

RAS 12215

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD
Before Administrative Judges:

Michael C. Farrar, Chairman
E. Roy Hawkens
Nicholas G. Trikouros

DOCKETED
USNRC

September 5, 2006 (8:00am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of)

) Docket No. IA-05-052

DAVID GEISEN)

) ASLBP No. 06-845-01-EA

**DAVID GEISEN'S FIRST SET OF
INTERROGATORIES (NOS. 1-31) TO NRC STAFF**

David Geisen ("Geisen"), by counsel, and pursuant to 10 C.F.R. § § 2.705, 2.706 and 2.709, propounds the following interrogatories to NRC Staff which, pursuant to the above-referenced rules and the Board's Order dated August 25, 2006, shall answer these interrogatories in writing and under oath within thirty (30) days of the date hereof.

INSTRUCTIONS

1. Each Interrogatory shall be answered separately and fully, in writing, and under oath or affirmation and shall include all pertinent information available to the NRC and NRC personnel with knowledge of the facts or as designated to respond pursuant to 10 C.F.R. § 2.709(a)(2).

2. All interrogatory answers should be given in narrative form, rather than by production of governmental or business records, unless the responding party can show:

(a) that a narrative response is unduly burdensome; (b) that the burden of deriving or ascertaining the answer from such business records is substantially the same for the

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responding party and the discovering party; and (c) that all references to business records are identified with sufficient detail and specificity to permit the discovering party to locate and to identify, as readily as the responding and producing party, the records from which the answer can be ascertained.

3. If you object to any of these interrogatories, then you shall state the reasons for your objections. If you object to any part of an interrogatory, then you shall further specify the part. Similarly, if you do not object to a particular interrogatory, but are unable to respond fully and completely to that interrogatory, then you shall respond to the fullest extent possible and provide an explanation for your lack of a full and complete response.

4. When information is withheld from discovery on a claim that the information requested is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the information, document, communication or thing not disclosed or produced that is sufficient to enable the discovering party to contest the claim of privilege, including but not limited to (a) the identity of each person who knew, received or had access to the information (including whether the person is an attorney), (b) the subject matter of the information, (c) the basis for any claim of privilege or protection and (d) any other description required under the applicable rules or the Board's Orders in this Enforcement Proceeding. The description shall be produced within ten (10) days of the date on which you are required to serve responses to these discovery requests, or at such time as directed by the Board.

5. Where originals of documents are not available, authentic copies of such documents may be produced; but, if a document has been prepared in separate copies, or additional copies have been made and the copies are not identical (whether by reason of subsequent modification, addition of notations or otherwise), each non-identical copy is a separate document and should be identified or produced.

6. If any document, information or thing that you have identified, or were asked to identify, in your answers to these interrogatories has been destroyed, deleted or lost, you are required to state (a) the date of such destruction, deletion or loss, (b) the reason for such destruction, deletion or loss, (c) the identity of each person who was the last known custodian of the document, information or thing, (d) the identity of each person who destroyed, deleted or lost the document, information or thing and (e) the identity of each person who authorized such destruction, deletion or loss.

7. The phrasing of these interrogatories shall be construed so as to make your responses inclusive rather than exclusive. For example: (a) the word "including" is intended to be comprehensive and means "including but not limited to"; (b) the singular form of all words includes the plural form and the plural form of all words includes the singular form; (c) the words "and" and "or" shall be interpreted as both conjunctive and disjunctive; (d) the word "any" shall mean "any and all"; and (e) the word "each" shall mean "each and every."

8. Each reference to a governmental organization, corporation, firm, company or entity shall be deemed to refer to each and every parent company, affiliate, subsidiary, unit, office, division, joint venture, partner, director, officer, employee, attorney, consultant, investigator, representative, agent, predecessor-in-interest and

successor-in-interest of that governmental organization, corporation, firm, company or entity, as well as any other persons or entities related to or controlled by the corporation, firm, company or entity.

9. In answering these interrogatories, you are required to furnish under oath all information that is in the possession, custody or control of the NRC and NRC Staff (as those terms are defined below) or that is available to the NRC and NRC Staff, including information that is in the possession, custody or control of attorneys for the NRC and NRC Staff.

10. Unless otherwise indicated, these interrogatories refer and relate to the time period from the beginning of the circumstances and events alleged in the January 4, 2006 and the August 2003 OI Report until the date when these interrogatories are answered or required to be supplemented, whichever is later.

11. Your answers to these interrogatories should be amended or supplemented in accordance with the applicable rules and the Board's Orders in this Enforcement Proceeding.

