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RELATED CORRESPONDENCE

October 3, 2006

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

October 3, 2006 (1:03pm)

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of)

DAVID GEISEN)

) Docket No. IA-05-052

) ASLBP No. 06-845-01-EA

NRC STAFF RESPONSES AND OBJECTIONS TO DAVID GEISEN'S
FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS AND THINGS

Pursuant to 10 C.F.R. §§ 2.706 and 2.709, the Nuclear Regulatory Commission Staff ("Staff") hereby responds to "David Geisen's First Set of Interrogatories (NOS. 1-31) to NRC Staff" and "David Geisen's First Requests for Production of Documents and Things (NOS. 1-32) to NRC Staff." The Staff has the following objections to the instructions and definitions in the discovery requests on the grounds that they request information that is not necessary to a proper decision in this case, request irrelevant information, are overly burdensome, or request information not within the possession of or available to the Staff:

1. The Staff objects to the "Instructions" and "Definitions" in the discovery requests to the extent that they impose obligations beyond those required by the Commission's regulations. As the party to this proceeding, the Staff's responses are limited to the knowledge of the Staff and documents within the possession and control of the Staff. The Staff does not have knowledge of, access to, or control of information within other offices of the NRC. Therefore, the Staff objects to instructions and definitions which require responses on behalf of offices within the NRC other than the Staff.

TEMPLATE = SECY-034

SECY-02

2. The Staff objects to instructions and definitions which require searches beyond existing NRC document management systems such as computer archives and backup systems.

3. The Staff objects to instructions and definitions which require the production of hard copies of documents which have been produced electronically. The Staff has identified responsive documents which have been previously produced and with this filing is providing in CD format all additional documents.

4. The Staff objects to instructions and definitions which require identification of the disposition of documents no longer in the possession of the Staff.

5. The Staff objects to instructions and definitions which require the Staff to provide information beyond the requirements of 10 C.F.R. § 2.705(b)(4); specifically, that the Staff report the identity of each person who knew, received or had access to the information (including attorneys) and the subject matter of the information.

The Staff asserts all privileges and protections, including the attorney-client privilege, the work product doctrine, and the deliberative process privilege. Consistent with the practice of counsel for Mr. Geisen,¹ the Staff has not logged or specifically identified documents which constitute attorney-client communications, which contain attorney work product.

The following responses are based on the Staff's investigation to date and the records and information currently available to the Staff. These responses are given without prejudice to the Staff's right to add, supplement, modify or otherwise change or amend the responses. The following responses are provided subject to each of the foregoing objections as well as the specific objections noted. The Staff expressly reserves the right to (1) object to further discovery concerning the subject matter of the discovery request, (2) object to the introduction

¹ See, "Initial Discovery Disclosure of David Geisen," August 8, 2006, at 5-6.

into evidence of the information or documents produced in response to the discovery request, and (3) object to the use of the information or documents in any subsequent proceeding concerning this or any other enforcement action.

I. RESPONSES TO INTERROGATORIES

INTERROGATORY 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.

RESPONSE

The Staff objects to this interrogatory on the grounds that it is overly broad and requests information that is irrelevant and not within the control or knowledge of the Staff. Individuals with knowledge of the event and circumstances relating to the January 4, 2006 order issued to Mr. Geisen by the NRC Staff ("Order") would include those whose basis of knowledge consists of general information disclosed to the public whose knowledge, without independent relevance, is purely derivative of the knowledge of the persons the NRC identifies in response to this and other interrogatories. Therefore, the interrogatory seeks information which is neither directly relevant nor reasonably calculated to lead to the discovery of relevant information. In addition, because the identity of such persons is not within the knowledge of the Staff and obtaining that information would require excessive expense and time the interrogatory is overly broad.

Subject to the general objections cited above and the foregoing specific objections, the Staff provides the following response. The Staff identified the following persons as having knowledge relating to the claims charged in the Order.

LName	FName	Business Address	Position/Title
Ackerman	Charles E.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Supervisor, Quality Assurance Engineering (FENOC)
Bajwa	Singh	USNRC Washington, D.C. 20555	Director Project Directorate III Division of Licensing Project Management
Baker	Robert J.	c/o Thomas Corkran AREVA NP Inc. 3315 Old Forest Rd. P.O. Box 10935 Lynchburg, VA 24506-0935	(AREVA NP)
Barrett	Richard	USNRC Washington, D.C. 20555	Assistant Director Division of Risk Assessment and Special Projects Office of New Reactors
Bateman	William	USNRC Washington, D.C. 20555	Deputy Director Division of Component Integrity Office of Nuclear Reactor Regulation
Bax	Richard	c/o Structural Integrity Associates 1734 Elton Road, Suite 200 Silver Spring, M D 20903	Contractor (Structural Integrity Associates)
Bergendahl	Howard	Unknown	Former Vice President (Former Plant Manager) (FENOC)
Bishop	Bruce	c/o Westinghouse Energy Company 4350 Northern Pike Monroeville, PA 15146	(Westinghouse)

LName	FName	Business Address	Position/Title
Bless	Aaron W.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Engineer, Licensing, (FENOC)
Bloom	Steven D.	USNRC Washington, D.C. 20555	Project Manager, Section 2 Project Directorate IV & Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation
Burkart	Larry	USNRC Washington, D.C. 20555	Project Manager, Office of Nuclear Reactor Regulation
Byrd	Kendall	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Electrical Maintenance Superintendent (Former Supervisor-Analysis and Probabilistic Safety Assessment Unit at Davis- Besse) (FENOC)
Campbell	Guy	c/o John F. McCaffrey, Esq., McLaughlin & McCaffrey, LLP Easton Center, Suite 1350 1111 Superior Avenue Cleveland, OH 44114- 2500	Former Vice President (FENOC)
Chesko	Richard	c/o FirstEnergy Nuclear Operating Company Legal Department 76 S. Main Street Akron, OH 44308	(FENOC)
Chimahusky	Edward	c/o FirstEnergy Nuclear Operating Company Legal Department 76 S. Main Street Akron, OH 44308	Supervisor of Operations Oversight in the Nuclear Oversight Department at Davis-Besse (Former Systems Engineer) (FENOC)
Chung	Jin	USNRC Washington, D.C. 20555	Office of Nuclear Reactor Regulation

LName	FName	Business Address	Position/Title
Clarkson	Noel	c/o Thomas Corkran AREVA NP Inc. 3315 Old Forest Rd. P.O. Box 10935 Lynchburg, VA 24506-0935	Chairman, B&W Owner's Group Licensing Working Group
Coakley	Scott	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Outage Manager (Former Project Manager) (FENOC)
Cobbledick	Thomas	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Shift Engineer (former Operations Superintendent) (FENOC)
Cofie	N.	c/o Structural Integrity Associates 1734 Elton Road, Suite 200 Silver Spring, M D 20903	Contractor (Structural Integrity Associates)
Colie		c/o Structural Integrity Associates 1734 Elton Road, Suite 200 Silver Spring, M D 20903	(Structural Integrity Associates)
Collins	Sam	USNRC Region I 475 Allendale Road King of Prussia, PA 19406-1415	Director, Office of Nuclear Reactor Regulation (Region I)
Cook	Rodney	c/o John F. Conroy, Esquire Gordon & Ermer Two Lafayette Center 1133 2111 Street, NW, Suite 450 Washington, D.C. 20036-3354	Former Regulatory Affairs Consultant (Contract with FENOC)

LName	FName	Business Address	Position/Title
Corkran	Thomas D.	AREVA NP Inc. 3315 Old Forest Rd. P.O. Box 10935 Lynchburg, VA 24506-0935	Senior Counsel (AREVA NP)
Cozens	Kurt	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Senior Project Manager, Engineering, Nuclear Generation Division (FENOC)
Cunnings	John B.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Mechanical Systems Supervisor; Staff Nuclear Engineer and Nuclear Engineering Supervisor, Davis-Besse (FENOC)
Daft	Charles	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Staff Nuclear Engineer (FENOC)
Dowling	Michael	c/o Timothy P. Matthews Morgan, Lewis & Bockius LLP 1111 Pennsylvania Avenue, NW Washington, D.C. 20004	Vice President of Federal Government Affairs (FENOC)
Dyer	J.E.	USNRC Washington, D.C. 20555	Office Director, Office of Nuclear Reactor Regulator
Eltawila	Farouk	USNRC Washington, D.C. 20555	Director, Division of Risk Assessment and Special Projects, RES

LName	FName	Business Address	Position/Title
Enzinna	Robert S.	c/o Thomas Corkran AREVA NP Inc. 3315 Old Forest Rd. P.O. Box 10935 Lynchburg, VA 24506-0935	(AREVA NP)
Eshelman	David L.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Manager, Fleet Asset Management (former Plant Engineering; Manager) (FENOC)
Firth	Dave	c/o Thomas Corkran AREVA NP Inc. 3315 Old Forest Rd. P.O. Box 10935 Lynchburg, VA 24506-0935	Project Manager, B&W Owners Group Project Management
Fleming	Mark	c/o Dominion Engineering, Inc. 11630 Plaza America Drive Suite 310 Reston, VA 20190	(Dominion Engineering)
Fyfitch	Steve	c/o Thomas Corkran AREVA NP Inc. 3315 Old Forest Rd. P.O. Box 10935 Lynchburg, VA 24506-0935	Contractor (AREVA NP)
Ganther	Raymond W.	c/o Thomas Corkran AREVA NP Inc. 3315 Old Forest Rd. P.O. Box 10935 Lynchburg, VA 24506-0935	Vice President, Engineering and Licensing (AREVA NP)
Geisen	David	Unknown	Former Manager - Design Basis Engineering (FENOC)

LName	FName	Business Address	Position/Title
Gerren	David	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	(FENOC)
Goyal	Prasoon	c/o James C. Howarth, Esquire 2000 Penobscot Bldg. 645 Griswold Street Detroit, MI 48226-4009	Former Senior Design Engineer (FENOC)
Gray	William	c/o Thomas Corkran AREVA NP Inc. 3315 Old Forest Rd. P.O. Box 10935 Lynchburg, VA 24506-0935	Project Manager (AREVA NP)
Hengo	Craig	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	(FENOC)
Hiser	Allen	USNRC Washington, D.C. 20555	Chief, SG Tube Integrity & Chemical Engineering Branch/Division of Component and Integrity/Office of the Nuclear Reactor Regulation
Hopkins	Jon	USNRC, Washington, D.C. 20555	Senior Project Manager, Office of Nuclear Reactor Regulation
Hunt	Steve	c/o Dominion Engineering, Inc. 11630 Plaza America Drive Suite 310 Reston, VA 20190	Principle Officer (Dominion Engineering)

LName	FName	Business Address	Position/Title
Huston	Roger W.	Licensing Support Services 4204 Christine Place Alexandria, VA 22311-1109	Contractor (FENOC)
lhnat	Susan K.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	(FENOC)
Jennison	Laura	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Clerk, Licensing Department (FENOC)
Johnson	John J.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	PCAQR Review Board Chairman (FENOC)
Kennedy	Frank	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Retired (previously-Licensing Specialist) (FENOC)
Killian	Douglas E.	c/o Thomas Corkran AREVA NP Inc. 3315 Old Forest Rd. P.O. Box 10935 Lynchburg, VA 24506-0935	Materials and Structural Analyst (AREVA NP)
King	Christine	c/o Thomas Corkran AREVA NP Inc. 3315 Old Forest Rd. P.O. Box 10935 Lynchburg, VA 24506-0935	Former employer (AREVA NP)

LName	FName	Business Address	Position/Title
Kurasz	Alex	c/o Thomas Corkran AREVA NP Inc. 3315 Old Forest Rd. P.O. Box 10935 Lynchburg, VA 24506-0935	(AREVA NP)
Lang	Theadore A.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Root Cause Investigation Team (FENOC)
Valentin (Lee)	Andrea	USNRC Washington, D.C. 20555	Chief, Corrosion and Metallurgy Branch, Office of Nuclear Regulatory Research
Leidorf	Yvonne M	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	(FENOC)
Leisure	Michael K.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Acting Regulatory Compliance Supervisor at Davis-Besse (FENOC)
Lessy	Roy	c/o Akin, Gump, Strauss, Hauer, & Feld, LLP. Robert S. Strauss Building 1333 New Hampshire Avenue, N.W. Washington, DC 20036- 1564	Attorney (Akin, Gump, Strauss, Hauer, & Feld)
Levinson	Stanley	c/o Thomas Corkran AREVA NP Inc. 3315 Old Forest Rd. P.O. Box 10935 Lynchburg, VA 24506-0935	(AREVA NP)

LName	FName	Business Address	Position/Title
Lochbaum	David	c/o Union of Concerned Scientists 1707 H St NW, Suite 600 Washington, DC 20006-3962	(Union of Concerned Scientists)
Lockwood	David H.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Supervisor of Performance Improvement Unit at Perry Nuclear Power Plant (Former Manager of Regulatory Affairs) (FENOC)
Long	Steve	USNRC Washington, D.C. 20555	Senior Probabilistic Risk Assessment Analyst, Office of Nuclear Reactor Regulation
Longo	Giovanna	USNRC Washington, D.C. 20555	Attorney, Office of the General Counsel
Loveless	David	USNRC Region IV 611 Ryan Plaza Drive Suite 400 Arlington, TX 76011	Senior Reactor Analyst, Division of Reactor Safety, Region IV
Mahoney	Peter	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	(FENOC)
Mainhardt	Peter J.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	System Engineer (FENOC)
Mallernee	Jane M.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	(FENOC)

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Marion	Alex	Nuclear Energy Institute 1776 I Street, NW, Suite 400 Washington, D.C. 20006-3708	Executive Director, Nuclear Operations and Engineering, (Nuclear Energy Institute)
Martin	John (Jack)	Unknown	Consultant for FENOC (Martin Sigmund Consulting Services, Inc.)
Matthews	David B.	USNRC Washington, D.C. 20555	Director, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation
Matthews	Larry	c/o Southern Nuclear Operating Company, PO Box 1295 Birmingham, AL 35201	Manager, Inspection and Testing Services (Southern Nuclear Operating Company)
Mattson	Richard	c/o Structural Integrity Associates 1734 Elton Road, Suite 200 Silver Spring, M D 20903	(Structural Integrity Associates)
Mazurkiewicz	Stephen	c/o Thomas Corkran AREVA NP Inc. 3315 Old Forest Rd. P.O. Box 10935 Lynchburg, VA 24506-0935	(AREVA NP)
McKim	Alvin	c/o Thomas Corkran AREVA NP Inc. 3315 Old Forest Rd. P.O. Box 10935 Lynchburg, VA 24506-0935	Contractor (AREVA NP)
McLaughlin	Mark	c/o Dave Dickman Venable LLP 575 7th St NW Washington, DC 20004- 1001	Senior Project Manager (Former Alloy 600 Team leader, Davis-Besse), (FENOC)

