

June 9, 2009 (8:30am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Michael C. Farrar, Chairman
E. Roy Hawkens
Nicholas G. Trikouros

In the Matter of)	Docket No. IA-05-052
)	
)	ASLBP No. 06-845-01-EA
DAVID GEISEN)	
)	

**OPPOSITION OF DAVID GEISEN TO THE
NRC STAFF'S MOTION TO COMPEL DISCOVERY**

Introduction

David Geisen, through undersigned counsel, opposes the NRC Staff's November 3, 2008 Motion to Compel Discovery ("Motion"). The Motion ignores the history of the case, the universe of information presently available to the Staff, and the fact that Mr. Geisen is entitled to an expedited hearing by virtue of the Staff's decision to make its Order against Mr. Geisen immediately effective. It should be denied.

Discussion

The Board is familiar with the extensive history of this case and counsel will not repeat it here, except for a brief review of facts and events that bear upon the unreasonableness of the Staff's present motion and demonstrate the Staff's continuing pattern of seeking to delay a proceeding that it has controlled from the start.

The Staff issued the Order barring Mr. Geisen from participation in licensed activities on January 4, 2006. The Order, which arises out of activities that occurred in the summer and fall

of 2001, was made immediately effective by the Staff and resulted in Mr. Geisen's termination from his job at the Kewanee Nuclear Power Plant where he had worked creditably for three years after leaving the Davis-Besse Nuclear Power Station (Davis-Besse). It makes allegations of deliberate misconduct by Mr. Geisen based upon a set of facts substantially similar to those cited by the U.S. Department of Justice (DoJ) in a five-count criminal indictment returned two weeks after the Staff issued the Order.

The Order was issued following the conclusion of an eighteen month investigation by the NRC Office of Investigations that included the sworn interviews of dozens of witnesses, including Mr. Geisen. The transcripts of those interviews and the 231 page report of the investigators comprise a small part of the documentary universe held by the Staff since the start of this proceeding. Mr. Geisen's OI interview covers 184 pages of transcript. In it, Mr. Geisen speaks to most of the allegations cited by the Staff in the Order in a discussion notable for Mr. Geisen's candor and introspection.

Two months after filing the Order, the Staff moved the Board to hold the proceeding in abeyance. When the Board denied the Motion, *In the Matter of David Geisen*, LBP-06-13 (2006) the Staff appealed to the Commission, which upheld the Board's decision. *In the Matter of David Geisen*, CLI-06-19, 64 NRC 9 (2006).

In September 2006, the Staff issued a set of Interrogatories, Document Requests, and Requests for Admissions to Mr. Geisen. The document set forth forty-one interrogatories containing well over 400 subparts. Attachment A. Mr. Geisen objected to the interrogatories on a number of grounds, including the fact that the interrogatories were "unreasonable and too numerous: and "overly burdensome and/or would involved undue financial expense... See, David Geisen's Objections and Answers to NRC Staff's First Set of Interrogatories (October 3,

2006). Given the pendency of the criminal trial, Mr. Geisen also asserted his Fifth Amendment rights and refused to answer most of the interrogatories. After discussion with the Staff and a conference call with the Board, Mr. Geisen submitted a supplemental set of answers that provided further responses to the Staff's interrogatories.

In the meantime, the Staff moved the Board to stay the proceeding two more times. Both times, the Board refused. *See*, November 14, 2006 Hearing Transcript at 417-419; Order (Denying Government's Request to Stay Proceeding)(January 12, 2007). The Staff then appealed again to the Commission, which stayed the proceeding pending the resolution of Mr. Geisen's criminal trial. *In the Matter of David Geisen*, CLI-07-06, 65 NRC 112 (2007).¹

Mr. Geisen's criminal trial commenced in September 2006 and lasted for close to a month. During the trial, the DoJ's trial team included three NRC Office of Investigations agents who sat in the courtroom, passed the prosecutors notes regarding on-going testimony, and participated in witness preparation sessions. The DoJ called sixteen witnesses over the course of two weeks. It also cross-examined four witnesses called by the defendants, including Mr. Geisen, who testified over two days in sworn testimony totaling 162 pages. Counsel for the Staff was present at a significant portion of the trial and the transcripts of the entire proceeding have been provided to the Staff.

After Mr. Geisen's sentencing on three counts of the indictment (he was acquitted on two counts), Mr. Geisen moved for the immediate resolution of this matter. Undersigned counsel engaged in extensive discussions with the Staff designed to limit the length and scope of the hearing in light of the fact that many of the issues raised by the Order were addressed and

¹ In light of this history, it is disingenuous for the Staff to complain that these "Interrogatories have been outstanding to over two years." Motion at 4.

established in the course of the criminal trial and/or in the OI investigation. The Staff has submitted an eleven-page Stipulation regarding inaccuracies and omissions from FENOC's bulletin responses and statements made by Mr. Geisen. Though it was articulated repeatedly throughout the trial and established by Mr. Geisen's own testimony, counsel affirmed for the Staff what Mr. Geisen defense would be at the hearing before the Board: he acknowledges that statements he made and approved were inaccurate but he did not know of their inaccuracy at the time the statements were made.

In discussions between counsel, the Staff noted that it had propounded interrogatories in 2006 in response to which Mr. Geisen had invoked his Fifth Amendment rights. After reviewing the interrogatories, counsel for Mr. Geisen indicated that the form and length of the interrogatories was unreasonable given the wealth of information now available to the Staff. Counsel committed nonetheless to provide a response that articulated Mr. Geisen's defense in relation to the relevant factual events set forth in the Order and responded to the spirit of the Staff's interrogatories. Counsel repeated that commitment in a conference call with the Board on October 23, 2008. See, Memorandum and Order (Summarizing Conference Call) at 2.

Mr. Geisen filed his response, as promised, on October 29, 2008 (the "Response"). Attachment 2. The Response comprehensively addressed the relevant subject matter over 17 pages of text. It did not tie the information to each of the Staff's interrogatory subparts, but rather divided Mr. Geisen's response between twelve specific events referenced in the Order. In an introductory section, it noted the fact that Mr. Geisen had provided sworn testimony regarding the subject matter in the OI interview and in his trial testimony, and also confirmed that Mr. Geisen would be made available for deposition by the Staff.

The Staff has now filed a Motion to Compel Discovery, complaining that Mr. Geisen has failed to answer the interrogatories. In making that Motion, the Staff ignores the fact that it has access to an enormous body of information from a variety of sources. It ignores the fact that Mr. Geisen has testified twice under oath already and has now provided additional sworn statements about the limited issues that will be contested at the hearing. It ignores the fact that Mr. Geisen will be available for deposition before the hearing. The Staff has had, and will have, ample opportunity to prepare for the hearing with a full and comprehensive understanding of Mr. Geisen's specific position on every contested issue, without imposing on him, and his counsel, the unreasonable burden of responding to cumulative interrogatories that violate the letter and spirit of the rules. The Motion should be denied.

Argument

The fundamental purpose of discovery is to eliminate the element of surprise at trial. *Flag Fables, Inc. v. Jean Ann's Country Flags & Crafts, Inc.*, 730 F. Supp. 1165, 1186 (D. Mass. 1990) *citing Hickman v. Taylor*, 329 U.S. 495 (1947). The Staff cannot claim any prospect for potential surprise given the history of this case and the volume of materials available to it.

The Staff correctly notes that the Federal Rules of Civil Procedure and federal legal authorities provide appropriate guidelines for interpreting NRC discovery rules. Motion at 3. The interrogatories the Staff seeks to compel Mr. Geisen to answer clearly violate the spirit and language of the Rules, which allow a party to serve no more than 25 written interrogatories, *including all discrete subparts...* Fed. R. Civ. Proc. 33(a) (emphasis added). Thus, even if events stood as they did when the interrogatories were issued, the interrogatories would be subject to significant limitation based on their form.

Of course, as detailed above, events do not stand as they did.

10 C.F.R § 2.705(b)(2) sets forth the conditions upon which the Board may limit the extent of discovery. Mr. Geisen did not originally come to the Board seeking such relief, opting instead to comply with his obligations while simultaneously moving the matter toward the expedited hearing by providing the substantive information contained in his Response. But the Staff's decision to attempt to delay the proceeding through more procedural jockeying brings 10 C.F.R. § 2.705(b)(2) into play.

The section sets forth three distinct factors, any one of which would justify the limiting of discovery. All three factors are satisfied here.

The Board may limit discovery if “the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive.” 10 C.F.R. § 704(b)(2)(i). Review of the interrogatories makes clear that they are both cumulative and duplicative, and seek information that the Staff already has in its position from other sources, including the materials gathered during the OI investigation and the criminal trial. Notwithstanding the Staff's protests in the Motion, the issues before the Board will not be “highly complex” or involve “multiple elements.” Motion at 5. The Staff's own argument proves this proposition. It suggests:

The Staff's proof therefore requires the establishment of multiple elements over a period of several years, including (1) the actual condition of the RPV head, (2) the accuracy and completeness of information contained in submissions to the NRC, (3) Mr. Geisen's knowledge of the condition of the head, (4) Mr. Geisen's involvement and knowledge of the submissions, and (5) Mr. Geisen's knowledge of the actual condition of the head.

Id. at 5-6.

The first two elements are the subject of the Stipulation that the Staff attached to the Motion and are therefore not the legitimate subject of any interrogatories. The third and fifth

factors are the same. Which means the two remaining questions are: what did Mr. Geisen know about the condition of the head and what was his role in the submissions to the NRC.

Those two questions are covered extensively and clearly in the Response. Forcing counsel and Mr. Geisen to engage in the process of breaking that information into over four-hundred pieces to correlate to the interrogatories would be extremely burdensome while providing no new insight to the Staff. The two questions are also covered extensively throughout the trial transcript and the OI interview. The trial testimony, especially, proceeds in a chronological order designed to facilitate its understanding by a jury of lay persons. Any suggestion that it is beyond the ready and convenient comprehension and use of the Staff is incredible.

The Board may limit discovery if “the party seeking discovery has had ample opportunity by discovery in the proceeding to obtain the information sought.” 10 C.F.R. § 704(b)(2)(ii). The Staff has had an extended period in which to make use of the materials already available to it. It will undoubtedly complain that it did not conduct the OI interviews or the cross-examination of Mr. Geisen at the criminal trial. That is, in this case, of limited practical relevance. Both the OI investigators and the federal prosecutors were probing the same issues as the Staff with the same goal of the Staff -- to attempt to prove that Mr. Geisen knew that statements he made were false. That the Staff might have used slightly different language or ordered questions in a different manner (assumptions that may not even be true) does not diminish the fact that materials exist in the possession of the Staff that both inform the Staff of Mr. Geisen’s position and allow the Staff to fully prepare for the hearing. More importantly, the Staff will have ample opportunity to resolve any outstanding questions it has during a seven-hour deposition of Mr. Geisen -- a deposition the Staff will take armed with the additional information provided in the Responses.

The Staff's opportunity to obtain information necessary to present its case has been more than ample, even without the burdensome interrogatories it seeks to have answered.

Finally, the Board may limit discovery if "the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the proceeding, the parties' resources, the importance of the issue in the proceeding, and the importance of the proposed discovery in resolving the issues." 10 C.F.R. § 704(b)(2)(iii). In discussing this factor, the Staff argues that Mr. Geisen's counsel have "the substantial resources of a large law firm at their disposal." Motion at 7. The suggestion that Mr. Geisen should have to bear the cost of having those lawyers perform unnecessary and duplicative work in response to the Staff's unreasonable interrogatories is perverse. Similarly remarkable is the suggestion that Mr. Geisen and his counsel should forfeit time preparing for the hearing to parse information already provided to the Staff to comport with the format of the Staff's interrogatories.

In the Motion, the Staff suggests it is unable to determine Mr. Geisen's position on a number of questions because the Response is "incomplete." Motion at 7-9. It is difficult to imagine how that can be the case given the state of the record in this matter.

The Staff cites to interrogatories six through eight as illustrative of its complaint. Those interrogatories ask, in multiple ways, about Mr. Geisen's involvement in, and knowledge of, the RPV head inspections in the refueling outages in 1996, 1998, and 2000. The Response sets forth what Mr. Geisen's activities at the plant were during each of the outages and also describe when he came to learn facts about those outages. Attachment 2, supplemental answers 1-3. It also includes a description of when and how Mr. Geisen first viewed portions of the videotapes of the past inspections, the form those portions took, and the context in which he viewed them. Attachment 2, supplemental answer 9. It is hard to believe that the Staff needs Mr. Geisen to

specifically answer “no” to each of the *one hundred thirty-two* subparts of interrogatories six, seven, and eight in order to understand the statements Mr. Geisen made in the Response and in both his OI interview and trial testimony -- that he was not involved in the inspection or cleaning in any the outages (except for a brief involvement in 12RFO detailed in item 3 of the Response), did not see videotapes or photographs of the inspections or cleanings until October of 2001, and did not understand the extent of the problems when he made statements to the NRC in connection with FENOC’s bulletin responses. If the Staff somehow has additional questions about Mr. Geisen’s position notwithstanding the Response, his OI interview, and his trial testimony, it has seven hours of a deposition to resolve those questions.

Conclusion

There is no principled reason to compel Mr. Geisen to respond to burdensome interrogatories that violate the spirit and language of applicable rules given that the answers would merely reorganize information the Staff already has in its possession. The Motion should be denied.

Respectfully Submitted,

/s/
Richard A. Hibey
Andrew T. Wise
MILLER & CHEVALIER CHARTERED
655 15TH Street, N.W., Suite 900
Washington, D.C. 20005
(202) 626-5800
Counsel for David Geisen

Dated: November 4, 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the 4th day of November, 2008, true and genuine copies of the foregoing were served on the following persons by electronic mail and, as indicated with an (*), first-class mail, postage prepaid:

Michael 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
Mail Stop: T-3 F23
Washington, D.C. 20555
E-mail: erh@nrc.gov

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

Libby Perch * **
Board Staff
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
Washington, D.C. 20555
E-mail: Libby.Perch@nrc.gov

Johanna Thibault * **
Board Law Clerk
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555
E-Mail: Johanna.Thibault@nrc.gov

September 1, 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

THE NRC STAFF'S INTERROGATORIES,
DOCUMENT REQUESTS, AND REQUESTS FOR ADMISSION

Pursuant to 10 C.F.R. §§ 2.706(b), 2.707, 2.708, the NRC Staff (Staff) hereby requests that Mr. David Geisen respond to the following document requests, requests for admission, and interrogatories and produce, for inspection and copying, the documents requested below.

Each interrogatory shall be answered separately and fully, in writing, and under oath or affirmation and shall include all pertinent information available to Mr. Geisen, his counsel and individuals assisting Mr. Geisen in the challenge to the NRC enforcement order applicable to Mr. Geisen, based upon their personal knowledge, unless it is objected to, in which event the reasons for objection shall be stated in full. The answers shall be signed by the person making them, and the objections by the attorney making them. The production of documents requested herein shall take place at the Office of the General Counsel, 11555 Rockville Pike, Rockville, MD, unless other arrangements are made, by agreement, in this regard. Documents produced may be copies, or may be originals sent to Staff Counsel for copying and return.

GENERAL INSTRUCTIONS

1. To the extent that Mr. Geisen does not have specific, complete, and accurate information with which to answer any interrogatory, Mr. Geisen should so state, and the interrogatory should be answered to the extent information is available, identifying each person

who is believed to have accurate information with respect thereto.

2. Each interrogatory shall be deemed to be continuing, and Mr. Geisen is required seasonably to supplement answers with additional facts, documents, information, and names of witnesses which become known, in accordance with 10 C.F.R. § 2.705(e).

3. The words "and" and "or" shall be construed either conjunctively or disjunctively so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.

4. Wherever appropriate, the singular form of a word shall be interpreted in the plural, and vice versa, so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.

5. Please produce a copy of each document requested in the form and condition in which it exists on the date of service of this request, including all comments, notes, remarks, and other material that may have been added to the document after its initial preparation.

6. If Mr. Geisen objects to or claims a privilege (e.g., attorney-client, work product, or other) with respect to any interrogatory or document request, in whole or in part, or seeks to withhold documents or information because of the alleged proprietary or other nature of the data, please set forth all reasons and the underlying factual basis for the objection or claim of privilege in sufficient detail to permit the Atomic Safety and Licensing Board to determine the validity of the objection or claim of privilege. This description by Mr. Geisen should include, with respect to any document:

- a. author, addressor, addressee, and recipients of indicated and "blind" copies together with their job titles;
- b. date of preparation;
- c. subject matter;
- d. purpose for which the document was prepared;

- e. all persons to whom distributed, shown, or explained;
- f. present custodian;
- g. all persons believed to have a copy of the document; and
- h. the nature of the privilege or objection asserted.

7. For any document or part of a document that was at one time, but is no longer, in Mr. Geisen's possession, custody or control, or which is no longer in existence, or which cannot be located or produced, identify the document, state where and how it passed out of existence or why it can no longer be located or produced and the reasons therefore, and identify each person having knowledge concerning such disposition or loss and the contents of the document, and identify each document evidencing its prior existence and/or any fact concerning its nonexistence or loss.

8. When reference is made to a paragraph of the Order banning Mr. Geisen or the answer of Mr. Geisen, the reference will be according to the numbered system used in the Answer of Mr. Geisen.

DEFINITIONS AND GUIDELINES TO BE USED
IN RESPONDING TO THESE DISCOVERY REQUESTS

1. "Communication" shall mean correspondence, contact, discussion, or any other kind of written or oral exchange between two or more persons or entities including, but not limited to, all telephone conversations, face-to-face meetings or conversations, visits, conferences, and internal and external discussions, and exchange of a document or documents.

2. "Computer file" means all computer files, disks and diskettes of whatever type without regard to the manner in which the file is stored.

3. "Concerns," "Concerning," or any other derivative thereof, includes referring to, responding to, relating to, pertaining to, in connection with, comprising, memorializing,

commenting on, regarding, discussing, showing, describing, reflecting, analyzing, supporting, contradicting, and constituting.

4. "Document" or "writing" as used herein shall mean any written matter, whether produced, reproduced or stored on paper, cards, tapes, disks, belts, charts, film, computer file, computer storage devices or any other medium and shall include, without limitation, matter in the form of books, reports, studies, statements, speeches, notebooks, agreements, appointment calendars, working papers, manuals, memoranda, notes, procedures, orders, instructions, directions, training materials, records, correspondence, electronic mail, diaries, plans, diagrams, drawings, periodicals, lists, telephone logs, minutes, photographs, videos, and any published materials and shall also include, without limitation, originals, copies (with or without notes or changes thereon) and drafts.

5. "Identify" when used in reference to a natural person means to set forth the following:

- a. his/her name;
- b. his/her last known residential address;
- c. his/her last known business address;
- d. his/her current employer (if no current employer, his/her last employer);
- e. his/her employer at the time relevant to the question/request;
- f. his/her title or position;
- g. his/her area of responsibility;
- h. his/her business, professional, or other relationship with Mr. Geisen; and
- i. If any of the information is changed subsequent to the time period referenced in a particular interrogatory, then set forth in the answer, and label appropriately, current information as well as the information applicable to the time period referenced in the

interrogatory.

