

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONBEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
	)	Docket Nos. 50-390-CivP; 50-327-CivP
TENNESSEE VALLEY AUTHORITY	)	50-328-CivP; 50-259-CivP
	)	50-260-CivP; 50-296-CivP
(Watts Bar Nuclear Plant, Unit 1	)	50-260-CivP; 50-296-CivP
Sequoyah Nuclear Plant, Units 1 & 2)	
Browns Ferry Nuclear Plant, Units 1, 2, 3)	)	ASLBP No. 01-791-01-CivP
)	
	)	EA 99-234

NRC STAFF SUPPLEMENTAL RESPONSE TO TENNESSEE VALLEY
AUTHORITY'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTSI. INTRODUCTION

The Nuclear Regulatory Commission (NRC) Staff (Staff) hereby provides this supplemental response to Tennessee Valley Authority's (TVA) First Request for Production of Documents, filed August 3, 2001. The Staff is identifying and providing copies of responsive documents within the possession, custody, and control of the NRC to TVA. For those documents which the Staff believes are currently in the possession of TVA and which are responsive to the document requests, the Staff is only identifying the documents and not providing copies.

II. GENERAL OBJECTIONS

1. The Staff objects to TVA's document requests to the extent that they call for disclosure of litigation strategy and other material protected under 10 C.F.R. § 2.740 or other protection provided by law, attorney work product, privileged attorney-client materials,

and other privileged materials such as draft agency documents protected by executive privilege.

2. The Staff objects to TVA's document requests to the extent that they seek documents which are beyond the scope of the matters at issue in this proceeding. TVA is only permitted to obtain documents that pertain to the subject matter within the scope of this proceeding, as outlined in the Prehearing Conference, July 19, 2001.

III. DOCUMENTS PROVIDED

The Staff is identifying and providing copies of the following documents that are responsive to TVA's document requests. These documents include the documents identified in the "NRC Staff's Response to Tennessee Valley Authority's First Set of Interrogatories."

1. U.S. NRC Office of Investigations Report of Investigation, Sequoyah Nuclear Plant: Alleged Discrimination Against Chemist Manager for Engaging in Protected Activity, Case No. 2-93-068/RII-93-A-0070 (hereinafter "OI Report").
2. OI Report Exhibit 1: Investigation Status Record, October 21, 1994.
3. OI Report Exhibit 2: DOL complaint from Gary Fiser to Carol Merchant, DOL, September 27, 1993.
4. OI Report Exhibit 3: Letter from George Friday, DOL, to Oliver Kingsley, TVA, with settlement agreement between Fiser and TVA.
5. OI Report Exhibit 4: TVA-OIG Record of Interview of Gary Fiser, December 14, 1993.
6. OI Report Exhibit 5: TVA-OIG Record of Interview of Ben Easley, October 25, 1993.
7. OI Report Exhibit 6: TVA-OIG Record of Interview of Wilson McArthur, January 10, 1994.
8. OI Report Exhibit 7: TVA-OIG Record of Interview of Ronald Brock, January 12, 1994.
9. OI Report Exhibit 8: TVA-OIG Record of Interview of Dan Keuter, January 11, 1994.
10. OI Report Exhibit 9: TVA-OIG Record of Interview of Dan Keuter, April 4, 1994.

11. OI Report Exhibit 10: TVA-OIG Record of Interview of Charles Kent, January 11, 1994.
12. OI Report Exhibit 11: TVA-OIG Record of Interview of James Manis, January 12, 1994.
13. OI Report Exhibit 12: TVA-OIG Record of Interview of Albert Black, January 11, 1994.
14. OI Report Exhibit 13: TVA-OIG Record of Interview of Robert Beecken, February 3, 1994.
15. OI Report Exhibit 14: TVA-OIG Record of Interview of Robert Fenech, March 2, 1994.
16. OI Report Exhibit 15: TVA-OIG Record of Interview of Joseph Bynum, March 3, 1994.
17. OI Report Exhibit 16: TVA-OIG Record of Interview of Mike Pope, April 8, 1994.
18. OI Report Exhibit 17: TVA-OIG Report of Investigation.
19. OI Report Exhibit 18: Report of Interview of Gary Fiser by James Vorse.
20. OI Report Exhibit 19: Sequence of Events by Gary Fiser.
21. OI Report Exhibit 20: Memorandum to William McNulty, NRC OI, from Carolyn Evans, Regional Counsel, April 12, 1995.

IV. DOCUMENTS IDENTIFIED

The NRC is identifying the following documents which are responsive to TVA's document requests but of which the Staff believes TVA already possesses copies. The Staff will provide copies of these documents upon the request of TVA.

22. Selection Review Board Corporate Radiological and Chemistry Control Notebook of H.R. (Rick) Rogers, July 18, 1996. Includes the following documents:
 - A. Documents related to the organization of the Radiological and Chemistry Organization.
 - B. Notice of Rad/Chem Peer Group meeting for Thursday, July 18, 1996, dated July 12, 1996.

