

RAS 3538

RELATED CORRESPONDENCE

November 1, 2001
DOCKETED 11/02/01

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)	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 APPLICATION FOR THE ISSUANCE OF SUBPOENA

INTRODUCTION

Pursuant to 10 C.F.R. § 2.720(a) of the Commission's regulations, the Staff of the Nuclear Regulatory Commission (Staff) requests that the Atomic Safety and Licensing Board (Board), designated in the above-captioned proceeding, issue a subpoena, attached hereto, requiring a certain individual, named below, to attend and give testimony at a deposition.

DISCUSSION

The Staff requests the Board to issue a subpoena for Ben Easley in order to ensure the Staff's ability to depose this individual on the date specified. Mr. Easley is a retired employee of the licensee, the Tennessee Valley Authority (TVA), and his testimony is relevant to the issues raised by this enforcement action. Mr. Easley is a former Human Resources officer at TVA and was involved in the decisions surrounding the 1996 reorganization which left Gary Fiser without a job. Mr. Easley provided testimony to both the Department of Labor (DOL) investigator and the NRC Office of Investigations (OI) special agent in this case. His testimony before DOL and OI indicate that his testimony will provide relevant information on the processes TVA uses in determining whether a position should be posted, as well as information on the selection review

board that was utilized in the reorganization. In addition, Mr. Easley can provide testimony as to the reasons that TVA decided to post Mr. Fiser's position, but determined that Dr. Wilson McArthur could be transferred into a position without posting that position. The issuance of a subpoena will assure that the Staff is able to depose this key witness.

CONCLUSION

For the above stated reasons, the Staff requests the Board to issue the attached subpoena to Ben Easley.

Respectfully submitted,

/RA/

Jennifer M. Euchner
Counsel for NRC Staff

Dated at Rockville, Maryland
this 1st day of November, 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;
) 50-328-CivP; 50-259-CivP;
) 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 APPLICATION FOR THE ISSUANCE OF SUBPOENA" in the above-captioned proceeding has been served on the following persons by express overnight 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 1st day of November, 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
Mail Stop: T-3F23
Washington, D.C. 20555

Administrative Judge **
Ann Marshall Young
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3F23
Washington, D.C. 20555

Office of the Secretary *
ATTN: Rulemaking and Adjudications Staff
U.S. Nuclear Regulatory Commission
Mail Stop: O-16C1
Washington, D.C. 20555

Thomas F. Fine
Brent R. Marquand
John E. Slater
Barbara S. Maxwell
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37901-1401

Office of Commission Appellate Adjudication*
U.S. Nuclear Regulatory Commission
Mail Stop: O T-3F23
Washington, D.C. 20555

/RA/

Jennifer M. Euchner
Counsel for NRC Staff