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Mendiola	Anthony	USNRC Washington, D.C. 20555	Chief, Information Management Branch, Office of Nuclear Reactor Regulation
Messina	John	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Operations Manager at Perry Nuclear Plant (Former Director Work Management) (FENOC)
Myers	Lew	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Chief Operating Officer and Acting Vice President (FENOC)
Miller	Dale	c/o Jane G. Penny, Esq. Killian & Gephart, LLP P.O. Box 886 Harrisburg, PA 17108	Consultant, Perry Nuclear Plant (former Supervisor of Compliance, Davis-Besse)
Moffatt	Gary	c/o V.C. Summer Nuclear Station, PO Box 88, Jenkinsville, SC 29065	Technical Chair, Repair/Mitigation Task (V.C. Summer Nuclear Station)
Moffitt	Steven	c/o Jane G. Penny, Esq. Killian & Gephart, LLP P.O. Box 886 Harrisburg, PA 17108	Former Director, Technical Services (FENOC)
Moore	K.E.	c/o Thomas Corkran AREVA NP Inc. 3315 Old Forest Rd. P.O. Box 10935 Lynchburg, VA 24506-0935	Materials, Corrosion; Materials & Structural Analysis (AREVA NP)
Mugge	Williams A.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Work Management (FENOC)

LName	FName	Business Address	Position/Title
Nana	A.D.	c/o Thomas Corkran AREVA NP Inc. 3315 Old Forest Rd. P.O. Box 10935 Lynchburg, VA 24506-0935	Principal Engineer (AREVA NP)
Norris	Wallace E.	USNRC Washington, D.C. 20555	Project Manager Materials Engineering Branch Division of Engineering Technology Office of Nuclear Regulatory Research
O'Reilly	Charles E.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	(FENOC)
O'Reilly	Mary E.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	(FENOC)
Pickett	Doug	USNRC Washington, D.C. 20555	Senior Project Manager Plant Licensing Branch II-2 Division of Operating Reactor Licensing Office of Nuclear Reactor Regulation
Reinhart	Mark	Unknown	Former Section Chief, Office of Nuclear Reactor Regulation
Rierner	Mark A.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	(FENOC)

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Rishel	Robert	Donald P. Ferraro Timothy P. Matthews Morgan, Lewis & Bockius, LLP 1111 Pennsylvania Ave, N.W. Washington, D.C. 20004	Former Design Engineering with PSA Group (FENOC)
Rogers	Joseph	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Fleet Engineering Program Manager (FENOC)
Rosenberg	Stacey	USNRC Washington, D.C. 20555	Special Projects Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation
Sands	Stephen P.	USNRC Washington, D.C. 20555	Project Manager, Office of Nuclear Reactor Regulation
Saunders	Robert F.	c/o Dave Dickman Venable LLP 575 7th St NW Washington, DC 20004- 1001	Former President, (FENOC)
Scott	Peter	c/o Thomas Corkran AREVA NP Inc. 3315 Old Forest Rd. P.O. Box 10935 Lynchburg, VA 24506-0935	(AREVA NP)
Siemaszko	Andrew	c/o Billie Pimer Garde, Esquire John M. Clifford, Esquire Clifford & Garde 1707 L Street, NW, Suite 500 Washington, D.C. 20036	Former Systems Engineer (FENOC)

LName	FName	Business Address	Position/Title
Silberg	Jay E.	Shaw Pittman 2300 N. Street, N.W. Washington, D.C. 20037	Attorney (Private Fuel Storage)
Simpkins	Doug	Hatch Nuclear Power Plant 11030 Hatch Pkwy N. Baxley, GA 31513	Senior Resident Inspector, Region II (Hatch)
Slyker	Rebecca J.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Specialist with the Security Department (Former Director of Nuclear Services) (FENOC)
Spencer	Kevin A.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	(FENOC)
Stevens	Henry W.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Manager - Quality Assurance (FENOC)
Strosnider	Jack	USNRC Washington, D.C. 20555	Office Director, Nuclear Material Safety and Safegaurds
Swim	Theo S.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Nuclear Consultant (former Supervisor of Mechanical Structural Engineering (Design))
Terry	Jim	c/o FPL P.O. Box 025576, Miami, FL 33102	Managing Engineer (Florida Power)

LName	FName	Business Address	Position/Title
Van Denabeele	Allan J.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Ombudsman/Employee Concerns Program Owner (FENOC)
Weakland	Dennis	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Nuclear Consultant/Engineer, Beaver Valley (FENOC)
Welty	Chuck	EPRI 3412 Hillview Avenue Pelto Alto, CA 94304	Director Technology Applications
Whitaker	David	c/o Duke Energy Corporation 526 South Church St. Charlotte, NC 28202-1904	Engineer, Piping Material Group (Duke Energy Corporation)
Wichman	Keith R.	USNRC Washington, D.C. 20555	Former Section Chief, Office of Nuclear Reactor Regulation
Wilson	Andrew S.	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Senior Consultant (Former Superintendent, Maintenance) (FENOC)
Wolf	Gerald	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Regulatory Affairs (FENOC)
Wood	John	unknown	Former Site Vice President

LName	FName	Business Address	Position/Title
Worley	Lonnie	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Director of Nuclear Generation Supply Chain (Former Director Nuclear Services) (FENOC)
Wuokko	Dale	c/o FirstEnergy Nuclear Operating Company (FENOC) Legal Department 76 S. Main Street Akron, OH 44308	Former Regulatory Affairs Supervisor (FENOC)
Yoon	Ken	c/o Thomas Corkran AREVA NP Inc. 3315 Old Forest Rd. P.O. Box 10935 Lynchburg, VA 24506-0935	(AREVA NP)
Young	Mitzi	USNRC Washington, D.C. 20555	Attorney, Office of the General Counsel
Zimmerman	Jacob L.	USNRC Washington, D.C. 20555	Chief, License Renewal Branch, Office of Nuclear Reactor Regulation
Zwolinski	John	unknown	Retired Associate Director, Office Nuclear Reactor Regulation

INTERROGATORY 2

Identify all persons who you know or believe have made any written or oral statements communications or admission 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.

RESPONSE

For the same reasons and rationale outlined in response to Interrogatory No. 1, the Staff objects to this Interrogatory insofar as it requests information that is overly broad and requests information which is irrelevant and not within the control or knowledge of the Staff. A catalog of

the identity of all any persons in the general public who may have made statements regarding the Order is not within the control or knowledge of the Staff, and, if required to obtain such information, the Staff would be forced to expend an excessive amount of resources and time. For these reasons, this Interrogatory, in part, is overly broad.

Subject to the general objections and the foregoing specific objections, the Staff provides the following response. The Staff asserts that the information necessary to answer this Interrogatory is sufficiently provided by the Staff's response to Interrogatory No. 1.

INTERROGATORY 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.

RESPONSE

The Staff objects to this Interrogatory as requesting information not otherwise yet required to be disclosed by applicable regulations. Pursuant 10 C.F.R. § 2.709(c), the Staff may object to Document Requests on grounds that it is not relevant and "not necessary to a proper decision in the proceeding." The Staff has not yet settled on which expert witnesses it will call, and under § 2.704(b)(3), parties other than the Staff are ordinarily not required to

disclose witness lists until 30 days prior to a scheduled hearing. Therefore, disclosure of all relevant documents, communications and information related to the Staff's fact and expert witnesses at this time is premature and not necessary to a proper decision in the proceeding. To the extent this Interrogatory seeks preliminary thoughts about the witnesses the Staff's attorneys might use, the Staff asserts Attorney Work Product privilege. The Staff objects to this Interrogatory to the extent that it requests information beyond that required by 10 C.F.R. § 2.709(a)(2). The Staff has not yet determined which expert witnesses it will call, but will provide the information required by § 2.709(a)(2) at least 90 days prior to the hearing commencement date unless otherwise directed by the Board.

INTERROGATORY 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.

RESPONSE

The Staff objects to this Interrogatory as requesting information not otherwise required to be disclosed by applicable regulations at this time. Pursuant 10 C.F.R. § 2.709 (c), the Staff may object to Document Requests on grounds that it is not relevant and "not necessary to a proper decision in the proceeding." The Staff has not yet settled on which fact witnesses it will call, and under § 2.704(c)(2) parties other than the Staff are ordinarily not required to disclose witness lists until 30 days prior to a scheduled hearing. Therefore, disclosure of all relevant documents, communications and information related to the Staff's fact and expert witnesses at this time is premature and not necessary to a proper decision in the proceeding. To the extent this Interrogatory seeks preliminary thoughts about the witnesses the Staff's attorneys might use, the Staff asserts Attorney Work Product privilege.

INTERROGATORY 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.

RESPONSE

The Staff objects to subpart (b) and subpart (c) of this Interrogatory as unduly burdensome. Information provided in response to subpart (b) would not likely produce any information relevant to the Order which is subject to this proceeding and not already disclosed in the answers to these interrogatories. Further, the resources necessary to enumerate each and every person who had a meeting or conversation with a person listed in response to subpart (a) would be excessive, especially in light of what minimal, if any at all, relevance this information would provide. This balance of excessive cost and likely minimal relevance leads the Staff to assert that responding to subpart (b) would be overly burdensome. For the same reasons – the excessive cost of responding balanced against what minimal relevant information would be generated in addition to that already provided in response to subpart (a) – the Staff asserts that responding to subpart (c) would likewise be unduly burdensome. The Staff also objects to (e) in that it is not possible for the Staff to determine what information it could not obtain despite conducting reasonably thorough searches for relevant documents.

Subject to the general objections cited above and the foregoing specific objections, the Staff provides the following response. The following individuals supplied information and participated in the preparation of the interrogatory responses generally and as a whole and cannot reasonably be attributed to specific interrogatories. The relevant documents which were reviewed in preparing these responses are identified in the specific interrogatory responses:

NAME	BUSINESS ADDRESS	POSITION OR TITLE
Robert D. Starkey	USNRC Washington, D.C. 20555	Senior Enforcement Specialist, Office of Enforcement
Shahram Ghasemian	USNRC Washington, D.C. 20555	Enforcement Advisor, Office of Enforcement
Kenneth O'Brien	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Enforcement/Investigations Officer, Region III
Scott Kryk	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Senior Special Agent, Office of Investigations, Region III
Eugene Richards	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Special Agent, Office of Investigations, Region III
Monte Phillips	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Project Engineer, Technical Support Staff, Division of Reactor Projects, Region III
Craig Hayden	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Senior Special Agent, Office of Investigations, Region III
Mark Hannan	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Special Agent, Office of Investigations, Region III
Jay Collins	USNRC Washington, D.C. 20555	Materials Engineer, Office of Nuclear Reactor Regulation
Michael Spencer	USNRC Washington, D.C. 20555	Attorney, Office of the General Counsel
Lisa Clark	USNRC Washington, D.C. 20555	Senior Attorney, Office of the General Counsel

INTERROGATORY 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.

RESPONSE

The persons with knowledge relevant to the answers to the interrogatories are identified in the testimony and documents cited in the response. To the extent that this Interrogatory requests the Staff to ascertain which individuals have the most knowledge with regard to the Staff contentions discussed in the following answers, the Staff objects to the request on the grounds that it seeks attorney work product. The Staff asserts this objection for the following interrogatories.

INTERROGATORY 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.

RESPONSE

The list of all individuals interviewed by OI in connection with the investigation leading to the issuance of the August 2003 OI Report are listed on pages 17 - 21 and 211 - 213 of the OI Report. The information available relating to the date, time, location and attendees at the interviews is contained in the interview transcripts attached as exhibits to the report. The Staff is not in possession of other transcripts, memoranda or notes, if any, relating to those interviews.

INTERROGATORY 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 interview 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.

RESPONSE

The Staff objects to this Interrogatory as it requests information which is not within the possession or knowledge of the Staff but rather the Office of Inspector General (OIG) which operates independently of the Staff and other offices within the agency structure to ensure freedom from agency interference. *See NRC v. FLRB*, 25 F.3d 229 (4th Cir. 1994); *FLRB v. National Aeronautics and Space*, 120 F.3d 1208, 1214 (11th Cir. 1997). Therefore, the Staff has neither the obligation nor the authority within the general NRC infrastructure to compel the production of information contained in OIG's internal documents. "In responding to discovery requests, a party is not required to engage in extensive independent research. It need only reveal information in its possession or control..." *Pennsylvania Power and Light Co.* (Susquehanna Steam Electric Station, Units 1 and 2), ALAB-613, 12 N.R.C. 317, 334 (1980).

INTERROGATORY 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 identify of all notes, memoranda, transcripts or documents relating to such interviews or communications.

RESPONSE

The Staff objects to this Interrogatory on the grounds that it asks for information from offices within the NRC other than the Staff of which the Staff has no knowledge, possession or

control. The Staff also objects on the grounds that the request is vague and ambiguous in that it is not clear what is meant by NRC communications. If it is intended to elicit all communications within the NRC, the request is overly broad and unduly burdensome in that it would require a search for all internal communications within and between the reviewing offices to obtain information which would be predecisional in nature and therefore protected from disclosure.

Subject to the general objections cited above and the foregoing specific objections the Staff provides the following response. The following is a list of individuals with whom the Office of Enforcement (OE) had communications regarding preparation and issuance of the Order. OE's communications with these individual regarding the Order were numerous and occurred over a period of weeks in late 2005. OE did not maintain records of the dates, times, and locations of these communications. OE does not conduct interviews of NRC or licensee personnel in preparing its enforcement actions, but relies instead on the evidence developed during the OI investigation. OI has not identified any communications regarding the Order except as indicted in the following list and in the OI Report as identified in response to Interrogatory 7.

Immediately prior to the issuance of the Order, OE provided to the NRC Office of Public Affairs (OPA) and Office of Congressional Affairs (OCA) copies of the identical Order to the one issued to Mr. Geisen to facilitate the issuance of a Press Release and to facilitate communication with Congress. Neither OPA nor OCA were involved in the development or issuance of the Order.

NAME	BUSINESS ADDRESS	POSITION OR TITLE
Bruce A. Berson	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Regional Counsel, Region III

Sara E. Brock	USNRC Washington, D.C. 20555	Attorney, Office of the General Counsel
James L. Caldwell	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Regional Administrator, Region III
Lawrence J. Chandler	USNRC Washington, D.C. 20555	Associate General Counsel for Hearings, Enforcement & Administration
Geoffrey E. Grant	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Deputy Regional Administrator, Region III
Michael R. Johnson	USNRC Washington, D.C. 20555	Former Director, Office of Enforcement
Bradley W. Jones	USNRC Washington, D.C. 20555	Assistant General Counsel for Material, Litigation, and Enforcement, Office of the General Counsel
Kenneth J. Lambert	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Senior Radiation Specialist, Region III
Christine A. Lipa	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Chief, Reactor Projects, Branch 4, Region III
James G. Luehman	USNRC Washington, D.C. 20555	Deputy Director, Office of Enforcement
M. Christopher Nolan	USNRC Washington, D.C. 20555	Former Section Chief, Enforcement, Policy & Program Oversight Section, Office of Enforcement
Kenneth G. O'Brien	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Enforcement/Investigations Officer, Region III

Richard C. Paul	USNRC, Region III Office of Investigations 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Field Office Director, Office of Investigations, Region III
Monte P. Phillips	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Project Engineer, Technical Support Staff, Division of Reactor Projects, Region III
Mark A. Satorius	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Director, Division of Reactor Projects, Region III
Robert D. Starkey	USNRC Washington, D.C. 20555	Senior Enforcement Specialist, Office of Enforcement
Martin J. Virgilio	USNRC Washington, D.C. 20555	Deputy Executive Director for Materials, Research, State, and Compliance Programs
Charles H. Weil	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Senior Enforcement Specialist, Region III
James Gavula	USNRC, Region III Division of Reactor Safety 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Senior Reactor Inspector Division of Reactor Safety, Region III
Joseph Ulie	USNRC, Region III Office of Investigations 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Senior Special Agent, Office of Investigations, Region III
Michele Janicki	USNRC, Region III Office of Investigations 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Special Agent, Office of Investigations, Region III

The following document is identified for which the Staff asserts the Deliberative Process Privilege as documented in the attached affidavit by James Luehman.

