

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 SECOND SET OF INTERROGATORIES

Pursuant to 10 C.F.R. §§ 2.720(h)(2)(ii), 2.740, and 2.740b, and the July 19, 2001, and November 14, 2001 prehearing conferences 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. Additionally, to the extent that the interrogatories identify responsive documents, TVA should provide a copy of those documents.

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

- (a) Bill Lagergren
- (b) Don Adams
- (c) Al Black
- (d) Ron Brock
- (e) Dan Keuter
- (f) Debbie Bodine
- (g) Tom Peterson
- (h) Bill Jocher
- (i) David Van Bockern
- (j) Beth Thomas

INTERROGATORY 2

With respect to all persons listed in response to Interrogatory 1, state the individual's last known residential address, last known business address, and telephone numbers at those addresses.

INTERROGATORY 3

In regard to the reorganization in 1994 that resulted in Wilson McArthur becoming the Radiological Control Manager, please provide the following information: (a) the vacant position announcements (VPA's) for each position advertised in the Chemistry, Environmental, RadCon, and RadWaste areas; (b) how the selections for the vacant positions were made, including but not limited to whether there was a selection review board(s), who served on the board(s), and who was the selecting manager(s); (c) whether or not Wilson McArthur was required to compete for the position of Radiological Control Manager and if so, provide a copy of his application; and (d) the organizational charts for the RadCon, Chemistry, and Environmental areas both prior to the reorganization and after the reorganization.

INTERROGATORY 4

Please state whether a notebook or any other documents were provided to Wilson McArthur for the 1996 reorganization, including but not limited to, any selection notebook utilized by McArthur in determining who to interview for the vacant positions and who to select for those positions, and any other information reviewed by McArthur during the selection process.

INTERROGATORY 5

Please state whether a draft or pending position description for the Radiological Control Manager position held by Wilson McArthur from 1994 to 1996 exists. The position description in question was identified as having Maciejewski's name on it on page 33 of the NRC Office of Investigations interview of Wilson McArthur. Please provide a copy of this document.

INTERROGATORY 6

Please provide any information about the disciplinary record of Wilson McArthur during his employment at TVA, including but not limited to, any information and/or documents related to the destruction of a TVA vehicle or a rental vehicle by McArthur.

INTERROGATORY 7

Please identify what TVA employees were represented by Brent Marquand of the TVA Office of the General Counsel during the investigation and settlement of Gary Fiser's 1993 Department of Labor (DOL) complaint, the investigation and settlement of William Jocher's DOL complaint, the investigation and settlement of Fiser's 1996 DOL complaint, and the investigation of Ron Grover's DOL and/or equal employment opportunity complaints. This includes

representation in any proceeding related to these cases, and specifically to proceedings before the NRC and the DOL. Additionally, please identify whether Marquand has ever represented the following former TVA employees in any matter: Fiser, Grover, and Ben Easley.

INTERROGATORY 8

Please identify whether the TVA Office of Inspector General (OIG) provided copies and/or transcripts of tapes made by Gary Fiser obtained during Fiser's 1993 DOL complaint to Brent Marquand, including: (a) when the tapes or transcripts were provided to Marquand; (b) who from the TVA OIG provided these copies to Marquand; (c) to what TVA employees, if any, Marquand provided the tapes or transcripts of Fiser's tapes; and (d) any statements or documents which indicate that Marquand informed a TVA employee that Fiser had made the tapes and provided them during his 1993 DOL complaint.

INTERROGATORY 9

Please identify what interactions Brent Marquand had with individuals from the TVA OIG, including, but not limited to, Beth Thomas and David Van Bockern, during or after TVA OIG's investigations of Fiser's 1993 and 1996 DOL complaints, Jocher's DOL complaint, and Grover's DOL complaints.

Respectfully submitted,

/RA/

Jennifer M. Euchner
Counsel for NRC Staff

Dated at Rockville, Maryland
this 5th day of December, 2001.

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Browns Ferry Nuclear Plant, Units 1, 2, 3))
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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S SECOND SET OF INTERROGATORIES" 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 5th day of December, 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 **
Ann Marshall Young
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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Thomas F. Fine
Brent R. Marquand
John E. Slater
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Tennessee Valley Authority
400 West Summit Hill Drive
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Administrative Judge **
Richard F. Cole
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Mail Stop: T-3F23
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Office of the Secretary *
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/RA/

Jennifer M. Euchner
Counsel for NRC Staff