6. "Identify" when used in reference to a document shall mean to set forth the following:
 - a. its title;
 - b. its subject matter;
 - c. its date;
 - d. its author;
 - e. its addressee;
 - f. its file designation or other identifying designation; and
 - g. its present location and present custodian.
7. "Identify" with respect to a contact or communication shall set forth the following:
 - a. the date of the communication;
 - b. the place of the making and the place of receipt of the communication;
 - c. the type and means of communication;
 - d. the substance of the communication;
 - e. each person making the communication, and his/her location at the time the communication was made;
 - f. each person to whom the communication was made, and his/her location at the time the communication was made;
 - g. all other persons present during, participating in, or receiving the communication and the location of each such person at the time;
 - h. each document concerning such communication; and
 - i. each document upon which the communication is based or which is referred to in the communication.
8. "Meeting" refers to any communication (see definition 1) between more than two

persons, whether formal or informal.

9. "As-found" refers to examinations of the condition of the RV head, flanges, nozzles, and/or etc., prior to cleaning. "As-left" refers to examinations of the condition of the RV head, flanges, nozzles, and/or etc., after cleaning.

10. Documents produced in compliance with this request are to be accompanied with a specific indication as to the particular paragraph(s) of the Staff's discovery request under which the particular document(s) are being produced.

INTERROGATORIES

Below are a set of interrogatories posed to you by the NRC Staff. Each interrogatory is numbered and may contain multiple parts. For the sake of clarity, these multiple parts within a single interrogatory are often organized in outline form, with the first level of organization being represented by lower-case letters followed by a period (e.g. "a."), and the second level of organization being represented by lower-case Roman numerals followed by a period (e.g. "i."). Some of the questions will refer to "items" and/or "sub-items." "Item" refers to the first level of organization in the outline, and "sub-item" refers to the second level of organization in the outline. Interrogatory 1 is an example of the use of items and sub-items.

INTERROGATORY 1

In Mr. Geisen's initial disclosures filed on July 28, 2006, Mr. Geisen offers a list of persons "who may have discoverable information that may be relevant to disputed issues alleged with particularity in the pleadings." Below is an itemized list of issues. Identify all persons who might have information relevant to any of these itemized issues. For each person identified, list all item and sub-item issues for which that person might have relevant information. Also, unless otherwise specified, references to Mr. Geisen's knowledge of a fact(s) refers to knowledge he acquired at any time up to and including the time of the discovery of the Davis-Besse reactor vessel head degradation.

- a. Past inspections of the control rod drive mechanism (CRDM) flanges, and/or Mr. Geisen's knowledge thereof, that were performed during the following time periods:
 - i. 10 RFO;
 - ii. 11 RFO;

- iii. 12 RFO;
 - iv. outages prior to 10 RFO or outages not covered above (list the outage date for each outage identified for this sub-item).
- b. Past inspections of the CRDM nozzles and/or the Reactor Pressure Vessel (RPV) Head (including inspection or cleaning techniques used), and/or Mr. Geisen's knowledge thereof, that were performed during the following time periods:
- i. 10 RFO;
 - ii. 11 RFO;
 - iii. 12 RFO;
 - iv. outages prior to 10 RFO or outages not covered above (list the outage date for each outage identified for this sub-item).
- c. Past cleanings of the Reactor Pressure Vessel (RPV) Head, and/or Mr. Geisen's knowledge thereof, that were performed during the following time periods:
- i. 10 RFO;
 - ii. 11 RFO;
 - iii. 12 RFO;
 - iv. outages prior to 10 RFO or outages not covered above (list the outage date for each outage identified for this sub-item).
- d. The existence, extent, location, and/or color of boric acid left on the Reactor Vessel Head, and/or Mr. Geisen's knowledge thereof, after the following refueling outages at Davis-Besse:
- i. 10 RFO;
 - ii. 11 RFO;
 - iii. 12 RFO;
 - iv. outages prior to 10 RFO or outages not covered above (list the outage date for each outage identified for this sub-item).
- e. The existence, extent, location, and/or color of boric acid found on the Reactor Vessel Head, and/or Mr. Geisen's knowledge thereof, during the following refueling outages at Davis-Besse:
- i. 10 RFO;
 - ii. 11 RFO;
 - iii. 12 RFO;
 - iv. outages prior to 10 RFO or outages not covered above (list the outage date for each outage identified for this sub-item).
- f. The existence, amount, and/or identity of Control Rod Drive Mechanism (CRDM) nozzles that could not be inspected, and/or Mr. Geisen's knowledge thereof, during the following refueling outages at Davis-Besse:
- i. 10 RFO;
 - ii. 11 RFO;
 - iii. 12 RFO;

- iv. outages prior to 10 RFO or outages not covered above (list the outage date for each outage identified for this sub-item).
- g. Any obstacles or difficulties (including surmountable ones) to inspection of the Reactor Vessel Head (and/or the CRDM nozzles), and/or Mr. Geisen's knowledge thereof, during the following refueling outages at Davis-Besse:
 - i. 10 RFO;
 - ii. 11 RFO;
 - iii. 12 RFO;
 - iv. outages prior to 10 RFO or outages not covered above (list the outage date for each outage identified for this sub-item).
- h. The existence, amount, and/or identity of CRDM flanges that were identified as leaking during the following refueling outages at Davis-Besse, or were repaired during the following refueling outages at Davis-Besse, (and/or Mr. Geisen's knowledge thereof):
 - i. 10 RFO;
 - ii. 11 RFO;
 - iii. 12 RFO;
 - iv. outages prior to 10 RFO or outages not covered above (list the outage date for each outage identified for this sub-item).
- i. Mr. Geisen's knowledge of Primary Water Stress Corrosion Cracking (PWSCC)
- j. Mr. Geisen's knowledge of the effects of, the prevention of, and/or the mitigation of boric acid corrosion.
- k. Mr. Geisen's general technical knowledge with regard to cracking of CRDM nozzles.
- l. Mr. Geisen's knowledge of the unidentified Reactor Coolant System Leakage experienced at Davis-Besse.
- m. Mr. Geisen's knowledge of the RC-2 event at Davis-Besse.
- n. Drafting, providing input for, doing technical work for, reviewing, revising, meeting on, communicating about, discussing, commenting on, and/or other actions taken with respect to Serial 2731 by the following people:
 - i. Mr. Geisen;
 - ii. persons other than Mr. Geisen.
- o. Drafting, providing input for, doing technical work for, reviewing, revising, meeting on, communicating about, discussing, commenting on, and/or other actions taken with respect to Serial 2735 by the following people:
 - i. Mr. Geisen;
 - ii. persons other than Mr. Geisen.

- p. Drafting, providing input for, doing technical work for, reviewing, revising, meeting on, communicating about, discussing, commenting on, and/or other actions taken with respect to Serial 2741 by the following people:
 - i. Mr. Geisen;
 - ii. persons other than Mr. Geisen.

- q. Drafting, providing input for, doing technical work for, reviewing, revising, meeting on, communicating about, discussing, commenting on, Mr. Geisen's actions with respect to, and/or other actions taken with respect to Serial 2744 by the following people:
 - i. Mr. Geisen;
 - ii. persons other than Mr. Geisen.

- r. Preparing for, communicating about, preparing slides or agenda for, discussing, meeting on, providing input for, doing technical work for, documents presented during, presentations made during, and/or other actions taken with respect to the teleconference with the NRC on October 3, 2001, by the following people:
 - i. Mr. Geisen;
 - ii. persons other than Mr. Geisen.

- s. Preparing for, communicating about, preparing slides or agenda for, discussing, meeting on, providing input for, doing technical work for, documents presented during, presentations made during, and/or other actions taken with respect to the meeting with the Commissioners' Technical Assistants (TAs) on October 11, 2001, by the following people:
 - i. Mr. Geisen;
 - ii. persons other than Mr. Geisen.

- t. Preparing for, communicating about, preparing slides or agenda for, discussing, meeting on, providing input for, doing technical work for, documents presented during, presentations made during, and/or other actions taken with respect to the presentation made to the ACRS on November 9, 2001, by the following people:
 - i. Mr. Geisen;
 - ii. persons other than Mr. Geisen.

- u. The correction of, updating of, clarifying of, and/or materiality of any of Davis- Besse's statements, impressions, or omissions that are identified in the Order, or providing material facts relevant to the condition of the vessel head and existence of boron deposits thereon during the period from 1995 to 2001.

INTERROGATORY 2

Identify all persons who assisted Mr. Geisen in preparing answers to these written discovery questions/requests/admissions or all persons Mr. Geisen consulted in preparing

answers to these questions/requests/admissions. For each person, identify all interrogatories, document requests, and admissions that person assisted with or was consulted on.

INTERROGATORY 3

_____ Identify every position held by Mr. Geisen in the nuclear industry and all other positions involving nuclear power generation (including military service).

- a. For each position identified, provide the name of the facility (or job location).
- b. For each position identified, describe the duties/responsibilities of that position including supervisory responsibilities.
- c. For each position identified, state whether the position was considered a management level position.
- d. For each position identified at DBNPS, describe Mr. Geisen's interactions, if any, with other offices of the DBNPS organization and with industry groups, including, but not limited to, EPRI, B&W Owners Group, and/or MRP.
- e. For each position identified, describe Mr. Geisen's interactions with the NRC.
- f. For each position identified, describe the education/subject matter expertise required to fill the position and the training Mr. Geisen received while in that position.
- g. For each position identified, state whether Mr. Geisen's duties/responsibilities included drafting or reviewing condition reports (CRs), modification requests (MODs), work orders, possible condition adverse to quality reports (PCAQRs), licensee event reports (LERs), INPO reports, NRC Bulletins, or NRC Generic Letters (GLs), either in the ordinary course of his position or under special circumstances. If while holding a particular position Mr. Geisen was responsible for reviewing or drafting the aforementioned documents only in special circumstances, identify those circumstances.

INTERROGATORY 4

Describe Mr. Geisen's employment situation as the Design Engineering Manager with regard to the following:

- a. promotions/opportunities for advancement;
- b. raises (increases in salary);

- c. incentive/performance-based pay and criteria for receipt;
- d. and performance evaluations, including but not limited to, criteria to evaluate performance and individuals evaluating Mr. Moffitt.

Provide copies of all documentation concerning the above topics.

INTERROGATORY 5

Describe Mr. Geisen's involvement/interactions with the utility response group organized by Mr. Miller in August 2001. Identify meetings, activities, and discussions that Mr. Geisen participated in by giving their dates, the identities of other participants in the meeting/activity/discussion, and the topics covered by the meeting/activity/discussion.

INTERROGATORY 6

Regarding 10 RFO in 1996,

- a. Were any videos of the inspection of, cleaning of, and/or the condition of the RPV head and/or CRDM nozzles from this refueling outage viewed by Mr. Geisen? If so, identify each video viewed by specifically identifying (1) whether the video was edited or not and (2) whether the video was an as-found video, an as-left video(s), and/or a video during performance of the inspection. For each video Mr. Geisen viewed, describe with particularity any and all observations Mr. Geisen made with regard to the videos, including but not limited to, approximately how much of the head was covered in the video and approximately how many nozzles were covered in the video; Also, for each video, specifically identify how Mr. Geisen obtained the video and from whom, and identify whether the video had been viewed on or before the following events:
 - i. August 1, 2001;
 - ii. Submission of Serial 2731 on September 4, 2001;
 - iii. Teleconference with the NRC Staff on October 3, 2001;
 - iv. Briefing of the Commissioners' TAs on October 11, 2001;
 - v. Submission of Serial 2735 on October 17, 2001;
 - vi. Submission of Serial 2744 on October 30, 2001;
 - vii. Presentation to the ACRS on November 9, 2001.For each video Mr. Geisen viewed, describe with particularity the circumstances under which Mr. Geisen viewed the videos, including but not limited to: (1) with whom, if any one, Mr. Geisen viewed the videos, and (2) where and when Mr. Geisen viewed the videos. Identify each and every written record Mr. Geisen made relating to the videos, including any notes, written descriptions of the videos, meeting summaries or notes, and any calendar or appointment records related to those viewings.
- b. Were any photos of the inspection of, cleaning of, and or the condition of the RPV head and/or CRDM nozzles from this refueling outage viewed

by Mr. Geisen? If so, identify each photo (or collection of photos) viewed by specifically identifying (1) whether the photo(s) were of the as-found condition or the as-left condition and (2) approximately how much of the head was covered in the photo(s). For each photo (or collection of photos) Mr. Geisen viewed, describe with particularity any and all observations Mr. Geisen made with regard to the photo(s), including but not limited to, approximately how many nozzles were covered in the photo(s). Also, for each photo (or collection of photos), specifically identify how Mr. Geisen obtained the photo(s) and from whom, and identify whether the photo(s) had been viewed on or before the following events:

- i. August 1, 2001;
- ii. Submission of Serial 2731 on September 4, 2001;
- iii. Teleconference with the NRC Staff on October 3, 2001;
- iv. Briefing of the Commissioners' TAs on October 11, 2001;
- v. Submission of Serial 2735 on October 17, 2001;
- vi. Submission of Serial 2744 on October 30, 2001;
- vii. Presentation to the ACRS on November 9, 2001.

For each photo (or collection of photos) Mr. Geisen viewed, describe with particularity the circumstances under which Mr. Geisen viewed the photo(s), including but not limited to: (1) with whom, if any one, Mr. Geisen viewed the photo(s), and (2) where and when Mr. Geisen viewed the photo(s). Identify each and every written record Mr. Geisen made relating to the photo(s), including any notes, written descriptions of the photo(s), meeting summaries or notes, and any calendar or appointment records related to those viewings.

- c. Was any documentation of the inspection of, cleaning of, and or the condition of the RPV head and/or CRDM nozzles from this refueling outage viewed by Mr. Geisen? If so, specifically identify (1) the document; (2) what role Mr. Geisen had in creating, contributing to, reviewing, or approving the document (if any); and (3) the specific date Mr. Geisen first viewed the document. Also, for each document, identify how Mr. Geisen obtained the document and from whom, and identify whether the document had been viewed on or before the following events:

- i. August 1, 2001;
- ii. Submission of Serial 2731 on September 4, 2001;
- iii. Teleconference with the NRC Staff on October 3, 2001;
- iv. Briefing of the Commissioners' TAs on October 11, 2001;
- v. Submission of Serial 2735 on October 17, 2001;
- vi. Submission of Serial 2744 on October 30, 2001;
- vii. Presentation to the ACRS on November 9, 2001.

- d. Were persons consulted by Mr. Geisen regarding the inspection of, cleaning of, and/or the condition of the RPV head and/or CRDM nozzles that were performed in this outage? If so, specifically identify each person consulted, the specific dates that person was consulted, and for what specific purpose(s) that person was consulted.

- e. Were any videos of the inspection and/or repair of the CRDM flanges from this refueling outage viewed by Mr. Geisen? If so, identify each video viewed by specifically identifying (1) whether the video was edited or not and (2) whether the video was of the inspection and/or repair. For each video Mr. Geisen viewed, describe with particularity any and all observations Mr. Geisen made with regard to the videos, including but not limited to, approximately how many of the flanges were covered in the video, how many appeared to be leaking, and the extent of the leakage. Also, for each video, specifically identify how Mr. Geisen obtained the video and from whom, and identify whether the video had been viewed on or before the following events:

- i. August 1, 2001;
- ii. Submission of Serial 2731 on September 4, 2001;
- iii. Teleconference with the NRC Staff on October 3, 2001;
- iv. Briefing of the Commissioners' TAs on October 11, 2001;
- v. Submission of Serial 2735 on October 17, 2001;
- vi. Submission of Serial 2744 on October 30, 2001;
- vii. Presentation to the ACRS on November 9, 2001.

For each video Mr. Geisen viewed, describe with particularity the circumstances under which Mr. Geisen viewed the videos, including but not limited to: (1) with whom, if any one, Mr. Geisen viewed the videos, and (2) where and when Mr. Geisen viewed the videos. Identify each and every written record Mr. Geisen made relating to the videos, including any notes, written descriptions of the videos, meeting summaries or notes, and any calendar or appointment records related to those viewings.

- f. Were any photos of the inspection of, condition of, and/or repair of the CRDM flanges from this refueling outage viewed by Mr. Geisen? If so, identify each photo (or collection of photos) viewed by specifically identifying whether the photo(s) were of the inspection and/or repair. For each photo (or collection of photos) Mr. Geisen viewed, describe with particularity any and all observations Mr. Geisen made with regard to the photo(s), including but not limited to, approximately how many of the flanges were covered in the photo(s); how many flanges appeared to be leaking, and to what extent they appeared to be leaking. Also, for each photo (or collection of photos), specifically identify how Mr. Geisen obtained the photo(s) and from whom, and identify whether the photo(s) had been viewed on or before the following events:

- i. August 1, 2001;
- ii. Submission of Serial 2731 on September 4, 2001;
- iii. Teleconference with the NRC Staff on October 3, 2001;
- iv. Briefing of the Commissioners' TAs on October 11, 2001;
- v. Submission of Serial 2735 on October 17, 2001;
- vi. Submission of Serial 2744 on October 30, 2001;
- vii. Presentation to the ACRS on November 9, 2001.

For each photo (or collection of photos) Mr. Geisen viewed, describe with particularity the circumstances under which Mr. Geisen viewed the photo(s),

including but not limited to: (1) with whom, if any one, Mr. Geisen viewed the photo(s), and (2) where and when Mr. Geisen viewed the photo(s). Identify each and every written record Mr. Geisen made relating to the photo(s), including any notes, written descriptions of the photo(s), meeting summaries or notes, and any calendar or appointment records related to those viewings.

- g. Was any documentation of the inspection of, condition of, and/or repair of the CRDM flanges from this refueling outage viewed by Mr. Geisen? If so, specifically identify (1) the document; (2) what role Mr. Geisen had in creating, contributing to, reviewing, or approving the document (if any); (3) and the specific date Mr. Geisen first viewed the document. Also, for each document, specifically identify how Mr. Geisen obtained the document and from whom, and identify whether the document had been viewed on or before the following events:
- i. August 1, 2001;
 - ii. Submission of Serial 2731 on September 4, 2001;
 - iii. Teleconference with the NRC Staff on October 3, 2001;
 - iv. Briefing of the Commissioners' TAs on October 11, 2001;
 - v. Submission of Serial 2735 on October 17, 2001;
 - vi. Submission of Serial 2744 on October 30, 2001;
 - vii. Presentation to the ACRS on November 9, 2001.
- h. Were persons consulted by Mr. Geisen regarding the inspection of, condition of, and/or repair of the CRDM flanges that were performed in this outage? If so, specifically identify each person consulted, the specific dates that person was consulted, and for what specific purpose(s) that person was consulted.

INTERROGATORY 7

Regarding 11 RFO in 1998,

- a. Were any videos of the inspection of, cleaning of, and/or the condition of the RPV head and/or CRDM nozzles from this refueling outage viewed by Mr. Geisen? If so, identify each video viewed by specifically identifying (1) whether the video was edited or not and (2) whether the video was an as-found video, an as-left video(s), and/or a video during performance of the inspection. For each video Mr. Geisen viewed, describe with particularity any and all observations Mr. Geisen made with regard to the videos, including but not limited to, approximately how much of the head was covered in the video and approximately how many nozzles were covered in the video; Also, for each video, specifically identify how Mr. Geisen obtained the video and from whom, and identify whether the video had been viewed on or before the following events:
- i. August 1, 2001;
 - ii. Submission of Serial 2731 on September 4, 2001;
 - iii. Teleconference with the NRC Staff on October 3, 2001;

- iv. Briefing of the Commissioners' TAs on October 11, 2001;
- v. Submission of Serial 2735 on October 17, 2001;
- vi. Submission of Serial 2744 on October 30, 2001;
- vii. Presentation to the ACRS on November 9, 2001.