GENERAL DEFINITIONS

1. "Document" and "documents" shall be defined and construed to the broadest extent possible and shall have the same meaning as used in 10 C.F.R. § 2.707 and Fed. R. Civ. P. 34. "Document" and "documents" shall mean and include "writings" and "recordings" as those terms are defined in Fed. R. Evid. 1001 and "things" as that term is used in 10 C.F.R. § 2.707 and Fed. R. Civ. P. 34. "Document" and "documents" shall also mean all data compilations which can be recorded by any sound, visual or electronic means and from which information can be obtained or translated through

detection devices (including, without limitation, computers and electronic media) into reasonably usable form. For example, and without limiting the definition of the terms in any way, "document" and "documents" shall include the following: electronic data (including, without limitation, all active, deleted and fragmentary files on any computer or network), electronic mail ("E-mail") (in both electronic and printed form), facsimiles (in both electronic and printed form), letters, correspondence, notes, handwritten notes, telegrams, lists, memoranda, diaries, journals, records, contracts, agreements, records, notations of communications, communications, desk pads, desk calendars, note pads, scratch pads, voicemail recordings in any media, telephone call slips, telephone memos, telephone bills, microfilm, articles, pamphlets, brochures, studies, notices, summaries, reports, books, teletype messages, accounting entries, accounting records, financial statements, purchasing orders, invoices, tapes, worksheets, video tapes, computer diskettes, digitized material, computer data, computer-generated compilations and computerized data printouts. Any copy or a document other than the exact duplicate of that document shall be deemed a separate document. Foreign language documents, English language equivalents and English translations shall be deemed separate documents. Electronic data (including active, deleted and fragmentary files) shall be produced in all existing formats, including the format in which the electronic data was original created and the native file format.

2. "All documents" shall mean and include each and every document that refers, reflects or relates, directly or indirectly, in whole or in part, to the subject matters described in a particular interrogatory or document request.

3. "Person" shall mean and include any natural person, corporation, limited liability company, partnership, firm, association, joint venture, sole proprietorship, trust, department, division, agency and any other legal, business, or governmental entity.

Unless otherwise stated, all references to corporations or other legal entities (including, without limitation, any parties to this action) shall encompass (a) all predecessors or successors of such corporations or legal entities, (b) all past or present parents, subsidiaries or affiliates of such corporations or legal entities and (c) all past or present divisions, units, joint ventures, directors, officers, employees, trustees, partners, agents, consultants, accountants, attorneys and representatives of such corporations or legal entities.

4. "You" or "your" shall mean the party or person to whom the discovery request is propounded, as well as to that party's or person's past and present parent company, affiliates, subsidiaries, offices, divisions, units, directors, officers, shareholders, employees, trustees, agents, consultants, attorneys, accountants, heirs, predecessors in interest, successors in interest, assigns and any other person acting (or purporting to act) on behalf of the party or person to whom the discovery request is propounded. "You" or "your" shall mean and include the NRC and NRC Staff.

5. "Communication" means any meeting, statement, document, conversation, transmission, exchange, request for information or transfer of information, whether by written, oral, electronic, non-verbal or other means and whether consisting of letter, numbers, images. Symbols, data, photographs, sounds or gestures. "Communication" shall include, but is not limited to, electronic mail or "E-mail," voicemail message and instant message.

6. "Date" shall mean the exact, day, month and year, if ascertainable, or, if not, the best approximation (including relationship to other events).

7. "Source of information" includes any source of information not already within the definition of "document" or "thing," including, without limitation, intangible sources of information such as the identification of witnesses or other persons and other means of communication that comprise sources of information.

8. "Relate to" or "relating to" shall mean and include constituting, discussing, mentioning, containing, embodying, reflecting, identifying, incorporating, referring to, dealing with, or pertaining to in any way.

9. "Identify" or "identity" with respect to natural or non-natural persons shall mean and require you to state the person's full name (including any aliases, trade names or fictitious names), the person's current (or last known) business affiliation, the person's current (or last known) business address and telephone number and the person's current (or last known) residential address and telephone number.

10. "Identify" or "identity" with respect to documents shall mean and require you to state the following:

- (a) the date of the document;
- (b) a description of the document sufficient to cause it to be adequately identified;
- (c) the identity of each person who prepared the document;
- (d) the identity of the custodian of the document;
- (e) a general summary of the contents of the document;

(f) the identity of each person to whom such document was addressed, to whom such document (or copy thereof) was sent and/or who at any time had possession of such document (or copy thereof); and

(g) if there were drafts of the document prior to the final document, the identity of the custodian of those drafts and the date(s) of those drafts.