1. September 16, 2005 e-mail from Richard Paul to Kenneth O'Brien containing comments on draft Geisen Order with draft Order attached.

INTERROGATORY 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.

RESPONSE

The following NRC personnel were involved in the evaluation or issuance of the Order.

NAME	BUSINESS ADDRESS	POSITION OR TITLE
Bruce A. Berson	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Regional Counsel, Region III
Sara E. Brock	USNRC Washington, D.C. 20555	Attorney, Office of the General Counsel
James L. Caldwell	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Regional Administrator, Region III
Lawrence J. Chandler	USNRC Washington, D.C. 20555	Associate General Counsel for Hearings, Enforcement & Administration
Geoffrey E. Grant	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Deputy Regional Administrator, Region III
Michael R. Johnson	USNRC Washington, D.C. 20555	Former Director, Office of Enforcement
Bradley W. Jones	USNRC Washington, D.C. 20555	Assistant General Counsel for Material, Litigation, and Enforcement, Office of the General Counsel

Kenneth J. Lambert	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Senior Radiation Specialist, Region III
Christine A. Lipa	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Chief, Reactor Projects, Branch 4, Region III
James G. Luehman	USNRC Washington, D.C. 20555	Deputy Director, Office of Enforcement
M. Christopher Nolan	USNRC Washington, D.C. 20555	Former Section Chief, Enforcement, Policy & Program Oversight Section, Office of Enforcement
Kenneth G. O'Brien	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Enforcement/Investigations Officer, Region III
Richard C. Paul	USNRC, Region III Office of Investigations 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Field Office Director, Office of Investigations, Region III
Monte P. Phillips	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Project Engineer, Technical Support Staff, Division of Reactor Projects, Region III
Mark A. Satorius	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Director, Division of Reactor Projects, Region III
Robert D. Starkey	USNRC Washington, D.C. 20555	Senior Enforcement Specialist, Office of Enforcement
Martin J. Virgilio	USNRC Washington, D.C. 20555	Deputy Executive Director for Materials, Research, State, and Compliance Programs
Charles H. Weil	USNRC, Region III 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Senior Enforcement Specialist, Region III

Paul Bonnett	USNRC Washington, D.C. 20555	Senior Reactor Analyst Office of Nuclear Reactor Regulation
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INTERROGATORY 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.

RESPONSE

NAME	BUSINESS ADDRESS	POSITION OR TITLE
Joseph Ulie	USNRC, Region III Office of Investigations 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Senior Special Agent, Office of Investigations, Region III
Michele Janicki	USNRC, Region III Office of Investigations 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Special Agent Office of Investigations, Region III
Ernest Wilson, III	USNRC, Region I Office of Investigations 475 Allendale Road King of Prussia, PA 19406-1415	Field Office Director, Office of Investigations, Region I
James Gavula	USNRC, Region III Division of Reactor Safety 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Senior Reactor Inspector Division of Reactor Safety, Region III
Richard C. Paul	USNRC, Region III Office of Investigations 2443 Warrenville Road Suite 210 Lisle, IL 60532-4352	Field Office Director, Office of Investigations, Region III

INTERROGATORY 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.

RESPONSE

The Staff objects to this Interrogatory as vague, overly broad and unduly burdensome. First, the term "you" is not defined so that it is not possible to understand whose communications are referenced. In addition, the scope of the request is so general and all-inclusive as to effectively prohibit the Staff from sufficiently responding, without the Staff having to conduct additional research and, in addition, having to arrive at particular legal conclusions regarding relevancy—both of which the Staff is not required to do in response to discovery requests. Simply limiting the request to "relevant" information does not sufficiently provide the necessary direction for the Staff to follow in response. Instead, this Interrogatory improperly asks the Staff to go on a "fishing trip" (1) to find any and all documents that the Staff can regarding the previously identified individuals, and (2) then to sort the large bulk of documents, one by one, to determine whether any particular document is relevant or not to the Enforcement Proceeding.

Subject to the general objections cited above and the foregoing specific objections, the Staff provides the following response. Insofar as the information necessary to answer this Interrogatory is provided by the Staff's response to Interrogatories No. 3, 5, 7, 8, and 9, the Staff refers to its responses to those Interrogatories.

INTERROGATORY 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.

RESPONSE

The information that reveals each word or text Mr. Geisen may have written, inserted, added, proposed, revised or deleted relating to FENOC's September 4, 2001 written response to the Bulletin ("September 4 Response") is not within the knowledge of the Staff. However, in the days and months following the issuance of the August 3, 2001 NRC Bulletin 2001-001, "Circumferential Cracking of Reactor Pressure Vessel Head Penetration Nozzles," (Bulletin), the Staff contends that Mr. Geisen was involved in the process of formulation, preparation and submission of the September 4 Response. The Staff bases its contention on the following testimony and documents. The persons with knowledge relating to this contention are identified in the following documents. Additional identification of all individuals with knowledge relevant to the Order is provided in response to interrogatory 1.

Testimony:

1. NRC002-1258 to 1442 (OI Interview of David Geisen)
2. NRC002-1444 to 1599 (OI Interview of Rodney Cook)
3. NRC004-0268 to 0400 (OI Interview of Theo Swim)
4. NRC002-1131 to 1257 (OI Interview of Steven Moffitt)
5. NRC003-0401 to 0520 (OI Interview of Dale Miller)
6. NRC026-3014 to 3021 (Summary of Interview of Dale Miller by Randy Rossome)
7. NRC026-3024 to 3031 (Summary of Interview of Steven Moffitt by Randy Rossome)
8. SPM00000210 (Moffitt's appointment calendar)

Documents:

1. NRC026-2908 (3/27/02 Jack Martin's summary of Geisen's Statement)

2. NRC010-1819 (8/11/01 e-mail from Goyal to Geisen re: NRC Bulletin 2001-01)
3. NRC026-2891 to 2898 (6/18/02 Rossomme interview notes of Geisen)
4. NRC001-0438 to 0444 (4/27/00 CR re: leaking flanges)
5. NRC005-0587 to 0590 (6/27/01 intra company memorandum)
6. NRC027-1696 (OI Exhibit 87 - Serial 2731 Green Sheet)
7. NRC024-0560 (08/03/01 Condition Report 2001-2012)
8. SPM 00000216 (Steven Moffitt's Calendar – Meeting on 8/28 concerning Bulletin Response)

INTERROGATORY 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.

RESPONSE

The information that reveals each word or text that Mr. Geisen may have written, inserted, added, proposed, revised or deleted relating to FENOC's October 17, 2001 written response to the Bulletin ("October 17 Response") is not within the knowledge of the Staff. However, in the days and months following the issuance of the August 3, 2001 NRC Bulletin 2001-001, "Circumferential Cracking of Reactor Pressure Vessel Head Penetration Nozzles," (Bulletin), the Staff contends that Mr. Geisen was involved in the process of formulation, preparation and submission of October 17 Response. The Staff bases its contention on the following testimony and documents. The persons with knowledge relating to this contention are

identified in the following documents. Additional identification of all individuals with knowledge relevant to the Order is provided in response to Interrogatory 1.

Testimony:

1. NRC002-1258 to 1442 (OI interview of David Geisen)
2. NRC003-0401 to 0519 (OI Interview of Dale Miller)
3. NRC004-1370 to 1698 (OI Interview of Andrew Siemazcko)
4. NRC002-1444 to 1599 (OI Interview of Rodney Cook)
5. NRC002-1131 to 1257 (OI Interview of Steven Moffitt)
6. NRC004-0268 to 0400 (OI Interview of Theo Swim)
7. NRC001-0004 to 0157 (OI Interview of Peter Mainhardt)
8. NRC002-1045 to 1130 (OI Interview of Guy Campbell)
9. NRC026-3014 to 3021 (Summary of Interview of Dale Miller by Randy Rossome)
10. NRC026-3024 to 3031 (Summary of Interview of Steven Moffitt by Randy Rossome)

Documents:

1. NRC030-2096 to 2107 - (DOL Interview Summary of Andrew Seimaszko)
2. NRC026-2891 to 2898 (6/18/02 Rossomme interview notes of Geisen)
3. NRC002-0128 (10/17/01 e-mail from Goyal to Cook re: DB letter)
4. NRC002-0115 to 0116 (Wuokko telephone call documentation, 10/16-10/18)
5. NRC007-2497 (10/15/01 e-mail from Wuokko to the NRC re: Crack Growth rate calculations)
6. NRC008-1223 (10/12/01 e-mail from Wuokko to the NRC re: Reactor Vessel Head Cracking)
7. NRC011-2402 (10/17/01 e-mail from Goyal to McLaughlin re: DB Letter)
8. NRC014-1032 (10/17/01 draft meeting agenda with the NRC re: potential cracking)
9. NRC014-1641 (10/17/01 e-mail from Goyal to Geisen re: Crack growth calculations)

10. NRC015-1713 (10/16/01 e-mail from Goyal to Byrd cc: Geisen re: comments on Westinghouse nozzle risk assessment)
11. NRC017-1171 (10/15/01 Wuokko telephone call log listing the various contacts with NRC)
12. NRC019-1648 (10/19/01 e-mail from Wuokko to distribution re: correction of NRC's misunderstanding in 10/17/01 response)
13. NRC015-1344 (10/5/01 e-mail from Goyal to Geisen with white paper on nozzle cracking events and possible repair/inspection options)
14. NRC015-1532 (10/8/01 e-mail from Goyal to Geisen re: crack growth rate)
15. NRC015-1638 to 1639 (10/8/01 e-mail from Goyal to Geisen re: additional evaluation of CDRM group for tube #3)
16. NRC017-1873 (10/8/01 e-mail from Miller to Distribution re: Update on bulletin 2001-01 developments)
17. NRC008-0022 (10/9/01 e-mail from Goyal to Cook and Miller re: SIA Gap analysis)
18. NRC005-3551 (Travel itenary for Geisen et al for October 11 meeting with NRC)
19. NRC017-2516 (10/11/01 e-mail from Miller to Distribution re: Bulletin 2001-01 developments today)
20. NRC005-3122 (10/14/01 Wuokko telephone call log of contacts with NRC)
21. NRC007-1823 (10/12/01 e-mail from Wuokko to the NRC re: Reactor vessel head nozzle and weld safety assessment)
22. NRC014-1063 (10/15/01 Wuokko telephone call log of contacts with NRC re: request for meeting regarding bulletin 2001-01, RVP CRDM nozzle head circ. cracking and submittal of)
23. NRC015-0919 (10/12/01 e-mail from Geisen to Wuokko re: RV head nozzle and weld safety assessment)
24. NRC015-1111 (10/12/01 e-mail from Wuokko to the NRC re: finite element gap analysis of DB CRDM penetrations)
25. NRC020-2738 (10/12/01 e-mail from Wuokko to the NRC re: request for meeting with the NRC on 10/17/01)
26. NRC027-1698 (OI Exhibit 87 - Serial 2735 Green Sheet)
27. SPM 00000134 (10/13/01 documentation of phone call)

INTERROGATORY 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.

RESPONSE

The information that reveals each word or text that Mr. Geisen may have written, inserted, added, proposed, revised or deleted relating to FENOC's October 30, 2001 written response (Serial 2744) to the Bulletin ("October 30 Response") is not within the knowledge of the Staff. However, in the days and months following the issuance of the August 3, 2001 NRC Bulletin 2001-001, "Circumferential Cracking of Reactor Pressure Vessel Head Penetration Nozzles," (Bulletin), the Staff contends that Mr. Geisen was involved in the process of formulation, preparation and submission of the October 30 Response. The Staff bases its contention on the following testimony and documents. The persons with knowledge relating to this contention are identified in the following documents. Additional identification of all individuals with knowledge relevant to the Order is provided in response to interrogatory 1.

Testimony:

1. NRC002-1258 to 1442 (OI Interview of David Geisen)
2. NRC002-1131 to 1256 (OI Interview of Steven Moffitt)
3. NRC004-1370 to 1698 (OI Interview of Andrew Siemaszko)
4. NRC002-1131 to 1257 (OI Interview of Steven Moffitt)

5. NRC003-0401 to 0520 (OI Interview of Dale Miller)
6. NRC001-0004 to 0157 (OI Interview of Peter Mainhardt)
7. NRC002-1444 to 1600 (OI Interview of Rodney Cook)
8. NRC002-1045 to 1130 (OI Interview of Guy Campbell)

Documents:

1. NRC027-1702 to 1703 (OI Exhibit 87 - Serial 2744 Green Sheet)
2. NRC011-1868 (10/19/01 e-mail from Wuokko to the NRC cc: Geisen et al re: DB 2001-01 bulletin response RAIs)
3. NRC019-1648 (10/19/01 e-mail from Wuokko to Geisen et al re: NRC's misunderstanding)
4. NRC003-0899 (Participant list for the 10/24/01 Reactor Vessel Head Penetrations Meeting)
5. NRC005-3126 (10/22/01 e-mail from Wuokko to NRC re: 10/24/01 meeting and agenda)
6. NRC005-3134 (Draft agenda for 10/24/01 meeting)
7. NRC018-0980 (10/22/01 e-mail from Fyfitch to Geisen et al re: FRA-ANP responses to RAI to the Bulletin)
8. NRC019-1860 (10/22/01 e-mail from Wuokko to Geisen et al re: change in meeting rooms with the NRC on 10/24/01)
9. NRC026-0580 (10/22/01 e-mail from Goyal to Geisen re: RAI responses)
10. NRC014-1027 (10/23/01 e-mail from Mathews to Geisen re: Framatome Report)
11. NRC008-1509 (10/26/01 e-mail from Fyfitch to Geisen et al re: FRA-ANP's additional comments/suggestions on consolidated response on the RAIs)
12. NRC008-1284 (10/29/01 e-mail from Cook to Geisen re: Serial 2741)
13. NRC008-1888 (10/29/01 e-mail from Fyfitch to Geisen et al re: FRA-ANP response to RAIs)
14. NRC008-0860 (10/30/01 e-mail from Cook to Geisen et al re: Serial 2741 signing party)
15. NRC009-0664 (10/30/01 memorandum from Mattson re: his notes of 10/24/01 meeting with NRC)
16. NRC030-2096 to 2107 (OSHA interview summary of Siemaszko and OSHA's findings)

INTERROGATORY 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.