- C. Rankings and offers for each of the vacant positions considered by the Selection Review Board (SRB), July 31, 1996.
- D. Qualifications chart for applicants before the SRB.
- E. Interview schedule for July 18, 1996.
- F. Evaluation Committee for Corporate RadCon, Chemistry, and RadWaste/Environmental.
- G. Candidates being interviewed by the SRB.
- H. Interview schedule, July 18, 1996.
- I. Gary Fiser application, resume, interview questions with handwritten notes, and rating form.
- J. Sam Harvey applications, resume, interview questions with handwritten notes, and rating forms.
- K. E.S. Chandrasekaran applications, resume, interview questions with handwritten notes, and rating forms.
- L. Hubert Huie application, resume, interview questions with handwritten notes, and rating form.
- M. John Traynor applications, resume, interview questions with handwritten notes, and rating forms.
- N. Diedre Nida application, resume, interview questions with handwritten notes, and rating form.
- O. Lenon Riales applications, resume, interview questions with handwritten notes, and rating forms.
- P. John Lobdell applications, resume, interview questions with handwritten notes, and rating forms.
- Q. James Flanigan application, resume, interview questions with handwritten notes, and rating form.
- R. Regis Nicoll application, resume, interview questions with handwritten notes, and rating form.
- S. Vacancy announcement for vacancy 10702, Program Manager, Chemistry (BWR), with vacancy worksheets.

- T. Vacancy announcement for vacancy 10703, Program Manager, Chemistry (PWR), with vacancy worksheets.
 - U. Vacancy announcement for vacancy 10705, Program Manager, Rad Control (Programmatic), with vacancy worksheets.
 - V. Vacancy announcement for vacancy 10706, Program Manager, Rad Control (Tech Support), with vacancy worksheets.
 - W. Vacancy announcement for vacancy 10707, Program Manager, RadWaste/Environmental Protection, with vacancy worksheets.
23. Selection Review Board Corporate Radiological and Chemistry Control Notebook of John Corey, July 18, 1996. Includes the following documents:
- A. Document related to the organization of the Radiological and Chemistry Organization.
 - B. Rankings and offers for each of the vacant positions considered by the SRB, July 31, 1996.
 - C. Qualifications chart for applicants before the SRB.
 - D. Interview schedule for July 18, 1996.
 - E. Evaluation Committee for Corporate RadCon, Chemistry, and RadWaste/Environmental.
 - F. Candidates being interviewed by the SRB.
 - G. Interview schedule, July 18, 1996.
 - H. Gary Fiser application, resume, interview questions with handwritten notes, and rating form.
 - I. Sam Harvey applications, resume, interview questions with handwritten notes, and rating forms.
 - J. E.S. Chandrasekaran applications, resume, interview questions with handwritten notes, and rating forms.
 - K. Hubert Huie application, resume, interview questions with handwritten notes, and rating form.

- L. John Traynor applications, resume, interview questions with handwritten notes, and rating forms.
 - M. Diedre Nida application, resume, interview questions with handwritten notes, and rating form.
 - N. Lenon Riales applications, resume, interview questions with handwritten notes, and rating forms.
 - O. John Lobdell applications, resume, interview questions with handwritten notes, and rating forms.
 - P. James Flanigan application, resume, interview questions with handwritten notes, and rating form.
 - Q. Regis Nicoll application, resume, interview questions with handwritten notes, and rating form.
 - R. Vacancy announcement for vacancy 10702, Program Manager, Chemistry (BWR), with vacancy worksheets.
 - S. Vacancy announcement for vacancy 10703, Program Manager, Chemistry (PWR), with vacancy worksheets.
 - T. Vacancy announcement for vacancy 10705, Program Manager, Rad Control (Programmatic), with vacancy worksheets.
 - U. Vacancy announcement for vacancy 10706, Program Manager, Rad Control (Tech Support), with vacancy worksheets.
 - V. Vacancy announcement for vacancy 10707, Program Manager, RadWaste/Environmental Protection, with vacancy worksheets.
24. Selection Review Board Corporate Radiological and Chemistry Control Notebook of Ben Easley/Milissa Westbrook, July 18, 1996. Includes the following documents:
- A. Document related to the organization of the Radiological and Chemistry Organization.
 - B. Rankings and offers for each of the vacant positions considered by the SRB, July 31, 1996.
 - C. Qualifications chart for applicants before the SRB.
 - D. Interview schedule for July 18, 1996.

- E. Evaluation Committee for Corporate RadCon, Chemistry, and RadWaste/Environmental.
- F. Candidates being interviewed by the SRB.
- G. Interview schedule, July 18, 1996.
- H. Gary Fiser application, resume, interview questions with handwritten notes, and rating form.
- I. Sam Harvey applications, resume, interview questions with handwritten notes, and rating forms.
- J. E.S. Chandrasekaran applications, resume, interview questions with handwritten notes, and rating forms.
- K. Hubert Huie application, resume, interview questions with handwritten notes, and rating form.
- L. John Traynor applications, resume, interview questions with handwritten notes, and rating forms.
- M. Diedre Nida application, resume, interview questions with handwritten notes, and rating form.
- N. Lenon Riales applications, resume, interview questions with handwritten notes, and rating forms.
- O. John Lobdell applications, resume, interview questions with handwritten notes, and rating forms.
- P. James Flanigan application, resume, interview questions with handwritten notes, and rating form.
- Q. Regis Nicoll application, resume, interview questions with handwritten notes, and rating form.
- R. Vacancy announcement for vacancy 10702, Program Manager, Chemistry (BWR), with vacancy worksheets.
- S. Vacancy announcement for vacancy 10703, Program Manager, Chemistry (PWR), with vacancy worksheets.
- T. Vacancy announcement for vacancy 10705, Program Manager, Rad Control (Programmatic), with vacancy worksheets.

