

RAS 4210

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

DOCKETED  
USNRC

2002 APR -2 PM 2: 49

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  
EXHIBIT LIST

Pursuant to paragraph 5 of the Board's January 30, 2002, third prehearing conference order, Tennessee Valley Authority (TVA) provides the following list of documents that it may offer as exhibits at the hearing in this proceeding. Copies of documents marked with an (\*) are being provided to the Nuclear Regulatory Commission (NRC) Staff. The other documents listed below have been produced to or by the NRC Staff or are maintained in the NRC files.

1. January 10, 1994, OIG Record of Interview of Wilson C. McArthur (AA 8-11).
2. January 11, 1994, OIG Record of Interview of Charles E. Kent, Jr. (AA 20-26).
3. February 3, 1994, OIG Record of Interview of Robert J. Beecken (AA 27-31).
4. April 1, 1993, organizational chart for Nuclear Power's Technical Programs (AA 50).
5. Sequence of Events (BB 2-84).

Template=SECY-049

SECY-02

6. June 27, 1996, letter from Carol Merchant to O. D. Kingsley, Jr., regarding Fiser's 1996 DOL complaint (CC 1-26).\*
7. Fiser's August 30, 1996, Notice of Assignment to TVAS (CC 27).\*
8. Fiser's September 5, 1996, Resignation Option Form (CC 28).\*
9. September 30, 1997, retention register for Program Manager position (CC 29).\*
10. September 27, 1996, Job Offer to Fiser (CC 35-36).\*
11. Declaration of Sam L. Harvey (CC 53-55).\*
12. Fiser's January 5, 1989, Performance Review (CC 57-64).\*
13. Fiser's September 18, 1989, Employee Appraisal (CC 65-74).\*
14. Fiser's September 30, 1991, Employee Appraisal (CC 75-85).\*
15. Sequoyah NSRB Minutes of Meeting No. 132 held on May 22-23, 1991 (CC 86-88).\*
16. Sequoyah NSRB Minutes of Meeting No. 133 held on August 21-22, 1991 (CC 89-92).\*
17. Sequoyah NSRB Minutes of Meeting No. 136 held on November 20-21, 1991 (CC 93-100).\*
18. Sequoyah NSRB Minutes of Meeting No. 137 held on February 19-20, 1992 (CC 101-05).\*
19. Fiser's September 4, 1992, Employee Appraisal (CC 106-114).\*
20. Sequoyah NSRB Minutes of Meeting No. 138 held on May 21-22, 1992 (CC 115-133).\*
21. April 5, 1994, Memorandum of Understanding and Agreement regarding Fiser's 1993 DOL complaint (CC 134-36).\*

22. Fiser's October 17, 1994, PD for Chemistry and Environmental Protection Senior Program Manager (CC 137-39).\*
23. PD for Program Manager, Chemistry (PWR) (CC 140-42).\*
24. November 25, 1996, memorandum from G. Donald Hickman to Mark O. Medford (CC 148-167).\*
25. Reynolds' January 14, 1998, declaration submitted in connection with Fiser's 1996 complaint (CC 221-24).\*
26. January 15, 1998, declaration of Fredrick M. Anderson submitted in connection with Fiser's 1996 complaint (CC 286-87).\*
27. David J. Voeller's June 1996 Franklin Planner notes (CC 349).\*
28. July 18, 1996, memorandum from Fiser to David Van Brockern (EE 22-26).
29. October 31, 1994, memorandum from Hickman to O. J. Zeringue (EE 28-53).
30. April 8, 1994, OIG Record of Interview of Mike Pope (EE 62-63).
31. March 2, 1994, OIG Record of Interview of Robert "Bob" Fenech (EE 68-69).
32. January 11, 1994, Investigation Insert (OIG File No. 20-135) (EE 75, 79-82).
33. July 12, 1996, OIG Record of Interview of Sam L. Harvey (EE 129-32).
34. November 25, 1996, OIG Report of Administrative Inquiry (EE 221-39).
35. October 29, 1996, OIG Record of Interview of Easley (EE 348-50).