RESPONSE

As set forth in the Order, the Staff contends that Mr. Geisen deliberately provided materially incomplete and inaccurate information to the NRC in three oral briefings and when he concurred in FENOC's September 4, 2001 (Serial 2731), October 17 (Serial 2735) and October 30 (Serial 2744), 2001 written responses to the Bulletin. As such, aside from the oral briefings, the three referenced documents form the basis for the issuance of the Order. The specific actions taken by Mr. Geisen with regard to the words or text in other written submittals is not within the knowledge of the Staff. Further, Mr. Geisen's involvement in those documents is relevant only to the extent that it supports the Staff's case regarding the submittals which form the basis of the Order. The Staff's preliminary thoughts and legal strategies in establishing the Staff's contentions in the Order are subject to the attorney work product privilege. On these grounds, the Staff objects to this Interrogatory. The persons with knowledge relating to this contention are identified in the following documents. Additional identification of all individuals with knowledge relevant to the Order is provided in response to interrogatory 1.

INTERROGATORY 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.

RESPONSE

The Staff contends that the discovery that the boric acid on the vessel head was due to cavities caused by boric acid from the reactor coolant system released through cracks in the CRDM was contrary to the representations made by FENOC that the boric acid on the RPV head was attributable to flange leakage. Information which supports this claim are the (1) written submittal of September 4, 2001, identified as Serial 2731 (2) the conference call with Staff on October 3, 2001, (3) the presentation to the Commission Technical Assistants on October 11, 2001, (4) the written submittal of October 17, 2001, identified as Serial 2735, (5) the written submittal of October 30, 2001, identified as Serial 2744, and (5) the presentation before the ACRS on November 9, 2001.

INTERROGATORY 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.

RESPONSE

The Staff is not aware of every engineering duty Mr. Geisen performed while employed

by FENOC. However, the Staff contends that Mr. Geisen's general duties and responsibilities in his position as Design Engineering Manager were such that he would have received and reviewed information regarding the condition of the RPV head. During the time period relevant to the Order, Mr. Geisen was made aware from numerous sources that there was a large amount of boron on the head during 12 RFO, and that because of the large boron deposits, many nozzles could not be inspected. Mr. Geisen also reviewed videos and photos from past inspections of the head (including videos and photos from 10 RFO, 11 RFO, and 12RFO), reviewed data and head inspection information from past inspections, worked with and supervised others who were reviewing videos and photos of past inspections of the head, and received communications from them regarding the limited extent of past inspections of the head. Information supporting the above claims is included within, but is not limited to, the documents listed below.

Testimony

1. NRC002-1444 to 1600 (OI Interview of Rodney Cook)
2. NRC026-2891 to 2898 (Summary of Interview of David Geisen by Randy Rossome, June 18, 2002)
3. NRC026-2908 (Summary of Interview of David Geisen by John Martin, March 27, 2002)
4. NRC002-1258 to 1443 (OI Interview of David Geisen)
5. NRC003-0521 to 0583 (OI Interview of Michael D. Shepherd)
6. NRC002-1045 to 1130 (OI Interview of Guy Campbell)
7. NRC001-1663 to 0732 (OI Interview of Andrew Siemaszko, May 19, 2002)
8. NRC002-0339 to 0365 (OI Interview of Charles Daft)
9. NRC004-1370 to 1699 (OI Interview of Andrew Siemaszko, April 17, 2003)
10. NRC004-0607 to 0651 (OI Interview of Allan Vandeneeble)
11. NRC004-0268 to 0400 (OI Interview of Theo Swim)

12. NRC002-1131 to 1257 (OI Interview of Steven Moffitt)
13. NRC003-0401 to 0520 (OI Interview of Dale Miller)
14. NRC002-0879 to 0995 (OI Interview of Mark McLaughlin)
15. NRC001-0004 to 0157 (OI Interview of Peter Mainhardt)
16. NRC002-1690 to 1801 (OI Interview of David Lockwood)
17. NRC001-2163 to 2164 (Report of OI Interview of Andrea Lee)
18. NRC004-0533 to 0535 (Report of OI Interview of Allen Hiser)
19. NRC004-1067 to 1068 (Report of OI Interview of Dave Gudger)
20. NRC003-0539 to 0622 (OI Interview of Steven Fyfitch)
21. NRC026-3014 to 3021 (Summary of Interview of Dale Miller by Randy Rossome)
22. NRC026-3024 to 3031 (Summary of Interview of Steven Moffitt by Randy Rossome)

Documents

1. NRC005-0587 to 0590 (6/27/01 memorandum from Goyal to Distribution re: Mode 5 Reactor Vessel Head Inspection Recommendation)
2. NRC001-0438 to 0445(4/17/00 Condition Report (CR) 2000-1037)
3. NRC010-1994 to 1994 (8/17/01 e-mail from Goyal to Fyfitch re: Bulletin 2001-01)
4. NRC010-0997 to 1002 (6/10/01 e-mail from Goyal to Seimaszko re: plant specific data verification)
5. NRC002-0432 to 0436 (9/14/01 letter from Gregory Gibbs to McLaughlin)
6. NRC017-1364 to 1369 (10/2/01 handwritten notes of Miller of Davis-Besse meeting)
7. OI Exhibit 140 - 8/13/03 (Inspection Media Review)
8. NRC003-0264 to 0267 (9/11/01 Letter from Timothy Matthews to Joseph Ulie)
9. NRC031-0042 to 0050 (4/6/00 Condition Report 2000-0782)
10. Videos of RPV Head Inspections from 10RFO, 11RFO, and 12RFO
11. Photos of RPV Head Inspections from 10RFO, 11RFO, and 12RFO
12. NRC036-13229 to 13237 (OI Report Exhibit 224 - Pictures of Nozzles from 12RFO from

Charles Daft, October 17, 2001)

13. NRC036-13238 to 13240 (OI Report Exhibit 225 - Pictures from System Engineer's Notebook with pencilled-in corrections, plus pictures of nozzles from 12 RFO nozzles from Charles Daft, undated)
14. SPM 0000018 (08/13/01 Email from Prasoon Goyal to Andrew Siemaszko, et. al.)

INTERROGATORY 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.

RESPONSE

The statement of Mr. Geisen referenced in the interrogatory comes from the summary of an interview taken of Mr. Geisen on March 27, 2002, by John (Jack) B. Martin, a consultant for Martin Sigmund Consulting Services and a member of the Corporate Nuclear Review Board (CNRB). This interview was conducted by Mr. Martin while preparing a memo sent to Howard Bergendahl on March 28, 2002, with the subject "Assessment of Reactor Head Issues." The identity of this interview summary can be determined by referring to a matrix of interview summaries turned over by FENOC in response to subpoena requests by the NRC. Documents supporting the above contention are listed below.

1. NRC026-2152 to 2154 (3/28/02 Memo from John Martin to Howard Bergendahl)
2. NRC003-1352 to 1408 (OI Interview of John Martin)
3. NRC026-2785 to 2789 (Interview Matrix from FirstEnergy, undated)
4. NRC026-2908 (3/27/02 Summary of Interview of David Geisen by John Martin)

INTERROGATORY 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.

RESPONSE

The Order is based upon the submission of incomplete and/or inaccurate information in the (1) written submittal of September 4, 2001, identified as Serial 2731; (2) the conference call with Staff on October 3, 2001; (3) the presentation to the Commission Technical Assistants on October 11, 2001; (4) the written submittal of October 17, 2001, identified as Serial 2735; (5) the written submittal of October 30, 2001, identified as Serial 2744; and (6) the presentation before the ACRS on November 9, 2001.

The Staff contends that Mr. Geisen knew that the information in Serial 2731 mischaracterized the accumulation of boric acid on the RVP head found during 12RFO because the extensive nature of the deposits found during that inspection were not consistent with the representation that the deposits were located beneath leaking flanges with clear evidence of downward flow and no visible evidence of nozzle leakage detected. The Staff further contends that Mr. Geisen was aware that the submittal was incomplete in that it (1) failed to include information that during 11RFO and 12RFO access to the RPV bare metal head was impeded by significant boron deposits, (2) failed to report that boric acid deposits were not limited to the area beneath the CRDM flanges, and (3) failed to report that the boric acid deposits were so significant that not all RPV head penetration nozzles could be inspected.

The Staff contends that Mr. Geisen knew that the statement made during the October 3,

2001 conference call that 100% of the RPV head was inspected during 12RFO, including the CRD housing to head interfaces, except for 5 - 6 nozzles near the center of the head for which definitive conclusions could not be reached was incorrect based on his knowledge that the presence of significant amounts of boric acid on the head precluded visual examination of the CRD housing to head interfaces for a much larger portion of the head.

The Staff contends that Mr. Geisen knew that the representation to the Commission Technical Assistants on October 11, 2001, that all CRDM penetrations were verified to be free of popcorn type deposits was incorrect based on his knowledge that a significant portion of the RPV head was actually masked by boric acid deposits which prevented a visual examination of the CRD housing to head interfaces.

The Staff contends that Mr. Geisen knew that Serial 2735 was (1) not correct in stating that during 10RFO 65 of 69 nozzles were viewed based on his knowledge that the presence of significant boron deposit precluded inspection of more than four nozzles and (2) the statement that five RPV head CRDM flanges were leaking and flange leak was evident on 24 nozzles was misleading based on his knowledge that the amount of boron deposits on the head was too great to be consistent with only five leaking flanges and that there had not been 24 leaking flanges.

The Staff contends that Mr. Geisen knew that the photographs submitted with Serial 2744 did not accurately portray the amount of boron deposits on the head based on his knowledge that the photographs did not depict the presence of significant deposits of boron on the RPV head, certain nozzle photographs had been duplicated and then labeled to indicate that they depicted other nozzles, and certain nozzle photographs had been mislabeled to indicate that they depicted conditions on the portion of the head where significant amounts of boron deposits were present.

The Staff contends that Mr. Geisen knew that his statement during the ACRS

presentation that the best video of the head was from 1996 was misleading and incomplete based on his knowledge that the 1996 inspection did not provide the best video representation of the condition of the head due to the poor quality of the video, the limited amount of the head that was inspected during 1996, and the fact that subsequent videos showed substantial additional accumulations of boric acid deposits which impeded inspection of the entire vessel head and the difficulty encountered when attempts were made to fully clean the head and were therefore necessary to a complete and accurate representation of the vessel head.

The information which supports the Staff's contention that Mr. Geisen was involved in the formulation, preparation and submission or presentation of the Bulletin responses referenced above are identified in the responses to Interrogatories 13 - 15 and 21 -22. The information which supports the extent and nature of Mr. Geisen's knowledge of the condition of the RPV vessel head inspections are identified in response to Interrogatory 18 and 19. The information which supports the Staff's contention that the information presented in the Bulletin responses was misleading, inaccurate and/or incomplete and Mr. Geisen's knowledge thereof is identified in response to Interrogatories 24 - 27. Additionally, the Staff's contentions are supported by the following:

Testimony:

1. NRC004-0268 to 0400 (OI Interview of Theo Swim)
2. NRC004-1370 to 1698 (OI Interview of Andrew Siemaszko)
3. NRC001-0663 to 0870 (OI Interview of Andrew Siemaszko)
4. NRC002-1131 to 1257 (OI Interview of Steven Moffitt)
5. NRC003-0401 to 0520 (OI Interview of Dale Miller)
6. NRC001-2163 to 2164 (Report of OI Interview of Andrea Lee)
7. NRC004-0533 to 0535 (Report of OI Interview of Allen Hiser)
8. NRC003-0539 to 0622 (OI Interview of Steven Fyfitch)

9. NRC026-3014 to 3021 (Summary of Interview of Dale Miller by Randy Rossome)

Documents:

1. NRC030-2096 to 2098 (OI Exhibit 215 - DOL interview of David Geisen)
2. NRC002-0152 (1/30/01 memorandum from Goyal to Swim re: Trip report - BWOG materials committee meeting)
- 3.
4. NRC030 to 2096 (Siemaszko DOL interview report)
5. NRC002-0427 to 0430 (10/3/01 e-mail from Goyal to Geisen et. al. re: photo of crystal river VHP indication)
- 6.
7. NRC015-2389 to 2468 (4/15/02 Root Cause Analysis Report on Significant Degradation of Reactor Pressure Vessel Head)
- 8.
9. SPM 00000134 (10/15/01 documentation of phone call)
10. SPM 00000143 (10/22/01 documentation of phone call)
11. SPM 00000136 (10/22/01 documentation of phone call)
12. SPM 000006 (04/24/01 Intra-company memo on nozzle cracking cc'd to David Geisen)
13. SPM 00000218 (Prasoon Goyal's Deferred Prosecution Agreement)

INTERROGATORY 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.

RESPONSE

As stated on page 6 of the Order, the Staff contends that Mr. Geisen was one of several employees who was "responsible for the information provide to the NRC by FENOC in response to the Bulletin." A detailed description of every piece of information provided to the NRC by FENOC for which Mr. Geisen was responsible is not within the knowledge of the Staff.

However, the Staff's contention is based on the testimony and documents identified in Interrogatories 13-15 and Interrogatory 22 and the following testimony and documents. The persons with knowledge relating to this contention are identified in the following documents. Additional identification of all individuals with knowledge relevant to the Order is provided in response to Interrogatory 1.

Testimony

1. NRC002-1258 to 1442 (OI Interview of David Geisen)
2. NRC004-1370 to 1698 (OI Interview of Andrew Siemaszko)
3. NRC002-1690 to 1801 (OI Interview of David Lockwood)
4. NRC003-0401 to 0519 (OI Interview of Dale Miller)
5. NRC002-1131 to 1256 (OI Interview of Steven Moffitt)
6. NRC002-1045 to 1130 (OI Interview of Guy Campbell)
7. NRC002-0538 (OI Interview of Steven Fyfitch)
8. NRC003-1819 to 1928 (OI Interview of Gery Wolf)

Documents

1. NRC017-1380 (Miller handwritten notes from NRC telecom. dated October 3, 2001)
2. NRC027-1702 to 1703 (OI Exhibit 87 - Serial 2744 Green Sheet)
3. NRC027-1692 to 1697 (OI Exhibit 87 - Serial 2731 Green Sheet)
4. NRC027-1698 (OI Exhibit 87 - Serial 2735 Green Sheet)
5. NRC027-0447 to 1476 (OI Exhibit 227 - Serial 2741)
6. NRC001-1751 (9/28/01 e-mail from Miller to distribution re: CRD Nozzle Bulletin 2001-01 Recent development - Urgent)
7. NRC017-1674 (10/3/01 e-mail from Goyal to Geisen re: Crack growth rate)

INTERROGATORY 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.

RESPONSE

In the days and months following the issuance of the August 3, 2001 NRC Bulletin 2001-001, "Circumferential Cracking of Reactor Pressure Vessel Head Penetration Nozzles," the Staff contends that Mr. Geisen was generally involved in the process of formulation, preparation and submission of FENOC's information and responses, whether in writing or in oral briefings. However, a detailed description of every action that Mr. Geisen took or each communication he made in developing and presenting of such information to the NRC is not within the knowledge of the Staff. Nevertheless, with regard to the three cited information briefings, the Staff bases its contention on the following testimony and documents. The persons with knowledge relating to this contention are identified in the following documents. Additional identification of all individuals with knowledge relevant to the Order is provided in response to interrogatory 1.