In lieu of such description, you may attach appropriately identified copies of such documents (including drafts thereof) to your answers to these Interrogatories.

11. "Identify" or "identity" with respect to communications (including oral, written, telephonic, electronic or non-verbal communications) shall mean:

(a) the communications medium, e.g., written, oral, telephonic, electronic or non-verbal;

(b) the date of each such communication;

(c) the identity of all persons who were present at each communication;

(d) the substance and nature of each such communication; and

(e) the identity of all documents which relate to and reflect the communication.

12. With respect to any topic, contention, allegation, subject or issue referenced or listed in a discovery request, "state the factual basis" shall mean, and require you to: (a) state all facts relating to the topic, contention, allegation, subject or issue; (b) identify all persons who you know or believe have knowledge or information relating to the topic, contention, allegation, subject or issue; (c) identify all

communications relating to the topic, contention, allegation, subject or issue; and (d) identify all documents relating to the topic, contention, allegation, subject or issue.

13. With respect to any topic, contention, allegation, subject, event or issue referenced or listed in a discovery request, “describe” or “describe in detail” shall mean, and require you to: (a) provide detailed information such as the date, time, place and circumstances relating to the topic, contention, allegation, subject, event or issue; (b) state all facts relating to the topic, contention, allegation, subject, event or issue; (c) identify all persons who you know or believe have knowledge or information relating to the topic, contention, allegation, subject, event or issue; (d) identify all communications relating to the topic, contention, allegation, subject, event or issue; and (e) identify all documents relating to the topic, contention, allegation, subject, event or issue.

14. “Computer” shall mean and refer to personal computers (also known as microcomputers), laptop computers, portable computers, notebook computers, palmtop or hand-held computers, mini-computers and mainframe computers.

15. “Active file” shall mean and refer to any electronic data file that can be utilized by an electronic data processing system in any manner without modification or re-construction. An active file is any electronic data file that has not been erased or otherwise destroyed and/or damaged and which is readily visible to the operating system or the software with which it was produced.

16. “Deleted file” shall mean and refer to any electronic data file that has been erased or deleted from the electronic media on which it resided. The term, “deleted file,” includes, but is not limited to, any file whose File Allocation Table (FAT) entry has been

modified to indicate the file as being deleted or which is not readily visible to the operating system or the software with which it was produced.

17. "Fragmentary file" refers to any electronic data file that exists as a subset or an original active file. A fragmentary file may be active or deleted. The cause of fragmentation resulting in the fragmentary file can include, without limitation, manual intervention, electronic surges or physical defects on electronic media.

18. "Network" shall mean and refer to any hardware or software combination that connects two or more computers together and that allows such computers to share or transfer signals between them. For purposes of this definition, the connection between or among the microcomputers need not be either physical or direct (i.e., wireless networks utilizing radio frequencies and data sharing via indirect routes utilizing modems and phone company facilities are included) so long as the computers are able to share data.

19. "Electronic data" shall mean and refer to the original (or identical copies when originals are not available) and any non-identical copies (whether different from the originals because of notes made on such copies or otherwise) of electronic data of any kind or description, whether inscribed by mechanical, facsimile, electronic, magnetic, digital or other means. Such data may include, without limitation, computer programs (whether private, commercial or work-in-process), programming notes or instructions, electronic mail receipts or transmittals, output resulting from the use of any software program, including word processing documents, spreadsheets, database files, charts, graphs, outlines, electronic mail, operation systems, source code of all types, programming languages, linker and compilers, peripheral drives, pdf and other files, batch files, and all ASCII files, and any and all miscellaneous files or file fragments,

regardless of the medium or media on which they reside and regardless of whether such electronic data is in active file, deleted file or file fragment. "Electronic data" includes, without limitation, any and all items stored on any electronic media, computers or networks. The term "electronic data" also includes the file, folder tabs, and or containers and labels appended to or associated with any physical storage device associated with each such original or copy.

20. "Electronic media" or "electronic media devices" mean any magnetic or other storage media device used to record electronic data. Electronic media devices include any and all items stored on computer memories, hard disks, disk arrays, floppy disks, recordable or rewriteable CD-ROM or DVD-ROM, CD-ROM drives, Bernoulli Box drives or their equivalent, removable media, Zip or Jaz disks, optical disks, digital tape (DAT), magnetic tape of all types, removable memory cards, microfiche, punched cards, punched tape, computer chips, including EPROM, PROM, RAM and ROM, or on or in any other means or medium for digital data storage or transmittal.