For each video Mr. Geisen viewed, describe with particularity the circumstances under which Mr. Geisen viewed the videos, including but not limited to: (1) with whom, if any one, Mr. Geisen viewed the videos, and (2) where and when Mr. Geisen viewed the videos. Identify each and every written record Mr. Geisen made relating to the videos, including any notes, written descriptions of the videos, meeting summaries or notes, and any calendar or appointment records related to those viewings.

- b. Were any photos of the inspection of, cleaning of, and or the condition of the RPV head and/or CRDM nozzles from this refueling outage viewed by Mr. Geisen? If so, identify each photo (or collection of photos) viewed by specifically identifying (1) whether the photo(s) were of the as-found condition or the as-left condition and (2) approximately how much of the head was covered in the photo(s). For each photo (or collection of photos) Mr. Geisen viewed, describe with particularity any and all observations Mr. Geisen made with regard to the photo(s), including but not limited to, approximately how many nozzles were covered in the photo(s). Also, for each photo (or collection of photos), specifically identify how Mr. Geisen obtained the photo(s) and from whom, and identify whether the photo(s) had been viewed on or before the following events:

- i. August 1, 2001;
- ii. Submission of Serial 2731 on September 4, 2001;
- iii. Teleconference with the NRC Staff on October 3, 2001;
- iv. Briefing of the Commissioners' TAs on October 11, 2001;
- v. Submission of Serial 2735 on October 17, 2001;
- vi. Submission of Serial 2744 on October 30, 2001;
- vii. Presentation to the ACRS on November 9, 2001.

For each photo (or collection of photos) Mr. Geisen viewed, describe with particularity the circumstances under which Mr. Geisen viewed the photo(s), including but not limited to: (1) with whom, if any one, Mr. Geisen viewed the photo(s), and (2) where and when Mr. Geisen viewed the photo(s). Identify each and every written record Mr. Geisen made relating to the photo(s), including any notes, written descriptions of the photo(s), meeting summaries or notes, and any calendar or appointment records related to those viewings.

- c. Was any documentation of the inspection of, cleaning of, and or the condition of the RPV head and/or CRDM nozzles from this refueling outage viewed by Mr. Geisen? If so, specifically identify (1) the document; (2) what role Mr. Geisen had in creating, contributing to, reviewing, or approving the document (if any); and (3) the specific date Mr. Geisen first viewed the document. Also, for each document, identify how Mr. Geisen obtained the document and from whom, and identify whether the document had been viewed on or before the following

events:

- i. August 1, 2001;
 - ii. Submission of Serial 2731 on September 4, 2001;
 - iii. Teleconference with the NRC Staff on October 3, 2001;
 - iv. Briefing of the Commissioners' TAs on October 11, 2001;
 - v. Submission of Serial 2735 on October 17, 2001;
 - vi. Submission of Serial 2744 on October 30, 2001;
 - vii. Presentation to the ACRS on November 9, 2001.
- d. Were persons consulted by Mr. Geisen regarding the inspection of, cleaning of, and/or the condition of the RPV head and/or CRDM nozzles that were performed in this outage? If so, specifically identify each person consulted, the specific dates that person was consulted, and for what specific purpose(s) that person was consulted.
- e. Were any videos of the inspection and/or repair of the CRDM flanges from this refueling outage viewed by Mr. Geisen? If so, identify each video viewed by specifically identifying (1) whether the video was edited or not and (2) whether the video was of the inspection and/or repair. For each video Mr. Geisen viewed, describe with particularity any and all observations Mr. Geisen made with regard to the videos, including but not limited to, approximately how many of the flanges were covered in the video, how many appeared to be leaking, and the extent of the leakage. Also, for each video, specifically identify how Mr. Geisen obtained the video and from whom, and identify whether the video had been viewed on or before the following events:
- i. August 1, 2001;
 - ii. Submission of Serial 2731 on September 4, 2001;
 - iii. Teleconference with the NRC Staff on October 3, 2001;
 - iv. Briefing of the Commissioners' TAs on October 11, 2001;
 - v. Submission of Serial 2735 on October 17, 2001;
 - vi. Submission of Serial 2744 on October 30, 2001;
 - vii. Presentation to the ACRS on November 9, 2001.
- For each video Mr. Geisen viewed, describe with particularity the circumstances under which Mr. Geisen viewed the videos, including but not limited to: (1) with whom, if any one, Mr. Geisen viewed the videos, and (2) where and when Mr. Geisen viewed the videos. Identify each and every written record Mr. Geisen made relating to the videos, including any notes, written descriptions of the videos, meeting summaries or notes, and any calendar or appointment records related to those viewings.
- f. Were any photos of the inspection of, condition of, and/or repair of the CRDM flanges from this refueling outage viewed by Mr. Geisen? If so, identify each photo (or collection of photos) viewed by specifically identifying whether the photo(s) were of the inspection and/or repair. For each photo (or collection of photos) Mr. Geisen viewed, describe with particularity any and all observations Mr. Geisen made with regard to the photo(s), including but not limited to, approximately how many of the

flanges were covered in the photo(s); how many flanges appeared to be leaking, and to what extent they appeared to be leaking. Also, for each photo (or collection of photos), specifically identify how Mr. Geisen obtained the photo(s) and from whom, and identify whether the photo(s) had been viewed on or before the following events:

- i. August 1, 2001;
- ii. Submission of Serial 2731 on September 4, 2001;
- iii. Teleconference with the NRC Staff on October 3, 2001;
- iv. Briefing of the Commissioners' TAs on October 11, 2001;
- v. Submission of Serial 2735 on October 17, 2001;
- vi. Submission of Serial 2744 on October 30, 2001;
- vii. Presentation to the ACRS on November 9, 2001.

For each photo (or collection of photos) Mr. Geisen viewed, describe with particularity the circumstances under which Mr. Geisen viewed the photo(s), including but not limited to: (1) with whom, if any one, Mr. Geisen viewed the photo(s), and (2) where and when Mr. Geisen viewed the photo(s). Identify each and every written record Mr. Geisen made relating to the photo(s), including any notes, written descriptions of the photo(s), meeting summaries or notes, and any calendar or appointment records related to those viewings.

- g. Was any documentation of the inspection of, condition of, and/or repair of the CRDM flanges from this refueling outage viewed by Mr. Geisen? If so, specifically identify (1) the document; (2) what role Mr. Geisen had in creating, contributing to, reviewing, or approving the document (if any); (3) and the specific date Mr. Geisen first viewed the document. Also, for each document, specifically identify how Mr. Geisen obtained the document and from whom, and identify whether the document had been viewed on or before the following events:
 - i. August 1, 2001;
 - ii. Submission of Serial 2731 on September 4, 2001;
 - iii. Teleconference with the NRC Staff on October 3, 2001;
 - iv. Briefing of the Commissioners' TAs on October 11, 2001;
 - v. Submission of Serial 2735 on October 17, 2001;
 - vi. Submission of Serial 2744 on October 30, 2001;
 - vii. Presentation to the ACRS on November 9, 2001.
- h. Were persons consulted by Mr. Geisen regarding the inspection of, condition of, and/or repair of the CRDM flanges that were performed in this outage? If so, specifically identify each person consulted, the specific dates that person was consulted, and for what specific purpose(s) that person was consulted.

INTERROGATORY 8

Regarding 12 RFO in 2000,

- a. Were any videos of the inspection of, cleaning of, and/or the condition of the RPV head and/or CRDM nozzles from this refueling outage viewed

by Mr. Geisen? If so, identify each video viewed by specifically identifying (1) whether the video was edited or not and (2) whether the video was an as-found video, an as-left video(s), and/or a video during performance of the inspection. For each video Mr. Geisen viewed, describe with particularity any and all observations Mr. Geisen made with regard to the videos, including but not limited to, approximately how much of the head was covered in the video and approximately how many nozzles were covered in the video; Also, for each video, specifically identify how Mr. Geisen obtained the video and from whom, and identify whether the video had been viewed on or before the following events:

- i. August 1, 2001;
- ii. Submission of Serial 2731 on September 4, 2001;
- iii. Teleconference with the NRC Staff on October 3, 2001;
- iv. Briefing of the Commissioners' TAs on October 11, 2001;
- v. Submission of Serial 2735 on October 17, 2001;
- vi. Submission of Serial 2744 on October 30, 2001;
- vii. Presentation to the ACRS on November 9, 2001.

For each video Mr. Geisen viewed, describe with particularity the circumstances under which Mr. Geisen viewed the videos, including but not limited to: (1) with whom, if any one, Mr. Geisen viewed the videos, and (2) where and when Mr. Geisen viewed the videos. Identify each and every written record Mr. Geisen made relating to the videos, including any notes, written descriptions of the videos, meeting summaries or notes, and any calendar or appointment records related to those viewings.

- b. Were any photos of the inspection of, cleaning of, and or the condition of the RPV head and/or CRDM nozzles from this refueling outage viewed by Mr. Geisen? If so, identify each photo (or collection of photos) viewed by specifically identifying (1) whether the photo(s) were of the as-found condition or the as-left condition and (2) approximately how much of the head was covered in the photo(s). For each photo (or collection of photos) Mr. Geisen viewed, describe with particularity any and all observations Mr. Geisen made with regard to the photo(s), including but not limited to, approximately how many nozzles were covered in the photo(s). Also, for each photo (or collection of photos), specifically identify how Mr. Geisen obtained the photo(s) and from whom, and identify whether the photo(s) had been viewed on or before the following events:

- i. August 1, 2001;
- ii. Submission of Serial 2731 on September 4, 2001;
- iii. Teleconference with the NRC Staff on October 3, 2001;
- iv. Briefing of the Commissioners' TAs on October 11, 2001;
- v. Submission of Serial 2735 on October 17, 2001;
- vi. Submission of Serial 2744 on October 30, 2001;
- vii. Presentation to the ACRS on November 9, 2001.

For each photo (or collection of photos) Mr. Geisen viewed, describe with particularity the circumstances under which Mr. Geisen viewed the photo(s),

including but not limited to: (1) with whom, if any one, Mr. Geisen viewed the photo(s), and (2) where and when Mr. Geisen viewed the photo(s). Identify each and every written record Mr. Geisen made relating to the photo(s), including any notes, written descriptions of the photo(s), meeting summaries or notes, and any calendar or appointment records related to those viewings.

- c. Was any documentation of the inspection of, cleaning of, and or the condition of the RPV head and/or CRDM nozzles from this refueling outage viewed by Mr. Geisen? If so, specifically identify (1) the document; (2) what role Mr. Geisen had in creating, contributing to, reviewing, or approving the document (if any); and (3) the specific date Mr. Geisen first viewed the document. Also, for each document, identify how Mr. Geisen obtained the document and from whom, and identify whether the document had been viewed on or before the following events:
- i. August 1, 2001;
 - ii. Submission of Serial 2731 on September 4, 2001;
 - iii. Teleconference with the NRC Staff on October 3, 2001;
 - iv. Briefing of the Commissioners' TAs on October 11, 2001;
 - v. Submission of Serial 2735 on October 17, 2001;
 - vi. Submission of Serial 2744 on October 30, 2001;
 - vii. Presentation to the ACRS on November 9, 2001.
- d. Were persons consulted by Mr. Geisen regarding the inspection of, cleaning of, and/or the condition of the RPV head and/or CRDM nozzles that were performed in this outage? If so, specifically identify each person consulted, the specific dates that person was consulted, and for what specific purpose(s) that person was consulted.
- e. Were any videos of the inspection and/or repair of the CRDM flanges from this refueling outage viewed by Mr. Geisen? If so, identify each video viewed by specifically identifying (1) whether the video was edited or not and (2) whether the video was of the inspection and/or repair. For each video Mr. Geisen viewed, describe with particularity any and all observations Mr. Geisen made with regard to the videos, including but not limited to, approximately how many of the flanges were covered in the video, how many appeared to be leaking, and the extent of the leakage. Also, for each video, specifically identify how Mr. Geisen obtained the video and from whom, and identify whether the video had been viewed on or before the following events:
- i. August 1, 2001;
 - ii. Submission of Serial 2731 on September 4, 2001;
 - iii. Teleconference with the NRC Staff on October 3, 2001;
 - iv. Briefing of the Commissioners' TAs on October 11, 2001;
 - v. Submission of Serial 2735 on October 17, 2001;
 - vi. Submission of Serial 2744 on October 30, 2001;
 - vii. Presentation to the ACRS on November 9, 2001.
- For each video Mr. Geisen viewed, describe with particularity the circumstances

under which Mr. Geisen viewed the videos, including but not limited to: (1) with whom, if any one, Mr. Geisen viewed the videos, and (2) where and when Mr. Geisen viewed the videos. Identify each and every written record Mr. Geisen made relating to the videos, including any notes, written descriptions of the videos, meeting summaries or notes, and any calendar or appointment records related to those viewings.

- f. Were any photos of the inspection of, condition of, and/or repair of the CRDM flanges from this refueling outage viewed by Mr. Geisen? If so, identify each photo (or collection of photos) viewed by specifically identifying whether the photo(s) were of the inspection and/or repair. For each photo (or collection of photos) Mr. Geisen viewed, describe with particularity any and all observations Mr. Geisen made with regard to the photo(s), including but not limited to, approximately how many of the flanges were covered in the photo(s); how many flanges appeared to be leaking, and to what extent they appeared to be leaking. Also, for each photo (or collection of photos), specifically identify how Mr. Geisen obtained the photo(s) and from whom, and identify whether the photo(s) had been viewed on or before the following events:
- i. August 1, 2001;
 - ii. Submission of Serial 2731 on September 4, 2001;
 - iii. Teleconference with the NRC Staff on October 3, 2001;
 - iv. Briefing of the Commissioners' TAs on October 11, 2001;
 - v. Submission of Serial 2735 on October 17, 2001;
 - vi. Submission of Serial 2744 on October 30, 2001;
 - vii. Presentation to the ACRS on November 9, 2001.
- For each photo (or collection of photos) Mr. Geisen viewed, describe with particularity the circumstances under which Mr. Geisen viewed the photo(s), including but not limited to: (1) with whom, if any one, Mr. Geisen viewed the photo(s), and (2) where and when Mr. Geisen viewed the photo(s). Identify each and every written record Mr. Geisen made relating to the photo(s), including any notes, written descriptions of the photo(s), meeting summaries or notes, and any calendar or appointment records related to those viewings.
- g. Was any documentation of the inspection of, condition of, and/or repair of the CRDM flanges from this refueling outage viewed by Mr. Geisen? If so, specifically identify (1) the document; (2) what role Mr. Geisen had in creating, contributing to, reviewing, or approving the document (if any); (3) and the specific date Mr. Geisen first viewed the document. Also, for each document, specifically identify how Mr. Geisen obtained the document and from whom, and identify whether the document had been viewed on or before the following events:
- i. August 1, 2001;
 - ii. Submission of Serial 2731 on September 4, 2001;
 - iii. Teleconference with the NRC Staff on October 3, 2001;
 - iv. Briefing of the Commissioners' TAs on October 11, 2001;
 - v. Submission of Serial 2735 on October 17, 2001;
 - vi. Submission of Serial 2744 on October 30, 2001;

- vii. Presentation to the ACRS on November 9, 2001.
- h. Were persons consulted by Mr. Geisen regarding the inspection of, condition of, and/or repair of the CRDM flanges that were performed in this outage? If so, specifically identify each person consulted, the specific dates that person was consulted, and for what specific purpose(s) that person was consulted.

INTERROGATORY 9

With respect to the October 3, 2001, conference call with the NRC,

- a. Specifically describe the nature and extent of Mr. Geisen's activities during the October 3 conference call.
- b. Specifically describe the nature and extent of Mr. Geisen's preparation for the October 3 conference call, including a list of the documents/photos/videos/persons Mr. Geisen consulted in his preparations, and the reason that document/photo/video/person was consulted. For each and every photo or video identified, describe with particularity Mr. Geisen's observations, including but not limited to, a description of the specific equipment and portions thereof in the photo or video, the specific location of the equipment, when the photo or video was taken, including the specific RFO, and whether the photo or video represents conditions before or after any cleaning activities; i.e., whether they represent as-left or as-found conditions. If the photo or video represents as-left conditions, identify all cleaning actions that were performed prior to the photo or video.
- c. Specifically identify every meeting Mr. Geisen attended in which preparations were made for the October 3 conference call with the NRC, the date of those meetings, and the participants in those meetings. Specifically describe Mr. Geisen's activities during each meeting and any actions Mr. Geisen took as a result of each meeting. Also, for each meeting, identify which of the topics listed below in item e. were topics covered in that meeting. For each topic so identified, follow the instructions in item e. that are associated with that topic.
- d. Other than the meetings identified and described in b., identify every meeting Mr. Geisen attended, discussion Mr. Geisen engaged in, or communication Mr. Geisen made or received, in preparation for or to discuss the communications or outcome of the October 3 conference call. For each meeting and/or discussion, specifically identify the date, the participants, and Mr. Geisen's part in the meeting or discussion. For each communication, specifically identify the date, sender, and recipient. Specifically describe any actions Mr. Geisen took as a result of each meeting, discussion, or communication. Also, for each meeting, discussion, or communication, specifically identify which of the topics

listed below in item e. were topics covered in the meeting, discussion, or communication. For each topic so identified, follow the instructions in item e. that are associated with that topic.

- e. Topics related to the response to the Bulletin which include, but are not limited to, the following:
 - i. the following topics with regard to inspections of the CRDM nozzles on the RPV head in 10 RFO, 11 RFO, and/or 12 RFO: whether there were any impediments to inspection of the nozzles, whether the boric acid left on the head was an impediment to inspection, whether the insulation just above the head was an impediment to inspection, whether the structure of the head itself was an impediment to inspection, whether the size and location of the weep holes was an impediment to inspection, what an impediment to inspection consisted of, what would be evidence of nozzle leakage, whether a nozzle completely or partially obscured by boron could be said not to evidence nozzle leakage, and/or whether an inaccessible nozzle could be said not to evidence nozzle leakage. If there was a discussion or communication on any of these topics, specifically identify for each topic who engaged in discussions, or sent or received communications, and specifically identify the contents of those discussions or communications;
 - ii. the following topics with regard to boric acid on the RPV head in 10 RFO, 11 RFO, and/or 12 RFO: the amount, location and/or extent of boric acid on the head as-found; the amount, location and/or extent of boric acid on the head as-left; the possible sources of boric acid on the head; whether nozzle leakage could be a source of boric acid on the head; whether boric acid deposits were limited to areas directly beneath those flanges thought to be leaking. If there was a discussion or communication on any of these topics, specifically identify for each topic who engaged in discussions, or sent or received communications, and specifically describe the contents of those discussions or communications;
 - iii. the following topics with respect to boric acid corrosion: corrosive effects of boric acid on the head, which structures on the head might be susceptible to boric acid corrosion, the boric acid corrosion control program. If there was a discussion or communication on any of these topics, specifically identify for each topic who engaged in discussions, or sent or received communications, and specifically describe the contents of those discussions or communications;
 - iv. the following topics with respect to CRDM flange leakage and 10 RFO, 11 RFO, and/or 12 RFO: whether flange leakage was detected, how many flanges were leaking, which flanges were leaking, the volume of flange leakage. If there was a discussion or communication on any of these topics, specifically identify for

- each topic who engaged in discussions, or sent or received communications, and specifically describe the contents of those discussions or communications;
- v. video or photo reviews of inspections from past outages, the nature of those reviews, the thoroughness of those reviews, and/or the results of those reviews; If there was a discussion or communication on any of these topics, specifically identify for each topic who engaged in discussions, or sent or received communications, and specifically describe the contents of those discussions or communications;
- f. Identify all documents associated with any meetings identified above, including but not limited to, all notes, meeting summaries, participant lists, e-mails and calendar notations, and all documents reviewed and/or discussed during such meetings.
- g. For each meeting/communication/discussion identified above, identify the contents discussed or communicated on the following topics: the substance or form of Davis-Besse's presentation, Mr. Geisen's role in the presentation, Mr. Geisen's role in preparing the presentation, the technical basis for Davis-Besse's presentation (including the adequacy or inadequacy thereof), and/or the completeness or accuracy of Davis-Besse's presentation.