36. October 29, 1996, OIG Record of Interview of Easley (EE 353-54).
37. June 17, 1996, Franklin Planner notes (EE 510).
38. July 10, 1996, Corporate Staffing Plan (EE 547).
39. April 15, 1994, organizational chart for NP's Technical Programs (EE 569).
40. Fiser's July 24, 1995, PD for Chemistry and Environmental Protection Program Management (EE 578-80).
41. June 13, 1996, VPA Nos. 10702 and 10703 for Program Manger, Chemistry (BWR) and Program Manager, Chemistry (PWR), respectively (EE 594-95).
42. March 16, 1992, Temporary Transfer Agreement between Fiser and Operations Services Managers (EE 613).
43. Fiser's April 2, 1993, Notice of Transfer to ETP (EE 614-15).
44. September 6, 1994, memorandum from R. R. Baron to Zeringue (EE 619-27).
45. September 21, 1995, memorandum from Allen W. Sorrell to Grover, McArthur, and Raines (FF 1-3).\*
46. October 10, 1995, memorandum from Kingsley to Those listed (FF 4A).\*
47. Listing of Operations Support Priority Activities (FF 4B-6).\*
48. Operations Support Review (FF 9A-11).\*
49. Organization Overview for Operations Support (FF 19-50).\*
50. July 18, 1996, H. R. (Rick) Rogers' Selection Review Board (SRB) Notebook (GG 1-208).
51. July 18, 1996, John Corey's SRB Notebook (GG 209-396).

52. July 18, 1996, Ben Easley/Milissa Westbrook's SRB Notebook (GG 397-595).
53. July 18, 1996, Charles Kent's SRB Notebook (GG 596-801).
54. Selection Package for VPA No. 6621 (HH 1-198).
55. Index to NRC Administrative Record (AB 1).
56. September 20, 1999, NRC Notice of Apparent Violation to TVA (AB 2-7).
57. September 20, 1999; NRC Notice of Apparent violation to McArthur (AB 9-13).
58. September 20, 1999, NRC Notice of Apparent violation to McGrath (AB 15-19).
59. February 7, 2000, Notice of Violation and Proposed Imposition of Civil Penalty to TVA (B 20-60, 69-78).
60. February 7, 2002, Notice of Violation to McArthur (AB 892-97).
61. February 7, 2002, Notice of Violation to McGrath (AB 919-24).
62. Harvey's November 19, 1999, declaration submitted in connection with Fiser's 1996 complaint (AB 939-41).
63. January 22, 2001, letter from John A. Scalice to Richard W. Borchardt—TVA's Reply to Notice of Violation (AB 951-74).
64. January 22, 2001, letter from McArthur to Luis A. Reyes—Reply to McArthur's Notice of Violation (AB 976-81).
65. January 22, 2001, Reply of McGrath to Notice of Violation (AB 983-87).
66. May 4, 2001, Order Imposing Civil Monetary Penalty (AB 1003-10).
67. June 1, 2001, TVA's request for enforcement hearing (AB 1012-13).

68. November 27, 1997, memorandum from Harvey to McArthur (AB 10-13).
69. June 24, 1996, memorandum from R. O. Grover to James E. Boyles (AD 221).
70. September 25, 1996, OIG Report of Interview of Tresha A. Landers (AD 222-24).
71. September 24, 1996, OIG Report of Interview of Easley (AD 225-26).
72. January 31, 1989, NRC's Investigative Procedures Manual (AE 39-140).
73. November 6, 1998, letter from Brent R. Marquand to Diana S. Benson (AF 1-24).
74. August 5, 1998, memorandum from Zeringue to Grover (Loan Assignment to INPO) (AF 33-36).
75. February 9, 1999, letter from William J. McNulty to Marquand and February 23, 1999, letter from Marquand to McNulty (AF 37-39).
76. March 17, 1999, letter from Edward J. Vigluicci to Benson (AF 40-47, 49-50, 53-58).
77. December 20, 1999, letter from Marquand to McNulty (AF 145-46).
78. March 2, 1999, letter from Marquand to Benson (AF 147-48).
79. Boyles' March 1, 1999, declaration submitted to the NRC's Office of Investigations (OI) in connection with Fiser's 1996 DOL complaint (AF 149-358).
80. February 25, 1999, declaration of Elizabeth M. Nickle submitted to OI in connection with Fiser's 1996 DOL complaint (AF 359-60 and 396-425).