21. "Relevant documents, communications and information" shall mean and include: (a) any document, communication or information relating to any facts, events, circumstances, allegations, claims, contentions, opinions and defenses in the January 4, 2006 Order, the August 2003 OI Report or this Enforcement Proceeding; (b) any document, communication or information that, in accordance with, is "reasonably calculated to lead to the discovery of admissible evidence"; and (c) any document, communication or information falling within the broadest scope of discovery permitted by 10 C.F.R. § 2.705, 2.706, 2.707, 2.708 and 2.709, and any orders entered by the Board in this Enforcement Proceeding. "Relevant documents, communications and

information” shall be construed in a manner consistent with, and to the fullest extent of, Federal Rule of Evidence 401.

SPECIFIC DEFINITIONS

1. “NRC” shall mean and refer to the U.S. Nuclear Regulatory Commission and its past and present commissioners, administrators, officials, divisions, agencies, offices, regions, attorneys, investigators, employees, personnel, consultants, representatives and agents. NRC shall mean and include, without limitation, NRC Staff, OI, OIG and NRR, as those terms are defined below.

2. “FENOC” refers to FirstEnergy Nuclear Operating Company and its past and present parent companies, subsidiaries, affiliates, directors, officers, employees, attorneys, consultants, representatives and agents.

3. “Davis-Besse” refers to FENOC's Davis-Besse Nuclear Power Station.

4. “January 4, 2006 Enforcement Order” shall mean and refer to the Enforcement Order issued by the NRC against David Geisen on or about January 4, 2006 that is the subject of this Enforcement Proceeding.

5. “August 2003 OI Report” shall mean and refer to the Report dated August 22, 2003 issued by OI in Case No. 3-2002-006 relating to Davis-Besse, including, without limitation, any exhibits, documents and things attached to, referenced in or part of the August 2003 OI Report.

6. “Enforcement Proceeding” shall mean and refer to the above-captioned enforcement proceeding involving David Geisen.

7. “Answer” shall mean and refer to the Answer that David Geisen filed in

response to the January 4, 2006 Enforcement Order in this Enforcement Proceeding.

8. "NRC Disclosures" shall mean and refer to any formal Disclosures that NRC Staff has made in this Enforcement Proceeding, including NRC Staff's Initial Disclosures and any supplemental or amended disclosures by NRC Staff in this Enforcement Proceeding.

9. "Geisen Disclosures" shall mean and refer to any formal Disclosures that David Geisen has made in this Enforcement Proceeding, including David Geisen's Initial Disclosures and any supplemental or amended disclosures by David Geisen in this Enforcement Proceeding.

10. "*Miller and Moffitt Enforcement Proceedings*" shall mean and refer collectively to the NRC enforcement proceedings styled *In the Matter of Dale L. Miller*, Docket No. IA-05-053, ASLBP No. 06-846-02-EA, and *In the Matter of Steven P. Moffitt*, Docket No. IA-05-054, ASLBP No. 06-847-03-EA.

11. "The Bulletin" shall mean and refer to NRC Bulletin 2001-01 "Circumferential Cracking of Reactor Pressure Vessel Head Penetration Nozzles."

12. "Davis-Besse Written Responses" shall mean and refer to any written responses that Davis-Besse made in response to the Bulletin, including, without limitation, the written responses dated September 4, 2001, October 17, 2001 and October 30, 2001 alleged in the January 4, 2006 Order.

13. "OI" refers to the NRC's Office of Investigations, including any past and present administrators, officials, employees, personnel, attorneys, investigators, representatives or agents thereof.

14. "OIG" shall mean and refer to the NRC's Office of Inspector General,

including any past and present administrators, officials, employees, personnel, attorneys, investigators, representatives or agents thereof.

15. "NRR" shall mean and refer to the NRC's Office of Nuclear Reactor Regulation, including any past and present administrators, officials, employees, personnel, attorneys, investigators, representatives or agents thereof.

16. "LOCA" shall mean and refer to Loss of Coolant Accident.

17. "RPV" shall mean and refer to the Reactor Pressure Vessel head.

18. "CRDM" shall mean and refer to Control Rod Drive Mechanism.

19. "RFO" shall mean and refer to Refueling Outage.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify each person who you know or believe has any knowledge relating to any facts, events, circumstances, allegations, claims, contentions, opinions or defenses in the January 4, 2006 Enforcement Order, the Answer or this Enforcement Proceeding.