Testimony

1. NRC002-1258 to 1442 (OI Interview of David Geisen)
2. NRC002-11690 to 1801 (OI Exhibit interview of David Lockwood)
3. NRC004-1370 to 1698 (OI Interview of Andrew Siemaszko)
4. NRC003-1808 to 1928 (OI Interview of Gerald Wolf)
5. NRC002-1131 to 1257 (OI Interview of Steven Moffitt)
6. NRC003-0401 to 0520 (OI Interview of Dale Miller)
7. NRC002-0879 to 0995 (OI Interview of Mark McLaughlin)

8. NRC001-0004 to 0157 (OI Interview of Peter Mainhardt)
9. NRC001-2163 to 2164 (Report of OI Interview of Andrea Lee)
10. NRC004-0533 to 0535 (Report of OI Interview of Allen Hiser)
11. NRC003-0539 to 0622 (OI Interview of Steven Fyfitch)
12. SPM 00000196 (Report of Interview of Steven Moffitt by the Office of the Inspector General)

Documents

1. NRC017-1364 (OI Exhibit 169 – Miller’s handwritten notes, dated 10/1/01))
2. NRC001-0571 to 0575 (OI Exhibit 181 – conference call notes, dated 10/3/01)
3. NRC017-1380 to 1383 (OI Exhibit 182 – Miller’s handwritten notes from NRC teleconference, dated 10/3/01)
4. NRC017-1384 to 1401 (OI Exhibit 183 – Miller’s handwritten notes, dated 10/3/01 to 10/22/01)
5. NRC014-1655 to 1827 (Transcribed notes of the ACRS meeting)
6. NRC003-0897 to 0899 (OI Exhibit 188 - Notes of conference call, dated 10/5/01)
7. NRC004-0815 to 0832 (OI Exhibit 193 - final version of slides provided to the Commissioner’s Tas, dated 10/11/01)
8. NRC004-1782 to 1785 (OI Exhibit 194 - Commissioner’s Tas Briefing notes, dated 10/11/01)
9. NRC008-2327 (10/1/01 e-mail from Miller to distribution re: Bulletin 2001-01 time and number)
10. NRC005-3581 (10/2/01 e-mail from Miller to distribution re: discussion with Dominion on Bulletin 2001-01)
11. NRC002-0111 (10/3/01 e-mail from Goyal to Geisen re: Oconee3 Inspection)
12. NRC008-0314 (10/3/01 e-mail from McLaughling to distribution re: MRP Meeting news)
13. NRC008-0227 (10/3/01 e-mail from Goyal to distribution re: “not good news”)
14. NRC017-1674 (10/3/01 e-mail from Goyal to Geisen re: Crack growth rate)
15. NRC025-0595 (10/3/01 e-mail from Cofflin to Geisen)

16. NRC015-1344 (10/5/01 e-mail from Goyal to Geisen re: White Paper)
17. NRC015-1532 (10/8/01 e-mail from Goyal to Geisen re: Crack growth rate)
18. NRC015-1638 (10/8/01 e-mail from Goyal to Geisen re: Additional Evaluation of CDRM Group for Tube #3)
19. NRC017-1873 (10/8/01 e-mail from Miller to distribution re: Update on Bulletin 2001-01 developments)
20. NRC008-0022 (10/9/01 e-mail from Goyal to Cook re: SIA Gap Analysis)
21. NRC005-3551 (10/11/01 Travel itinerary for meeting with the NRC)
22. NRC017-2516 (10/11/01 e-mail from Miller to distribution re: Bulletin 2001-01 developments today)
23. NRC014-0142 (11/5/01 e-mail from Wuokko to Dowling re: Chronology - NRC Staff's technical basis for Crack Growth Rates)
24. NRC016-1074 (11/8/01 NRC memorandum announcing meeting w/FENOC on 11/09/01)
25. NRC016-0170 (11/8/01 list of meeting participants)
26. NRC012-0419 (11/8/01 e-mail from Goyal to McLaughlin re: Response to Bavis-Besse question #1 below)
27. NRC017-1789 (11/7/01 NRC announcement of closed meeting with FENOC)
28. NRC025-0631 (11/6/01 e-mail from Goyal to Kilian re: Circ. crack growth rates)
29. NRC014-1914 (11/26/01 meeting summary of 11/8/01)
30. NRC015-1928 to 1950 (OI Exhibit 191, draft slides)

INTERROGATORY 23

State the factual basis for the contention on page 9 of the January 4, 2006 Enforcement Order that "during 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 (I2RFO) but some areas were precluded from inspection and that videotapes of the 1ORFO, 11RFO, and I2RFO 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.

RESPONSE

The Staff's contention is supported by testimony, handwritten notes from the October 3, 2001 teleconference, produced by Dale Miller, an employee of Davis-Besse, that identify Mr. Geisen as making the alleged statements, and an agenda from the teleconference that identifies Mr. Geisen as an attendee at the meeting. A summary of the meeting and handwritten notes from the meeting identify a FENOC representative as making statements substantially identical to the ones identified by Dale Miller as having been made by Mr. Geisen. This testimony and documents are identified below. The persons with knowledge relating to this contention are identified in the following documents. Additional identification of all individuals with knowledge relevant to the Order and these Interrogatory responses is provided in response to Interrogatory 3.

Testimony

1. NRC002-2039 to 2054 (OI Interview of Allen Hiser)

Documents

1. NRC017-1380 to 1401 (Handwritten notes of Dale Miller from October 3, 2001, telecon with the NRC, October 3, 2001)
2. NRC001-0571 (Summary by Melvin Holmberg of October 3, 2001, teleconference with the NRC, undated)
3. NRC001-0572 to 0573 (Agenda for October 3, 2001, telecon with the NRC, October 3, 2001)
4. NRC001-0574 (Handwritten notes of Allan Hiser from October 3, 2001, telecon with the NRC, October 3, 2001)
5. NRC001-0575 (Handwritten notes of Andrea D. (Lee) Valentin from October 3, 2001, telecon with the NRC, October 3, 2001)
7. NRC019-1648 (e-mail from Wuokko to Giesen)

INTERROGATORY 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.

RESPONSE

The Staff objects to this Interrogatory on the grounds that it is vague in that the term "information briefings" is not defined. Additionally, the Staff objects on the grounds that this Interrogatory is overly broad in that it applies to communications beyond those which are the subject of the Order and requests all documents that relate to the Staff's contention.

Documentation relating to the subject of the Staff's contentions is extensive and includes much information which is not within the knowledge, possession and control of the Staff. Requiring a search for all such documentation would be unduly burdensome and unlikely to produce relevant information and can be equally conducted by Mr. Geisen. Subject to the general objections cited above and foregoing specific objection, the Staff provides the following information that is responsive to what it considers to be the charges in the Order by providing the following: (1) an identification of oral statements which the NRC claims that Mr. Geisen was responsible for and that the NRC claims to be incomplete or inaccurate, and (2) the information in the statements that the Staff alleges were incomplete or inaccurate. The Staff claims that Mr. Geisen was responsible for incomplete or inaccurate statements in three information briefings to the NRC, as described below.

1. *October 3, 2001 teleconference.* The Staff claims that during an October 3, 2001 teleconference between employees of FENOC and the Staff, David 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. The Staff contends that this statement was incorrect. Extensive information exists showing that 100% of the head was not inspected in 12RFO, and that more than 5 or 6 nozzles were obscured.

2. *October 11, 2001 briefing of the Commissioner's TA's.* The Staff claims (1) that Mr. Geisen attended a briefing with Technical Assistants (TAs) to NRC Commissioners at which slides were presented, (2) that Mr. Geisen, in fact, took part in the preparation of these slides and presented some of them, and (3) that the following two slides, namely, (1) presentation slide 6, as presented by FENOC stated, in part: "Conducted and recorded video inspections of the head during 11RFO (April 1998) and 12RFO (April 2000) - No head penetration leakage was identified." and (5) presentation slide 7, as presented by Mr. Geisen stated, in part: "All CRDM [control rod drive mechanism] penetrations were verified to be free from "popcorn" type boron deposits using video recordings from 11RFO or 12RFO."

The Staff claims that the above information in the slides was incomplete or inaccurate in that the presentation slides did not state that the build-up of boric acid on the RPV head was so significant that the licensee could not inspect all of the RPV head penetration nozzles in 11 RFO and 12RFO. Due to the significant amount of boric acid present on the RPV head the statement that no visible evidence of RPV penetration nozzle leakage was detected was not correct.

3. *November 9, 2001 Presentation to the Advisory Committee on Reactor Safeguards (ACRS)* The Staff contends that Mr. Geisen made statements during the presentation that (1) the 11RFO (1998) and 12RFO (2000) inspections were focused on inspecting the RPV for indications of the impact of boric acid leakage from leaking flanges, (2) the 1998 and 2000 inspections (videotapes) did not give a good view of the control rod drives because the camera angle was looking upwards at the structural material of the service structure on top of the head, and (3) the videotape of the 10RFO (1996) inspection was a better video because the camera

was following around a vacuum and probe that were specifically looking for head wastage as a result of boron deposits on the head. The Staff contends that the foregoing information was materially incomplete and inaccurate based on the fact that each of the videotapes was helpful in understanding the significant boron accumulations present at the start of each outage, the existence of clear impediments to 100% inspection of the RPV head nozzles, and the difficulty the licensee encountered in its attempts to fully clean the RPV head of boron or to complete a comprehensive inspection of the RPV head nozzles.

The factual basis for the claims described above include the following:

Testimony

1. NRC002-1258 to 1443 (OI Interview of David Geisen)
2. NRC003-0521 to 0583 (OI Interview of Michael D. Shepherd)
3. NRC004-1370 to 1698 (OI Interview of Andrew Siemaszko)
4. NRC001-2163 to 2164 (Report of OI Interview of Andrea Lee)
5. NRC004-0533 to 0535 (Report of OI Interview of Allen Hiser)
6. NRC003-0539 to 0622 (OI Interview of Steven Fyfitch)
7. NRC026-3014 to 3021 (Summary of Interview of Dale Miller by Randy Rossome)
8. NRC026-3024 to 3031 (Summary of Interview of Steven Moffitt by Randy Rossome)

Documents

1. NRC005-0587 to 0590 (6/27/01 memorandum from Goyal to Distribution)
2. NRC010-0503 (8/30/01 e-mail from Goyal to Andrew Siemaszko, et. al.)
3. NRC007-1755 (8/27/01 e-mail from Goyal to Rodney Cook, et. al)
4. NRC008-2254 to 2257 (Forward of e-mail from Andrew Siemaszko to Prason Goyal, et. al., of draft of Serial 2731)
5. NRC009-0891 to 0915 (8/23/01 e-mail from Rodney Cook to Guy Campbell, et al., draft of Serial 2731)
6. NRC004-1156 to 1266 (10/17/01 Serial 2735)

7. NRC026-2259 to 2337 (4/15/02 Root Cause Analysis Report, "Significant Degradation of the Reactor Pressure Vessel Head)
8. NRC002-0115 to 0116 (10/22/01 Log of Telephone Conversation between Dale Wuokko and Doug Picket)
9. NRC010-1819 (8/11/01 e-mail from Goyal to David Geisen)
10. NRC001-0438 to 0445 (4/17/00 Condition Report (CR) 2000-1037)
11. NRC031-0042 to 0050 (4/6/00 Condition Report (CR) 2000-0782)
12. NRC010-1994 (8/17/01 e-mail from Goyal to Fyitch re: Bulletin 2001-01)
13. NRC010-0997 to 1002 (6/10/01 e-mail from Goyal to Siemaszko re: plant specific data verification)
14. NRC002-0432 to 0436 (9/14/01 letter from Gregory Gibbs to McLaughlin)
15. NRC017-1364 to 1369 (10/2/01 handwritten notes of Dale Miller of Davis-Besse meeting)
16. Staff Analysis, undated, Review of Computer File, "Exhibit 140 Inspection Media Review"
17. NRC003-0264 to 0267 (9/11/02 Letter from Timothy Matthews to Joseph Ulie)
18. NRC036-13229 to 13237 (OI Report Exhibit 224 - Pictures of Nozzles from 12RFO from Charles Daft, October 17, 2001)
19. NRC031-0283 to 0285 (OI Report Exhibit 225 - Pictures from System Engineer's Notebook with pencilled-in corrections, plus pictures of nozzles from 12RFO nozzles from Charles Daft, undated)
20. SPM 0000018 (08/13/01 Email from Prasoon Goyal to Andrew Siemaszko, et. al.)
21. PCAQR 98-0649, April 18, 1998, no bates-stamp.
22. NRC025-1016 to 1019 (6/27/98 PCAQR 98-0767)
23. Videos of RPV Head Inspections from 10RFO, 11RFO, and 12RFO
24. Photos of RPV Head Inspections from 10RFO, 11RFO, and 12RFO
25. NRC014-0816 to 0823 (November 9, 2001, presentation to the ACRS)
26. NRC001-1629 to 1664 (PCAQR 96-0551, April 21, 1996)

27. NRC028-1295 to 1330 (5/8/96 memorandum from R. E. Donnellon, "Re: Control Rod Drive Nozzle Cracking,")
28. NRC030-540 to 1555 (9/17/98 WSC meeting minutes discussing MOD 94-0025)
29. SPM 00000218 (Prasoon Goyal's Deferred Prosecution Agreement)

INTERROGATORY 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.

RESPONSE

The Staff contends that the photographic images provided Serial 2744 were labeled with the incorrect nozzle number and that some images were copied and then relabeled with different nozzle numbers. The documents which support this contention are listed below. Persons with knowledge of these facts are identified in the documents.

Documents

1. Staff Analysis, undated, Review of Computer File, "Exhibit 140 Inspection Media Review"
2. NRC003-0264 to 0267 (Letter from Timothy Matthews to Joseph Ulie, September 11, 2002)
3. Videos of RPV Head Inspections from 10RFO, 11RFO, and 12RFO.
4. Photos of RPV Head Inspections from 10RFO, 11RFO, and 12RFO.
5. NRC036-13229 to 13237 (Pictures of Nozzles from 12RFO from Charles Daft, October 17, 2001, OI Report Exhibit 224)

6. NRC036-13238 to 13240 (Pictures from System Engineer's Notebook with pencilled-in corrections, plus pictures of nozzles from 12 RFO nozzles from Charles Daft, undated, OI Report Exhibit 225)

INTERROGATORY 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.

RESPONSE

The Staff refers to the response to Interrogatory 20 for the requested information.

INTERROGATORY 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.

RESPONSE

The Staff refers to the response to Interrogatory 20 for the requested information.

INTERROGATORY 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.

RESPONSE

The Order is based on allegations that while employed by FENOC, Mr. Geisen engaged in deliberate misconduct by deliberately providing FENOC and the NRC with information that he knew was not complete or accurate in all material respects to the NRC, a violation of 10 C.F.R. § 50.5(a)(2). The Staff contends that Mr. Geisen's deliberate misconduct contributed to the overall pattern of deliberate inaccurate or incomplete documentation of information that was required to be submitted to the NRC by FENOC. The use of the word "pattern" in the Order was not referring to a pattern on the part of Mr. Geisen or any other FENOC employee to provide incomplete and inaccurate information, but rather referred to the pattern of inaccurate and incomplete information submitted to the NRC by FENOC in its several responses to Bulletin 2001-001 and in meetings held with the NRC. Because the pattern referenced in the Order pertains to FENOC and not Mr. Geisen, the Staff objects to providing the factual basis for that assessment on the grounds that it is not relevant to this enforcement proceeding.