- U. Vacancy announcement for vacancy 10706, Program Manager, Rad Control (Tech Support), with vacancy worksheets.
 - V. Vacancy announcement for vacancy 10707, Program Manager, RadWaste/Environmental Protection, with vacancy worksheets.
25. Selection Review Board Corporate Radiological and Chemistry Control Notebook of Charles Kent, July 18, 1996. Includes the following documents:
- A. Document related to the organization of the Radiological and Chemistry Organization.
 - B. Handwritten notes on candidates being interviewed.
 - C. Rankings and offers for each of the vacant positions considered by the SRB, July 31, 1996.
 - D. Qualifications chart for applicants before the SRB.
 - E. Interview schedule for July 18, 1996.
 - F. Evaluation Committee for Corporate RadCon, Chemistry, and RadWaste/Environmental.
 - G. Candidates being interviewed by the SRB.
 - H. Interview schedule, July 18, 1996.
 - I. Gary Fiser application, resume, interview questions with handwritten notes, and rating form.
 - J. Sam Harvey applications, resume, interview questions with handwritten notes, and rating forms.
 - K. E.S. Chandrasekaran applications, resume, interview questions with handwritten notes, and rating forms.
 - L. Hubert Huie application, resume, interview questions with handwritten notes, and rating form.
 - M. John Traynor applications, resume, interview questions with handwritten notes, and rating forms.
 - N. Diedre Nida application, resume, interview questions with handwritten notes, and rating form.

- O. Lenon Riales applications, resume, interview questions with handwritten notes, and rating forms.
- P. John Lobdell applications, resume, interview questions with handwritten notes, and rating forms.
- Q. James Flanigan application, resume, interview questions with handwritten notes, and rating form.
- R. Regis Nicoll application, resume, interview questions with handwritten notes, and rating form.
- S. Vacancy announcement for vacancy 10702, Program Manager, Chemistry (BWR), with vacancy worksheets.
- T. Vacancy announcement for vacancy 10703, Program Manager, Chemistry (PWR), with vacancy worksheets.
- U. Vacancy announcement for vacancy 10705, Program Manager, Rad Control (Programmatic), with vacancy worksheets.
- V. Vacancy announcement for vacancy 10706, Program Manager, Rad Control (Tech Support), with vacancy worksheets.
- W. Vacancy announcement for vacancy 10707, Program Manager, RadWaste/Environmental Protection, with vacancy worksheets.

IV. CONCLUSION

In addition to the documents identified above, the NRC Staff will continue to supplement its response to TVA's First Request for Production of Documents should it identify further documents responsive to those requests.

Respectfully submitted,

/RA/

Jennifer M. Euchner
Counsel for NRC Staff

Dated at Rockville, Maryland
this 5th day of October, 2001

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
	)	Docket Nos. 50-390-CivP; 50-327-CivP;
TENNESSEE VALLEY AUTHORITY	)	50-328-CivP; 50-259-CivP;
	)	50-260-CivP; 50-296-CivP;
(Watts Bar Nuclear Plant, Unit 1;	)	50-260-CivP; 50-296-CivP
Sequoyah Nuclear Plant, Units 1 & 2)	
Browns Ferry Nuclear Plant, Units 1, 2, 3)	)	ASLBP No. 01-791-01-CivP
)	
	)	EA 99-234

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF SUPPLEMENTAL RESPONSE TO TENNESSEE VALLEY AUTHORITY'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS" in the above-captioned proceeding has been served on the following persons by express overnight mail; through deposit in the Nuclear Regulatory Commission's internal system as indicated by an asterisk (*), or by electronic mail as indicated by a double asterisk (**) on this 5th day of October, 2001.

Administrative Judge **
Charles Bechhoefer, Chairman
U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop: T-3F23
Washington, D.C. 20555

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

Thomas F. Fine **
Brent R. Marquand
John E. Slater
Barbara S. Maxwell
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37901-1401

Administrative Judge **
Richard F. Cole
U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop: T-3F23
Washington, D.C. 20555

Office of the Secretary *
ATTN: Rulemaking and Adjudications
Staff
U.S. Nuclear Regulatory Commission
Mail Stop: O-16C1
Washington, D.C. 20555

Office of Commission Appellate
Adjudication*
U.S. Nuclear Regulatory Commission
Mail Stop: O T-3F23
Washington, D.C. 20555

/RA/

Jennifer M. Euchner
Counsel for NRC Staff