INTERROGATORY NO. 2:

Identify all persons who you know or believe have made any written or oral statements, communications or admissions relating to any facts, events, circumstances, allegations, claims, contentions, opinions or defenses in the January 4, 2006 Enforcement Order, the Answer or this Enforcement Proceeding.

INTERROGATORY NO. 3:

Identify all persons whom you intend or expect to call as expert witnesses at the hearing or trial in this Enforcement Proceeding or from whom you intend or expect to obtain, subpoena, offer, proffer, present or introduce any opinion testimony at the hearing or trial in this Enforcement Proceeding pursuant to Fed. R. Evid. 702, 703, 705 or otherwise, including an identification or description of the following: (a) biographies, resumes, curriculum vitae and personnel records sufficient to provide a full background and description of such persons; (b) all contracts, engagement letters or agreements with such persons; (c) any compensation that has been or will be paid to such persons for any services they may render in this Investigation; (d) all relevant documents, communications or information that you have sent to or received from such persons; (e) all facts, data, documents or other information considered by such persons in forming

their opinions; (f) all documents that relate to or constitute any exhibits to be used as a summary of, or support for, the opinions and testimony of such persons; (g) the qualifications of such persons to render the opinions; (h) all publications authored by such persons within the preceding ten (10) years; and (i) any other cases or legal proceedings in which such persons have testified as an expert or rendered opinion testimony at trial, by deposition or otherwise, within the preceding four (4) years.

INTERROGATORY NO. 4:

Identify all persons whose testimony you intend, expect or anticipate to obtain, subpoena, offer, proffer, present, introduce or rely upon in this Enforcement Proceeding, including a description of the subject matter on which each person is expected to testify, the identity of all documents each person will reference or utilize in his or her testimony, and the facts and opinions to which each person is expected to testify.

INTERROGATORY NO. 5:

Separately for each of your answers to the interrogatories served by David Geisen in this Enforcement Proceeding, identify and describe: (a) all persons who participated in preparing or drafting the answer; (b) all persons who supplied information to or communicated with the persons identified in "a" above relating to the preparation or drafting of the answer; (c) all documents and things that were relied upon, assembled, reviewed, obtained, considered, drafted, prepared or generated for the preparation and drafting of the answer; and (e) the actions taken to locate relevant documents, communications and information for any answer in which no or partial substantive information was given.

INTERROGATORY NO. 6:

Separately for each of your answers to the interrogatories served by David Geisen in this Enforcement Proceeding, identify the persons who you know or believe are most knowledgeable relating to the substance of your answer.

INTERROGATORY NO. 7:

Identify each person who was formally or informally interviewed by OI or with whom OI had any communications as part of or relating to the investigation that led to the issuance of the August 2003 OI Report, including, without limitation, (a) the date, time and location of all such interviews or communications, (b) the identities of all persons who attended or participated in such interviews or communications and (c) the identity of all notes, memoranda, transcripts or documents relating to such interviews or communications.

INTERROGATORY NO. 8:

Identify each person who was formally or informally interviewed by OIG or with

whom OIG had any communications relating to the January 4, 2006 Enforcement Order or the August 2003 OI Report, including, without limitation, (a) the date, time and location of all such interviews or communications, (b) the identities of all persons who attended or participated in such interviews or communications and (c) the identity of all notes, memoranda, transcripts or documents relating to such interviews or communications.

INTERROGATORY NO. 9:

Identify each person who was formally or informally interviewed by the NRC or with whom the NRC had communications relating to the January 4, 2006 Enforcement Order or the August 2003 OI Report, including, without limitation, (a) the date, time and location of all such interviews or communications, (b) the identities of all persons who attended or participated in such interviews or communications and (c) the identity of all notes, memoranda, transcripts or documents relating to such interviews or communications.

INTERROGATORY NO. 10:

Identify by name, business address, position or title all NRC personnel who were involved in the evaluation or issuance of the January 4, 2006 Enforcement Order directed to David Geisen.

INTERROGATORY NO. 11:

Identify by name, business address, position or title all NRC personnel who were involved in the evaluation or issuance of the August 2003 OI Report.

INTERROGATORY NO. 12:

Identify all relevant documents, communications and information that you have sent to or received from the persons you identified, or were asked to identify, in your responses to Interrogatory Nos. 1-11 relating to any facts, events, circumstances, allegations, claims, contentions, opinions or defenses in the January 4, 2006 Enforcement Order, the Answer or this Enforcement Proceeding.