INTERROGATORY 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.

RESPONSE

The NRC's primary goal is to regulate the safe uses of radioactive materials for civilian purposes to ensure the protection of public health and safety and the environment. In order to achieve this goal, the NRC must be able to rely on licensees and their employees to comply with NRC requirements. The NRC determined that Mr. Geisen deliberately provided FENOC and the NRC information that he knew was not complete or accurate in all material respects. The NRC determined that these violations were of very high safety and regulatory significance. As stated in the Order, Mr. Geisen's deliberate actions raised serious doubt as to whether he can be relied upon to comply with NRC requirements and to provide complete and accurate information to the NRC. Since the NRC does not have reasonable assurance that Mr. Geisen can conduct licensed activities in compliance with the Commission's requirements, the health and safety of the public will be protected if Mr. Geisen is prohibited from involvement in NRC-licensed activities.

Documents which support the NRC's issuance of the Order to Mr. Geisen, and which also support our contention that he should be prohibited from NRC-licensed activities, are enumerated elsewhere in these responses.

INTERROGATORY 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 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.

RESPONSE

The Staff objects to this Interrogatory as irrelevant and equally accessible to Mr. Geisen as the Staff. The Staff asserts that none of the information requested in this Interrogatory is

directly relevant to the Order which is the subject of this proceeding or reasonably calculated to lead to the discovery of relevant information. Furthermore, the Staff asserts that for it to answer subparts (a) and (c), it would have to engage in the same research and review of publically available materials as Mr. Geisen. Subject to the general objections cited above and the foregoing specific objections, the Staff provides the following response. NRC policies regarding records management are in Management Directive 3.53 and NUREG0910.

INTERROGATORY 31

With respect to each document as to which the NRC or 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.

RESPONSE

The Staff objects to this Interrogatory as requesting more information than otherwise required by 10 C.F.R. § 2.705(b)(4). That section requires only that “[w]hen a party withholds information otherwise discoverable under these rules by claiming that it is privileged or subject to protection as trial preparation material, the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.” So long as the nature of the document or communication is sufficiently described so as to enable other parties to assess the applicability of the privilege or protection claimed, 10 C.F.R. § 2.705(b)(4) does not mandate any additional information be provided. Insofar as this Interrogatory and Instruction 4 of these

Interrogatories are inconsistent with the requirements of 10 C.F.R. § 2.705(b)(4) for a party to claim privileges and other protections, the NRC objects to the imposition of any inconsistent, additional requirements. Notwithstanding this objection, the Staff has determined, based on reasonable efforts, that no document for which a privilege has been asserted has been communicated to any person outside of the NRC.

II RESPONSE TO DOCUMENT REQUESTS

REQUEST NO. 1

An unredacted and complete copy of the August 2003 OI Report, including, without limitation, Part II of the August 2003 OI Report.

RESPONSE

The Staff objects to this document request on the grounds that the Staff has provided a redacted version of the OI Report based on the assertion of the deliberative process and personal privacy privileges. The propriety of those privileges is currently under review by the Licensing Board.

REQUEST NO. 2

An unredacted and complete copy of all exhibits to the August 2003 OI Report, including, without limitation, all exhibits issued on September 5, 2003 to the August 2003 OI Report.

RESPONSE

The Staff objects to this Document Request on the grounds that it has provided redacted versions of all of the exhibits to the August 2003 OI Report to protect personal privacy information, asserting the personal privacy privilege.

REQUEST NO. 3

All documents and things that you identified, or were asked to identify, in your answers to Geisen's First Set of Interrogatories

RESPONSE

All responsive documents have been identified, by bates number when possible, for documents which have already been produced. Responsive and non-privileged documents are produced with this response.

REQUEST NO. 4

All documents and things relating to the facts, events, circumstances, allegations, claims, contentions, opinions and defenses in the January 4, 2006 Enforcement Order, the Answer or this Enforcement Proceeding.

RESPONSE

The Staff objects to this Document Request as overly broad and unduly burdensome in that it seeks information and documents from any and all sources, including the general public and is so broad in scope as to require the production of documents that would likely have little, if any, relevance, as well as documents which, even if relevant, that would have little independent relevance apart from information already disclosed in the course of Staff's responses to the Interrogatories and other Document Requests. To the extent this Document Request asks the Staff to engage in a determination of the relevancy of each and every document and thing discovered in the course of Staff's compilation, the Staff objects. The determination of relevancy exists only in relation to particular factual and legal contentions. To ask the Staff to determine the relevancy of any particular document is to ask the Staff to hand over its analytical methodologies (both factual and legal), which constitutes attorney work product.

Subject to the general objections cited above and the foregoing specific objections, the Staff notes that all responsive documents relevant to the specific interrogatory requests have

been identified or produced.

REQUEST NO. 5

All documents and things that are referenced or alleged in the January 24, 2006 Enforcement Order.

RESPONSE

The Staff has identified or produced all documents and things relevant to the factual basis for the Order in response to Interrogatories 13 - 29. To the extent that this Document Request requests documents or things which do not relate to the factual basis for the Order, the Staff objects on the grounds that it is seeking irrelevant information and is overly broad.

REQUEST NO. 6

All documents and things relating to the January 4, 2006 Enforcement Order.

RESPONSE

The Staff has identified or produced all documents and things relevant to the factual basis for the Order in response to Interrogatories 13 - 29. To the extent that this Document Request relates to additional information the Staff objects on the grounds that it is vague in that it is not clear how the term "relating" is defined. The request is also overly broad and unduly burdensome in that it seeks information of little or no relevance to the extent that the term "relating" is broadly interpreted to mean having any relevance to any subject matter contained in the order. Additionally, the request asks for information which is not within the control, possession, or knowledge of the Staff. The amount of time and resources necessary to compile all documents and things "constituting, discussing, mentioning, containing, embodying, reflecting, identifying, incorporating, referring to, dealing with, or pertaining to in any way" the noted document in the Document Request would be excessive in relation to the amount of

information of actual and independent relevance produced by such a search. Therefore, the Staff asserts that this Document Request, as worded, is unduly burdensome.

REQUEST NO. 7

All documents and things that the NRC or the Staff relied upon, assembled, reviewed, obtained, considered, drafted, prepared or generated in preparing the January 4, 2006 Enforcement Order.

RESPONSE

The Staff objects to this Document Request as vague in that the term "relied upon" and "considered" is not defined. In addition, the request is overly broad in that the Staff does not have knowledge, possession or control of documents or things within other offices of the NRC. The request as worded seeks irrelevant information to the extent that it seeks information which was not used to form the allegations or factual grounds of the Order but, for example, were merely administrative in nature. Subject to the general objections cited above and the foregoing specific objections, the Staff provides the following response. The Staff refers to the responses to interrogatories for identification of the OI Report. A search of Staff records has produced the following drafts of the Order for which the Staff asserts the deliberative process privilege as documented by the affidavit of James G. Luehman.

1. April 5, 2005, SDP/Enforcement Panel Worksheet containing preliminary Staff determinations regarding potential violations and enforcement actions relating to the discovery of cavities in the reactor vessel head at Davis Besse.
2. August 18, 2005, SDP/Enforcement Panel Worksheet containing preliminary Staff determinations regarding potential violations and enforcement actions relating to the discovery of cavities in the reactor vessel head at Davis Besse.
3. December 14, 2005 Draft Order concerning David Geisen.
4. Undated Draft Order concerning David Geisen.

REQUEST NO. 8

All documents and things relating to the facts, events, circumstances, allegations, claims, contentions and opinions in the August 2003 OI Report.

RESPONSE

The Staff has identified or produced all documents and things relevant to the factual basis for the Order in response to Interrogatories 13 - 29. To the extent that this Document Request relates to additional information the Staff objects on the grounds that it is vague in that it is not clear how the term "relating" is defined. The request is also overly broad and unduly burdensome in that it seeks information of little or no relevance to the extent that the term "relating" is broadly interpreted to mean having any relevance to any subject matter contained in the order. Additionally, the request asks for information which is not within the control, possession, or knowledge of the Staff. The amount of time and resources necessary to compile all documents and things "constituting, discussing, mentioning, containing, embodying, reflecting, identifying, incorporating, referring to, dealing with, or pertaining to in any way" the noted document in the Document Request would be excessive in relation to the amount of information of actual and independent relevance produced by such a search. Therefore, the Staff asserts that this Document Request, as worded, is unduly burdensome.

REQUEST NO. 9

All documents and things relating to the August 2003 OI Report.

RESPONSE

The Staff refers to the identified or production of information regarding the August 2003 OI Report in response to Interrogatories 7 and 9 and Document Request 1 and 2. To the extent that additional information regarding the OI Report, the Staff objects on the grounds that it is vague in that it is not clear how the term "relating" is defined. The request is also overly broad and unduly burdensome in that it seeks information of little or no relevance to the extent that

the term "relating" is broadly interpreted to mean having any relevance to any subject matter contained in the order. Additionally, the request asks for information which is not within the control, possession, or knowledge of the Staff. The amount of time and resources necessary to compile all documents and things "constituting, discussing, mentioning, containing, embodying, reflecting, identifying, incorporating, referring to, dealing with, or pertaining to in any way" the noted document in the Document Request would be excessive in relation to the amount of information of actual and independent relevance produced by such a search. Therefore, the Staff asserts that this Document Request, as worded, is unduly burdensome.

REQUEST NO. 10

All documents and things that are referenced or alleged in the August 2003 OI Report.

RESPONSE

The Staff refers to the information regarding the August 2003 OI Report and exhibits in Document Request 1 and 2. To the extent that this request seeks additional documents and things referenced in the OI report, this request is also overly broad and unduly burdensome in that it seeks each and every document and thing referenced in the OI Report without regard to any relevance to the factual findings upon which the Order was premised. As worded, this would require production of every document and thing even casually referenced in the report, without regard to relevance or whether the information is within the possession or control of the Staff.

REQUEST NO. 11

All documents and things relating to the August 2003 OI Report.

RESPONSE

The Staff refers to the response to Document Request 9.

REQUEST NO. 12

All documents and things that OI relied upon, assembled reviewed, obtained, considered, drafted, prepared or generated in preparing the August 2003 OI Report.

RESPONSE

The Staff objects to this Document Request as vague in that the term "relied upon" and "considered" is not defined. The request as worded seeks irrelevant information to the extent that it seeks information which was not used to form the allegations or factual grounds of the Order but, for example, were merely administrative in nature. Subject to the general objections cited above and the foregoing specific objections, the Staff provides the following response. The Staff refers to the OI report for identification as to the documents relied upon by OI in preparing the report which have been produced through mandatory disclosures in this proceeding. The Staff is producing the following additional documents considered by OI in developing the OI Report.

1. 11/6/02 e-mail from Roger Huston to Michelle Janicki Re: CRDM Nozzle Cracking
2. 11/6/02 e-mail from Roger Huston to Michelle Janick Re: CRDM Nozzle Cracking

REQUEST NO. 13

All documents and things on which you intend or expect to rely in support of any fact, allegation, claim, contention, opinion or defense in this Enforcement Proceeding, including all relevant documents communications and information.

RESPONSE

The Staff objects to this Document Request on the grounds that it seeks at this time preliminary thoughts about the legal and factual theories, along with verifying evidence, the Staff's attorneys might use, the Staff asserts Attorney Work Product Privilege. Such information will be disclosed as necessary by the Staff's attorneys in proper accordance with all

applicable regulations.

REQUEST NO. 14

All relevant documents, communications and information that you have sent to or received from any 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, including all persons whom you identified, or were asked to identify, in your answers to Geisen's First Set of Interrogatories.

RESPONSE

The Staff refers to the documents, communications and information relevant to the factual basis for the Order in response to Interrogatories 13 - 29. To the extent that this Document Request requests additional information the Staff objects on the grounds that it is vague in that the term "you" is not defined. If defined to include the entire Staff, the request is overly broad and burdensome as it would require a search for any communication of any Staff member regarding any matters which relate to the circumstances surrounding the Davis Besse event, thereby seeking information of little or no relevance to the Order and information which is not within the control, possession, or knowledge of the Staff.

REQUEST NO. 15

All relevant documents, communications or information that constitute, relate to, or reflect any written or oral statements, communications or admissions made by any 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, including all persons whom you identified, or were asked to identify, in your answers to Geisen's First Set of Interrogatories.

RESPONSE

The Staff objects to this Document Request as overly broad, unduly burdensome, and likely to produce irrelevant information. A response to this Document Request would likely

contain information of little, if any, relevance, and even if relevant of little independent relevance apart from information already disclosed in the course of Staff's responses to the Interrogatories and other Document Requests. The scope of this Document Request is so general and all-inclusive as to effectively prohibit the Staff from sufficiently responding, without the Staff having to conduct additional research at extraordinary expense to the Staff. The Staff contends that the amount of time and resources necessary to compile all documents and things sought by the Document Request would be excessive in relation to the amount of information of actual and independent relevance produced by such a search. Therefore, the Staff asserts that this Document Request, as worded, is unduly burdensome.

To the extent this Document Request asks the Staff to engage in a determination of the relevancy of each and every document and thing discovered in the course of Staff's compilation, the Staff objects. The determination of relevancy exists only in relation to particular factual and legal contentions. To ask the Staff to determine the relevancy of any particular document is to ask the Staff to hand over its analytical methodologies (both factual and legal), which constitutes attorney work product.

REQUEST NO. 16

All relevant documents, communications and information that you have sent to or received from any person whose testimony you intend, expect or anticipate to obtain, subpoena, offer, proffer, present, introduce or rely upon in this Enforcement Proceeding.

RESPONSE

The Staff objects to this Document Request as requesting information not otherwise yet required to be disclosed by applicable regulations. Pursuant 10 C.F.R. § 2.709 (c), the Staff may object to Document Requests on grounds that it is not relevant and "not necessary to a proper decision in the proceeding." The Staff has not yet settled on which fact witnesses it will call, and under § 2.704 (c)(2), parties other than the Staff are ordinarily not required to disclose

witness lists until 30 days prior to a scheduled hearing. Likewise, the Staff has not yet settled on which expert witnesses it will call, and under § 2.704(b)(3), parties other than the Staff are ordinarily not required to disclose witness lists until 30 days prior to a scheduled hearing.

Therefore, disclosure of all relevant documents, communications and information related to the Staff's fact and expert witnesses at this time is premature and not necessary to a proper decision in the proceeding. To the extent this Interrogatory seeks preliminary thoughts about the witnesses the Staff's attorneys might use, the Staff asserts Attorney Work Product privilege. The Staff also objects to the use of the phrase "rely upon" as vague or ambiguous. It is unclear to the Staff whether the phrase "rely upon" has independent significance apart from the other illustrative words used ("obtain, subpoena, offer, proffer, present, introduce") in relation to the Enforcement Proceeding. If "rely upon" was intended to have independent meaning, that meaning is unclear to the Staff. Thus, the Staff objects to the phrase "rely upon" as vague or ambiguous.

