

RAS 3729

RELATED CORRESPONDENCE

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

2002 JAN -3 PM 1: 53

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 REQUEST
FOR ADMISSIONS AND INTERROGATORY
TO NRC STAFF

Requests for Admissions

Pursuant to 10 C.F.R. § 2.742, Tennessee Valley Authority requests that the NRC Staff admit the truth of the following matters:

1. Gary L. Fiser filed a June 25, 1996, complaint with the Department of Labor (DOL), claiming that the Tennessee Valley Authority (TVA) discriminated against him in violation of Section 211 of the Energy Reorganization Act of 1978 (ERA), 42 U.S.C. § 5851 (1994).
2. In 1985, TVA voluntarily shut down its Sequoyah Nuclear Plant (Sequoyah) and Browns Ferry Nuclear Plant (Browns Ferry) and voluntarily ceased pursuing an operating license for Unit 1 at Watts Bar Nuclear Plant (Watts Bar) in order to address major issues in TVA's nuclear program. Many of these issues were identified as a result of the accident at Three Mile Island (TMI), and TVA's efforts were aimed at ensuring that its nuclear plants would not be susceptible to similar accidents.

Template = SECY-035

SECY-02

3. One of the measures implemented by TVA in response to TMI, in accordance with Nuclear Regulatory Commission (NRC) and industry guidelines, was the establishment of a Nuclear Safety Review Board (NSRB), a blue-ribbon committee of the best experts from within and outside TVA that operates outside the chain of command, critically reviews TVA nuclear programs and operations, and reports its findings to top management. The NSRB's reports are provided as a matter of course to line management so that they can act on the NSRB's recommendations.

4. TVA's efforts to upgrade its nuclear program, to restart Sequoyah and Browns Ferry, and to perform the initial startup of Watts Bar required large numbers of TVA employees and contractors. As its nuclear program was upgraded, TVA successfully restarted Sequoyah Units 1 and 2 and Browns Ferry Units 2 and 3. Most recently, TVA has successfully completed the initial startup of Watts Bar Unit 1, the only nuclear plant actively under construction in the United States. As work on those five nuclear units was completed and they were placed in full service, the large numbers of nuclear employees and contractors who were working on the upgrade, restart, and construction programs were no longer necessary. As those programs were winding down, TVA has been adjusting the size of its nuclear workforce as it changes from a construction and modifications organization to a much smaller operations organization.

5. TVA attempts to hold down electric rates by improving productivity and reducing costs. This effort is driven by the need to become more competitive with other electric utilities in anticipation of deregulation of the electric utility industry.

6. As a part of TVA's efforts to improve its nuclear program and to hold down electric rates, TVA has reorganized and reduced the number of employees in its Nuclear Power organization. The changes in the workforce have not occurred all at once; rather, the reductions were implemented over time. Thus, during 1994-1997, a number of TVA employees in TVA's Nuclear Power organization lost their old

positions. While some employees were successful in being selected for new positions created as a result of the reorganizations, many TVA employees involuntarily lost their positions and employment with TVA.

7. From 1988 until 1992, Fiser served as Chemistry Superintendent at Sequoyah. In that position he reported to the Operations Superintendent and managed the Sequoyah Chemistry department. In 1992, his Chemistry Superintendent position was classified to TVA's PG schedule as a grade 9. TVA's PG schedule includes management and specialist positions which are classified from grade PG-1 to grade PG-11.

8. Sequoyah plant management perceived significant weaknesses in the Sequoyah Chemistry department. As a result, Sequoyah plant management proposed that Fiser be temporarily assigned to the Corporate Chemistry organization and that the Corporate Chemistry Manager be temporarily assigned to act as the Sequoyah Chemistry Superintendent.

9. Fiser's 1996 ERA complaint states that he "never received any unfavorable evaluations of my performance form [sic] anyone at TVA" (compl. at 1). Contrary to that assertion he was removed from the position of Sequoyah Chemistry Manager only after it had been well documented that he was not successfully managing that organization.

(a) Fiser's January 1989 performance evaluation placed his performance in the next to the bottom category and stated:

The overall performance of the Chemistry Group is not acceptable. Although Mr. Fiser has expended a great deal of effort in developing an improvement program, very little implementation has taken place. Extensive effort will be required to make the necessary progress in 1989 [at 7].

* * *

Mr. Fiser must become more aggressive in the performance of his duties. Many discrepancies in equipment and personnel performance

should have been corrected in a more timely manner. Mr. Fiser has a tendency to wait for corporate assistance in many areas where assistance is either not required or forthcoming [at 8].