INTERROGATORY NO. 13:

If you contend that David Geisen wrote, inserted, added, proposed, revised, deleted or took any action relating to any words or text included in any draft of the Davis-Besse Written Response dated September 4, 2001, state the factual basis for your contention. As to each such action by David Geisen, your answer should include, without limitation, (a) an identification and description of each word or text that David Geisen allegedly wrote, inserted, added, proposed, revised, deleted or took any action relating to, (b) the date, time and circumstances under which David Geisen allegedly took the action, (c) the identity and description of the draft of the Davis-Besse Written

Response as to which David Geisen allegedly took the action, (d) the identity of all documents that relate to or reflect such action by David Geisen and (e) the identity of each person who you know or believe has knowledge relating to your contention.

INTERROGATORY NO. 14:

If you contend that David Geisen wrote, inserted, added, proposed, revised, deleted or took any action relating to any words or text included in any draft of the Davis-Besse Written Response dated October 17, 2001, state the factual basis for your contention. As to each such action by David Geisen, your answer should include, without limitation, (a) an identification and description of each word or text that David Geisen allegedly wrote, inserted, added, proposed, revised, deleted or took any action relating to, (b) the date, time and circumstances in which David Geisen allegedly took the action, (c) the identity and description of the draft of the Davis-Besse Written Response as to which David Geisen allegedly took the action, (d) the identity of all documents that relate to or reflect such action by David Geisen and (e) the identity of each person who you know or believe has knowledge relating to your contention.

INTERROGATORY NO. 15:

If you contend that David Geisen wrote, inserted, added, proposed, revised, deleted or took any action relating to any words or text included in any draft of the Davis-Besse Written Response dated October 30, 2001, state the factual basis for your contention. As to each such action by David Geisen, your answer should include, without limitation, (a) an identification and description of each word or text that David Geisen allegedly wrote, inserted, added, proposed, revised, deleted or took any action relating to, (b) the date, time and circumstances in which David Geisen allegedly took the action, (c) the identity and description of the draft of the Davis-Besse Written Response as to which David Geisen allegedly took the action, (d) the identity of all documents that relate to or reflect such action by David Geisen and (e) the identity of each person who you know or believe has knowledge relating to your contention.

INTERROGATORY NO. 16:

If you contend that David Geisen wrote, inserted, added, proposed, revised, deleted or took any action relating to any words or text included in any draft of any Davis-Besse Written Responses to the Bulletin other than the Davis-Besse Written Responses dated September 4, 2001, October 17, 2001 and October 30, 2001, state the factual basis for your contention. As to each such action by David Geisen, your answer should include, without limitation, (a) an identification and description of each word or text that David Geisen allegedly wrote, inserted, added, proposed, revised, deleted or took any action relating to, (b) the date, time and circumstances in which David Geisen allegedly took the action, (c) the identity and description of the draft of the Davis-Besse Written Response as to which David Geisen allegedly took the action, (d) the identity of all documents that relate to or reflect such action by David Geisen and (e) the identity of each person who you know or believe has knowledge relating to your contention.

INTERROGATORY NO. 17:

State the factual basis for the contention on page 3 of the January 4, 2006 Enforcement Order that "*contrary to the earlier information provided to the NRC, the cavities were caused by boric acid from the RCS released through cracks in the CRDM RPV head penetration nozzles*" (emphasis added). Your answer should include, without limitation: (a) the identity and a detailed description of "the earlier information provided to the NRC" referenced in the allegation, (b) a detailed description of each respect in which "the earlier information provided to the NRC" was allegedly different than or contrary to the information stated in the allegation, (c) the identity and description of all documents relating to the contention and (d) the identity of each person who you know or believe has knowledge relating to the contention.

INTERROGATORY NO. 18:

State the factual basis for the contention on page 4 of the January 4, 2006 Enforcement Order that "Mr. Geisen, through his performance of his engineering duties, and through oral and written communications with other FENOC employees, was aware of the results of previous RPV head inspections." Your answer should include, without limitation: (a) a detailed description of the each "performance of his engineering duties," including the date, time and circumstances of each such "engineering duty" that David Geisen allegedly performed, (b) the identity of each such "oral and written communication[] with other FENOC employees" that David Geisen allegedly had, (c) the identity of all documents that relate to the contention and (d) the identity of each person who you know or believe has knowledge relating to the contention.

