

In the Matter Of
LLOYD P. ZERR

NRC OBJECTIONS TO DEFENDANT'S DISCOVERY REQUEST

1. State with particularity the facts and circumstances
relied upon by the NRC to support the allegations in the
Complaint in Paragraphs 4-123, inclusive.

OBJECTION: The NRC objects to Interrogatory No. 1 as unduly burdensome. A response would be largely duplicative of the information which has been provided by the NRC by the way of the lengthy and particularized complaint and by the production of the investigative report and related documents (including reports of interviews of witnesses) upon which the allegations in the complaint are based.

2. Provide the name, home and business addresses, home and business telephone numbers, job assignment (if applicable), of all witnesses to the events alleged in the Complaint.

OBJECTION: The NRC objects to identification of the home address and home telephone numbers of the witnesses employed by the NRC inasmuch as such identification is unnecessary, irrelevant and contrary to the intent of privacy protection for Federal employees. The NRC will provide the business addresses and telephone numbers with the list of NRC witnesses provided in response to this interrogatory. The NRC also objects to the production of addresses and telephone numbers for the non-NRC witnesses since the NRC has already produced the documents to the Defendant from which the best such information in the possession of the NRC can be found.

5. Provide a detailed site plan for Hatch identifying all locations within and outside the protected area specifying the nature activity at each location.

OBJECTION: The NRC objects to the extent that the request calls for a detailed site plan for Hatch that would involve classified or sensitive information. However, the NRC will produce a copy of the site plan for Hatch that is available for public disclosure.

6. Identify and list all employees at Hatch, both local and NRC, during the relevant time of the Complaint.

OBJECTION: The NRC objects to the request to the extent that it calls for the listing of all employees at Hatch as overly broad and burdensome and not reasonably calculated to lead

to the discovery of admissible evidence. Moreover, this part of the request was more properly directed to the Georgia Power Company which would have control and custody of such information.

7. Identify each supervisor and the chain of command for each supervisor during the career of Lloyd Zerr at the NRC.

OBJECTION: The NRC objects to this request as overly broad and unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence insofar as it seeks information beyond the relevant time periods of the alleged false claims and chains of command for such supervisors. Nonetheless, without waiving this objection, the NRC is making a diligent effort to identify and provide a list of the supervisors of Lloyd Zerr during his tenure at the NRC and at least the immediate superior of that supervisor.

12. Identify and attach copies of each statement made by Lloyd Zerr to any agent or official of the United States Government in connection with this matter.

OBJECTION: The United States objects to the extent that this request would call for a copy of any notes made by an Assistant United States Attorney for the United States Attorney in connection with a meeting with Mr. Zerr inasmuch as such notes are protected as attorney work-product. Moreover, the NRC does not have custody or control over the papers of the United States Attorney.

15. Notice is hereby given that all government witnesses may be interviewed by counsel at a time to be scheduled.

OBJECTION: The NRC agrees to provide interviews of government witnesses on reasonable terms provided that the NRC is permitted to take the deposition of Defendant, Lloyd P. Zerr. The NRC has informally agreed to grant requests for informal interviews of government witnesses with counsel for the NRC present or participating in a telephonic interview. However, the NRC will not be responsible for any travel costs that might be associated with the conduct of such interviews. The NRC understands that these will not be transcribed interviews and therefore the substance thereof should not be admissible at the hearing of this matter. In light of the lack of specificity regarding the witnesses and their requested interviews, the NRC preserves the right to object to the timing, number, scope and length of such interviews.

16. Provide all documentation and identify the U.S. Attorney in Maryland involved in the decision not to prosecute.

OBJECTION: The NRC objects to this interrogatory on the ground that it calls for disclosure of attorney work-product. As noted in the letter dated April 15, 1993, the NRC has withheld from production a letter dated July 11, 1991, from W. Warren Hamel, Assistant United States Attorney, District of Maryland to William H. McAbee, II, Chief of Criminal Division, United States Attorneys Office, Southern District of Georgia, on the ground of attorney work product. Moreover, the NRC does not have custody or control over papers in possession of offices of the United States Attorneys. Any documentation in the possession of the NRC which was involved in consideration of prosecution by the United

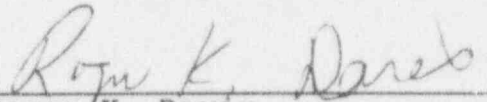
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States Attorney in the District of Maryland has already been produced to Defendant.

Respectfully submitted,


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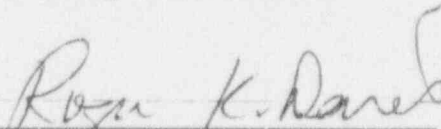
DATED: June 4, 1993

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NRC Objections to Defendant's Discovery Requests by fax and first class mail, postage prepaid, this ~~24th~~ day of ~~May~~, 1993, to Timothy E. Clarke, 5 North Adams Street, Rockville, Maryland 20850.

4th

June


Roger K. Davis

Corrected 6/23/93 KKD

ATTACHMENT "B"