

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

2002 JAN 14 PM 2:46

ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

TVA'S RESPONSES TO NRC STAFF'S SECOND
SET OF INTERROGATORIES

Pursuant to 10 C.F.R. §§ 2.720(h)(2)(ii), 2.740, and 2.740b, and without waiving the right to object to the admissibility into evidence of any of the responses herein, respondent Tennessee Valley Authority (TVA) hereby makes the following responses to NRC Staff's second set of interrogatories.

General Objections

A. TVA objects to each and every interrogatory to the extent that it calls for information subject to the attorney-client privilege, the work product privilege, the privilege for critical self-examination, the deliberative process privilege, or any other privilege. To the extent that documents or information arguably subject to such privileges may be provided by TVA, such privileges are not waived beyond the precise extent of the disclosure made, and no waiver of a privilege may be implied in that no disclosure of anything which is actually privileged is intended.

B. TVA objects to each and every interrogatory to the extent that it seeks information subject to the restrictions of the Privacy Act of 1974, 5 U.S.C. § 552a (1994), to restrictions established under guidelines issued by a Federal agency, or to any provision of law which could subject TVA or its attorneys or employees involved in any exposure to civil liability or criminal penalties.

C. TVA objects to each and every interrogatory to the extent that it seeks information that does not pertain to conclusory findings as stated in the NRC's July 30, 1999, Office of Investigations (OI) Report or the NRC's February 7, 2000, Notice of Violation. Accordingly, to the extent that any interrogatory seeks such information, TVA objects on the grounds that the information requested is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence, and is, accordingly, unduly burdensome in light of the irrelevance of the information it seeks.

D. TVA objects to providing information not within its knowledge, custody, possession, or control, or which does not exist.

E. TVA objects to each and every interrogatory to the extent that it seeks discovery of information which TVA has previously provided to the NRC in the investigation of this matter, NRC Investigation No. 2-1998-013.

Interrogatory No. 1

State whether the following individuals are currently employed at TVA, their current position at TVA, or whether they are no longer employed at TVA:

- (a) Bill Lagergren
- (b) Don Adams
- (c) Al Black
- (d) Ron Brock
- (e) Dan Keuter

- (f) Debbie Bodine
- (g) Tom Peterson
- (h) Bill Jocher
- (i) David Van Bockern
- (j) Beth Thomas

Response

- (a) William R. Lagergren, currently employed as Site Vice President, Watts Bar Nuclear Plant.
- (b) Don E. Adams, currently employed as Program Manager, Site Chemistry, Sequoyah Nuclear Plant.
- (c) Albert V. Black, currently employed as Manager, HR Services, for Transmission, River Operations, and Engineering.
- (d) Ron Brock, no longer employed by TVA.
- (e) Danny R. Keuter, no longer employed by TVA.
- (f) Debra J. Bodine, currently employed as Chemistry Program Manager, Radiological Control and Chemistry Services
- (g) Tom Peterson, not employed by TVA
- (h) William F. Jocher, no longer employed by TVA.
- (i) David Van Bockern, no longer employed by TVA.
- (j) Beth Thomas, Special Agent, TVA Office of Inspector General.

Interrogatory No. 2

With respect to all persons listed in response to Interrogatory 1, state the individual's last known residential address, last known business address, and telephone numbers at those addresses.