81. February 26, 1999, declaration of Howard H. Cutshaw submitted to OI in connection with Fiser's 1996 DOL complaint (AF 524-36).
82. February 26, 1999, declaration of Alice L. Greene submitted to OI in connection with Fiser's 1996 DOL complaint (AF 588-740).
83. July 30, 1999, Office of Investigations (OI) Report (AI 1, 7, 9-11, 23-24).
84. Exhibit 1 to OI Report (AI 25-26).
85. Exhibit 4 to OI Report (AI 135-36 and 146).
86. Exhibit 6 to OI Report (AI 211-30).
87. Exhibit 21 to OI Report (AI 712-21).
88. OI Official Case File (2-1998-013) (AI 863, 865-73, 914-18).
89. January 14, 1994, OIG Record of Interview of Kenneth P. Powers (AJ 11-12).
90. February 26, 1993, memorandum from Kent to All Radiological Control and Chemistry Personnel (AJ 61-62).
91. November 8, 1990, NP Business Practice 102, Rev. 0 (AJ 87-89).
92. Fiser's April 2, 1993, Notice of Transfer to ETP and August 13, 1993, RIF notice (AJ 120-25).
93. Organizational charts for NP's Operations Services and Technical Programs (AJ 246 and 255).
94. January 20, 1994, Investigative Insert (OIG File No. 2D-135) (AJ 297-335).
95. OIG Oversized Bulky Exhibit (File No. 2D-135) (AJ 449-534).
96. September 9, 1993, letter from William L. Hinshaw to Senator Jim Sasser and related documents (AJ 665-70).
97. May 22, 1995, OI Report of Investigation (Case No. 2-93-068) (BE 1-12, 17-33, 87-92, 136-37, 224-25).

98. May 20, 1997, memorandum from Jenny M. Headrick to Those Listed (BF 735-39 and 742-48).
99. Posting - TOF - Grievance Arguments (BF 741).
100. OPM RIF regulations, 29 C.F.R. pt. 351 (BF 841-48).
101. September 30, 1993, NP Business Practice 102, Rev. 1 (BF 850-52).
102. VPA Waiver Criteria (BF 879).
103. VPA Nos. 6621, 6620, 6613, 8044, 6618, 5707, and 6593 (BF 1162-68).
104. PD for Radiological Control Manager (BF 1169-70).
105. PDs and VPAs for positions created in NP's 1996 reorganization (BF 1264-1362).
106. PDs for positions eliminated in NP's 1996 reorganization (BF 1363-1489).
107. Employee Concern Program (ECP) File Closure Summary (ECP-93-CH-038-F1) (BG 274-75, 287-89, and 533).
108. ECP Employee Interview Record Disclosure Statement regarding ECP-93-CH-056 (BG 316-24).
109. September 3, 1993, memorandum from McArthur to E. B. Ditto (BG 547-52).
110. December 9, 1993, memorandum from McArthur to Ditto (BG 561-1029).
111. April 1994 Communications Practice 5, Expressing Concerns and Differing Views (BG 1033-36).
112. July 1996 Communications Practice 5, Expressing Concerns and Differing Views (BG 1037-40).
113. Printout from TVA's Vacancy Posting Systems showing jobs posted for all organizations during 1996 (BH 1-12).\*