(b) Fiser's September 1989 employee appraisal continued to reflect the same problems. For example, the Summary Statement said:

Through this period he demonstrated continued weaknesses in aggressiveness and communication skills. Following specific discussions and coaching in these areas, I have noted improvements, although not to the degree I would have expected. Personnel-related action is not taken spontaneously. While actual chemistry results are good, the weaknesses noted last year persist. Material condition improvements of chemistry equipment is not being pushed adequately [at 1].

(c) In 1991 management attempted to develop Fiser's leadership skills by rotating him to a different position for a short period in 1991. However, the hoped-for improvement did not occur and the Summary Statement in his October 1991 evaluation reflected that his skills had not improved:

[Fiser] [i]s having difficulty operating independently outside the Chemistry area. Is not using the authority of his position as an Outage Manager effectively. Will be given feedback and [his] performance will be monitored during the outage [at 1].

(d) The evaluation for the final fiscal quarter of 1991 states:

Efforts to prepare for the outage have been good overall, but Mr. Fiser is having trouble operating independently. Was given several major activities to manage and was unable to effectively bring any to completion [at 9].

10. In addition to his weak performance evaluations, deficiencies and weaknesses in the Sequoyah Chemistry Program, which was under Fiser's management, became increasingly apparent to top management during 1991 and early 1992, as the documentation shows. For example, the minutes of the May 22-23, 1991, NSRB meeting identified two critical items that needed to be addressed by Sequoyah Chemistry: (1) PASS training for technicians "to ensure original design criteria can be met in accordance with [NRC requirements]," and (2) "effluent analysis and pathway

monitoring” (ex. 4 at 14). PASS refers to a system for sampling the reactor core in the event of an accident to determine the extent of damage, while “effluent analysis and pathway monitoring” refers to the potential for releasing radiation into the river; a problem which Fiser’s Chemistry organization called “trivial.”

11. The NSRB continued to note problems in the Sequoyah Chemistry Program. The minutes of the August 21-22, 1991, NSRB meeting show that the NSRB found that the two previously identified issues of “unmonitored radiation release . . . pathways” and PASS “training concerns” had not been addressed (at 14-15). The November 20-21, 1991, NSRB meeting minutes show that the very first matter noted by the NSRB in its Executive Summary was that “a number of site responses . . . were incomplete, inaccurate, or did not address the specific NSRB concerns” (at I). The NSRB also singled out the Site Chemistry Program as one of the “key items from the meeting,” stating: “significant problems existed in the Sequoyah Nuclear Plant (SQN) Chemistry Program which, if not promptly corrected, could impact plant chemistry control. For example, required data trend analyses were not being performed, chemicals were purchased to incorrect specifications, some training was delinquent, and several procedure preparation and use deficiencies were identified” (id.). The NSRB found that Site Chemistry had still not addressed the issues of PASS training and unmonitored radiation release (at 3-4, 23). NSRB noted further deficiencies in the Site Chemistry Program including: “inadequate procedures, failure to follow procedures, unauthorized changes to QA records, lack of management oversight in laboratory operations, training deficiencies, failure to perform required analyses, and poor data trending” (at 21).

12. Thus, Fiser’s performance as Chemistry Manager at Sequoyah was criticized a number of times, contrary to the implication in his 1996 ERA complaint. In its February 19-20, 1992, meeting minutes, the NSRB noted that the “deficiencies and

weaknesses in the [Sequoyah] Chemistry Program” had required the intervention of the Plant Manager to develop and implement a corrective action plan (at i).

13. In March 1992 Fiser was temporarily assigned to the Corporate Chemistry Manager position in Chattanooga, Tennessee. The decision to remove Fiser from the Sequoyah Chemistry Superintendent position was made by Sequoyah plant management.

14. The attachment to Fiser’s 1996 ERA complaint confuses the reason that he was removed from the position of Sequoyah Site Chemistry Manager. He suggests that he was removed because his organization had discontinued providing certain chemistry data to the plant and, in January 1992, he refused to agree with the NSRB’s suggestion to resume providing that information. In fact, as discussed above, Sequoyah Chemistry’s “poor data trending” was only one of the program deficiencies noted by the NSRB which had required the intervention of upper management. Because of Fiser’s weak management skills, he was rotated from the Sequoyah Site Chemistry Manager position to the position of Corporate Manager of Chemistry. The Summary Statement in his 1992 performance appraisal states:

[Fiser] was rotated from [Sequoyah] to the Corporate Manager of Chemistry position for 12 months. [Sequoyah] needs a different approach to solving problems in Chemistry and the rotation was initiated to face that issue [at 1].