INTERROGATORY 10

With respect to the October 11, 2001, briefing with the Commissioners' Technical Assistants (TAs),

- a. Specifically describe the nature and extent of Mr. Geisen's activities during the October 11 briefing, including the specific identity of all documents used in the briefing. Also, specifically identify all slides Mr. Geisen presented at the briefing.
- b. Specifically describe the nature and extent of Mr. Geisen's preparation for the October 11 briefing, including a list of the documents/photos/videos/persons Mr. Geisen consulted in Mr. Geisen's preparations, and the reason that document/photo/video/person was consulted. For each and every photo or video identified, describe with particularity Mr. Geisen's observations, including but not limited to, a description of the specific equipment and portions thereof in the photo or video, the specific location of the equipment, when the photo or video was taken, including the specific RFO, and whether the photo or video represents conditions before or after any cleaning activities; i.e., whether they represent as-left or as-found conditions. If the photo or video represents as-left conditions, identify all cleaning actions that were performed prior to the photo or video. Also, specifically identify all presentations slides and/or draft slides that Mr. Geisen prepared,

contributed to, provided input for, or commented on.

- c. Specifically identify every meeting Mr. Geisen attended in which preparations were made for the October 11 briefing, the date of those meetings, and the participants in those meetings. Specifically describe Mr. Geisen's activities during each meeting and any actions Mr. Geisen took as a result of each meeting. Also, for each meeting, specifically identify which of the topics listed in item e. of Interrogatory 9 were topics covered in that meeting. For each topic so identified, follow the instructions in item e. that are associated with that topic.
- d. Other than the meetings identified and described in b., identify every meeting Mr. Geisen attended, discussion Mr. Geisen engaged in, or communication Mr. Geisen made or received, in preparation for or to discuss the communications or outcome of the October 11 briefing. For each meeting and/or discussion, specifically identify the date, the participants, and Mr. Geisen's part in the meeting or discussion. For each communication, specifically identify the date, sender, and recipient. Specifically describe any actions Mr. Geisen took as a result of each meeting, discussion, or communication. Also, for each meeting, discussion, or communication, specifically identify which of the topics listed in item e. of Interrogatory 9 were topics covered in the meeting, discussion, or communication. For each topic so identified, follow the instructions in item e. that are associated with that topic.
- e. Identify all documents associated with any meetings identified above, including but not limited to, all notes, meeting summaries, participant lists, e-mails and calendar notations, and all documents reviewed and/or discussed during such meetings.
- f. For each meeting/communication/discussion identified above, identify the contents discussed or communicated on the following topics: the substance or form of Davis-Besse's presentation, Mr. Geisen's role in the presentation, Mr. Geisen's role in preparing the presentation, the technical basis for Davis-Besse's presentation (including the adequacy or inadequacy thereof), and/or the completeness or accuracy of Davis-Besse's presentation.

INTERROGATORY 11

With respect to the November 9, 2001, presentation to the ACRS,

- a. Specifically describe the nature and extent of Mr. Geisen's activities during the November 9 presentation, including the specific identity of all documents used in the briefing.
- b. Specifically describe the nature and extent of Mr. Geisen's preparation for the November 9 presentation, including a list of the

documents/photos/videos/persons Mr. Geisen consulted in Mr. Geisen's preparations, and the reason that document/photo/video/person was consulted. For each and every photo or video identified, describe with particularity Mr. Geisen's observations, including but not limited to, a description of the specific equipment and portions thereof in the photo or video, the specific location of the equipment, when the photo or video was taken, including the specific RFO, and whether the photo or video represents conditions before or after any cleaning activities; i.e., whether they represent as-left or as-found conditions. If the photo or video represents as-left conditions, identify all cleaning actions that were performed prior to the photo or video.

- c. Specifically identify every meeting Mr. Geisen attended in which preparations were made for the November 9 presentation, the date of those meetings, and the participants in those meetings. Specifically describe the topics of discussion in each meeting, Mr. Geisen's activities during each meeting and any actions Mr. Geisen took as a result of each meeting. Specifically describe Mr. Geisen's activities during each meeting and any actions Mr. Geisen took as a result of each meeting. Also, for each meeting, specifically identify which of the topics listed in item e. of Interrogatory 9 were topics covered in that meeting. For each topic so identified, follow the instructions in item e. that are associated with that topic.
- d. Other than the meetings identified and described in b., identify every meeting Mr. Geisen attended, discussion Mr. Geisen engaged in, or communication Mr. Geisen made or received, in preparation for or to discuss the communications or outcome of the November 9 presentation. For each meeting and/or discussion, specifically identify the date, the participants, and Mr. Geisen's part in the meeting or discussion. For each communication, specifically identify the date, sender, and recipient. Specifically describe any actions Mr. Geisen took as a result of each meeting, discussion, or communication. Finally, for each meeting, discussion, or communication, specifically identify which of the topics listed in item e. of Interrogatory 9 were topics covered in the meeting, discussion, or communication. For each topic so identified, follow the instructions in item e. that are associated with that topic.
- e. Identify all documents associated with any meetings identified above, including but not limited to, all notes, meeting summaries, participant lists, e-mails and calendar notations, and all documents reviewed and/or discussed during such meetings.
- f. For each meeting/communication/discussion identified above, identify the contents discussed or communicated on the following topics: the substance or form of Davis-Besse's presentation, Mr. Geisen's role in the presentation, Mr. Geisen's role in preparing the presentation, the technical basis for Davis-Besse's presentation (including the adequacy

or inadequacy thereof), and/or the completeness or accuracy of Davis-Besse's presentation.

INTERROGATORY 12

With respect to the September 4, 2001, submission of Serial 2731 to the NRC, please answer the following:

- a. Specifically describe the nature and extent of Mr. Geisen's involvement in reviewing or contributing to Serial 2731 or drafts thereof. Specifically identify the documents, photos, videos, and/or persons Mr. Geisen consulted either in commenting on, contributing to, concurring on, reviewing, discussing, or understanding the Serial. Also, identify the purpose for consulting that document, photo, video or person. For each photo or video identified, describe with particularity Mr. Geisen's observations, including but not limited to, what the video or photographs was of, what plant it was taken of, which refueling outage it was taken in, and whether it was as-left or as-found. If the photo or video represents as-left conditions, identify all cleaning actions that were performed prior to the photo or video.
- b. Specifically identify every draft of 2731 Mr. Geisen received and the specific date Mr. Geisen received it; and also specifically identify the date Mr. Geisen received the final submitted Serial. For each draft and for the final submitted serial, specifically identify the following:
 - i. whether Mr. Geisen read it;
 - ii. whether Mr. Geisen commented on it, to whom did Mr. Geisen send Mr. Geisen's comments, and the substance of Mr. Geisen's comments;
 - iii. whether Mr. Geisen discussed it, with whom did Mr. Geisen discuss it, and the specific topics of discussion;
 - iv. any language Mr. Geisen contributed;
 - v. any regulatory judgment Mr. Geisen contributed; and
 - vi. any technical data or judgment Mr. Geisen contributed.
- c. Separately identify every meeting Mr. Geisen attended, discussion Mr. Geisen engaged in, or communication Mr. Geisen made or received, which involved the initial response to the Bulletin. Meetings, discussions, and communications involving the initial response to the Bulletin would include discussions of drafts of Serial 2731 and discussions of topics related to the response to the NRC (which topics include, but are not limited to, the topics identified below and in item e. of Interrogatory 9). For each meeting, discussion, or communication, specifically identify (1) the date it occurred; (2) the participants involved; (3) Mr. Geisen's own activities and statements during that particular meeting, discussion, or communication; and (4) any actions Mr. Geisen took as a result of that meeting, discussion, or communication. Also, specifically identify which of the of the topics listed below were topics covered in the meeting,

discussion, or communication.

- i. what facts, language, or arguments should be included or excluded from Serial 2731. Specifically identify what facts, language, or arguments were discussed for inclusion or exclusion. Also, specifically identify who engaged in those discussions, or sent or received those communications, and specifically describe the contents of those discussions or communications;
 - ii. the technical bases underlying the statements made in the Serial. Specifically identify the technical bases involved and the corresponding statements in the Serial. Also, specifically identify who engaged in those discussions, or sent or received those communications, and specifically describe the contents of those discussions or communications;
 - iii. the completeness or accuracy of Davis-Besse's submittal. Specifically identify who engaged in discussions, or sent or received communications, on this topic, and specifically describe the contents of those discussions or communications;
 - iv. any of the topics listed in item e. of Interrogatory 9. For each topic so identified, follow the instructions in item e. that are associated with that topic.
- d. Identify all documents associated with any meetings identified above, including but not limited to, all notes, meeting summaries, participant lists, e-mails and calendar notations, as well as all documents reviewed and/or discussed during such meetings.

INTERROGATORY 13

With respect to the October 17, 2001, submission of Serial 2735 to the NRC, please answer the following:

- a. Describe the nature and extent of Mr. Geisen's involvement in reviewing or contributing to Serial 2735 or drafts thereof. Identify the documents, photos, videos, and/or persons Mr. Geisen consulted either in commenting on, contributing to, concurring on, reviewing, discussing, or understanding the Serial. Also, identify the purpose for consulting that document or person. For each photo or video identified, describe with particularity Mr. Geisen's observations, including but not limited to, what the video or photographs was of, what plant it was taken of, which refueling outage it was taken in, and whether it was as-left or as-found. If the photo or video represents as-left conditions, identify all cleaning actions that were performed prior to the photo or video.
- b. Identify every draft of 2735 Mr. Geisen received and when Mr. Geisen received it, and also list when Mr. Geisen received the final submitted Serial. For each draft and for the final submitted serial, identify the following:

- i. whether Mr. Geisen read it;
 - ii. whether Mr. Geisen commented on it and to whom did Mr. Geisen send Mr. Geisen's comments;
 - iii. whether Mr. Geisen discussed it and with whom did Mr. Geisen discuss it;
 - iv. any language Mr. Geisen contributed;
 - v. any regulatory judgment Mr. Geisen contributed; and
 - vi. any technical data or judgment Mr. Geisen contributed.
- c. Separately list every meeting Mr. Geisen attended, discussion Mr. Geisen engaged in, or communication Mr. Geisen made or received, which involved the Serial 2735 response. Meetings, discussions, and communications involving the Serial 2735 response to the Bulletin would include discussions of drafts of Serial 2735 and discussions of topics related to the response to the NRC (which topics include, but are not limited to, the topics identified below and in item e. of Interrogatory 9). For each meeting, discussion, or communication, specifically identify (1) the date it occurred; (2) the participants involved; (3) Mr. Geisen's own activities and statements during that particular meeting, discussion, or communication; and (4) any actions Mr. Geisen took as a result of that meeting, discussion, or communication. Also, specifically identify which of the of the topics listed below were topics covered in the meeting, discussion, or communication.
- i. what facts, language, or arguments should be included or excluded from Serial 2735. Specifically identify what facts, language, or arguments were discussed for inclusion or exclusion. Also, specifically identify who engaged in those discussions, or sent or received those communications, and specifically describe the contents of those discussions or communications;
 - ii. the technical bases underlying the statements made in the Serial. Specifically identify the technical bases involved and the corresponding statements in the Serial. Also, specifically identify who engaged in those discussions, or sent or received those communications, and specifically describe the contents of those discussions or communications;
 - iii. the completeness or accuracy of Davis-Besse's submittal. Specifically identify who engaged in discussions, or sent or received communications, on this topic, and specifically describe the contents of those discussions or communications;
 - iv. any of the topics listed in item e. of Interrogatory 9. For each topic so identified, follow the instructions in item e. that are associated with that topic.
- d. Identify all documents associated with any meetings identified above, including but not limited to, all notes, meeting summaries, participant lists, e-mails and calendar notations, as well as all documents reviewed and/or discussed during such meetings.

INTERROGATORY 14

With respect to the October 30, 2001, submission of Serial 2744 to the NRC, please answer the following:

- a. Describe the nature and extent of Mr. Geisen's involvement in reviewing or contributing to Serial 2744 or drafts thereof. Identify the documents, photos, videos, and/or persons Mr. Geisen consulted either in commenting on, contributing to, concurring on, reviewing, discussing, or understanding the Serial. Also, identify the purpose for consulting that document or person. For each photo or video identified, describe with particularity Mr. Geisen's observations, including but not limited to, what the video or photographs was of, what plant it was taken of, which refueling outage it was taken in, and whether it was as-left or as-found. If the photo or video represents as-left conditions, identify all cleaning actions that were performed prior to the photo or video.
- b. Identify every draft of 2744 Mr. Geisen received and when Mr. Geisen received it, and also list when Mr. Geisen received the final submitted Serial. For each draft and for the final submitted serial, identify the following:
 - i. whether Mr. Geisen read it;
 - ii. whether Mr. Geisen commented on it and to whom did Mr. Geisen send Mr. Geisenr comments;
 - iii. whether Mr. Geisen discussed it and with whom did Mr. Geisen discuss it;
 - iv. any language Mr. Geisen contributed;
 - v. any regulatory judgment Mr. Geisen contributed; and
 - vi. any technical data or judgment Mr. Geisen contributed.
- c. Separately list every meeting Mr. Geisen attended, discussion Mr. Geisen engaged in, or communication Mr. Geisen made or received, which involved the Serial 2744 response. Meetings, discussions, and communications involving the Serial 2744 response to the Bulletin would include discussions of drafts of Serial 2744 and discussions of topics related to the response to the NRC (which topics include, but are not limited to, the topics identified below and in item e. of Interrogatory 9). For each meeting, discussion, or communication, specifically identify (1) the date it occurred; (2) the participants involved; (3) Mr. Geisen's own activities and statements during that particular meeting, discussion, or communication; and (4) any actions Mr. Geisen took as a result of that meeting, discussion, or communication. Also, specifically identify which of the of the topics listed below were topics covered in the meeting, discussion, or communication.
 - i. what facts, language, or arguments should be included or excluded from Serial 2744. Specifically identify what facts, language, or arguments were discussed for inclusion or

- exclusion. Also, specifically identify who engaged in those discussions, or sent or received those communications, and specifically describe the contents of those discussions or communications;
- ii. the technical bases underlying the statements made in the Serial. Specifically identify the technical bases involved and the corresponding statements in the Serial. Also, specifically identify who engaged in those discussions, or sent or received those communications, and specifically describe the contents of those discussions or communications;
 - iii. the completeness or accuracy of Davis-Besse's submittal. Specifically identify who engaged in discussions, or sent or received communications, on this topic, and specifically describe the contents of those discussions or communications;
 - iv. any of the topics listed in item e. of Interrogatory 9. For each topic so identified, follow the instructions in item e. that are associated with that topic.
- d. Identify all documents associated with any meetings identified above, including but not limited to, all notes, meeting summaries, participant lists, e-mails and calendar notations, as well as all documents reviewed and/or discussed during such meetings.

INTERROGATORY 15

Other than the meetings, discussions, and communications identified in Interrogatories 9 to 15, identify every meeting Mr. Geisen attended, discussion Mr. Geisen engaged in, or communication Mr. Geisen made or received (prior to November 10, 2001) that involved Davis-Besse's response to the Bulletin 2001-01 or associated communications to the NRC (including, for dates preceding issuance of the Bulletin, responses to any anticipated NRC bulletin on CRDM nozzle cracking). Topics involving the response to the Bulletin would include topics identified below and in item e. of Interrogatory 9. For each meeting, discussion, or communication, specifically identify (1) the date it occurred; (2) the participants involved; (3) Mr. Geisen's own activities and statements during that particular meeting, discussion, or communication; and (4) any actions Mr. Geisen took as a result of that meeting, discussion, or communication. Also, specifically identify which of the of the topics listed below were covered in that meeting, discussion, or communication:

- a. Mr. Geisen's role in Davis-Besse's responses or communications to the NRC;
- b. the technical bases underlying the statements made (or were planned to be made) in the responses or communications to the NRC. Specifically identify the technical bases involved and the corresponding statements to the NRC. Also, specifically identify who engaged in those discussions, or sent or received those communications, and specifically describe the contents of those discussions or communications;

- c. the completeness or accuracy of Davis-Besse's responses or communications to the NRC. Specifically identify who engaged in discussions, or sent or received communications, on this topic, and specifically describe the contents of those discussions or communications;
- d. any of the topics listed in item e. of Interrogatory 9. For each topic so identified, follow the instructions in item e. that are associated with that topic.

Also, identify all documents associated with any meetings identified above, including but not limited to, all notes, meeting summaries, participant lists, e-mails and calendar notations, and all documents reviewed and/or discussed during such meetings.

INTERROGATORY 16

Paragraph 17 of our Order states that Mr. Geisen concurred on Serial 2731 although he knew that the response was materially incomplete and inaccurate in that Serial 2731 mischaracterized the accumulation of boric acid found on the RPV head during the 12 RFO inspection. Please answer the following:

- a. Does Mr. Geisen contend that Serial 2731 disclosed all facts concerning the nature and extent of boric acid on the RPV head during the 12 RFO inspection? If so, specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.
- b. In the event Mr. Geisen contend that any facts concerning the nature and extent of boric acid on the RPV head in the 12 RFO were not disclosed, describe with particularity those facts that were not disclosed. With respect to each such fact, state whether Mr. Geisen contend that the fact was or was not relevant or material to Bulletin 2001-01. Specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.
- c. In the event that Mr. Geisen contend that relevant or material facts concerning the nature and extent of boric acid on the RPV head in the 12 RFO were not disclosed in Serial 2731, does Mr. Geisen contend that he was not aware of these facts? If so, specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.
- d. For each nondisclosed fact identified in b. above, does Mr. Geisen contend that those facts were previously or contemporaneously disclosed to the NRC through other means? If so, for each nondisclosed fact describe the means by which the information was provided

to the NRC, including but not limited to, (1) whether the information was communicated orally, visually or in writing, (2) the individuals to whom the information was provided, and (3) the date on which the information was provided. Specifically describe all communications by which each fact was communicated to the NRC, and identify all notes, written documents, e-mails, calendar references or other information documenting those communications. Additionally, specifically state all other legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.

- e. For each nondisclosed fact identified in b. above, does Mr. Geisen contend that the failure to disclose those facts was corrected in a timely fashion by subsequent submissions and/or presentations? If so, for each non-disclosed fact describe the means by which the information was provided to the NRC, including but not limited to, (1) whether the information was communicated orally, visually or in writing, (2) the individuals to whom the information was provided, and (3) the date on which the information was provided. Specifically describe all communications by which each fact was communicated to the NRC, and identify all notes, written documents, e-mails, calendar references or other information documenting those communications. Additionally, specifically state all other legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.