114. Operations Support's organizational overview (BI 1-229).
115. TVA's Predecisional Enforcement Conference Presentation (BJ 281-309 and 316).
116. VPAs at Sequoyah and various locations (CA 66-215).
117. TVA's Principles & Practices--Commitment to Nuclear Safety (CA 250-51).
118. Communications Practice 5, Expressing Concerns and Differing Views (CA 253-56).
119. May 6, 1987, Personnel Manual Instruction Section 7—Reduction In Force and Layoff (CA 257-328).
120. Organizational charts for Nuclear Operations (CE 15-19).\*
121. Organizational charts for Nuclear Operations (CE 25-28).\*
122. April 14, 1993, memorandum from Ricky B. Kennedy to Those listed regarding revised selection and waiver policy (CE 35-37).\*
123. March 11, 1991, memorandum from Kingsley to Those listed attaching a copy of Sequoyah NSRB Minutes of Meeting No. 128, February 20-21, 1991 (CF 1-21).\*
124. June 10, 1991, memorandum from McGrath to Those listed attaching a copy of Sequoyah NSRB Minutes of Meeting No. 132 held on May 22-23, 1990 (CF 23-46).\*
125. September 9, 1991, memorandum from McGrath to Those Listed attaching copy of Sequoyah NSRB Minutes of Meeting No. 133 held on August 21-22, 1991 (CF 47-67).\*
126. Minutes of Sequoyah NSRB Meeting No. 136 held on November 21-22, 1991 (CF 68-96).\*
127. Memorandum (and attachment) from Robert E. Richie regarding NSRB Response to Item A133-9 (CF 97-98).\*

128. March 4, 1992, memorandum from McGrath to Kingsley attaching a copy of Sequoyah NSRB Minutes of Meeting No. 137 held on February 19-20, 1992 (CF 104-32).\*

129. June 5, 1992, memorandum from McGrath to Kingsley attaching a copy of Sequoyah NSRB Minutes of Meeting No. 138 held on May 21-22, 1992 (CF 104-32).\*

130. September 3, 1992, memorandum from McGrath to Kingsley attaching a copy of Sequoyah NSRB Minutes of Meeting No. 139 held on August 19-20, 1992 (CF 300-31).\*

131. October 28, 1992, memorandum from McGrath to Mark O. Medford regarding diesel generator control circuit deficiency (CF 338-39).\*

132. November 25, 1992, memorandum from McGrath to Kingsley attaching copy of Sequoyah NSRB Minutes of Meeting No. 140 held on November 12-13, 1992 (CF 341-71).\*

133. March 11, 1993, memorandum from McGrath to Kingsley attaching a copy of Sequoyah NSRB Minutes of Meeting No. 141 held on February 25-26, 1993 (CF 387-410).\*

134. May 4, 1993, memorandum from McGrath to Kingsley attaching a copy of Sequoyah NSRB Minutes of Meeting No. 142 held on April 22, 1993 (CF 412-17).\*

135. September 17, 1993, memorandum from McGrath to Those Listed attaching a copy of Sequoyah NSRB Minutes of Meeting No. 143 held on September 2-3, 1993 (CF 462-81).\*

136. November 30, 1993, memorandum from McGrath to Those listed attaching a copy of Sequoyah NSRB Minutes of Meeting No. 144 held on November 16-17, 1993 (CF 495-520).\*

137. Significant Corrective Action Report (SCAR) No. SQSCA920004 (CG 1-82).\*
138. SCAR No. SQSCA920009 (CG 83-112).\*
139. October 1992 Evaluation of Sequoyah Nuclear Plant (CG 113-54).
140. December 7, 1992, letter from Robert A. Fenech to the NRC regarding Licensee Event Report (CG 155-62).\*
141. November 25, 1992, memorandum from McGrath to Those listed attaching a copy of Sequoyah NSRB Minutes of Meeting No. 140 held on November 12-13, 1992 (CG 163-89).\*
142. Selection package for VPA No. 10703 for Program Manager, Chemistry (PWR), PG-8, position (CH 69-134).
143. February 6, 2002, letter from Alfred H. Perry to Marquand (CI 1-2).
144. Selected pages from selection package for VPA No. 10249 for Shift Supervisor, PG-5, position (DB 1-3, 70-71, 94, and 120-22).
145. OIG Report of Administrative Inquiry regarding Grover (OIG File No. 14D-71) (GA 1073-1192).
146. October 6, 2000, memorandum from Jack A. Bailey to Grover (GB 1063).
147. Watts Bar employees' 1996 retention registers and RIF notices (EA 1-326).\*
148. Watts Bar employees' 1996 retention registers and assignment to TVA's notices (EB 1-293).\*
149. Watts Bar employees' 1997 retention registers (EC 1-251).\*
150. Watts Bar FY workforce planning documents and employees' 1997 retention registers (ED 1-286).\*
151. Watts Bar employees' 1997 RIF notices (EF 1-329).\*
152. Browns Ferry 1996 employees' retention registers (EG 1-105).\*