INTERROGATORY NO. 19:

State the factual basis for the contention on page 6 of the January 4, 2006 Enforcement Order that "Mr. Geisen also stated that he became aware that the reactor vessel head had not been cleaned completely when reviewing the videos of the inspections in preparation for interacting with the NRC in August, 2001." Your answer should include, without limitation: (a) the identity and description of the communication in which David Geisen made the alleged statement, including the date, time and circumstances under which the statement was allegedly made, (b) the identity of all documents that relate to the contention and (c) the identity of each person who you know or believe has knowledge relating to the contention.

INTERROGATORY NO. 20:

State the factual basis for the contention on page 6 of the January 4, 2006 Enforcement Order that David Geisen "knew that the licensee's written and oral responses to NRC Bulletin 2001-001 were incomplete and inaccurate." Your answer should include, without limitation: (a) the identity and description of each such "written response," (b) the identity and description of each such "oral response," (c) the identity

and description of each fact or document relating to David Geisen's alleged knowledge and state of mind, (d) the identity and description of each omission or inaccuracy of which David Geisen allegedly had knowledge, (e) the identity of all documents that relate to the contention and (f) the identity of each person who you know or believe has knowledge relating to the contention.

INTERROGATORY NO. 21:

State the factual basis for the contention on page 6 of the January 4, 2006 Enforcement Order that David Geisen was "responsible for the information provided to the NRC by FENOC in response to the Bulletin." Your answer should include, without limitation: (a) a detailed description of each piece of information provided to the NRC by FENOC for which David Geisen was allegedly responsible, (b) the identity of all documents that relate to the contention and (c) the identity of each person who you know or believe has knowledge relating to the contention.

INTERROGATORY NO. 22:

State the basis for the contention on page 7 of the January 4, 2006 Enforcement Order that David Geisen "participated in the development and presentation of information to the NRC during information briefings held on October 3, October 11 and November 9, 2001." Your answer should include, without limitation: (a) a detailed description of each action that David Geisen allegedly took or each communication he allegedly made in such "development and presentation of information to the NRC," (b) the identity of all documents that relate to the contention and (c) the identity of each person who you know or believe has knowledge relating to the contention.

INTERROGATORY NO. 23:

State the factual basis for the contention on page 9 of the January 4, 2006 Enforcement Order that "[d]uring the [October 3, 2001] conference call, Mr. Geisen informed the NRC that 100% of the reactor pressure vessel head had been inspected during the last outage (12RFO) but some areas were precluded from inspection and that videotapes of the 10RFO, 11RFO, and 12RFO reactor pressure vessel head inspections had been reviewed." Your answer should include, without limitation: (a) the identity of all documents that relate to the contention and (b) the identity of each person who you know or believe has knowledge relating to the contention.

INTERROGATORY NO. 24:

If you contend that David Geisen made any incomplete, inaccurate, misleading or false statements or communications during any information briefings to the NRC, including, without limitation, the information briefings alleged on page 7 of the January 4, 2006 Enforcement Order, state the factual basis for your contention. Your answer should include, without limitation: (a) an identification and description of each such statement or communication, (b) an identification and description of the information that

was allegedly omitted or stated incorrectly or falsely, (c) the identity of all documents that relate to your contention and (d) the identity of each person who you know or believe has knowledge relating to your contention.

INTERROGATORY NO. 25:

State the factual basis for the contention on page 12 of the January 4, 2006 Enforcement Order that "the licensee's October 30, 2001, supplemental response was materially incomplete and inaccurate, in that the photographic images of the RPV head nozzles and the accompanying labels were not consistent with the actual RPV head conditions and with the actual RPV head nozzle pictured . . . [that] many of the RPV head nozzle images were mislabeled to indicate that the images were of a different RPV head nozzle[s] ten actual presented in the image . . . and [that] several of the images were mere copies of other images with the labels changed." Your answer should include, without limitation: (a) the identity of all documents that relate to the contention and (b) the identity of each person who you know or believe has knowledge relating to the contention.

INTERROGATORY NO. 26:

With respect to your answer to Interrogatory No. 25 and the contention on page 12-13 of the January 4, 2006 Enforcement Order that "Mr. Geisen was aware that the information contained in the licensee's October 30, 2001, supplemental response was materially incomplete and inaccurate," state the factual basis for your contention that Mr. Geisen had such awareness or knowledge relating to the alleged incompleteness and inaccuracy of "the licensee's October 30, 2001 supplemental response." Your answer should include, without limitation: (a) an identification and detailed description of each fact or document relating to Mr. Geisen's alleged state of mind, (b) the identity of all documents that relate to the contention and (c) the identity of each person who you know or believe has knowledge relating to your contention.