INTERROGATORY 17

Paragraph 17 of our Order states that Mr. Geisen concurred on Serial 2731, which was materially incomplete and inaccurate in that Serial 2731 failed to include information that during the Eleventh Refueling Outage (11 RFO) and 12 RFO, Davis-Besse's access to the RPV bare metal head was impeded by the presence of significant accumulations of boric acid deposits. Please answer the following:

- a. Does Mr. Geisen contend that during 11 RFO and/or 12 RFO Davis-Besse's access to the bare metal head was not impeded by boric acid deposits? If so, specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.
- b. In the event that Mr. Geisen contends that access to the bare metal head was impeded during the 11 RFO and/or the 12 RFO, describe with specificity the nature and extent of the conditions which impeded access. Specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.

- c. In the event that Mr. Geisen contends that access to the bare metal head was impeded during the 11 RFO and/or the 12 RFO, does Mr. Geisen contend all facts regarding the existence of conditions which impeded access were disclosed in Serial 2731? If so, specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.
- d. In the event that Mr. Geisen contends that access to the bare meal head was impeded during the 11 RFO and/or 12 RFO, and facts regarding the conditions which impeded access were not disclosed in Serial 2731, specifically identify each fact that was not disclosed. With respect to each such fact, state whether Mr. Geisen contends that the fact was or was not relevant or material to Bulletin 2001-01. Specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.
- e. For each nondisclosed fact identified in d. above, state whether Mr. Geisen contends that the nondisclosed fact was irrelevant or immaterial to Bulletin 2001-01. Specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.
- f. For each nondisclosed fact identified in d. above, does Mr. Geisen contend that he was cognizant of the fact when Serial 2731 was issued? If not, specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.
- g. For each nondisclosed fact identified in d. above, does Mr. Geisen contend that those facts were previously or contemporaneously disclosed to the NRC through other means? If so, for each non-disclosed fact describe the means by which the information was provided to the NRC, including but not limited to, (1) whether the information was communicated orally, visually or in writing, (2) the individuals to whom the information was provided, and (3) the date on which the information was provided. Specifically describe all communications by which each fact was communicated to the NRC, and identify all notes, written documents, e-mails, calender references or other information documenting those communications. Additionally, specifically state all other legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.
- h. For each nondisclosed fact identified in d. above, does Mr. Geisen contend that the failure to disclose those facts was corrected in a timely fashion by subsequent submissions and/or presentations? If so, for

each non-disclosed fact describe the means by which the information was provided to the NRC, including but not limited to, (1) whether the information was communicated orally, visually or in writing, (2) the individuals to whom the information was provided, and (3) the date on which the information was provided. Specifically describe all communications by which each fact was communicated to the NRC, and identify all notes, written documents, e-mails, calendar references or other information documenting those communications. Additionally, specifically state all other legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.

INTERROGATORY 18

Paragraph 17 of our Order states that Mr. Geisen concurred on Serial 2731 although he knew that the response was materially incomplete and inaccurate in that Serial 2731 failed to indicate that the presence of boric acid deposits was not limited to the area beneath supposedly leaking control rod drive mechanism (CRDM) flanges. Please answer the following:

- a. Does Mr. Geisen contend that the presence of boric acid deposits on the RPV head was not limited to the area directly beneath supposedly leaking CRDM flanges? If so, specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.
- b. In the event that Mr. Geisen contends that boric acid deposits on the RPV head were not limited to the area directly beneath supposedly leaking CRDM flanges, describe with specificity the extent to which boric acid deposits on the RPV head were not directly beneath leaking CRDM flanges. Specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.
- c. In the event that Mr. Geisen contends that boric acid deposits on the RPV head were not limited to the area directly beneath supposedly leaking CRDM flanges, does Mr. Geisen contend all facts regarding this discrepancy were disclosed in Serial 2731? Specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.
- d. In the event that Mr. Geisen contends that boric acid deposits on the RPV head were not limited to the area directly beneath supposedly leaking CRDM flanges, and facts regarding this were not disclosed in Serial 2731, specifically identify each fact that was not disclosed. With respect to each such fact, state whether Mr. Geisen contends that the fact was or was not relevant or material to Bulletin 2001-01. Specifically

state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.

- e. For each nondisclosed fact identified in d. above, state whether Mr. Geisen contends that the nondisclosed fact was irrelevant or immaterial to Bulletin 2001-01. Specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.
- f. For each nondisclosed fact identified in d. above, does Mr. Geisen contend that he was cognizant of the fact when Serial 2731 was issued? If not, specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.
- g. For each nondisclosed fact identified in d. above, does Mr. Geisen contend that those facts were previously or contemporaneously disclosed to the NRC through other means? If so, for each non-disclosed fact describe the means by which the information was provided to the NRC, including but not limited to, (1) whether the information was communicated orally, visually or in writing, (2) the individuals to whom the information was provided, and (3) the date on which the information was provided. Specifically describe all communications by which each fact was communicated to the NRC, and identify all notes, written documents, e-mails, calendar references or other information documenting those communications. Additionally, specifically state all other legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals that support Mr. Geisen's contention.
- h. For each nondisclosed fact identified in d. above, does Mr. Geisen contend that the failure to disclose those facts was corrected in a timely fashion by subsequent submissions and/or presentations? If so, for each non-disclosed fact describe the means by which the information was provided to the NRC, including but not limited to, (1) whether the information was communicated orally, visually or in writing, (2) the individuals to whom the information was provided, and (3) the date on which the information was provided. Specifically describe all communications by which each fact was communicated to the NRC, and identify all notes, written documents, e-mails, calendar references or other information documenting those communications. Additionally, specifically state all other legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals that support Mr. Geisen's contention.

INTERROGATORY 19

Paragraph 17 of our Order states that Mr. Geisen concurred on Serial 2731 although he knew that the response was materially incomplete and inaccurate in that Serial 2731 failed to indicate that the build-up of boric acid deposits was so significant that the licensee could not inspect all of the RPV head penetration nozzles. Please answer the following:

- a. Does Mr. Geisen contend that the build-up of boric acid deposits was not so significant that the licensee could not inspect all of the RPV head penetration nozzles? If so, specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.
- b. In the event that Mr. Geisen contends that the build-up of boric acid deposits was so significant that the licensee could not inspect all of the RPV head penetration nozzles, describe with specificity the extent to which inspections of the nozzles were so limited. Specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.
- c. In the event that Mr. Geisen contends that the build-up of boric acid deposits was so significant that the licensee could not inspect all of the RPV head penetration nozzles, does Mr. Geisen contend all facts regarding this were disclosed in Serial 2731? Specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.
- d. In the event that Mr. Geisen contends that the build-up of boric acid deposits was so significant that the licensee could not inspect all of the RPV head penetration nozzles, specifically identify each limitation on inspections that was not disclosed. With respect to each such fact, state whether Mr. Geisen contends that the fact was or was not relevant or material to Bulletin 2001-01. Specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.
- e. For each nondisclosed fact identified in d. above, state whether Mr. Geisen contends that the nondisclosed fact was irrelevant or immaterial to Bulletin 2001-01. Specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.
- f. For each nondisclosed fact identified in d. above, does Mr. Geisen contend that he was cognizant of the fact when Serial 2731 was issued?

If not, specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals in support of Mr. Geisen's contention.

- g. For each nondisclosed fact identified in d. above, does Mr. Geisen contend that those facts were previously or contemporaneously disclosed to the NRC through other means? If so, for each non-disclosed fact describe the means by which the information was provided to the NRC, including but not limited to, (1) whether the information was communicated orally, visually or in writing, (2) the individuals to whom the information was provided, and (3) the date on which the information was provided. Specifically describe all communications by which each fact was communicated to the NRC, and identify all notes, written documents, e-mails, calendar references or other information documenting those communications. Additionally, specifically state all other legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals that support Mr. Geisen's contention.
- h. For each nondisclosed fact identified in d. above, does Mr. Geisen contend that the failure to disclose those facts was corrected in a timely fashion by subsequent submissions and/or presentations? If so, for each non-disclosed fact describe the means by which the information was provided to the NRC, including but not limited to, (1) whether the information was communicated orally, visually or in writing, (2) the individuals to whom the information was provided, and (3) the date on which the information was provided. Specifically describe all communications by which each fact was communicated to the NRC, and identify all notes, written documents, e-mails, calendar references or other information documenting those communications. Additionally, specifically state all other legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals that support Mr. Geisen's contention.

INTERROGATORY 20

With respect to the October 3, 2001, conference call with the NRC Staff, please answer the following:

- a. The agenda for the conference call states, in part, "Further confirmation of no indication of leakage attributable to CRDM nozzle leakage clearly CRDM flange leakage." Does Mr. Geisen contend that this statement accurately represents all of the factual information available at the time regarding the source of leakage causing boron deposits on the RPV head? If so, specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals that support Mr. Geisen's contention. If not, state which facts known at that time were indicative of nozzle rather than

flange leakage.

- b. Did Mr. Geisen make any statements during the conference call regarding the extent of the RPV which had been inspected during RFO 12? If so, identify what statements Mr. Geisen made and the legal and factual bases for those statements. Identify all facts, documents, and knowledgeable individuals relevant to Mr. Geisen's statements.
- c. Does Mr. Geisen contend that videos from 10 RFO, 11 RFO, and 12 RFO confirmed that there was no CRDM nozzle leakage? If so, specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals that support Mr. Geisen's contention.
- d. During the October 3, 2001, conference call, did Mr. Geisen communicate to the NRC that videos from 10 RFO, 11 RFO, and 12 RFO confirmed that there was no CRDM nozzle leakage? If so, did Mr. Geisen believe that statement to be true? In the event that Mr. Geisen contends he made the statement and believed it to be true, specifically state all legal and factual bases for Mr. Geisen's contention and specifically identify any facts, documents, and knowledgeable individuals that support Mr. Geisen's contention. In the event that Mr. Geisen made the statement and did not believe it to be true, describe with specificity Mr. Geisen's actual belief of the findings of the referenced videos and state all legal and factual bases for Mr. Geisen's belief, including the specific facts, documents, and knowledgeable individuals Mr. Geisen based that belief on.

INTERROGATORY 21

With respect to the October 11, 2001, briefing of the Commissioners' TAs (referenced in paragraph 20 of the Order), please answer the following:

- a. Was Mr. Geisen a presenter during the briefing? If so, was he the only presenter? If he was not the only presenter, identify what portions of the presentation he was responsible for and what portions he was not (include references to specific slides). Identify all other individuals who made presentations at the meeting and the portions of the presentation of which they were responsible.
- b. Describe in detail Mr. Geisen's written and oral presentation at the meeting and identify all materials presented at the meeting, including all slides, videos or other materials.
- c. With respect to Presentation Slide 6 presented at the meeting, answer the following:
 - i. Did Slide 6 state, in part: "Conducted and recorded video inspections of the head during 11 RFO (April 1998) and 12 RFO

- (April 2000) - No head penetration leakage was identified." If not, state Mr. Geisen's understanding of the entire contents of that slide.
- ii. Did Mr. Geisen present that slide? If not, state who, if anyone, presented that slide.
 - iii. Does Mr. Geisen contend that he had knowledge of all of the facts underlying the information presented in the slide? If not, state with specificity those facts for which Mr. Geisen had no knowledge or had incomplete knowledge. If his knowledge was incomplete, describe with specificity the extent of his knowledge of the facts and the facts and documents which supported his knowledge.
 - iv. Does Mr. Geisen contend that the information in slide 6 was an accurate description of results of the 11 RFO and 12 RFO? If so, state all factual and legal bases for Mr. Geisen's contention and identify all facts, documents, and knowledgeable individuals supporting Mr. Geisen's contention. If not, state with specificity in what respects the representation on the slide was inaccurate.
 - v. To the extent that Mr. Geisen contends that this presentation slide was incomplete or inaccurate, does Mr. Geisen contend any deficiency was timely corrected? If so, state the means by which the correction was made to the NRC, including a description of the manner in which it was made, the date on which it was corrected, and the individuals to whom the correction was communicated.
 - vi. To the extent that this presentation slide was incomplete or inaccurate, does Mr. Geisen contend that the incompleteness or inaccuracy was not relevant or material to the NRC determination as to whether to allow operation of Davis Besse beyond December 31, 2001? If so, state all legal and factual bases for Mr. Geisen's contention and identify all facts, documents, and knowledgeable individuals supporting Mr. Geisen's contention.
 - vii. To the extent that this presentation slide was incomplete or inaccurate, does Mr. Geisen contend that he was unaware of the incompleteness or inaccuracy? If so, state all legal and factual bases for Mr. Geisen's contention and identify all facts, documents, and knowledgeable individuals supporting Mr. Geisen's contention.
- d. With respect to Presentation Slide 7, as presented by FENOC, answer the following:
- i. Did Presentation Slide 7, as presented, state, in part: "All CRDM [control rod drive mechanism] penetrations were verified to be free from "popcorn" type boron deposits using video recordings from 11 RFO or 12 RFO."
 - ii. Did Mr. Geisen present that slide? If not, state who presented that slide.
 - iii. Does Mr. Geisen contend that he had knowledge of all of the

- facts underlying the information presented in the slide? If not, state with specificity those facts for which Mr. Geisen had no knowledge or had incomplete knowledge. If his knowledge was incomplete, describe with specificity the extent of his knowledge of the facts and the facts and documents which supported his knowledge.
- iv. Does Mr. Geisen contend that the statement quoted above was an accurate and complete description of the condition of the CRDM penetrations? If so, state all factual and legal bases for Mr. Geisen's contention and identify all facts, documents, and knowledgeable individuals supporting Mr. Geisen's contention. If not, state with specificity in what respects the representation on the slide was inaccurate.
 - v. To the extent that Mr. Geisen contends that this presentation slide was incomplete or inaccurate, does Mr. Geisen contend any deficiency was timely corrected? If so, state the means by which the correction was made to the NRC, including a description of the manner in which it was made, the date on which it was corrected, and the individuals to whom the correction was communicated.
 - vi. To the extent that this presentation slide was incomplete or inaccurate, does Mr. Geisen contend that the incompleteness or inaccuracy was not relevant or material to the NRC determination as to whether to allow operation of Davis Besse beyond December 31, 2001? If so, state all legal and factual bases for Mr. Geisen's contention and identify all facts, documents, and knowledgeable individuals supporting Mr. Geisen's contention.
 - vii. To the extent that this presentation slide was incomplete or inaccurate, does Mr. Geisen contend that he was unaware of the incompleteness or inaccuracy? If so, state all legal and factual bases for Mr. Geisen's contention and identify all facts, documents, and knowledgeable individuals supporting Mr. Geisen's contention.
- e. With respect to Mr. Geisen's knowledge at the time of the October 11 meeting with the Commissioners' TAs,
- i. Does Mr. Geisen contend that he was not aware that some of the RPV head penetration nozzles could not be inspected in 11 RFO and 12 RFO? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
 - ii. Does Mr. Geisen contend that this inability to inspect all nozzles was not due to significant boric acid deposits on the head? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- f. Identify all persons, including Mr. Geisen if applicable, who either made

suggestions concerning, provided input for, made comments on, or drafted, Presentation Slide 6 and/or 7 for the October 11 meeting with the NRC. For each person identified, state that person's role with respect to each specific slide.

INTERROGATORY 22

As referenced in paragraph 23 of the Order, Serial 2735, submitted on October 17, 2001, stated that 45 of 69 nozzles were viewed in 12 RFO. Please answer the following:

- a. Does Mr. Geisen contend that 45 of 69 nozzles could be viewed in 12 RFO? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- b. Does Mr. Geisen contend that at the time that Serial 2735 was submitted, Davis-Besse had a basis for claiming that 45 of 69 nozzles could be viewed in 12 RFO? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- c. Does Mr. Geisen contend that Serial 2735 accurately and completely stated that 45 of 69 nozzles could be viewed in 12 RFO? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- d. Identify all persons, including Mr. Geisen if applicable, who either made suggestions concerning, provided input for, made comments on, or drafted, the above language in Serial 2735. For each person identified, state that person's role with respect to the above language.
- e. To the extent that Serial 2735 did inaccurately or incompletely state that 45 of 69 nozzles could be viewed in 12 RFO:
 - i. Does Mr. Geisen contend that he was not aware at the time the Serial was submitted that the statement was incomplete or inaccurate? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
 - ii. Does Mr. Geisen contend that he was not aware that the statement was in Serial 2735? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
 - iii. Does Mr. Geisen contend that the statement was timely corrected by later submissions or presentations? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
 - iv. Does Mr. Geisen contend that the statement was not material to the NRC? If so, state all legal and factual bases for Mr. Geisen's

- contention and identify any documents or testimony in support of Mr. Geisen's contention.
- f. To the extent not identified above, identify all videos/photos/documents reviewed by, all persons consulted by, and all actions taken by Mr. Geisen in doing any of the following:
- i. drafting, reviewing, understanding, or commenting on statements concerning the number of nozzles that had been viewed in 12 RFO;
 - ii. checking, correcting, determining, or assisting in determining the number of nozzles had been viewed in 12 RFO.

INTERROGATORY 23

As referenced in paragraph 23 of the Order, Serial 2735, submitted on October 17, 2001, stated that 50 of 69 nozzles were viewed in 11 RFO. Please answer the following:

- a. Does Mr. Geisen contend that 50 of 69 nozzles could be viewed in 11 RFO? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- b. Does Mr. Geisen contend that at the time that Serial 2735 was submitted, Davis-Besse had a basis for claiming that 50 of 69 nozzles could be viewed in 11 RFO? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- c. Does Mr. Geisen contend that Serial 2735 accurately and completely stated that 50 of 69 nozzles could be viewed in 11 RFO? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- d. Identify all persons, including Mr. Geisen if applicable, who either made suggestions concerning, provided input for, made comments on, or drafted, the above language in Serial 2735. For each person identified, state that person's role with respect to the above language.
- e. To the extent that Serial 2735 did inaccurately or incompletely state that 50 of 69 nozzles could be viewed in 11 RFO:
 - i. Does Mr. Geisen contend that he was not aware at the time the Serial was submitted that the statement was incomplete or inaccurate? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
 - ii. Does Mr. Geisen contend that Mr. Geisen was not aware that the statement was in Serial 2735? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.

- iii. Does Mr. Geisen contend that the statement was timely corrected by later submissions or presentations? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- iv. Does Mr. Geisen contend that the statement was not material to the NRC? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- f. To the extent not identified above, identify all videos/photos/documents reviewed by, all persons consulted by, and all actions taken by Mr. Geisen in doing any of the following:
 - i. drafting, reviewing, understanding, or commenting on statements concerning the number of nozzles that had been viewed in 11 RFO;
 - ii. checking, correcting, determining, or assisting in determining the number of nozzles had been viewed in 11 RFO.

INTERROGATORY 24

As referenced in paragraph 23 of the Order, Serial 2735, submitted on October 17, 2001, stated that 65 of 69 nozzles were viewed in 10 RFO. Please answer the following:

- a. Does Mr. Geisen contend that 65 of 69 nozzles could be viewed in 10 RFO? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- b. Does Mr. Geisen contend that at the time that Serial 2735 was submitted, Davis-Besse had a basis for claiming that 65 of 69 nozzles could be viewed in 10 RFO? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- c. Does Mr. Geisen contend that Serial 2735 accurately and completely stated that 65 of 69 nozzles could be viewed in 10 RFO? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- d. Identify all persons, including Mr. Geisen if applicable, who either made suggestions concerning, provided input for, made comments on, or drafted, the above language in Serial 2735. For each person identified, state that person's role with respect to the above language.
- e. To the extent that Serial 2735 did inaccurately or incompletely state that 65 of 69 nozzles could be viewed in 10 RFO:
 - i. Does Mr. Geisen contend that he was not aware at the time the Serial was submitted that the statement was incomplete or inaccurate? If so, state all legal and factual bases for Mr.

- Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- ii. Does Mr. Geisen contend that he was not aware that the statement was in Serial 2735? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
 - iii. Does Mr. Geisen contend that the statement was timely corrected by later submissions or presentations? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
 - iv. Does Mr. Geisen contend that the statement was not material to the NRC? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- f. To the extent not identified above, identify all videos/photos/documents reviewed by, all persons consulted by, and all actions taken by Mr. Geisen in doing any of the following:
- i. drafting, reviewing, understanding, or commenting on statements concerning the number of nozzles that had been viewed in 10 RFO;
 - ii. checking, correcting, determining, or assisting in determining the number of nozzles had been viewed in 10 RFO.

INTERROGATORY 25

As referenced in paragraph 24 of the Order, Note 1 of Attachment 2 of Serial 2735, submitted on October 17, 2001, stated, "In 1996 during 10 RFO, the entire RPV head was inspected. Since the video was void of head orientation narration, each specific nozzle view could not be correlated." Please answer the following:

- a. Does Mr. Geisen contend that the entire RPV head was inspected in 10 RFO? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- b. Does Mr. Geisen contend that at the time that Serial 2735 was submitted, Davis-Besse had a basis for claiming that the entire head had been inspected in 10 RFO? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- c. Does Mr. Geisen contend that Serial 2735 accurately and completely stated that the entire head had been inspected in 10 RFO? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- d. Identify all persons, including Mr. Geisen if applicable, who either made suggestions concerning, provided input for, made comments on, or

drafted, the above-quoted language in Note 1 of Attachment 2 of Serial 2735. For each person identified, state that person's role with respect to the above-quoted language.

- e. To the extent that Serial 2735 did inaccurately or incompletely state that the entire head had been inspected in 10 RFO:
 - i. Does Mr. Geisen contend that he was not aware at the time the Serial was submitted that the statement was incomplete or inaccurate? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
 - ii. Does Mr. Geisen contend that he was not aware that the statement was in Serial 2735? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
 - iii. Does Mr. Geisen contend that the statement was timely corrected by later submissions or presentations? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
 - iv. Does Mr. Geisen contend that the statement was not material to the NRC? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- f. To the extent not identified above, identify all videos/photos/documents reviewed by, all persons consulted by, and all actions taken by Mr. Geisen in doing any of the following:
 - i. drafting, reviewing, understanding, or commenting on statements concerning the amount of the RPV head that had been inspected in 10 RFO;
 - ii. checking, correcting, determining, or assisting in determining the amount of the RPV head that had been inspected in 10 RFO.

INTERROGATORY 26

As referenced in paragraph 24 of the Order, Attachment 2 of Serial 2735, submitted on October 17, 2001, stated that 24 CRDM nozzles in 12 RFO had a CRDM flange leak evident. Please answer the following:

- a. Does Mr. Geisen contend that this statement did not indicate that 24 CRDM flanges were leaking onto nozzles? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- b. Does Mr. Geisen contend that the inspections from 12 RFO indicated that 24 CRDM flanges were leaking? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.

- c. Does Mr. Geisen contend that Serial 2735 accurately and completely stated that 24 CRDM nozzles in 12 RFO had a flange leak evident? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- d. Identify all persons, including Mr. Geisen if applicable, who either made suggestions concerning, provided input for, made comments on, or drafted, the above language in Attachment 2 of Serial 2735. For each person identified, state that person's role with respect to the above language.
- e. To the extent that Serial 2735 did incompletely or inaccurately state that 24 CRDM nozzles in 12 RFO had a flange leak evident:
 - i. Does Mr. Geisen contend that he was not aware at the time the Serial was submitted that the statement was incomplete or inaccurate? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
 - ii. Does Mr. Geisen contend that he was not aware that the statement was in Serial 2735? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
 - iii. Does Mr. Geisen contend that the statement was timely corrected by later submissions or presentations? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
 - iv. Does Mr. Geisen contend that the statement was not material to the NRC? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.

INTERROGATORY 27

With respect to the allegations made by the NRC Staff in paragraph 27 of its Order regarding the October 30, 2001, submission of Serial 2744, please answer the following:

- a. Does Mr. Geisen contend that the RPV head images did not omit images of the significant boric acid accumulations present on the RPV head? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- b. To the extent that the RPV head images did omit images of the significant boric acid accumulations present on the RPV head,
 - i. Does Mr. Geisen contend that such an omission would not be incomplete or inaccurate? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.

- ii. Does Mr. Geisen contend that he was not aware at the time the Serial was submitted of the omission? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
 - iii. Does Mr. Geisen contend that he was not aware that the images were submitted in Serial 2744? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
 - iv. Does Mr. Geisen contend that any misimpressions caused by the omitted images were timely corrected by later submissions or presentations? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
 - v. Does Mr. Geisen contend that the omitted images were not material to the NRC? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- c. Does Mr. Geisen contend that there were no RPV head nozzle images that were mislabeled to indicate that the images were of a different RPV head nozzle than actually presented in the image? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention. If Mr. Geisen does not so contend, identify the RPV head nozzles images that were so mislabeled.
- d. Does Mr. Geisen contend that there were no RPV head nozzle images that were merely copies of other images with labels changed? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention. If Mr. Geisen do not so contend, identify the RPV head nozzles images that were so mislabeled.
- e. To the extent that any RPV head images were mislabeled to indicate that the images were of a different RPV head nozzle than actually presented in the image,
- i. Does Mr. Geisen contend that such a mislabeling would not be incomplete or inaccurate? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
 - ii. Does Mr. Geisen contend that he was not aware at the time the Serial was submitted of the mislabeling? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
 - iii. Does Mr. Geisen contend that any misimpressions caused by the mislabelled images were timely corrected by later submissions or presentations? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in

- support of Mr. Geisen's contention.
- iv. Does Mr. Geisen contend that the mislabeled images were not material to the NRC? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.

INTERROGATORY 28

With respect to the presentation Mr. Geisen made to the Advisory Committee on Reactor Safeguards (ACRS) on November 9, 2001, referenced in paragraph 28 of the Order, please answer the following:

- a. Does Mr. Geisen contend that the transcript for the meeting (NRC028-0215 to -0235) is not an accurate representation of Mr. Geisen's presentation to the ACRS? If so, state all legal and factual bases for Mr. Geisen's contention, specifically identifying all portions of the transcript Mr. Geisen claims to be an inaccurate representation. For each inaccurate representation identified, identify in what ways that representation is inaccurate and provide Mr. Geisen's view of what an accurate representation would be. Also, identify any documents or testimony in support of Mr. Geisen's contention.
- b. Does Mr. Geisen contend that he was not aware that members of the NRC Staff were present for the presentation? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- c. For each of the statements below, does Mr. Geisen contend that he did not make that statement to the ACRS at the November 9 meeting? Give an answer for each statement. For each instance in which Mr. Geisen contends that he did not make a particular statement, give all legal and factual bases for Mr. Geisen's contention, and identify any documents or testimony in support of Mr. Geisen's contention.
 - i. Mr. Geisen stated that the 11 RFO (1998) and 12 RFO (2000) inspections were focused on inspecting the RPV for indications of the impact of boric acid leakage from leaking flanges.
 - ii. Mr. Geisen stated that the 1998 and 2000 inspections (video tapes) 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.
 - iii. Mr. Geisen stated that the video tape of the 10 RFO (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.
- d. For the statements identified in b., to the extent Mr. Geisen made them, please answer the following:
 - i. Does Mr. Geisen contend that any of them are not incomplete or

- inaccurate? If so, identify which statements are not incomplete or inaccurate, state all legal and factual bases for contending that those statements are not incomplete or inaccurate, and identify any documents or testimony in support of Mr. Geisen's contention.
- ii. Does Mr. Geisen contend, to the extent any of them are incomplete or inaccurate, that Mr. Geisen was not aware of the incompleteness or inaccuracy? If so, identify all legal and factual bases for Mr. Geisen's contention for each statement and identify any documents or testimony in support of Mr. Geisen's contention.
 - iii. Does Mr. Geisen contend, to the extent any of them are incomplete or inaccurate, that they were later timely corrected by subsequent presentations or submissions? If so, identify the specific basis for Mr. Geisen's contention for each statement and identify any documents or testimony in support of Mr. Geisen's contention.
 - iv. Does Mr. Geisen contend, to the extent any of them are incomplete or inaccurate, that they were not material to the NRC? If so, identify the specific basis for Mr. Geisen's contention for each statement and identify any documents or testimony in support of Mr. Geisen's contention.
- e. Does Mr. Geisen contend that not all of the video tapes were helpful in understanding the significant boron accumulations present at the start of each outage? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- f. Does Mr. Geisen contend that not all of the video tapes were helpful in understanding the the clear impediments to 100% inspection of the RPV head nozzles? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.
- g. Does Mr. Geisen contend that not all of the video tapes were helpful in understanding 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? If so, state all legal and factual bases for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's contention.

INTERROGATORY 29

With respect to Mr. Geisen's concurrence on the review and approval sheets ("green sheets") for Serial 2731 (submitted September 4, 2001), Serial 2735 (submitted October 17, 2001), and Serial 2744 (submitted October 30, 2001), [all found in NRC027-1692 to -1703] please answer the following questions:

- a. Did Mr. Geisen place his signature in Block 14 of a review and approval sheet for each serial listed above? If not, specify for which Serials Mr. Geisen's signature was not in Block 14 of the sheet, and give the factual basis for Mr. Geisen's denial.
- b. Does Mr. Geisen contend that on each review and approval sheet for the above Serials, the following language did not appear: "BLOCK 14 REVIEW AND APPROVAL - Initiator checks and /or enters the desired reviewer(s) . The technical accuracy of a response to the NRC is the responsibility of the Director and Management individual assigned the action." If so, specify for which Serials this language did not appear on the review and approval sheet, and give the factual basis for Mr. Geisen's denial.
- c. Does Mr. Geisen contend that on a review and approval sheet for Serial 2731, he was not listed as "Design Engineering Manager?" If so, give the factual basis for Mr. Geisen's contention and identify any documents or testimony in support of Mr. Geisen's denial.
- d. Does Mr. Geisen contend that on a review and approval sheet for Serial 2731, he did not concur for Steven Moffitt, the signature being dated August 30, 2001, with Steven Moffitt was listed as "Director, Technical Services?" If so, specifically state the factual and legal basis for Mr. Geisen's contention and identify any facts, documents, or testimony in support of Mr. Geisen's contention.
- e. Does Mr. Geisen contend that he was not a manager responsible for the technical accuracy of Serial 2731? If so, specifically state the factual and legal basis for Mr. Geisen's contention and identify any facts, documents, or testimony in support of Mr. Geisen's contention.
- f. Does Mr. Geisen contend that on a review and approval sheet for Serial 2735, he was not listed as "Responsible Manager?" If so, specifically state the factual and legal basis for Mr. Geisen's contention and identify any facts, documents, or testimony in support of Mr. Geisen's contention.
- g. Does Mr. Geisen contend that he was not a manager responsible for the technical accuracy of Serial 2735? If so, specifically state the factual and legal basis for Mr. Geisen's contention and identify any facts, documents, or testimony in support of Mr. Geisen's contention.
- h. Does Mr. Geisen contend that on a review and approval sheet for Serial 2744, he was not listed as "Manager, Design Engineering," and were the only engineering manager listed on a review and approval sheet for that Serial? If so, specifically state the factual and legal basis for Mr. Geisen's contention and identify any facts, documents, or testimony in support of Mr. Geisen's contention.

- i. Does Mr. Geisen contend that he was not a manager responsible for the technical accuracy of Serial 2744? If so, specifically state the factual and legal basis for Mr. Geisen's contention and identify any facts, documents, or testimony in support of Mr. Geisen's contention.

INTERROGATORY 30

Did Guy Campbell, Steven Moffitt, or anyone else direct Mr. Geisen to view videos/photos/documentation from past inspections of the RPV head in the Fall of 2001? If so, for each direction, specifically identify (1) the date the direction was received; (2) whether the direction concerned videos, photos, and/or documentation; and (3) which outage(s) the direction concerned.

INTERROGATORY 31

Did Guy Campbell, Steven Moffitt, or anyone else direct Mr. Geisen to view videos/photos/documentation from past inspections of the CRDM flanges in the Fall of 2001? If so, for each direction, specifically identify (1) the date the direction was received; (2) whether the direction concerned videos, photos, and/or documentation; and (3) which outage(s) the direction concerned.

INTERROGATORY 32

Describe Mr. Geisen's education and training with regard to metallurgy, circumferential and axial cracking in CRDM nozzles, boric acid corrosion and boric acid corrosion control, primary water stress corrosion cracking (PWSCC), reactor vessel head inspection methods/procedures at DBNPS and at other plants, including, but not limited to, VT-2 examinations.

INTERROGATORY 33

Identify Mr. Geisen's role(s) in outages during his time at Davis-Besse, including, but not limited to: planning outages (e.g. scheduling maintenance activities), drafting or approving work orders, writing or reviewing CRs, writing or reviewing modification requests, writing or reviewing PCAQRs, writing/reviewing LERs, and/or reviewing photos/videos of inspections. For each role, identify the outage in which Mr. Geisen performed that role.

INTERROGATORY 34

In 1998, it was discovered that reactor coolant system pressure spray valve two (RC-2) was degraded, two of eight carbon-steel body to bonnet nuts had been dissolved by boric acid, and a third was significantly corroded. Describe Mr. Geisen's involvement, if any, in the RC-2 event or its aftermath.

- a. Identify any and all documents that Mr. Geisen drafted, reviewed, or was otherwise made aware of the contents thereof concerning this event.
- b. Identify any training Mr. Geisen received concerning/related to this

event.

- c. Identify any videos or photographs reviewed by Mr. Geisen or of which he was otherwise made aware of concerning this event.

INTERROGATORY 35

DBNPS had boric acid corrosion control (BACC) procedures in 2001 (NG-EN-00324). Please answer the following:

- a. Identify what Mr. Geisen knew about DBNPS' BACC as of August 2001.
- b. Identify any training underwent or information received by Mr. Geisen concerning BACC as of August 2001.
- c. Identify any training underwent or information received by Mr. Geisen concerning BACC between August 1, 2001, and November 30, 2001, and when he received that information and/or training.

INTERROGATORY 36

Identify Mr. Geisen's knowledge of/familiarity with NRC Generic Letter 97-01 "Degradation of Control Rod Drive Mechanisms Nozzle and other Vessel Closure Head Penetrations." In so doing, identify the extent of Mr. Geisen's knowledge of/familiarity, and when that knowledge of/familiarity was acquired.

INTERROGATORY 37

Describe Mr. Geisen's involvement with reports and/or meetings of industry groups concerning CRDM nozzle cracking and/or boric acid corrosion. Identify each report Geisen contributed to and/or reviewed, every meeting Geisen attended, and the topics covered by the aforementioned reports/meetings.

INTERROGATORY 38

Did Mr. Geisen at any time question, or have concerns about, the completeness or accuracy of any of the information presented to the NRC in any the following submissions or presentations: Serial 2731; Serial 2735; Serial 2744; the October 3, 2001 teleconference with the NRC Staff; the October 11, 2001 briefing of the Commissioners' TAs; and/or the November 9 presentation to the ACRS? If so, please do the following:

- a. Identify every presentation or submission for which there were questions or concerns.
- b. For each presentation and submission identified, identify every question or concern Mr. Geisen had. For each question or concern,
 - i. Identify any person or persons to whom he addressed his concern/question;

- ii. Explain how Mr. Geisen's concern/question was resolved to his satisfaction. If his concern/question was not resolved to his satisfaction, explain why not.

If Mr. Geisen never questioned, or had concerns about the completeness or accuracy of information presented to the NRC in the aforementioned presentations and submissions, explain why.

INTERROGATORY 39

Describe Mr. Geisen's knowledge of the RPV service structure.

- a. Describe Mr. Geisen's knowledge of Mod 94-0025 and Mr. Geisen's knowledge of plans/requests to cut larger mouse/weep holes in the service structure in general. Specifically, describe Mr. Geisen's knowledge as to why plans to cut larger holes were repeatedly postponed.
- b. Identify all meetings, discussions, and/or communications in which Mr. Geisen took part and in which the service structure was discussed.
- c. Identify all communications Mr. Geisen had concerning the service structure during his career at Davis-Besse.
- d. Did Mr. Geisen know in the Fall of 2001 that Davis-Besse and ANO-1 were the only B&W plants that had not cut larger holes in the service structure for cleaning and inspection? If not, why? If he learned later, identify when and how.
- e. Was Mr. Geisen aware of a May 8, 1996 white paper by Prasoon Goyal concerning reactor vessel nozzle cracking (NRC028-1295 to NRC028-1330)? If so, when did he first become aware of it?

INTERROGATORY 40

Identify all changes, and all suggestions for changes, made by Mr. Geisen or any other person to documents/materials prepared for FENOC's presentation to Senator Voinovich's Staff in October 2001, including, but not limited to, presentation slides and draft presentation slides prepared for those briefings. For each suggestion or change:

- a. identify who made the change or suggestion and why the suggestion or change was made;
- b. identify the document/material to the which the suggestion or change pertained;
- c. identify Mr. Geisen's role, if any, either in making the suggestion or change, or responding to the suggestion or change;

- d. Explain why the suggestion or change was made;
- e. Describe Mr. Geisen's thoughts concerning whether the suggestion or change should be followed; and
- f. state whether the change appears in the final version of the materials prepared for and/or used during the presentation to Senator Voinovich's Staff.

INTERROGATORY 41

Identify all changes, and all suggestions for changes, made by Mr. Geisen or any other person to documents/materials prepared for FENOC's presentation to the Commissioner's TAs in October 2001, including, but not limited to, presentation slides and draft presentation slides prepared for those briefings. For each suggestion or change:

- a. identify who made the change or suggestion and why the suggestion or change was made;
- b. identify the document/material to the which the suggestion or change pertained;
- c. identify Mr. Geisen's role, if any, either in making the suggestion or change, or responding to the suggestion or change;
- d. Explain why the suggestion or change was made;
- e. Describe Mr. Geisen's thoughts concerning whether the suggestion or change should be followed; and
- f. state whether the change appears in the final version of the materials prepared for and/or used during the presentation to the Commissioners' TAs.

DOCUMENT REQUESTS

Produce all documents requested below, bates-stamped for identification purposes. Provide an index of any documents released pursuant to the requests below, which index is to include the following information: the date of the document, the beginning and ending bates numbers of the document, and a title or brief description of what the document is. For all redactions to produced documents, list all claimed privileges or other objections to producing the redacted portions, and give sufficient information for assessing the claim of privilege or protected status of the redacted portion. For each document falling under the request for which you claim a privilege, or otherwise object to producing, identify the date of the document, list all claimed privileges or other objections to producing the document, and give sufficient information for assessing the claim of privilege or the protected status of the document. Do not produce documents that have already been turned over to you by the NRC Staff during this enforcement hearing.

