

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

2001 NOV 26 PM 3: 18

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD
OFFICE OF THE 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) |) | |

TENNESSEE VALLEY AUTHORITY'S APPLICATION FOR
THE ISSUANCE OF SUBPOENAS

For the reasons shown below and pursuant to 10 C.F.R. § 2.720(a) of the Commission's regulations, TVA requests that the Atomic Safety and Licensing Board (Board) issue two subpoenas requiring Gary L. Fiser and Ronald O. Grover to attend and give testimony at a deposition. At this time, TVA is uncertain as to the addresses of Fiser and Grover. Accordingly, TVA requests the Board to issue the subpoenas to TVA leaving blank the addresses of the deponents. TVA will complete the subpoenas, including filling in a time, date, and location for the depositions convenient to the parties.

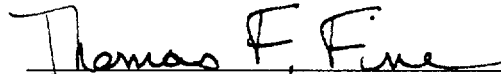
Basis for TVA's Request. TVA requests the Board to issue a subpoena for Fiser to appear and give a deposition in order to ensure TVA's ability to depose him on a date certain. Fiser is a former employee of TVA who resigned from TVA when he was not selected for a position for which he believed he was qualified. In 1996, Fiser complained to the Department of Labor that his nonselection was in retaliation for his having filed a previous Department of Labor complaint against TVA


in 1993. His 1996 complaint was the impetus for the investigation by NRC's Office of Investigations (OI) which formed the basis for the Notice of Violation issued by the NRC Staff and which is at issue here. The NRC Staff has indicated that they intend to call Fiser as a witness in this proceeding.


TVA requests the Board to issue a deposition subpoena for Grover in order to ensure TVA's ability to depose him on a date certain. Grover is a former TVA employee who was terminated by TVA for misusing a TVA calling card to make more than 4700 personal long distance calls, for extensive abuse of leave and falsification of leave slips, and for conducting extensive personal business on TVA time. Grover's statements are referenced numerous times in the OI report which is the basis for the issuance of the Notice of Violation in this case. The NRC Staff has indicated that they intend to call Grover as a witness in this proceeding.

For the reasons stated, TVA requests the Board to issue subpoenas commanding Gary L. Fiser and Ronald O. Grover to appear and testify at their depositions at a location, date, and time convenient to the parties.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing application for the issuance of subpoenas has been served by overnight messenger on the persons listed below. A copy of the request has also been sent by e-mail to those persons listed below with e-mail addresses:

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This 21st day of November, 2001.


Attorney for TVA