REQUEST NO. 17

All relevant documents, communications and information that constitute or relate to any articles, books or publications by any person whose testimony you intend, expect or anticipate to obtain, subpoena, offer, proffer, present, introduce or rely upon in this Enforcement Proceeding.

RESPONSE

The Staff objects to this Document Request as requesting information not otherwise yet required to be disclosed by applicable regulations. Pursuant 10 C.F.R. § 2.709 (c), the Staff may object to Document Requests on grounds that it is not relevant and "not necessary to a proper decision in the proceeding." The Staff has not yet settled on which fact witnesses it will call, and under § 2.704 (c)(2), parties other than the Staff are ordinarily not required to disclose witness lists until 30 days prior to a scheduled hearing. Likewise, the Staff has not yet settled

on which expert witnesses it will call, and under § 2.704(b)(3), parties other than the Staff are ordinarily not required to disclose witness lists until 30 days prior to a scheduled hearing. Therefore, disclosure of all relevant documents, communications and information related to the Staff's fact and expert witnesses at this time is premature and not necessary to a proper decision in the proceeding. To the extent this Interrogatory seeks preliminary thoughts about the witnesses the Staff's attorneys might use, the Staff asserts Attorney Work Product privilege. The Staff also objects to the use of the phrase "rely upon" as vague or ambiguous. It is unclear to the Staff whether the phrase "rely upon" has independent significance apart from the other illustrative words used ("obtain, subpoena, offer, proffer, present, introduce") in relation to the Enforcement Proceeding. If "rely upon" was intended to have independent meaning, that meaning is unclear to the Staff. Thus, the Staff objects to the phrase "rely upon" as vague or ambiguous.

REQUEST NO. 18

Biographies, resumes, curriculum vitae and personnel records sufficient to provide a full background and description of each person whose testimony you intend, expect or anticipate to obtain, subpoena, offer, proffer, present, introduce or rely upon in this Enforcement Proceeding.

RESPONSE

The Staff objects to this Document Request as requesting information not otherwise yet required to be disclosed by applicable regulations. Pursuant 10 C.F.R. § 2.709(c), the Staff may object to Document Requests on grounds that it is not relevant and "not necessary to a proper decision in the proceeding." The Staff has not yet settled on which fact witnesses it will call, and under § 2.704(c)(2), parties other than the Staff are ordinarily not required to disclose witness lists until 30 days prior to a scheduled hearing. Likewise, the Staff has not yet settled on which expert witnesses it will call, and under § 2.704(b)(3), parties other than the Staff are ordinarily not required to disclose witness lists until 30 days prior to a scheduled hearing.

Therefore, disclosure of all relevant documents, communications and information related to the Staff's fact and expert witnesses at this time is premature and not necessary to a proper decision in the proceeding. To the extent this Interrogatory seeks preliminary thoughts about the witnesses the Staff's attorneys might use, the Staff asserts Attorney Work Product privilege. The Staff also objects to the use of the phrase "rely upon" as vague or ambiguous. It is unclear to the Staff whether the phrase "rely upon" has independent significance apart from the other illustrative words used ("obtain, subpoena, offer, proffer, present, introduce") in relation to the Enforcement Proceeding. If "rely upon" was intended to have independent meaning, that meaning is unclear to the Staff. Thus, the Staff objects to the phrase "rely upon" as vague or ambiguous.

REQUEST NO. 19

All relevant documents, communications and information relating to any persons whom you intend, expect or anticipate to call as expert witnesses at the hearing or trial in this Enforcement Proceeding and any persons from whom you intend, expect or anticipate 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 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) all documents that relate to 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 documents that relate to the 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, such persons' opinions and testimony; (g) all documents that relate to the qualifications of such persons to render the opinions; (h) a list of all publications authored by such persons within the preceding ten (10) years; and (i) a list of 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.

RESPONSE

The Staff objects to this Document Request as requesting information not otherwise yet required to be disclosed by applicable regulations. Pursuant 10 C.F.R. § 2.709 (c), the Staff may object to Document Requests on grounds that it is not relevant and "not necessary to a

proper decision in the proceeding.” The Staff has not yet settled on which fact witnesses it will call, and under § 2.704 (c)(2), parties other than the Staff are ordinarily not required to disclose witness lists until 30 days prior to a scheduled hearing. Likewise, the Staff has not yet settled on which expert witnesses it will call, and under § 2.704(b)(3), parties other than the Staff are ordinarily not required to disclose witness lists until 30 days prior to a scheduled hearing. Therefore, disclosure of all relevant documents, communications and information related to the Staff’s fact and expert witnesses, along with the other information called for by this Document Request, at this time is premature and not necessary to a proper decision in the proceeding. To the extent this Interrogatory seeks preliminary thoughts about the witnesses the Staff’s attorneys might use, the Staff asserts Attorney Work Product privilege.

REQUEST NO. 20

All documents and things relating to the topics, subjects and contentions stated, described, included or contained in Geisen's First Set of Interrogatories, including any of the contentions quoted or referenced in Geisen's First Set of Interrogatories.

RESPONSE

The Staff has identified or produced all documents and things relevant to the factual basis for the Order in response to Interrogatories 13 - 29. To the extent that this Document Request relates to additional information the Staff objects on the grounds that it vague in that it is not clear how the term “relating” is defined. The request is also overly broad and unduly burdensome in that it seeks information of little or no relevance to the extent that the term “relating” is broadly interpreted to mean having any relevance to any subject matter contained in the order. Additionally, the request asks for information which is not within the control, possession, or knowledge of the Staff. The amount of time and resources necessary to compile all documents and things “constituting, discussing, mentioning, containing, embodying, reflecting, identifying, incorporating, referring to, dealing with, or pertaining to in any way” the

noted document in the Document Request would be excessive in relation to the amount of information of actual and independent relevance produced by such a search. Therefore, the Staff asserts that this Document Request, as worded, is unduly burdensome.

REQUEST NO. 21

All documents and things you relied upon, assembled, reviewed, obtained, considered, drafted or generated in preparing your answers to Geisen's First Set of Interrogatories.

RESPONSE

The Staff reviewed all documents produced through mandatory disclosures and produced by Staff searches. Because the responses were directed by counsel, the Staff asserts attorney-client and work product privilege with regard to any materials prepared for the purpose of responding to these interrogatories.

REQUEST NO. 22

All documents and things that you identified, or were asked to identify, in your answers to Geisen's First Set of Interrogatories.

RESPONSE

See response to Request No. 3

REQUEST NO. 23

All documents and things that relate to any oral, written, electronic, non-verbal or other communications that you identified, or were asked to identify, in your answers to Geisen's First Set of Interrogatories.

RESPONSE

See Staff response Document Requests No. 3 and No. 22. Because the Staff interpreted the term "document" to include all and "any oral, written, non-verbal or other communications" this Document Request does not ask for anything not already asked in

Document Request No. 3 or No. 22.

REQUEST NO. 24

All documents and things that you produced, or were requested to produce, in response to any Request for Production of Documents and Things to you in the *Miller and Moffitt Enforcement Proceedings*.

RESPONSE

The following documents, produced in the Miller and Moffitt proceedings, are provided:

1. Page 17 and 18 of the OI Report
2. Summary of the Lessons Learned Task Force interview of Jack Strosneider of May 30, 2002 (2109698)

The following documents, which have been produced in redacted form in mandatory disclosures, were disclosed without redactions under a Personal Privacy Protective Order.

These have been identified by the staff as containing privileged personal privacy information.

Therefore, absent protection under such an order they cannot be produced without redaction:

Redacted Document	Description	Unredacted Document
NRC003-0362-NRC003-0363	Interview of Hengge	21074-21075
NRC003-001-NRC-0085	Interview of Andrea Lee of 8/21/02	
NRC003-0086-NRC003	Interview of Andrea Lee of 8/23/02	
NRC003-0161-NRC003-0261	Interview of Allen Hiser	
NRC002-2055-NRC002	Interview of Stephen Long	
NRC003-0114-NRC003	Interview of Richard J. Barrett	

REQUEST NO. 25

To the extent not already disclosed in the NRC Disclosures in this Enforcement

Proceeding, all documents and things that you have disclosed in the *Miller and Moffitt* Enforcement Proceedings.

RESPONSE

See the answer to Request No. 24, above. The Staff has not produced any additional documents or things in the Miller and Moffitt proceedings

REQUEST NO. 26

All documents and things produced to you by any non-party pursuant to any document request (whether formal or informal, written or oral) by or for you or any subpoena issued in this Enforcement Proceeding or the *Miller and Moffitt* Enforcement Proceedings.

RESPONSE

The Staff objects to this request on the grounds that all disclosures are a matter of public record as identified by document productions provided by Mr. Miller and Mr. Moffitt. Therefore, the burden upon the Staff of obtaining and disclosing the requested documents and things here is substantially the same as it would be for Mr. Geisen.

REQUEST NO. 27

All documents and things that you intend to mark, identify, proffer, offer, present, introduce, use, show, reference, demonstrate or rely upon at the hearing or trial in this Enforcement Proceeding., including all documents that you intend, expect or anticipate might be identified, disclosed, marked, offered, proffered or admitted as any direct, rebuttal, impeachment, summary or demonstrative exhibit.

RESPONSE

The Staff objects to this Document Request on the grounds that it seeks attorney work product.

REQUEST NO. 28

All documents and things relating to any formal or informal interviews that you identified,

or were asked to identify, in your answers to Geisen's First Set of Interrogatories, including, without limitation, any memoranda, summaries, notes, transcripts, recordings and videotapes thereof.

RESPONSE

The Staff has identified all interview reports or transcripts responsive to the interrogatories. To the extent that this Document Request requests additional information the Staff objects on the grounds that it vague in that the term "you" is not defined. If defined to include the entire Staff, the request is overly broad and burdensome as it would require a search for any "thing related" to formal or informal interviews conducted regarding any matters which relate to the circumstances surrounding the Davis Besse event, thereby seeking information of little or no relevance to the Order and information which is not within the control, possession, or knowledge of the Staff.

REQUEST NO. 29

Transcripts of all depositions taken, convened or noticed in the *Miller and Moffitt* Enforcement Proceedings

RESPONSE

The Staff objects to this Document Request as it seeks information which may be obtained through the Court Reporter, Neal Gross.

REQUEST NO. 30

All documents and things relating to David Geisen.

RESPONSE

The Staff objects to this Document Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant and which is not is the possession, control or knowledge of the Staff.

REQUEST NO. 31

All documents and things relating to any knowledge, state of mind or intention of David Geisen, including, without limitation, any knowledge, state of mind or intention of David Geisen alleged in the January 4, 2006 Enforcement Order or the August 2003 OI Report.

RESPONSE

The Staff refers to the documents identified in response to Interrogatories 13 - 27 regarding the knowledge or intent of Mr. Geisen alleged in the Order. The Staff objects to the request for documents relating to "any" state of mind as overly broad and irrelevant to this enforcement proceeding.

REQUEST NO. 32

All documents that relate to any document retention, storage, destruction or disposal policies that the NRC has had from 1996 to the present, including all documents and things that relate to the NRC's policies, practices, procedures and facilities for generating, maintaining, storing and disposing of electronic data.

RESPONSE

The Staff objects to this Document Request because it requests irrelevant information and the burden upon the Staff of obtaining and disclosing the requested documents and things here is substantially the same as it would be for Mr. Geisen. Notwithstanding this objection the Staff notes that information relating to document management and retention is contained in Management Directive 3.53 and NUREG0910 available on the NRC's public website, www.nrc.gov.

Respectfully submitted,



Lisa B. Clark
Michael A. Spencer
Mary C. Baty
Counsel for the NRC Staff

Dated at Rockville, Maryland
this 3rd day of October, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
DAVID GEISEN

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Docket No. IA-05-052

ASLBP No. 06-845-01-EA

NOTICE OF WITHDRAWAL

Notice is hereby given that, effective October 2, 2006, the undersigned counsel withdraws her appearance in the captioned proceeding. All mail and service lists in this proceeding should be amended appropriately.

Respectfully submitted,



Sara E. Brock
Counsel for NRC Staff

Dated at Rockville, Maryland
this 2nd day of October, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

DAVID GEISEN)

) Docket No. IA-05-052

) ASLBP No. 06-845-01-EA
)

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSES AND OBJECTIONS TO DAVID GEISEN'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS" and "NOTICE OF WITHDRAWAL" for Sara A. Brock in the above captioned proceeding have been served on the following persons by deposit in the United States Mail; through deposit in the Nuclear Regulatory Commission internal mail system as indicated by an asterisk (*); and by electronic mail as indicated by a double asterisk (**) on this 3rd day of October, 2006.

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

E. Roy Hawkens * **
Chief Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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Nicholas G. Trikouras * **
Administrative Judge
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U.S. Nuclear Regulatory Commission
Mail Stop: O-16 C1
Washington, D.C. 20555

Adjudicatory File *
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Charles F.B. McAleer, Jr., Esq.
Andrew T. Wise, Esq.
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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

Margaret Parish * **
Board Law Clerk
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U.S. Nuclear Regulatory Commission
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Libby Perch * **
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Lisa B. Clark
Counsel for NRC Staff

October 2, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
DAVID GEISEN

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Docket No. IA-05-052

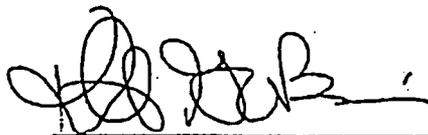
ASLBP No.06-845-01-EA

AFFIDAVIT OF KENNETH O'BRIEN

I, Kenneth O'Brien, being duly sworn, do hereby state as follows:

1. I am currently employed as Enforcement and Investigations Officer in Region III of the U.S. Nuclear Regulatory Commission.

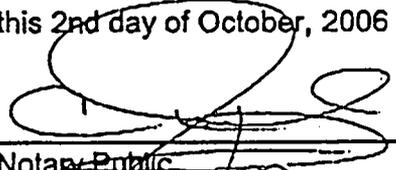
2. I have reviewed the answers to Interrogatories 13-27 in David Geisen's first set of interrogatories and hereby certify that the answers are correct to the best of my information and belief.



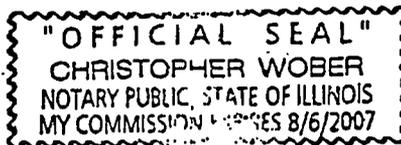
Kenneth G. O'Brien

Subscribed and sworn to before me

this 2nd day of October, 2006


Notary Public

My Commission Expires: 8/6/07



October 2, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

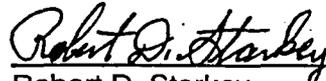
DAVID GEISEN

)
)
) Docket No. IA-05-052
)
) ASLBP No.06-845-01-EA
)

AFFIDAVIT OF ROBERT D. STARKEY

I, Robert D. Starkey, being duly sworn, do hereby state as follows:

1. I am currently employed as Senior Enforcement Specialist in the U.S. Nuclear Regulatory Commission Headquarters.
2. I have reviewed the answers to Interrogatories 1, 2, 5-7, 9-12, 28, and 29 in David Geisen's first set of interrogatories and hereby certify that the answers are correct to the best of my information and belief.