INTERROGATORY NO. 27:

State the basis for the contention on page 14 of the January 4, 2006 Enforcement Order that "Mr. David Geisen, while employed by the licensee, engaged in deliberate misconduct by deliberately providing FENOC and the NRC information that he knew was not complete or accurate in all material respects to the NRC." Your answer should include, without limitation: (a) an identification and detailed description regarding each item of information that was allegedly "not complete or accurate in all material respects to the NRC," (b) an identification and detailed description of each act of "deliberate misconduct" in which David Geisen allegedly engaged, (c) an identification and detailed description of each fact or document relating to Mr. Geisen's alleged state of mind, (d) the identity of all documents that relate to the contention and (e) the identity of each person who you know or believe has knowledge relating to the contention.

INTERROGATORY NO. 28:

State the factual basis for the contention on page 15 of the January 4, 2006 Enforcement Order that there was "a pattern of deliberate inaccurate or incomplete documentation of information that was required to be submitted to the NRC." Your answer should include, without limitation: (a) an identification and detailed description of each specific act or omission that constituted or was a part of the alleged "pattern," (b) the identity of each person who committed each specific act or omission, (c) the identity of all documents that relate to the contention and (d) the identity of each person who you know or believe has knowledge relating to the contention.

INTERROGATORY NO. 29:

State the factual basis for your contention that David Geisen's alleged actions or omissions affected the health and safety of the public in a manner that requires his prohibition from employment in NRC-licensed activities for a period of five years from the date of the January 4, 2006 Enforcement Order. Your answer should include, without limitation: (a) the identity of all documents that relate to the contention; and (b) the identity of each person who you know or believe has knowledge relating to the contention.

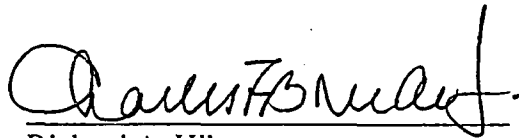
INTERROGATORY NO. 30:

Identify and describe in detail (a) any procedures, practices, policies and systems that the NRC has had during the period 1996 to present for generating, maintaining, preserving and disposing of documents, records and electronic data; (b) the persons who have the most knowledge relating to such procedures, practices, policies and systems; and (c) all documents that constitute, contain or relate to such procedures, practices, policies and systems, including any manuals or employee handbooks.

INTERROGATORY NO. 31:

With respect to each document as to which the NRC or NRC Staff asserted any privilege or protection, including in any NRC Disclosures, state, identify and describe the information listed in Instruction 4, including, without limitation, the identity of all persons who knew, received or had access to the document or information and the identity of all communications of the document to any person.

Dated: September 1, 2006

A handwritten signature in black ink, appearing to read "Richard A. Hibey", with a horizontal line drawn underneath it.

Richard A. Hibey

Charles F. B. McAleer, Jr.

Andrew T. Wise

Matthew T. Reinhard

MILLER & CHEVALIER CHARTERED

655 15TH Street, N.W., Suite 900

Washington, D.C. 20005

(202) 626-5800

Counsel for David Geisen

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the 1st day of September, 2006, true and genuine copies of the foregoing were served on the following persons by electronic mail and, as indicated with an (*), first-class mail, postage prepaid:

Michael A. Spencer (*)
MAS8@nrc.gov
Sara Brock (*)
SEB2@nrc.gov
Mary C. Baty (*)
MCB1@nrc.gov
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop: O-15 D21
Washington, D.C. 20555-0001

Michael C. Farrar (*)
Administrative Judge, Chair
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555-0001
E-mail: mcf@nrc.gov

E. Roy Hawken (*)
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555-0001
E-mail: erh@nrc.gov

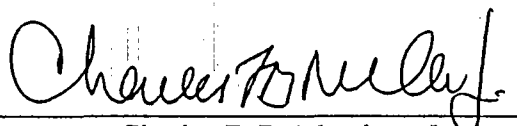
Nicholas G. Trikouros (*)
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555-0001
E-mail: ngt@nrc.gov

Libby Perch (*)
Board Law Clerk
Atomic Safety and Licensing
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555-0001
E-mail: empl@nrc.gov

Office of the Secretary (*)
Attn: Rulemaking and Adjudications Staff
U.S. Nuclear Regulatory Commission
Mail Stop: O-16 C1
Washington, D.C. 20555
E-mail: hearingdocket@nrc.gov

Adjudicatory File (*)
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555-0001

Office of Comm. Appellate Adjudication (*)
U.S. Nuclear Regulatory Commission
Mail Stop: O-16 C1
Washington, D.C. 20555


Charles F. B. McAleer, Jr.