15. The minutes of the NSRB’s May 21-22, 1992, meeting, also show that Fiser was replaced as the Sequoyah Chemistry Manager because of the problems in his organization which needed to be corrected:

At the previous NSRB meeting, weaknesses in the Sequoyah Chemistry Program were discussed which, if not corrected, could impact chemistry control. The Plant Manager approved a comprehensive plan to prioritize and implement corrective actions to improve the chemistry program. The Corporate Chemistry Manager was assigned as the Site Chemistry Manager at Sequoyah to manage

those activities and implement the Chemistry Improvement Program [at 2].

16. The Corporate Chemistry organization was a small organization and was not involved in day-to-day plant operations. By comparison, the Sequoyah Chemistry organization was a relatively large organization of both professionals and technicians which provided around the clock operational support at Sequoyah.

17. Because his management perceived he was having difficulties managing the Corporate Chemistry organization Fiser was removed on November 23, 1992, from the position of Corporate Chemistry Manager and assigned to work as a Chemistry Program Manager also in the Corporate Chemistry organization. While still assigned to the management and specialist pay schedule, Fiser no longer had supervisory responsibilities, but provided technical expertise to the plants.

18. His 1992 performance appraisal notes continued problems with his weak leadership skills while serving as the Acting corporate Chemistry Manager. For example, "Sometimes has to be motivated to fully accept and solve a problem"; "Has some difficulty in relating to site Chemistry managers"; "Full knowledge of the Chemistry area needs to be developed"; "During his tenure as Chemistry Manager these differences [a strong split among those employees he supervised] have not improved"; and "technical leadership needs attention" (at 4, 5, 6).

19. The Corporate Chemistry Manager reported to Dr. Wilson C. McArthur, Manager of Technical Programs. Dr. McArthur was also responsible for Radiological Control, Environmental Protection, Protective Services, Emergency Preparedness, and the Environmental and Radiological Monitoring Instrumentation facility. TVA's official personnel files for Dr. McArthur show that he was issued a position description in 1990 for the position of Manager of Technical Programs.

20. At all times pertinent herein, TVA had in effect procedures implementing the Civil Service Reform Act of 1978 and the Office of Personnel Management (OPM)

regulations for implementing RIFs. Those procedures define a RIF as the release of an employee from his competitive level for a number of reasons including reorganization (at 12). Those procedures define competitive level and provide that it is determined by using the official job description and are not based on personal qualifications or performance levels.

21. Because Fiser's reassignment from the Sequoyah Chemistry Superintendent position to Corporate Chemistry was considered temporary, Fiser was not given an official position description reflecting his assignments in Corporate Chemistry. Thus, his official position description of record continued to be as the Sequoyah Chemistry Superintendent.

22. In 1993 the Sequoyah Chemistry department was reorganized and a Chemistry Manager position, grade PG-10, was created with greater responsibilities and accountabilities than Fiser's Chemistry Superintendent position which was eliminated.

23. Because Fiser's official position description of record was still as Sequoyah Chemistry Superintendent he received a RIF notice when that position was eliminated in the 1993 reorganization.

24. Shortly after Fiser received his RIF notice, Dr. McArthur underwent surgery and radiation treatment for cancer and was not at work for an extended period of time.

25. On September 23, 1993, Fiser filed an ERA complaint alleging discrimination in the elimination of the Sequoyah Chemistry Superintendent position and his RIF. TVA reached an April 8, 1994, agreement with Fiser settling his ERA complaint under which TVA canceled Fiser's RIF notice and placed him in the lower level, non-supervisory Chemistry Program Manager staff position at the PG-8 level in the Corporate Chemistry organization. As a result of the settlement, there was no

decision, or investigation in that case at any administrative level by the Department of Labor.

26. The NRC's Office of Investigations (NRC OI) closed its investigation of Fiser's 1993 ERA complaint based on its finding that there was no protected activity substantiated.

27. TVA's Office of Inspector General (TVA OIG) investigated Fiser's 1993 ERA complaint and concluded that there was no evidence to support the allegation that he had been discriminated against for raising safety concerns. Dr. McArthur was among those interviewed in that investigation.