DOCUMENT REQUEST 1

Produce all documents that are relevant to any of the items below or that could possibly lead to information relevant to any of the items below. For each document indicate which item(s) the document is relevant to. Also, unless otherwise specified, items requesting information on Mr. Geisen's knowledge of a fact(s) refers to knowledge he acquired at any time up to and including the time of the discovery of the Davis-Besse reactor vessel head degradation.

- a. The existence, extent, location, and/or color of boric acid left on the Reactor Vessel Head after any refueling outage at Davis-Besse prior to 2002 (including but not limited to, 10 RFO, 11 RFO, and/or 12 RFO) and/or Mr. Geisen's knowledge of any of these facts.
- b. The existence, extent, location, and/or color of boric acid found on the Reactor Vessel Head during inspections of Reactor Vessel Head in any refueling outage at Davis-Besse prior to 2002 (including but not limited to, 10 RFO, 11 RFO, and/or 12 RFO) and/or Mr. Geisen's knowledge of any of these facts.
- c. The existence, amount, and/or identity of Control Rod Drive Mechanism

(CRDM) nozzles that could not be inspected during any refueling outage at Davis-Besse prior to 2002 (including but not limited to, 10 RFO, 11 RFO, and/or 12 RFO) and/or Mr. Geisen's knowledge of any of these facts.

- d. Any obstacles or difficulties (including surmountable ones) to inspection of the Reactor Vessel Head (and/or the CRDM nozzles) in any refueling outage at Davis-Besse prior to 2002 (including but not limited to, 10 RFO, 11 RFO, and/or 12 RFO) and/or Mr. Geisen's knowledge of any of these facts.
- e. The existence, amount, and/or identity of CRDM flanges that were identified as leaking during, or were repaired during, any refueling outage at Davis-Besse prior to 2002 (including but not limited to, 10 RFO, 11 RFO, and/or 12 RFO) and/or Mr. Geisen's knowledge of any of these facts.
- f. The activities performed in inspections or cleanings of the Reactor vessel head during any refueling outage at Davis-Besse prior to 2002 (including but not limited to, 10 RFO, 11 RFO, and/or 12 RFO) and/or Mr. Geisen's knowledge of these facts, as well as documentation related to the inspections or cleanings.
- g. The activities performed in inspections of the CRDM flanges during any refueling outage at Davis-Besse prior to 2002 (including but not limited to, 10 RFO, 11 RFO, and/or 12 RFO) and/or Mr. Geisen's knowledge of these facts, as well as documentation related to the inspections.
- h. Mr. Geisen's knowledge of Primary Water Stress Corrosion Cracking (PWSCC)
- i. Mr. Geisen's knowledge of the effects of, the prevention of, and/or the mitigation of boric acid corrosion.
- j. Mr. Geisen's knowledge of cracking in CRDM nozzles.
- k. Mr. Geisen's knowledge of the unidentified Reactor Coolant System Leakage experienced at Davis-Besse.
- l. Mr. Geisen's knowledge of the RC-2 event at Davis-Besse.
- m. Drafting, providing input for, doing technical work for, reviewing, revising, meeting on, communicating about, discussing, commenting on, and/or other actions taken with respect to the following: Serial 2731 and issues related to or covered by Serial 2731.
- n. Drafting, providing input for, doing technical work for, reviewing, revising, meeting on, communicating about, discussing, commenting on, and/or

other actions taken with respect to the following: Serial 2735 and issues related to or covered by Serial 2735.

- o. Drafting, providing input for, doing technical work for, reviewing, revising, meeting on, communicating about, discussing, commenting on, and/or other actions taken with respect to the following: Serial 2741 and issues related to or covered by Serial 2741.
- p. Drafting, providing input for, doing technical work for, reviewing, revising, meeting on, communicating about, discussing, commenting on, Mr. Geisen's actions with respect to, and/or other actions taken with respect to the following: Serial 2744 and issues related to or covered by Serial 2744.
- q. Preparing for, communicating about, preparing slides or agenda for, discussing, meeting on, providing input for, doing technical work for, documents presented during, presentations made during, Mr. Geisen's actions with respect to, and/or other actions taken with respect to the following: the teleconference with the NRC on October 3, 2001, and issues related to or covered in the teleconference.
- r. Preparing for, communicating about, preparing slides or agenda for, discussing, meeting on, providing input for, doing technical work for, documents presented during, presentations made during, Mr. Geisen's actions with respect to, and/or other actions taken with respect to the following: meeting with the Commissioners' TAs on October 11, 2001, and issues related to or covered in the meeting.
- s. Preparing for, communicating about, preparing slides or agenda for, discussing, meeting on, providing input for, doing technical work for, documents presented during, presentations made during, Mr. Geisen's actions with respect to, and/or other actions taken with respect to the following: the presentation made to the ACRS on November 9, 2001, and issues related to or covered in the presentation.
- t. The correction of, updating of, clarifying of, and/or materiality of any of Davis- Besse's statements, impressions, or omissions that are identified by the Order.
- u. Other than the issues identified above, Mr. Geisen's threat, or lack thereof, to the health and safety of the public, involving issues such as his general work history, competence, diligence, and character for truthfulness.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION 1

- a. On August 3, 2001, the NRC issued Bulletin 2001-01, "Circumferential Cracking of Reactor Pressure Vessel Head Penetration Nozzles" (Bulletin).
- b. In the Bulletin, the NRC requested that all holders of operating licenses for pressurized water nuclear power reactors (PWR), including FENOC for the Davis-Besse facility, provide information to the NRC relating to the structural integrity of the reactor pressure vessel (RPV) head penetration nozzles at their respective facilities.
- c. The information requested from the licensees included the following:
 - i. extent of RPV head penetration nozzle leakage and cracking that had been found to date,
 - ii. a description of the inspections and repairs undertaken to satisfy applicable regulatory requirements,
 - iii. and all legal and factual bases for concluding that a licensee's plans for future inspections would ensure compliance with applicable regulatory requirements.
- d. The NRC also required that all Bulletin addressees, including FENOC, submit a written response to the NRC in accordance with the provisions of 10 CFR 50.54(f).
- e. That regulation provides, in part, that upon request of the NRC, an NRC-licensee must submit written statements, signed under oath or affirmation, to enable the NRC to determine whether the license should be modified, suspended, or revoked.

REQUEST FOR ADMISSION 2

- a. On September 4, October 17, and October 30, 2001, the licensee
- b. provided written responses to the Bulletin.
- c. Additionally, the licensee met with the NRC on numerous occasions during October and November of 2001 to provide clarifying information.
- d. The NRC staff allowed the licensee to continue operation of the Davis-Besse facility until February 2002, rather than requiring FENOC to shut the unit down to perform inspections by December 31, 2001, as provided in the Bulletin.
- e. This NRC Staff decision was based, in part, on the information provided by FENOC in its written responses to the Bulletin and during meetings

with the NRC.

REQUEST FOR ADMISSION 3

- a. On February 16, 2002, FENOC shut down Davis-Besse for refueling and inspection of control rod drive mechanism (CRDM) RPV head penetration nozzles.
- b. Using ultrasonic testing, the licensee found cracks in three CRDM RPV head penetration nozzles.
- c. On March 6, 2002, the licensee discovered a cavity in the RPV head in the vicinity of CRDM Penetration Nozzle No. 3.
 - i. The cavity measured approximately 5 to 7 inches long, 4 to 5 inches wide, and penetrated through the 6.63 inch-thick low-alloy steel portion of the RPV head.
 - ii. This cavity left the stainless steel cladding material (measuring 0.202 to 0.314 inches-thick) as the sole reactor coolant system (RCS) pressure boundary.
- d. A smaller cavity was also found near CRDM Penetration Nozzle No. 2.

REQUEST FOR ADMISSION 4

Bulletin 2001-01, item 1.d requested each pressurized water reactor (PWR) licensee, including FENOC for Davis-Besse, to do the following:

- a. Provide a description of the RPV head penetration nozzles and RPV head inspection that were performed at PWRs in the 4 years preceding the date of the Bulletin. This description of the inspection would include the type, scope, qualification requirements, and acceptance criteria.
- b. Provide the findings resulting from the inspections.
- c. Describe any limitations (insulation or other impediments) to accessibility of the bare metal of the RPV head for visual examinations.

REQUEST FOR ADMISSION 5

With regard to the October 10, 2001, meeting with FENOC employees on October 10, 2001, referenced in paragraph 20 of the Order, the meeting was for the purposes of finalizing presentation slides for an October 11, 2001, meeting with the NRC Commissioners' Technical Assistants.

Sincerely,

/RA by Michael Spencer/

Sara E. Brock
Michael A. Spencer
Lisa B. Clark
Counsel for the NRC Staff

Dated at Rockville, MD
This 1st Day of September, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE 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 APPEARANCE

Notice is hereby given that the undersigned attorney enters an appearance in the above-captioned matter. In accordance with 10 C.F.R. § 2.314(b), the following information is provided:

Name: Lisa B. Clark

Address: Office of the General Counsel
U.S. Nuclear Regulatory Commission
Mail Stop: O 15-D21
Washington, D.C. 20555

Telephone: (301) 415-1571
Facsimile: (301) 415-3725

Internet Address: lbc@nrc.gov

Admissions: Court of Appeals for the
State of Maryland

Name of Party: NRC Staff

Respectfully submitted,

/RA by Michael Spencer for Lisa Clark/

Lisa B. Clark
Counsel for the NRC Staff

Dated at Rockville, Maryland
this 1st day of September, 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 "THE NRC STAFF'S INTERROGATORIES, DOCUMENT REQUESTS, AND REQUESTS FOR ADMISSION" and "NOTICE OF APPEARANCE" for Lisa B. Clark 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 1st day of September, 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. Roy Hawkens * **
Chief Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555

Nicholas G. Trikouros * **
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555

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

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

Richard A. Hibey, Esq. **
Charles F.B. McAleer, Jr., Esq.
Andrew T. Wise, Esq.
Mathew T. Reinhard, Esq.
Miller & Chevalier
655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
E-Mail: rhibey@milchev.com
awise@milchev.com
mreinhard@milchev.com

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

Libby Perch * **
Board Staff
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: emp1@nrc.gov

Respectfully submitted,

/RA by Michael Spencer/

Michael A. Spencer
Counsel for NRC Staff

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

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

In the Matter of)	Docket No. IA-05-052
)	
DAVID GEISEN)	ASLBP No. 06-845-01-EA
)	
)	

**DAVID GEISEN'S SECOND SUPPLEMENTAL ANSWERS
TO NRC STAFF'S INTERROGATORIES**

David Geisen ("Geisen"), by counsel, and pursuant to 10 C.F.R. § § 2.708, submits the following second supplemental answers to the NRC Staff's Interrogatories dated September 1, 2006:

Mr. Geisen incorporates herein by reference his Objections dated October 3, 2006 to NRC Staff's First Set of Interrogatories and Requests for Admission. The supplemental responses are subject to, and without waiving, the Objections dated October 3, 2006. He also notes his Supplemental Responses to the Staff's Interrogatories dated December 15, 2006 and affirms the content of those Responses. Finally, Mr. Geisen notes that he has provided sworn testimony regarding the subject matter of the Staff's Order dated January 4, 2006 on two separate occasions. The first occasion was an interview by the NRC Office of Investigations on October 22, 2002 (bates number NRC002-1258 - NRC002-1442). The second occasion was during his criminal trial in October 2007. Transcripts of that entire trial, including Mr. Geisen's testimony,

were provided to the Staff by email on Thursday, October 23, 2007. Mr. Geisen's testimony appears in volumes 10 and 11 of those transcripts.

The Staff's Interrogatories were issued prior to the commencement of the criminal trial and consisted of 41 interrogatories with multiple subparts covering 48 pages. The interrogatories sought information on a number of topics related to the Staff's Order and frequently spread a single inquiry over numerous interrogatories. Given the fact that the criminal trial has provided a comprehensive presentation of Mr. Geisen's position on the issues, including his sworn testimony on most of the subjects covered in the Interrogatories and given the Board's expression of agreement with Mr. Geisen's desire for an expedited hearing, Mr. Geisen, through counsel, has sought to streamline the discovery process by providing the following information responsive to the core of the Staff's Interrogatories. As indicated by counsel, Mr. Geisen will be available for deposition by the Staff during the time period set forth by the Board or at another date by agreement of the parties.

SUPPLEMENTAL ANSWERS

1. David Geisen's role in the 1996 inspection and cleaning (10RFO) and knowledge of the condition of the Reactor Pressure Vessel (RPV) head at that time.

Mr. Geisen joined FENOC (then Toledo Edison) in 1988 in the Systems Engineering group. He worked in that group, focusing on various mechanical systems at Davis-Besse Nuclear Power Station (Davis-Besse) until 1994. In 1994, Mr. Geisen was selected for participation in the Senior Reactor Operator (SRO) licensing program and participated in that program for the next two years. He remained in that program until the summer of 1996 and at the time of the 1996 RPV head inspection and cleaning during the 10th Refueling Outage (10RFO), Mr. Geisen was in preparation for his SRO final examinations.

After the discovery of the cavity in the RPV head in the spring of 2002, Mr. Geisen participated in a number of Root Cause interviews. It was during that process that he first became aware of the existence of a Potential Condition Adverse to Quality Report (PCAQR) written by Praseon Goyal in 1996 after Mr. Goyal completed his inspection of the RPV head. That PCAQR, bearing the number 96-0551, contains Mr. Goyal's statement that the extent of the inspection of the RPV head was limited to approximately 50-60% of the head area because of location and structural limitations and noted the existence of boric acid deposits on the head. While Mr. Geisen was generally aware of later discussions regarding potential steps to improve access to the RPV head area (see answer to question four, below), Mr. Goyal did not discuss his 1996 inspection or PCAQR 96-0551 with Mr. Geisen.

2. David Geisen's role in the 1998 inspection and cleaning (11RFO) and knowledge of the condition of the RPV head at that time.

Mr. Geisen had no involvement in the inspection or cleaning of the RPV head during the 11th Refueling Outage (11RFO) in 1998. At the time of that outage, Mr. Geisen was a supervisor in Systems Engineering, specifically assigned to the Electrical and Instrumentation Control group. Mr. Geisen's group was not involved in the inspection or cleaning of the RPV head during that outage. Moreover, since he started at Davis-Besse, Mr. Geisen had served as a Primary Systems Engineer working on the reactor coolant pumps and motors (RCPMs). During 11RFO, Mr. Geisen was drafted into work on the RCPMs and was preoccupied during the outage with the teardown of the bearings and work associated with the RCPMs.

As a result of his position and activities during 11RFO, Mr. Geisen was not involved in discussions or privy to information about the inspection and cleaning of the RPV head in 1998.

He did not come to know of information about the 11RFO inspection and cleaning until October 2001 when he began to participate in interactions with the NRC.

3. David Geisen's role in the 2000 inspection and cleaning (12RFO) and knowledge of the condition of the RPV head at that time.

Just prior to the 12th Refueling Outage (12RFO) in 2000, Mr. Geisen was promoted to the position of Manager, Design Basis Engineering. In that job, Mr. Geisen managed the group that was responsible for the overall design of the plant. The group spanned responsibilities from procurement through computer engineering, as well as mechanical design and nuclear engineering. He oversaw five supervisors and approximately thirty engineers spread over the five groups.

At the time of 12RFO, Mr. Geisen's focus as a newly-promoted manager was fixing Design Basis Engineering's performance during refueling outages. In past years, the group had struggled with preparing design packages necessary to execute modifications in a timely manner during outages. As a result, many modifications were either delayed or executed in the field during the outages, which put elements of the group, such as procurement, in a difficult position. When he was promoted to his new managerial position, one of Mr. Geisen's main tasks was to fix this process and that task occupied the majority of his attention before and during 12RFO.

The inspection and cleaning of the RPV head was not the responsibility of the Design Engineering group. Those tasks were performed by a division of the Systems Engineering group. There did come a point during 12RFO, however, at which Mr. Geisen became involved in discussions regarding the cleaning efforts.

During each of the refueling outages, managers and directors coordinated the outage activities in a conference room that was called "Outage Central." One of Mr. Geisen's

supervisors, Theo Swim, was the day shift liaison from the Design Basis group assigned to Outage Central. Approximately three weeks into 12RFO, Mr. Swim had been working extensively on the outage and Mr. Geisen offered to replace Mr. Swim for a period of time. While Mr. Geisen was in that position in Outage Central, an issue came up about what method should be used to clean boric acid deposits found on the head at the start of the outage. Mr. Geisen's recollection is that Mr. Swim, Prasoon Goyal, and Glenn McIntyre were involved in the discussions, which centered on whether to use high temperature water to clean the deposits because the traditional method of vacuum cleaning had not been successful. Mr. Swim and Mr. Goyal were concerned that use of water could leave the boric acid in a wet state which could present the potential for head corrosion (whereas dry boric acid was thought to be non-corrosive.) Others recalled that Systems Engineering had used water to clean boric acid deposits off of other components. Eventually, the decision was made, with Mr. Geisen's involvement, to use high temperature water to clean the head.

Mr. Geisen believed, coming out of the 12th Refueling Outage that the high temperature water cleaning efforts succeeded at removing the boric acid deposits from the head. He recalls a briefing in Outage Central prior to the end of 12RFO and in preparation for restart in which the cleaning efforts were discussed and during which it was indicated that the efforts were successful. In addition, a plant newsletter called "Outage Insider" reported the cleaning efforts were successful. While Mr. Geisen does not have a specific recollection of that particular edition of Outage Insider, he was expected to read the document in his position as a manager and made it a practice to do so.

Mr. Geisen believes that he saw photographs of the boric acid coming through the weepholes while he was in Outage Central during 12RFO. The photograph (referred to by NRC

Office of Investigations agents as “the red photo”) was taken April 6, 2000 by Peter Mainhardt, a FENOC engineer, and brought to Outage Central. Mr. Geisen recalls that he had not seen photographs like that one before, but believed at the time that the photograph was showing extensive leakage from the flanges that had been the subject of repeated work in past outages. He did not believe, at that time, that the photograph was evidence of a second potential source of boric acid leakage and also believed coming out of 12RFO that the boric acid had been successfully cleaned.

Mr. Geisen did not learn that the head had not been completely cleaned during 12RFO until October 2001, after he became involved in FENOC’s communications with the NRC.

4. David Geisen’s involvement and exposure to issues related to boric acid corrosion prior to the issuance of Bulletin 2001-01.

Mr. Geisen became Manager of Design Basis Engineering in March 2000. In assuming that position, Mr. Geisen also was charged with the duty of serving on the Babcock and Wilcox Owners’ Group Steering Committee. The Steering Committee got involved in studying the issue of nozzle cracking following discovery of cracks at the Oconee 1 & 2 plants in the fall of 2000 and Oconee 3 early in 2001. In that context, Mr. Geisen gained an understanding of the circumferential cracking phenomenon found at Oconee 3, the suspected relationship between axial cracks and the later development of circumferential cracks, and the importance of developing remote testing and non-visual examination methods as well as new tooling to facilitate nozzle repairs in future outages at B&W plants.

Because of his exposure to the developing issues regarding circumferential cracking, Mr. Geisen made presentations to upper-level management at Davis-Besse about what had been discovered at Oconee 3. His presentations did not include discussion of the past inspection

results at Davis-Besse nor was he involved in internal Davis-Besse meetings of the technical staff regarding the issue of nozzle cracking.