Robert D. Starkey

Subscribed and sworn to before me

this 1st day of October, 2006


Notary Public

My Commission Expires: _____

Elva Bowden Berry
NOTARY PUBLIC
Montgomery County, Maryland
My Commission Expires 12/1/07

October 2, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
DAVID GEISEN

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Docket No. IA-05-052

ASLBP No. 06-845-01-EA

AFFIDAVIT OF JAMES G. LUEHMAN

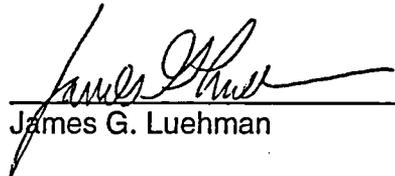
I, James G. Luehman, being first duly sworn, do hereby state as follows:

1. I am employed as Office of Enforcement, Deputy Director. My supervisory responsibilities include the oversight of the NRC Staff's enforcement actions, including those taken against individuals charged with wrongdoing with regard to information submitted to the NRC on behalf of FirstEnergy Nuclear Operating Company (FENOC) regarding the Davis-Besse Nuclear Power Plant.

2. I have personally reviewed the Enforcement Panel Worksheets, Draft Enforcement Orders, the comments provided by a Staff member on a Draft Order relating to David Geisen, and comments provided by Staff members on Draft Orders relating to other employees of Davis-Besse Nuclear Power Station, as referenced in the Staff's response to Mr. Geisen's first set of Interrogatories. Based on my review, I have determined that these documents contain pre-decisional information concerning the enforcement action taken against Mr. Geisen. These documents were prepared in the course of the process of determining the enforcement action to be taken by Mr. Geisen. As such, the documents contain preliminary Staff opinions and recommendation that do not necessarily reflect the final agency position with respect to the matters discussed.

3. From my review, I have determined that disclosure of these documents could result in harm to the agency in that it would disclose preliminary views of individual members of the Staff and/or the Staff prior to reaching a final agency decision. This disclosure would have a chilling effect on future Staff deliberations by discouraging the free exchange of opinions and analyses prior to reaching a final agency determination.

4. I hereby certify that the foregoing is true and correct to the best of my knowledge, information and belief.


James G. Luehman

Subscribed and sworn to before me
this 2nd day of October, 2006


Notary Public

My Commission Expires: March 1, 2010

DALE MILLER'S LISTING OF INITIAL DISCLOSURE DOCUMENTS

Item No.	Document title	Est. Volume	Date
S14M-00001- S14M-06874	D. Miller documents produced to OI	6874 pages	7/02 (production date)
DLM-000001	Notice of Meeting	1 page	7/23/01
DLM-000002	Condition Report	4 pages	8/3/01
DLM-000006	Bulletin Action Plan	3 pages	8/9/01
DLM-000009	Bulletin Action Plan	3 pages	8/11/01
DLM-0000012	Bulletin Action Plan	3 pages	8/11/01
DLM-0000015	Bulletin Action Plan	3 pages	8/14/01
DLM-0000018	NRC Bulletin	18 pages	8/14/01
DLM-0000036	Memorandum re CRDM Sampling	3 pages	8/17/01
DLM-0000039	Handwritten notes	2 pages	8/17/01
DLM-0000041	Utility group notes, print-outs	13 pages	8/17/01
DLM-0000053	Serial 2731 draft (8- 18-01)	17 pages	8/20/01
DLM-0000071	Utility group contact	1 page	8/21/01
DLM-0000072	Utility group contacts	6 pages	
DLM-0000078	Utility group e-mails	14 pages	8/17-8/22/01
DLM-0000092	P. Goyal e-mail and forward	1 page	8/22/01
DLM-0000093	Serial 2731 draft (8- 22-01-wo-figures)	24 pages	8/22/01
DLM-00000117	R. Cook e-mail re Davis-Besse draft response	1 page	8/22/01
DLM-00000118	Serial 2731 draft (8- 22-01-wo-figures)	24 pages	8/22/01
DLM-00000142	R. Cook e-mail re draft response	1 page	8/23/01

DALE MILLER'S LISTING OF INITIAL DISCLOSURE DOCUMENTS

Item No.	Document Title	Est. Volume	Date
DLM-00000143	Serial 2731 draft 8-22-01-wo-figures-Prasoon's comments	25 pages	8/22/01
DLM-00000168	P. Goyal e-mail re industry responses	2 pages	8/22/01
DLM-00000170	B&W designed plants	1 page	
DLM-00000171	Utility group notes	4 pages	
DLM-00000175	Agenda	4 pages	
DLM-00000179	8/23/01 conference call notes	4 pages	8/23/01
DLM-00000183	R. Cook e-mail with Serial 2731 draft 8-23-01 part 1	22 pages	8/23/01
DLM-00000205	R. Cook e-mail with Serial 2731 draft part 2	6 pages	8/23/01
DLM-00000211	R. Cook e-mail with Serial 2731 8-23-01 Prasoon's comments	25 pages	8/23/01
DLM-00000236	D. Miller e-mail and utility group agenda with drafts	3 pages	8/23/01
DLM-00000240	D. Miller e-mail re utility group	1 page	8/23/01
DLM-00000241	8/23/01 Bulletin conference call notes	3 pages	8/23/01
DLM-00000244	P. Goyal e-mail re picture of RV head	1 page	8/23/01
DLM-00000245	"14 m. Dale Miller's file" with draft Serial 2731	25 pages	8/23/01
DLM-00000270	2731 draft	24 pages	
DLM-00000294	E-mail to D. Miller re utility group	2 pages	8/24/01
DLM-00000298	R. Cook e-mail with draft 8-27-01 Version	26 pages	8/27/02

DALE MILLER'S LISTING OF INITIAL DISCLOSURE DOCUMENTS

Item No.	Document Title	Est. Volume	Date
	1b		
DLM-00000324	P. Goyal e-mail re 8-27-01 Version 1b	2 pages	8/27/02
DLM-00000326	E-mail to D. Miller re utility group table	1 page	8/27/01
DLM-00000327	P. Goyal e-mail re sending response	2 pages	8/28/01
DLM-00000329	M. McLaughlin e-mail re conference call notes	4 pages	8/28/01
DLM-00000333	R. Cook e-mail with draft 8-28-01 Version 1e	27 pages	8/28/01
DLM-00000360	MRP/EPRI "proprietary material"	1 page	7/31/01
DLM-00000361	High susceptibility plants	1 page	8/30/01
DLM-00000362	R. Cook e-mail with draft 8-29-01 Version 1g-ANO	27 pages	8/29/01
DLM-00000389	R. Cook e-mail with draft 8-29-01 Version 1g-ANO	27 pages	8/29/01
DLM-00000416	B&W industry positions	1 page	
DLM-00000417	8-29-01 Version 1g-ANO	26 pages	8/29/01
DLM-00000443	P. Goyal e-mail re Oconee's response	1 page	8/29/01
DLM-00000444	P. Goyal's e-mail re head inspection	1 page	8/30/01
DLM-00000445	D. Wuokko e-mail re Crystal River	1 page	8/30/01
(DLM-00000446	R. Cook e-mail with plants' draft plans	3 pages	8/30/01

DALE MILLER'S LISTING OF INITIAL DISCLOSURE DOCUMENTS

Item No.	Document Title	Est. Volume	Date
DLM-00000449	A. Siemaszko e-mail re D. Simpkins' inquiry	2 pages	8/30/01
DLM-00000451	D. Miller e-mail re D. Simpkins' inquiry	2 pages	8/30/01
DLM-00000453	2731 review and approval form	2 pages	8/30/01 (DLM)
DLM-00000455	R. Cook e-mail re distribution 2731	2 pages	9/5/01
DLM-00000457	DB-RA system e-mail with Serial No. 2731	27 pages	9/6/01
DLM-00000484	Serial No. 2735 review and approval form	1 page	10/17/01
DLM-00000485	Serial No. 2735	74 pages	10/17/01
DLM-00000559	R. Rossomme interview of D. Miller	8 pages	6/25/02
DLM-00000567	D. Miller personnel action letter	1 page	9/24/02

STEVEN MOFFITT'S LISTING OF INITIAL DISCLOSURE DOCUMENTS

Item No.	Document Title	Est. Volume	Date
S14N-00001- S14N-00971	S. Moffitt documents produced to OI	971 pages	7/02 (production date)
SPM-000001	<i>Outage Insider</i>	3 pages	4/29/00
SPM-000004	Restart Readiness Review	2 pages	5/9 and 5/10/00
SPM-000006	P. Goyal re NEI/MRP meeting	4 pages	4/26/01
SPM-0000010	P. Goyal re Mode 5 Inspection	4 pages	6/27/01
SPM-0000014	Call notes with meeting notice	3 pages	7/23/01
SPM-0000017	P. Goyal re meeting	2 pages	8/11/01
SPM-0000019	Station Review Board	2 pages	8/8/01
SPM-0000021	Bulletin Action Plan	3 pages	8/11/01
SPM-0000024	R. Cook e-mail with draft response 8-29-01 Version 1g-ANO	26 pages	8/29/01
SPM-0000050	R. Cook e-mail re Serial 2731 "final copy"	26 pages	9/4/01
SPM-0000076	G. Gibbs letter	5 pages	9/14/01
SPM-0000081	D. Miller notes re calls/meetings	14 pages	9/28-10/3/01
SPM-0000095	D. Wuokko e-mail with call summary	2 pages	10/2/01
SPM-0000097	R. Cook e-mail with agenda	2 pages	10/3/01
SPM-0000099	D. Miller notes re calls	9 pages	10/3-10/4/01
SPM-00000108	D. Miller notes re calls	3 pages	10/10-10/11/01
SPM-00000111	Slides re Bulletin (Campbell, Moffitt, Geisen, Lockwood, Fyfitch)	16 pages	10/11/01
SPM-00000127	D. Wuokko e-mail re meeting request	2 pages	10/12/01
SPM-00000129	D. Wuokko e-mail re SIA	1 page	10/12/01

STEVEN MOFFITT'S LISTING OF INITIAL DISCLOSURE DOCUMENTS

Item No.	Document Title	Est. Volume	Date
SPM-00000130	D. Lockwood e-mail re J. Zwolinski request	1 page	10/12/01
SPM-00000131	D. Wuokko e-mail re supplemental response	1 page	10/12/01
SPM-00000132	D. Wuokko call notes	2 pages	10/12/01
SPM-00000134	D. Wuokko call notes	1 page	10/12/01
SPM-00000135	D. Wuokko call notes	1 page	10/16/01
SPM-00000136	D. Wuokko call notes	2 pages	10/16-10/18/01
SPM-00000138	D. Pickett e-mail	1 page	10/17/01
SPM-00000139	D. Pickett e-mail	1 page	10/17/01
SPM-00000140	D. Pickett e-mail	1 page	10/18/01
SPM-00000141	D. Wuokko e-mail	1 page	10/18/01
SPM-00000142	D. Wuokko e-mail	1 page	10/18/01
SPM-00000143	D. Wuokko notes about call with 10/15/01 e-mail	2 pages	10/15/01
SPM-00000145	D. Wuokko e-mail	1 page	10/26/01
SPM-00000146	Review and approval forms	7 pages	8/01-10/30/01
SPM-00000153	Notice of Meeting	3 pages	11/1/01
SPM-00000156	D. Wuokko e-mail with "crack growth" forward	1 page	11/5/01
SPM-00000157	D. Wuokko e-mail with chronology	3 pages	11/5/01
SPM-00000160	D. Wuokko call notes	1 page	11/8/01
SPM-00000161	S. Long notes	1 page	
SPM-00000162	R. Cook e-mail with chronology	4 pages	11/12/01
SPM-00000166	D. Lockwood e-mail with S. Moffitt attributed e-mail	2 pages	11/16/01
SPM-00000168	DB-RA system e-mail with meeting notice	3 pages	11/21/01
SPM-00000171	Meeting summary	3 pages	11/26/01
SPM-00000174	R. Smoot report	14 pages	4/4/02
SPM-00000188	R. Rossomme interview	8 pages	7/1/02

STEVEN MOFFITT'S LISTING OF INITIAL DISCLOSURE DOCUMENTS

Item No.	Document Title	Est. Volume	Date
	of S. Moffitt		
SPM-00000196	OIG interview of S. Moffitt (redacted)	2 pages	9/24/02
SPM-00000198	S. Moffitt 2000 lotus notes	4 pages	03/02-10/18/00
SPM-00000202	S. Moffitt 2001 lotus notes	16 pages	03/13/01-1/14/02
SPM-00000217	S. Moffitt access log	1 page	3/16-11/5/01
SPM-00000218	P. Goyal deferred prosecution agreement	6 pages	11/10/05

**NRC STAFF RESPONSE TO WRITTEN DISCOVERY
DOCUMENT DISCLOSURES 10/02/2006**

Date	Bates Begin	Bates End	Full Name
??/??/2001	NRC036-13215	NRC036-13219	98 insp No.7.
??/??/2001	NRC036-13220	NRC036-13221	98 insp No.9
??/??/2001	NRC036-13209	NRC036-13214	98 insp No.16.
??/??/2001	NRC036-13222	NRC036-13228	98 inspect. unknown1.
??/??/2001	NRC036-13184	NRC036-13191	1996 CRD Pictures More
??/??/2001	NRC036-13192	NRC036-13203	1996 CRD Pictures
??/??/2001	NRC036-13204	NRC036-13208	2000 No.5
04/18/1998	NRC036-13243	NRC036-13249	Exhibit 20- PCAQR 1998-0649, RPV Head Boric Acid Residue
03/30/1999	NRC036-13250	NRC036-13253	Exhibit 54 CR 1999-0510, Both REs Inoperable
08/22/2003	NRC036-13255	NRC036-13270	Exhibit 85 NRC Bulletin 2001-01, Circumferential Cracking Of Reactor Pressure Vessel Head Penetration Nozzles
09/04/2001	NRC036-13271	NRC036-13296	Exhibit 86: Serial 2731

10/17/2001	NRC036-13229	NRC036-13237	Exhibit 224: Pictures of Nozzles from 12RFO from DAFT, dated October 17, 2001-EV
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**NRC STAFF RESPONSE TO WRITTEN DISCOVERY
PAPER DOCUMENT DISCLOSURES 10/02/2006**

Date	Bates - Begin	Bates - End	Full Name
To Be Determined	DLM00000568	DLM00000692	Performance Evaluations and Training Records for Dale Miller
12/11/2001	41007	41010	Email from Roger Huston to Michele Janicki -- Fwd.: CRDM Nozzle Cracking
12/11/2001	41002	41006	Email from Roger Huston to Michele Janicki -- Fwd.: Re: CRDM Nozzle Cracking
05/30/2002	21096	21098	Summary of Interview of Strosnider by LLTF
11/06/2002	41001	41001	Email from Roger Huston to Michele Janicki -- Fwd.: Review of earlier notes
06/30/2006	41155	41156	Letter from Jane Penny to Counsel for NRC Staff: Transmittal of Performance Evaluations and Training Records for Dale Miller