28. At the time of the settlement of Fiser's 1993 ERA complaint, the corporate chemistry and environmental protection functions were separate with each reporting to a different manager. Although the settlement agreement provided that Fiser would be placed in a Chemistry Program Manager position, it did not require him to remain in that position or preclude him from applying for or accepting other TVA positions. The agreement also did not guarantee the continued existence of the Chemistry Program Manager position, did not guarantee Fiser continued employment, and did not guarantee that his position or organization would never be subject to a reorganization.

29. In the summer of 1994, as a result of a reorganization, TVA management made a decision to combine the Corporate Chemistry and Environmental organizations into one organization under one supervisor. By combining the two organizations, the Chemistry Manager and the Environmental Manager positions were replaced with a single Chemistry and Environmental Manager position. In addition, the Chemistry Program Manager positions and the Environmental Protection Program Manager positions were eliminated. In their place, Chemistry and Environmental Protection Program Manager positions were created.

30. During the 1994 reorganization, the positions of Radiological Control Manager and Chemistry and Environmental Protection Manager were advertised.

Ronald O. Grover applied for, was selected, and issued a position description which was placed in his official personnel file for the Chemistry and Environmental Protection Manager position.

31. Dr. McArthur was assigned to work as the Manager of Radiological Control. Although a position description was drafted for that job, it was never officially approved, issued to Dr. McArthur, or placed in his official personnel file. Thus, his official position description of record remained Manager of Technical Programs.

32. Alan Sorrelle was assigned to work as the Manager of Chemistry, Environmental Protection, and Radiological Control on an acting basis. He was not issued a position description reflecting that assignment since it was on an acting basis. Because Sorrelle never relocated to Chattanooga, the location of the TVAN corporate offices, Dr. McArthur continued to manage the day-to-day function of those departments. Sorrell left TVA effective in December 1995.

33. As a Federal agency, TVA's personnel actions are governed by regulations promulgated by OPM. Under those regulations, the incumbents of positions being eliminated are entitled to "rollover" into newly created positions if the positions are sufficiently similar. When the positions are dissimilar, TVA fills vacancies on a competitive basis. Because TVA employees are in the "excepted" service, they do not have the "bumping" or "retreat" rights set out in the OPM regulations for "competitive" service employees. Instead, TVA employees have bumping or retreat rights only insofar as provided in pertinent collective bargaining agreements. Since Fiser was on TVA's management and specialist schedule, he was not subject to a collective bargaining agreement and had no bumping or retreat rights.

34. The new Chemistry and Environmental Protection Program Manager positions were significantly different from the previous Chemistry Program Manager positions which were being eliminated. Consequently, the incumbents of the positions

being eliminated were not entitled to rollover into the new positions by virtue of Federal regulations. TVA posted a vacant position announcement for the new positions and held a competitive bidding process. Fiser applied for and was a successful candidate for one of those new positions. Dr. McArthur was one of the members of the selection review board that chose Fiser. As a result, in the fall of 1994, Fiser left the position designated in the settlement agreement (which was then eliminated) and assumed the new Chemistry Program Manager position.

35. As part of its workforce planning effort for the year 2001 and the budget planning process for Fiscal Year (FY) 1997, corporate TVAN underwent a reorganization and reduction in the summer and fall of 1996. The goal for the year 2001 was for the overall corporate organization budget to be reduced by about 40 percent. In the short term, the budget for the corporate organization was to be reduced by at least 17 percent. These proposed reductions were for the overall organization; some of the constituent organizations might be more, while some might be less.

36. When Donald Moody, General Manager of Operations Support, which included the Radiological Control and Chemistry and Environmental Protection organizations, became ill with cancer, Thomas J. McGrath was assigned to serve as the Acting General Manager in the fall of 1995.

37. The managers of each organization were asked to propose budget and staffing plans. The final decisions, however, on their budget and staffing were made by their superiors. McGrath requested his subordinates to propose an organization supporting the year 2001 goal, including specific functional activities, and a fiscal year 1997 budget and organization which was a logical step in achieving the 2001 goals. McGrath also requested that the Radiological Control and Chemistry Services organizations be combined under the existing, but then vacant, Manager of Radiological Control and Chemistry position, thereby eliminating one level of management.