In addition to his work on the B&W Owners' Group Steering Committee, Mr. Geisen was involved and exposed to various issues related to boric acid corrosion in the time period prior to the issuance of Bulletin 2001-01 by the NRC. Those issues include the following:

RC-2 event: In March 1999, Davis-Besse discovered that two carbon steel nuts near the RC-2 pressurizer spray valve area were corroded away. A report was drafted following the discovery of the condition and training was conducted regarding the implications of the discovery. Mr. Geisen participated in the training, which focused on the potential for boric acid to create corrosion at the temperature and conditions found at the relevant area.

BACCP training: Like all FENOC engineers, Mr. Geisen received training in the Boric Acid Corrosion Control Procedures (BACCP). Mr. Geisen's last training in the BACCP prior to the issuance of Bulletin 2001-01 occurred in December 1999. As a result of that training, Mr. Geisen was generally aware of the requirements of the BACCP and of the potential for boric acid to cause corrosion given the existence of certain conditions.

Mr. Geisen discussed his exposure to these topics, as well as his involvement in other events at Davis-Besse in the time period prior to the issuance of the Bulletin throughout his interview with the NRC Office of Investigations and also in his trial testimony.

5. David Geisen's role in drafting and editing of Serial Letter 2731.

Mr. Geisen did not participate in the drafting and editing of Serial Letter 2731. His only involvement in the process was his Green Sheet review of the document, as described more fully below.

In August 2001, when Bulletin 2001-01 was issued, Mr. Geisen position was still as Manager of Design Basis Engineering. In the time period following 12RFO, Mr. Geisen had been tasked by the site vice president with constructing a plan to remediate the long-standing problems in the Design Basis group. After providing a plan in October 2000 that set forth a number of improvement initiatives, Mr. Geisen spent extensive time in 2001 implementing those initiatives. An industry auditor, INPO, was scheduled to return to Davis-Besse in September 2001 to evaluate the entire plant, including the operation that Mr. Geisen managed. As a result, Mr. Geisen's predominant focus in August and September 2001 was on that INPO site visit. In addition, Mr. Geisen was getting his Design Basis group ready to perform the modifications that were set for the 13th refueling outage in 2002.

Bulletin 2001-01 was issued on or about August 4, 2001. Mr. Geisen was not involved in drafting or editing any section of FENOC's initial response, Serial Letter 2731, nor was he involved in meetings regarding either the drafting or editing of the document.

He signed the Green Sheet for Serial Letter 2731 in two capacities: first, as Manager, Design Basis Engineering, and second, as proxy for his supervisor, Steven Moffitt. In reviewing the document in his capacity as a Manager, Mr. Geisen reviewed the portions of the Serial Letter that concerned design issues within the plant to make sure those sections made sense to him and also ensured that the proper people within the Design Basis Engineering group had been reviewed and signed off on the appropriate sections of the Letter. In signing the Green Sheet as Mr. Moffitt's proxy, Mr. Geisen made sure that Mr. Moffitt's other manager, David Eschelman, had reviewed and approved the Serial Letter.

In his Green Sheet review, Mr. Geisen did not pay special attention to the sections of the Serial Letter regarding past inspections. He signed the Green Sheet because he did not perceive

any false or misleading information in the Serial Letter. Had he perceived or suspected that the Serial Letter contained false or misleading information, he would not have signed the Green Sheet and would have raised that issue to the relevant individuals.

6. David Geisen's preparation for and participation in an October 3, 2001 conference call between FENOC and the NRC.

Mr. Geisen was pulled into FENOC's communications with the NRC regarding Bulletin 2001-01 at the very end of September 2001. The first interaction that he personally had with the NRC on the topic was an October 3, 2001 telephone conference call that included a number of FENOC employees in a conference room at Davis-Besse and a number of NRC personnel at NRC headquarters.

Mr. Geisen participated in preparation meetings for that call in the day or two before the call. He does not recall many details of those preparation meetings, but did review Dale Miller's notes of the preparation meetings and the call itself in preparation for his testimony at the criminal trial. Based upon those notes, Mr. Geisen believes that the FENOC team had a call with Framatome on October 2, 2001 in advance of the October 3, 2001 conference call. Also, based upon those notes, Mr. Geisen believes that he spoke on the October 3, 2001 conference call about the past inspections of the RPV head.

Mr. Geisen believes that he collected information for the October 3, 2001 conference call from a variety of sources, including Serial Letter 2731, the Framatome engineers present for the October 2, 2001 call, and the supervisor of the Mechanical Systems Group, Glenn McIntyre. He does not believe that he would have bypassed Mr. McIntyre and spoken directly to the engineers who performed the inspections, including Andrew Siemaszko, because it was not Mr. Geisen's practice to bypass supervisors to speak directly with those supervisors' direct reports. Mr.

Geisen did not personally review the videotapes of the past inspections in preparation for the October 3, 2001 conference call.

Based upon Mr. Geisen's review of Mr. Miller's notes of the call, he believes that he told the NRC that Davis-Besse conducted a whole head inspection and that there were some areas of the head precluded from being inspected because of flange leakage. He believes that he said there were definite signs of boron flow from that flange leakage and that the inspections had been videotaped in 10, 11, and 12RFO. He believes that he said those tapes had been reviewed and that he described the methods used for the cleaning in 11 and 12RFO.

Mr. Geisen did not believe that any of the information that he communicated to the NRC during the October 3, 2001 conference call was false or misleading. He based his comments on communications with individuals that he believed were reliable and properly informed.

7. Events following the October 3, 2001 conference call and the October 11, 2001 meeting between FENOC and the Technical Assistants (TA).

After the October 3, 2001 conference call, Mr. Geisen was given two specific tasks by his supervisor, Steven Moffitt. The first task was to oversee the construction of a crack growth rate model that would employ engineering formulas to predict the speed at which a circumferential crack would propagate given known conditions present on the RPV head during the course of an operating cycle. The crack growth rate model was primarily the responsibility of Ken Byrd. The second task was to oversee the construction of a table that would break down the results of past inspections on a nozzle-by-nozzle basis. The nozzle-by-nozzle table was to be prepared by Andrew Siemaszko. It was Mr. Geisen's understanding that Mr. Siemaszko had reviewed the past videotapes in order to reach the conclusions set forth in Serial Letter 2731, but the nozzle-

by-nozzle table required Mr. Siemaszko to go back to the tapes and reach a definitive conclusion on each nozzle for the inspections conducted during 11RFO (1998) and 12RFO (2000).

Mr. Siemaszko was selected to construct the table for a number of reasons. First, Mr. Siemaszko had provided the information regarding the past inspections for Serial Letter 2731. Second, Mr. Siemaszko was the systems engineer assigned to the reactor coolant system, which included the reactor vessel head. Given his position, Mr. Siemaszko had conducted the 2000 inspection and cleaning. Finally, Mr. Siemaszko had participated in the 2001 inspection at the Arkansas Nuclear Power Plant. Given these experiences, Mr. Geisen and others felt that Mr. Siemaszko provided the most trained and calibrated eye to complete the task. At the time that Mr. Siemaszko was given the assignment, Mr. Geisen had no cause to doubt Mr. Siemaszko's reliability or competence.

8. David Geisen's preparation for and participation in the October 11, 2001 TA briefing.

Mr. Geisen participated in an October 11, 2001 briefing with the Technical Assistants to the NRC Commissioners. Other participants from Davis-Besse included FENOC Vice-President Guy Campbell, Director of Technical Services Steven Moffitt, and Manager of Regulatory Affairs David Lockwood. Steve Fyfitch, from Framatome, also participated. Mr. Geisen presented two slides at that meeting, titled "Davis-Besse's NRC Bulletin Response" and "Facts".

The slides for the October 11, 2001 meeting, including the two Mr. Geisen presented, were prepared by the FENOC group and Mr. Fyfitch on the evening of October 10, 2001. During the preparation meeting, the group discussed the content of the slides. Mr. Geisen's knowledge of the subject matter was derived from the same sources upon which he had relied in making his comments during the October 3, 2001 conference call and also from conversations he

had with Andrew Siemaszko during the preparations for Mr. Siemaszko's construction of the nozzle-by-nozzle table. Mr. Geisen recalls making an edit to the first flagged point on the slide titled "Facts". The point, in the final draft, stated "All CDRM penetrations were verified to be free from "popcorn" type deposits using video recordings from 11RFO or 12RFO." The first draft of the slide read "11RFO and 12RFO". Mr. Geisen made the change from "and" to "or" because his understanding at the time of the October 10, 2001 preparation meeting and the October 11, 2001 TA meeting was that Mr. Siemaszko needed to compile results from both inspections in order to have an acceptable view of each nozzle that would open up sufficiently to provide visual inspections whereas the word "and" suggested that each inspection would provide a sufficient view of each nozzle on its own. Mr. Geisen made this edit to the slide because he believed it made the slide accurate.

Mr. Geisen did not believe that any of the information that he communicated to the NRC during the October 11, 2001 meeting with TAs was false or misleading. He based his comments on communications with individuals that he believed were reliable and properly informed.

9. David Geisen's exposure to and viewing of videotapes and photographs from past inspections.

The first time that Mr. Geisen viewed portions of the videotapes from the past inspections was in the time period a week or two after the October 3, 2001 conference call with the NRC. While Mr. Siemaszko was in the process of constructing the nozzle-by-nozzle table, Mr. Geisen went to Mr. Siemaszko's cubicle to get a sense for how Mr. Siemaszko was progressing on the table. During a meeting that lasted around an hour, Mr. Siemaszko explained the methodology that he was using and illustrated his explanation by referencing a number of clips from the past inspection tapes.

Prior to the meeting, Mr. Siemaszko, with the assistance of Mark McLaughlin, had converted the VHS tapes over to a digital format on compact disks. The digital format allowed Mr. Siemaszko to progress through the tapes on a frame-by-frame basis and freeze individual images without the distortion that would occur if one were to pause a videotape. During the meeting with Mr. Geisen, Mr. Siemaszko scrolled through various images from past inspections and explained to Mr. Geisen how he was making judgments on particular nozzles. Mr. Geisen did not know which inspections the video clips were from but rather focused on Mr. Siemaszko's explanations of methodology. Mr. Siemaszko explained that he was looking for popcorn-type deposits on the downhill side of the nozzles and also indicated that he was looking for signs of leakage from above, such as streaking on tubes, to conclude whether nozzles showed signs of flange leakage. Mr. Siemaszko showed Mr. Geisen some nozzles that had boric acid accumulations on the uphill side of nozzles but no evidence of boron on the downhill side and explained why he believed those nozzles could be categorized as acceptable.

Mr. Geisen left the meeting with Mr. Siemaszko with a belief that Mr. Siemaszko was doing a thorough job in his review and using a sensible methodology.

At some point after the October 11, 2001 meeting with the Technical Assistants, Mr. Siemaszko completed the nozzle-by-nozzle table. Review of that table made clear to Mr. Geisen that there were drives that FENOC could not claim credit for in the 1998 inspection and that, as a result, representations that Mr. Geisen made during the October 11, 2001 meeting were not accurate. Mr. Geisen took that information to Mr. Moffitt, who brought in David Lockwood (Manager, Regulatory Affairs) and attorney Roy Lessy to determine how FENOC should correct the information it had provided previously. The decision was made by Mr. Lockwood and Mr.

Lessy that the mistake would be corrected by information included in the next Serial Letter -- 2735.

At some point either during or shortly after that conversation, Mr. Moffitt and Mr. Geisen discussed the reliability of Mr. Siemaszko's work. Mr. Geisen told Mr. Moffitt that he believed that Mr. Siemaszko was doing a thorough and reliable job and repeated to Mr. Moffitt what he had learned from Mr. Siemaszko about the methodology that Mr. Siemaszko was employing in his work. Mr. Geisen recalls he did not doubt Mr. Siemaszko's credibility after learning that FENOC would have to go back past the 1998 inspection because it was not surprising that a more detailed review of data could yield a result that was not entirely consistent with their expectations. Moreover, the fact that Mr. Siemaszko informed Mr. Geisen of the contrary results suggested to Mr. Geisen that Mr. Siemaszko was reliable.

10. David Geisen's role in the drafting of Serial Letter 2735.

Serial Letter 2735 was submitted to the NRC on October 17, 2001 and included Mr. Siemaszko's nozzle-by-nozzle table. Mr. Geisen was involved in the drafting of Serial Letter 2735 to the extent that he supervised Mr. Siemaszko's efforts in constructing the table and participated in the crafting of the language explaining what the table showed. The language that Mr. Geisen edited and approved was based upon Mr. Geisen's understanding of what Mr. Siemaszko had done and what Mr. Siemaszko had found. Aside from the viewing of the video clips described in the preceding paragraph, Mr. Geisen had not viewed the inspection tapes himself or participated in reaching the conclusions presented in Serial Letter 2735.

Mr. Geisen also signed the Green Sheet for Serial Letter 2735 and employed the same standard for signing off on the document as he did when he signed the Green Sheet as Manager, Design Basis Engineering for Serial Letter 2731. He signed the Green Sheet because he did not

perceive any false or misleading information in the Serial Letter. Had he perceived or suspected that the Serial Letter contained false or misleading information, he would not have signed the Green Sheet and would have raised that issue to the relevant individuals.

11. David Geisen's role in drafting of Serial Letter 2744.

Serial Letter 2744 was submitted to the NRC on October 30, 2001 and included photographs from the inspections conducted at 10, 11, and 12RFO. Mr. Geisen compiled the photographs and wrote the captions to the photographs that were included in the Serial Letter.

Mr. Geisen understood that Serial Letter 2744 was being filed to provide the NRC with photographs that were representative of the past inspections and would provide visual context to the conclusions set forth in the nozzle-by-nozzle table. Because Mr. Siemaszko had constructed the table and was still in possession of the digital files, Mr. Geisen asked Mr. Siemaszko to provide a representative sample of the photographs that he had used to construct the table. Mr. Siemaszko compiled the photographs that appear in Serial Letter 2744, and Mr. Geisen drafted the captions that appear with the photographs.

Mr. Geisen was unaware that Serial Letter 2744 contained photographs of nozzles that were incorrectly identified or that it contained copies of nozzle photographs with captions that suggested the photographs were of different nozzles. He based the caption language he wrote upon his previous conversations with Mr. Siemaszko and his understanding of information Mr. Siemaszko collected in the course of making calls on various nozzles. He was not aware that Serial Letter 2744 contained false and misleading information and had he realized it, he would not have consented to the submission of Serial Letter 2744 in the form in which it went to the NRC.

12. David Geisen's preparation for and participation in the November 9, 2001 ACRS meeting.

Mr. Geisen participated in a November 9, 2001 meeting of the Advisory Committee on Reactor Safeguards (ACRS). He accompanied Steven Moffitt and Ken Byrd to that meeting as representatives of FENOC.

Mr. Moffitt explained a number of aspects of FENOC's on-going work on crack growth rate models and the probabilistic risk assessment and also stated that FENOC had what they believed could be characterized as a qualified visual inspection that was performed in 1996 and additional inspections in 1998 and 2000. He explained, further, that the inspections of the head were done for reasons other than a nozzle-by-nozzle inspection for evidence of small boron deposits, but noted that the people that had performed the inspections were available and the fact that the inspections were videotaped allowed FENOC to go back and review the tapes with an eye toward the present question regarding potential circumferential cracking.

At one point during the meeting, a member of the ACRS asked the following: "A question on the 1998 and 2000 inspections, you said that they were limited...What was the extent of the inspections?"

Mr. Geisen gave the following answer:

With regard to these inspections, recognize that they were not done looking for this particular phenomenon. They were looking for other things. The two inspections done in 1998 and 2000 were really looking for the impact of boric acid leakage from leaky flanges that we had subsequently repaired and what was the impact to that. So the view that we got from those was in many cases some of the drives you couldn't even get a good view of.

There were many cases, the camera angle was looking upwards because it was looking at the structural metal of the service structure on top of the head.

When we looked at the 1996 data, you got more of a downward look at these nozzles because we were specifically following around a vacuum and probe that was looking for head wastage as a result of the boron being deposited on the head.

So what really comes down to it, the best video we have on this goes all the way back to 1996.

Mr. Geisen's response was based upon information that he had gained from conversations with Mr. Siemaszko regarding the videotapes of the past inspections, his observation of photographs drawn from the tapes of the 2000, 1998, and 1996 inspections as included in Serial Letter 2744, and his limited viewing of some of the inspection videotapes in the presence of numerous NRC staff members on the preceding evening, November 8, 2001. His intention in making the statement was to communicate that 1996, he believed, provided the best potential baseline for a start date for the probabilistic risk assessment. He believed that to be true based upon the information then known to him.

Respectfully Submitted,

Dated: October 29, 2008

/s/

Richard A. Hibey
Andrew T. Wise
MILLER & CHEVALIER CHARTERED
655 15TH Street, N.W., Suite 900
Washington, D.C. 20005
(202) 626-5800
Counsel for David Geisen

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the 29th day of October, 2008, true and genuine copies of

the foregoing were served on the following persons by electronic mail:

Office of the Secretary
Attn: Rulemaking and Adjudications Staff
U.S. Nuclear Regulatory Commission
Mail Stop: O-16 C1
Washington, D.C. 20005
E-mail: hearingdocket@nrc.gov

Lisa Clark
E-mail: Lisa.Clark@nrc.gov
Shahram Ghasemian
E-mail: Shahram.Ghasemian@nrc.gov
Kimberly Sexton
E-mail: Kimberly.Sexton@nrc.gov
Catherine Marco
E-mail: Catherine.Marco@nrc.gov
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop: O-15 D21
Washington, D.C. 20555-0001

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

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

Nicholas G. Trikouros
Administrative Judge
Atomic Safety and Licensing Board Panel

U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555-0001
E-mail: ngt@nrc.gov

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

/s/

Andrew T. Wise

Docket, Hearing

From: Wise, Andrew [awise@milchev.com]
Sent: Monday, June 08, 2009 5:42 PM
To: Docket, Hearing
Subject: FW: In the Matter of David Geisen; Docket No. IA-05-052
Attachments: Opposition to Staff Motion to Compel Discovery.pdf; Attachment 1 - NRC Staff Interrogatories.pdf; Attachment 2 - Geisen Response to NRC Staff Interrogatories.pdf

Andrew T. Wise

Miller & Chevalier Chartered
655 Fifteenth Street, N.W.
Suite 900
Washington, DC 20005
(202) 626-5818 - direct
(202) 626-5801 - facsimile

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From: Wise, Andrew
Sent: Tuesday, November 04, 2008 2:52 PM
To: Mike Farrar; 'erh@nrc.gov'; 'ngt@nrc.gov'; 'Hearing Docket'; Libby Perch; Johanna Thibault
Cc: Lisa Clark; Shahram Ghasemian; Kimberly Sexton; Catherine Marco; Hibey, Richard
Subject: In the Matter of David Geisen; Docket No. IA-05-052

Attached please find the Opposition of David Geisen to the NRC Staff's Motion to Compel Discovery.

Andrew T. Wise

Miller & Chevalier Chartered
655 Fifteenth Street, N.W.
Suite 900
Washington, DC 20005
(202) 626-5818 - direct
(202) 626-5801 - facsimile

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X-MS-TNEF-Correlator:

Thread-Topic: In the Matter of David Geisen; Docket No. IA-05-052

Thread-Index: Ack+ts8C34AJrEQBSRK4AZZloZGglCpyuxHA

From: "Wise, Andrew" <awise@milchev.com>

To: <hearingdocket@nrc.gov>

Return-Path: awise@milchev.com