153. Browns Ferry 1997 employees' retention registers (EG 106-369).\*
154. Browns Ferry 1996 employees' RIF notices (EG 370-529).\*
155. Browns Ferry 1997 employees' 1997 surplus notices (EG 530-608).\*
156. Browns Ferry 1996 employees' 1996 surplus notices (EG 609-802).\*
157. Corporate Nuclear employees' 1996 retention registers (EH 1-165).\*
158. Corporate Nuclear employees' 1996 surplus notices (EH 166-324).\*
159. Corporate Nuclear employees' 1996 retention registers (EI 1-84).\*
160. Sequoyah employees' 1996 surplus notices (EJ 1-160).\*
161. Sequoyah Chemistry documents (FA 1-277).\*
162. Grover's termination letter (GB 1540-42).\*
163. Grover's DOL complaint (GB 1543-59).\*
164. Grover's EO complaint (GB 1560-65).\*
165. Resume of Carey L. Peters (FB 1-7).\*
166. Peters' Summary & Analyses (FB 8-16).\*
167. NRC Staff's responses to TVA's interrogatories.
168. NRC Staff's responses to TVA's interrogatories.
169. TVA's responses to NRC Staff's interrogatories.
170. July 25, 1996, memorandum from David F. Goetcheus to Zeringue (FC 1-16).\*
171. TVA's Personal History Record User's Manual (FD 1-75).\*
172. January 4, 1990, memorandum from Jim M. Raines to Those listed regarding personnel microrecords (FD 76-78).\*
173. To the extent not duplicative, any documents listed by NRC Staff in its exhibit list and all documents necessary for impeachment and rebuttal.

TVA will premark the documents listed above as exhibits and will provide copies thereof to the Board and NRC Staff.

March 29, 2002

Office of the General Counsel  
Tennessee Valley Authority  
400 West Summit Hill Drive  
Knoxville, Tennessee 37902-1401  
Facsimile 865-632-6718

Of Counsel:  
David A. Repka, Esq.  
Winston & Strawn  
1400 L Street, NW  
Washington, D.C. 20005

003693066

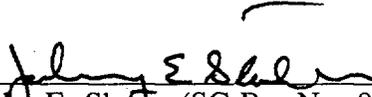
Respectfully submitted,

Maureen H. Dunn  
General Counsel

Thomas F. Fine  
Assistant General Counsel

Brent R. Marquand  
Senior Litigation Attorney

Barbara S. Maxwell  
Attorney

  
\_\_\_\_\_  
John E. Slater (SC Bar No. 005149)  
Senior Litigation Attorney  
Telephone 865-632-7878

Attorneys for TVA

## CERTIFICATE OF SERVICE

I hereby certify that TVA's exhibit list has been served by regular mail on the persons listed below. A copy of the exhibit list has also been sent by e-mail to those persons listed below with e-mail addresses.

Administrative Judge  
Charles Bechhoefer, Chairman  
U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Two White Flint North  
11545 Rockville Pike  
Rockville, Maryland 20852-2738  
e-mail address: cxb2@nrc.gov

Administrative Judge  
Ann Marshall Young  
U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Two White Flint North  
11545 Rockville Pike  
Rockville, Maryland 20852-2738  
e-mail address: amy@nrc.gov

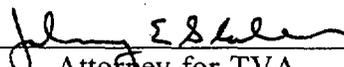
Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, Maryland 20852-2738

Administrative Judge  
Richard F. Cole  
U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Two White Flint North  
11545 Rockville Pike  
Rockville, Maryland 20852-2738  
e-mail address: rfc1@nrc.gov

Dennis C. Dambly, Esq.  
Jennifer M. Euchner, Esq.  
U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
One White Flint North  
11555 Rockville Pike  
Rockville, Maryland 20852-2738  
e-mail address: dcd@nrc.gov  
e-mail address: jme@nrc.gov

Mr. William D. Travers  
Executive Director of Operations  
U.S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, Maryland 20852-2738

This 29th day of March, 2002.

  
\_\_\_\_\_  
Attorney for TVA