

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

April 8, 2002 (3:56PM)

OFFICE OF 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)	)	

**ORDER**

Pursuant to 10 C.F.R. § 2.730 (2001) and paragraph 4 of the February 13, 2002, fourth prehearing conference order, the Tennessee Valley Authority (TVA) filed a motion in limine, requesting the Board to strike Edward J. Vigluicci, Esq., and Brent R. Marquand, Esq., as witnesses from the Nuclear Regulatory Commission (NRC) Staff's March 29, 2002, proposed witness list. TVA also moved for an order excluding NRC Staff exhibit Nos. 51 and 52 and other transcripts prepared by the NRC Staff of conversations recorded by Gary Fiser and exhibit Nos. 182, 187, and 189 regarding grievance, selection, and reduction-in-force policies.

Having considered TVA's motion, supporting declarations and other evidentiary submissions, and brief, and the NRC Staff's opposition to the motion, the Board is of the opinion that the motion is due to be granted. Accordingly, it is hereby **ORDERED** that Vigluicci and Marquand are stricken from the NRC Staff's witness

list, and NRC Staff exhibit Nos. 51 and 52 and other transcripts prepared by the NRC Staff of conversations recorded by Gary Fiser are excluded.

Pursuant to 10 C.F.R. § 2.713, even though the NRC Staff has named Mr. Marquand as a potential witness in this matter, the Board further finds that Mr. Marquand may continue his representation of TVA in this proceeding consistent with all ethical constraints and with Disciplinary Rule 5-101 and 5-102.

DONE this \_\_\_\_ day of \_\_\_\_\_, 2002.

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**CHARLES BECHHOEFER, CHAIRMAN**  
**Administrative Judge**

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**Ann Marshall Young**  
**Administrative Judge**

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**Richard F. Cole**  
**Administrative Judge**

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## CERTIFICATE OF SERVICE

I hereby certify that the foregoing motion in limine (with attached declarations and excerpts from the PEC conferences and from Dr. McArthur's deposition), proposed order, and supporting brief have been served by overnight messenger on the Board members and NRC Staff and by regular mail on the other persons listed below. Copies of the motion, proposed order, and brief, less the attachments which are being sent either by overnight or regular mail, have also been sent by e-mail to those persons listed below with e-mail addresses.

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Atomic Safety and Licensing Board Panel  
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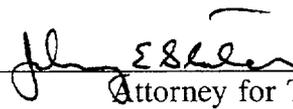
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Mr. William D. Travers  
Executive Director of Operations  
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This 5th day of April, 2002.

  
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Attorney for TVA