38. Grover, Manager of Corporate Chemistry and Environment, and Dr. McArthur, who was acting as the Manager of Radiological Control, proposed an organizational structure that included combining their two staffs be combined under one manager. The organizational structure which McGrath ultimately approved included the creation of two chemistry specialist, PG-8, positions, in place of the four existing generalist chemistry and environmental protection, PG-8, positions. Those positions were separate Program Manager, Boiling Water Reactor (BWR), and Pressurized Water Reactor (PWR) Chemistry positions which would enable the corporate organization to provide the sites with in-depth expertise to the plants. The idea was to have a chemistry specialist for TVA's two Boiling Water Reactors at Browns Ferry and a chemistry specialist for TVA's three Pressurized Water Reactors at Watts Bar and Sequoyah. In the area of chemistry and environmental protection, the new organization eliminated one PG-11 manager and two staff positions, a PG-7 and a PG-8 position. The plan did not include the performance of any environmental functions by the corporate staff since those functions would be handled by the site organizations.

39. Dr. McArthur was installed as the Manager of the new Radiological Control and Environmental Services organization. That position was not posted for competition. Instead, HR determined that the new position was sufficiently similar to Dr. McArthur's most recent position description of record that he was entitled to the position in accordance with TVA's interpretation of OPM regulations.

40. Fiser helped draft the job description for the new PWR Chemistry Program Manager position and did so with an eye to his own qualifications. The TVAN Human Resources (HR) staff evaluated the new Chemistry Program Manager job descriptions, and concluded that the new positions were significantly different than the old positions and that the incumbents of the old positions did not have a right to rollover into the new positions. Accordingly, TVA management, at the recommendation of HR, decided to

post announcements for the positions and to allow employees to apply and compete for the jobs.

41. Before the position was actually posted, Fiser came to HR and said that he would file an ERA complaint if the job was advertised for competition, claiming that the proposed position was guaranteed to him by virtue of the agreement settling his earlier complaint.

42. Before posting the position, HR reevaluated whether the new Chemistry Program Manager positions were sufficiently similar to the existing Chemistry and Environmental Protection Program Manager positions so that the incumbents had a right under TVA's interpretation of OPM's regulations to the new positions. Based on that reevaluation, HR confirmed that the new positions were dissimilar and were required under TVA procedures to be advertised for competitive selection. HR also consulted with a Labor Relations specialist who received an opinion from TVA's Office of General Counsel that the settlement agreement of Fiser's 1993 ERA complaint did not give him a right to the new position.

43. TVAN adopted a procedure in 1993 for filling vacant positions. That procedure, BP-102, provides generally for a selection review board to make a recommendation after conducting structured job related interviews of qualified applicants.

44. When Vacant Position Announcement No. 10703 for the PWR Chemistry Program Manager position was posted, but before any interviews or selections were made, Fiser filed an ERA complaint on June 25, 1996. The thrust of that ERA complaint was that the new PWR position was the same position which he then held and also was the position guaranteed to him by virtue of the agreement settling his earlier complaint.

45. While the reorganization was under consideration and while Fiser was drafting the new position description, he was under the impression that one of his

principal competitors for the position, Sam L. Harvey, would be accepting a position to work at Sequoyah and therefore would not be applying for the corporate PWR Chemistry Program Manager position. Fiser did not object to the creation of the new Chemistry Program Manager positions until after he learned that Harvey would not be going to Sequoyah and would be competing for that position.

46. A neutral selection review board was scheduled for June 18, 1996, to conduct interviews for all of the new positions in the Radiological Control and Chemistry organization. The three best qualified applicants for the position, including Fiser, were interviewed by the board. Each of the candidates were asked the same questions by the review board, and their answers were scored independently by each member of the board. Fiser was scored lower by each board member than the other two applicants. Based on the cumulative scores, the review board ranked Fiser third. Based on these rankings, on July 1, 1996, Dr. McArthur, the Manager of the new organization, selected the highest recommended applicant for the BWR Chemistry Program Manager position and selected Harvey, the next highest recommended applicant, for the PWR Chemistry Program Manager position. Due to an arithmetical error, Harvey received the second highest score but in actuality received the highest total score from the board. The selection review board that recommended candidates for the PWR Chemistry Program Manager position was free of any animosity towards complainant and that board, not McGrath or Dr. McArthur, determined that complainant was not one of the two top-ranked candidates.

