chandrasekaran's personnel files.

Document Request No. 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.

Response

TVA objects to this request to the extent it seeks the production of documents protected as attorney work product or attorney-client privilege. Subject to the foregoing objection, TVA will produce copies of the requested documents.

Document Request No. 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.

Response

TVA objects to this request to the extent it seeks the production of documents protected as attorney work product or attorney-client privilege. Subject to the foregoing objection, TVA will produce copies of the requested documents.

Document Request No. 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.

Response

TVA objects to this request to the extent it seeks the production of documents protected as attorney work product or attorney-client privilege. Subject to the foregoing objection, TVA will produce copies of the requested documents.

Document Request No. 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.

Response

TVA objects to this request to the extent it seeks the production of documents protected as attorney work product or attorney-client privilege. Subject to the foregoing objection, TVA will produce copies of the requested documents. Although not prepared or maintained as part of the Office of Inspector General's (OIG) investigation of any allegation brought by Mr. Jocher, TVA's OIG does maintain a copy of the transcript of the Department of Labor's hearing on Mr. Jocher's complaint, a copy of Mr. Bynum's deposition in that proceeding, some exhibits introduced at that hearing, and the NRC OI's report of investigation of Mr. Jocher's allegation. Copies of those documents will be produced upon the request of the Staff.

Document Request No. 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.

Response

TVA objects to this request to the extent it seeks the production of manuals, directories, and policies that are not applicable to TVA's Nuclear organization. Subject to the foregoing objection, TVA will produce copies of documents responsive to this request.

Document Request No. 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.

Response

TVA objects to this request to the extent it seeks the production of manuals, directories, and policies that are not applicable to TVA's Nuclear organization. Subject to the foregoing objection, TVA will produce copies of documents responsive to this request.

Document Request No. 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.

Response

TVA objects to this request to the extent it seeks the production of manuals, directories, and policies that are not applicable to TVA's Nuclear organization. Subject to the foregoing objection, TVA will produce copies of documents responsive to this request.

Document Request No. 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.

Response

TVA objects to this request to the extent it seeks the production of manuals, directories, and policies that are not applicable to TVA's Nuclear organization. Subject to the foregoing objection, TVA will produce copies of documents responsive to this request.

Document Request No. 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.

Response

See attachments 3 and 4 to TVA's responses to NRC Staff's first set of interrogatories. To the extent they exist, TVA will produce copies of other documents responsive to this request.

Document Request No. 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.

Response

To the extent they exist, TVA will produce copies of documents responsive to this request.

Document Request No. 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)

Response

12(a) This document was provided to NRC OI as enclosure C-1 to the November 6, 1998, letter from Mr. Marquand to Ms. Benson. This document was again provided to NRC OI as part of exhibit A to the February 26, 1999, declaration of Howard H. Cutshaw enclosed with the March 2, 1999, letter from Mr. Marquand to Ms. Benson. The document was yet again provided to NRC OI as an enclosure in a December 20, 1999, letter from Mr. Marquand to Mr. McNulty. TVA will produce this document again upon the request of the Staff.

12(b) As stated in Mr. Cutshaw's February 26, 1999, declaration, the requested document was not found.

12(c) A copy of the position description for the Corporate Radiological & Chemistry Control Manager effective June 17, 1996, was provided to NRC OI as enclosure C-2 in Mr. Marquand's November 6, 1998, letter to Ms. Benson. A copy was again provided as part of exhibit A to Mr. Cutshaw's declaration. No other document responsive to this request has been found.

12(d) As stated in Mr. Marquand's November 6, 1998, letter to Ms. Benson, "TVA has been unable . . . to locate an official position description that was issued to Messrs. Fiser, Harvey, or Chandresekaran" for the period January through October 17, 1994. The personnel files for those individuals were provided to NRC OI in Mr. Marquand's March 2, 1999, letter to Ms. Benson and his December 20, 1999, letter to Mr. McNulty. TVA has been unable to locate the requested document in those files or elsewhere.

12(e) A position description issued in 1995 was provided to NRC OI in the March 2, 1999, letter from Mr. Marquand to Ms. Benson and in the December 20, 1999, letter from Mr. Marquand to Mr. McNulty. A 1994 position description has not been found.

12(f) This document was provided to NRC OI in the March 2, 1999, letter from Mr. Marquand to Ms. Benson and in the December 20, 1999, letter from Mr. Marquand to Mr. McNulty. Additional copies of the documents described above will be produced upon the request of the Staff.

Document Request No. 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.

Response

Copies of these documents were provided to NRC OI with Mr. Marquand's November 6, 1998, letter to Ms. Benson. Copies of those documents will be provided upon the request of the Staff.

Document Request No. 14

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

Response

To the extent they exist, TVA will produce copies of such documents.

Document Request No. 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.

Response

TVA objects to this request to the extent it seeks discovery about the Nuclear Safety Review Boards for Watts Bar and Browns Ferry Nuclear Plants on the grounds that such information is not relevant to any issue in this case. Subject to the foregoing objection, TVA will produce copies of documents responsive to this request.

Document Request No. 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.

Response

TVA will produce copies of documents responsive to this request.

Document Request No. 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.

Response

The only documents identified by TVA that reflect the individuals who made the determination that Dr. McArthur had rights to the Corporate Radiological and Chemistry Control Manager position created in the 1996 reorganization are the transcripts of statements made by Thomas McGrath, Wilson C. McArthur, Ben Easley,

and Ed Boyles, copies of which are already in the Staff's possession. As to Dr. McArthur's position description, see the responses to request No. 1 and No. 12. The document reflecting the basis for determining that Dr. McArthur had a right to the position was included in the notebooks referred to in the request and the response to No. 13(f). TVA will produce copies of these documents upon the request of the Staff.

Document Request No. 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.

Response

TVA will produce copies of documents responsive to this request.

Document Request No. 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.

Response

TVA objects to this request to the extent that it seeks the production of documents protected as attorney work product or the attorney-client privilege. As to documents which refer to or relate to any DOL activity by Gary Fiser and subject to the foregoing objection, see the responses to request Nos. 2-4. TVA believes that the Staff already has possession of documents which refer to or relate to NRC enforcement activity and which were transmitted between TVA and the NRC. TVA will produce copies of such documents upon the request of the Staff. Subject to the above objection,

TVA will produce copies of documents that relate to NRC enforcement activity and which were not transmitted between TVA and the NRC.

Document Request No. 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

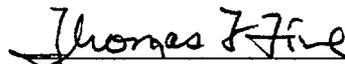
limited to, his alleged plagiarism of a paper on controlled shutdowns of steam generators written by the head of Corporate Chemistry at Carolina Power and Light.

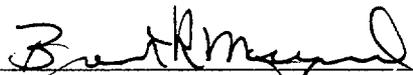
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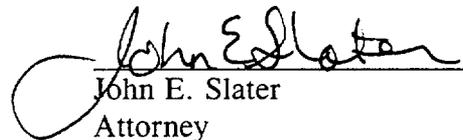
TVA is not aware of any documents responsive to this request.

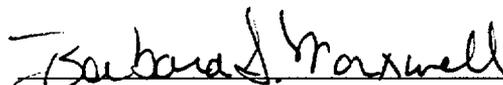
Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing responses has been served by overnight messenger on the persons listed below. A copy of the responses has also been sent by e-mail to those persons listed below with e-mail addresses.

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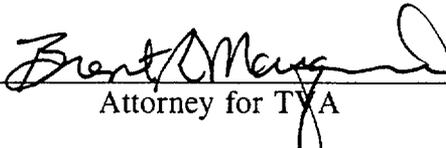
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This 17th day of October, 2001.


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