47. Although Fiser had not been selected for one of the new positions and his previous position would be eliminated effective the beginning of FY 1997, his TVA employment was not terminated. Instead, in accordance with TVA policy, he was given an August 30, 1996, memorandum notifying him that he would be reassigned to TVA's Services Organization. That organization was a relatively new organization within TVA intended to allow employees whose positions had been eliminated to

continue their TVA employment. The Services Organization provided job opportunities both within and outside TVA in a manner similar to a contractor. The same memorandum that notified him that he was being reassigned to the Services Organization also notified complainant that he would continue to have a TVA job at least through the end of FY 1997, September 30, 1997. Instead of continuing his TVA employment, Fiser chose to resign effective September 6, 1996. By doing so, he qualified for a lump-sum payment equal to his salary for the entire 1997 fiscal year ending September 30, 1997, severance pay, and the cash equivalent of his annual leave balance.

48. Even though TVA had decided to downsize its Corporate Chemistry organization and even though Fiser was only the third-ranked candidate for the PWR Chemistry Program Manager position, TVA made an unconditional offer of that position to him on September 27, 1996. However, Fiser rejected that position and took the year's salary, severance pay, and lump-sum payment for annual leave, totaling more than \$100,000.

49. The May 14, 1996, entry on Fiser's "sequence of events" (at 4), states that "Harvey told [him] that McGrath would not release him" to transfer to Sequoyah. Harvey denies making such a statement and has testified that he was unaware who made the decision not to transfer him to Sequoyah or what the basis for the decision was. In fact, McGrath consulted with HR which informed that Harvey could not be transferred to Sequoyah consistent with TVA's interpretation of OPM's regulations. Sequoyah management was informed that Harvey could not be transferred and was also informed that if the site had a vacancy, it could be advertised and filled through the competitive process. Sequoyah did not advertise a vacant position at Harvey's level.

50. In his entry for June 5, 1996 (at 4), Fiser states that David Voeller, the Watts Bar Chemistry Manager, told him that Mr. Harvey told him that he would be working a lot closer with him in the future since he would be one of the two chemists

left in corporate. Harvey has testified that he made such a statement to Voeller, but that he did not have advance information about who would be selected. He has testified that he was confident he was better qualified and would be selected. Grover spoke with Harvey about his comment after receiving a complaint from Fiser. Harvey then talked again with Voeller and said that he would be working with him a lot more (if he got the job) or not at all (if he did not get the job). Harvey also told Voeller that if he was not selected, he would be contacting him for employment references.

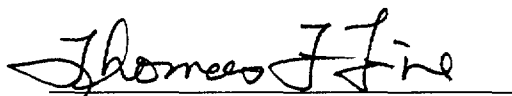
51. Fiser had a conversation with Harvey shortly after a June 17, 1996, "all hands" meeting conducted by McGrath. In that conversation, Fiser "blew up" at Harvey and accused him of being preselected and having been guaranteed the PWR Chemistry Program Manager job. Harvey told Fiser that he had not been preselected and that he had to apply for the position just like anybody else. Fiser told Harvey that he had written the job description with himself in mind by specifying the duties which he had been performing. Fiser also said that he felt that someone was out to get him, but that "he knew how the system worked and he was going to take advantage of it."

Interrogatory

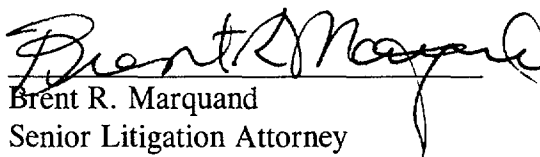
Pursuant to 10 C.F.R. § 2.720 and § 2.740, Tennessee Valley Authority propounds the following interrogatory to the NRC Staff.

Separately, for each of the above requests for admission which you do not unqualifiedly admit, state so much of each admission as you can admit, identify the portion of each that you cannot admit, and identify all of the evidence known to you upon which you base your failure to admit.

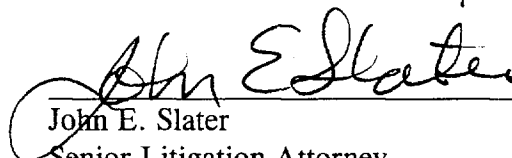
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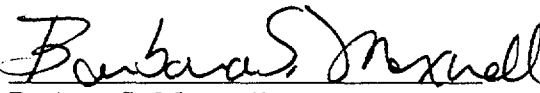
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing request for admissions and interrogatory have 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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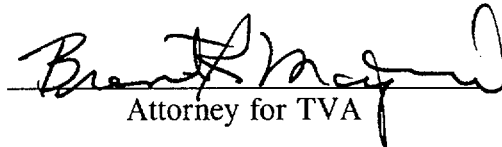
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This 31st day of December, 2001.


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