Response

- (a) William R. Lagergren, 16219 Providence Road, Sale Creek, Tennessee 37373; Watts Bar Highway, P.O. Box 2000, Spring City Tennessee 37381.
- (b) Don E. Adams, 307 Masters Road, Hixson, Tennessee 37343; Sequoyah Road, P.O. Box 2000, Soddy Daisy, Tennessee 37379.
- (c) Albert V. Black; 3700 Connell Lane, Chattanooga, Tennessee 37412; 1101 Market Street, Chattanooga, Tennessee 37402, 423-751-4955.
- (d) Ron Brock, 107 Dogwood Circle, Lafayette, Georgia 30728, 1101 Market Street, Chattanooga, Tennessee 37402
- (e) Danny R. Keuter, See TVA's response to interrogatory No. 2 and No. 3 of NRC Staff's first set of interrogatories.
- (f) Debra J. Bodine; 5373 Sky Valley Drive, Hixson, Tennessee 37343; 1101 Market Street, Chattanooga, Tennessee 37402.
- (g) Tom Peterson, no known address.
- (h) William F. Jocher; 133 Gholdston Drive, Dayton, Tennessee 37321; 1101 Market Street, Chattanooga, Tennessee 37402.
- (i) David Van Bockern; P.O. Box 1276, Clinton, Tennessee 37717; 400 West Summit Hill Drive, Knoxville, Tennessee 37902.
- (j) Beth Thomas; 10307 Highgate Circle, Knoxville, Tennessee 37931; 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Interrogatory No. 3

In regard to the reorganization in 1994 that resulted in Wilson McArthur becoming the Radiological Control Manager, please provide the following information:

- (a) the vacant position announcements (VPA's) for each position advertised in the Chemistry, Environmental, RadCon, and RadWaste areas; (b) how the selections for the vacant positions were made, including but not limited to whether there was a

selection review board(s), who served on the board(s) and who was the selecting manager(s); (c) whether or not Wilson McArthur was required to compete for the position of Radiological Control Manager and if so, provide a copy of his application; and (d) the organizational charts for the RadCon, Chemistry, and Environmental areas both prior to the reorganization and after the reorganization.

Response

TVA objects to this interrogatory to the extent it assumes that Dr. McArthur officially assumed the position in 1994 of Radiological Control Manager. Subject to the foregoing objection, TVA provides the following information.

(a) The following vacant position announcements (VPA) were produced on December 28, 2001, and marked with "Bates Nos. BF __":

VPA No. 5707, Manager Radiological Control, PG-11; BF 1167

VPA No. 6593, Manager, Radiological Control, PG-10/11, BF 1168

VPA No. 6613, Radiological Control Specialist, PG-8; BF 1164

VPA No. 6618, Manager, Chemistry and Environmental Protection, PG-11; BF 1166

VPA No. 6620, Chemistry and Environmental Program Specialist, PG-6/7; BF 1163

VPA No. 6621, Chemistry and Environmental Protection Specialist, PG-8; BF 1162

(b) Copies of Bates Nos. HH1-198, what appears to be the selection package for VPA No. 6621, are being produced to counsel for NRC Staff. Based on a review of HH 1-198, it appears that a selection review board, the members of which are identified in the selection package, was used for VPA Nos. 6613, 6620, & 6621. TVA does not have sufficient information to answer this interrogatory subpart at this time as to VPA Nos. 5707, 6618, & 6593.

(c) TVA does not have information sufficient to form an answer as to whether Dr. McArthur was required to compete for the position of Radiological Control Manager. TVA has been unable to locate a copy of an application by Dr. McArthur for the position.

(d) Organizational charts were previously produced as BF 894, 896-98.

Interrogatory No. 4

Please state whether a notebook or any other documents were provided to Wilson McArthur for the 1996 reorganization, including but not limited to, any selection notebook utilized by McArthur in determining who to interview for the vacant positions and who to select for those positions, and any other information reviewed by McArthur during the selection process.

Response

This information is not known to TVA.

Interrogatory No. 5

Please state whether a draft or pending position description for the Radiological Control Manager position held by Wilson McArthur from 1994 to 1996 exists. The position description in question was identified as having Maciejewski's name on it on page 33 of the NRC Office of Investigations interview of Wilson McArthur. Please provide a copy of this document.

Response

A document entitled "Position Description" for the position of "Radiological Control Manager" and marked with Bates No. BF 1169-70 is being produced to counsel for NRC Staff. TVA has no record that this document was a draft

or pending description for the position held by Dr. McArthur. The reference in Dr. McArthur's interview was to VPA No. 6593.

Interrogatory No. 6

Please provide any information about the disciplinary record of Wilson McArthur during his employment at TVA, including but not limited to, any information and/or documents related to the destruction of a TVA vehicle or a rental vehicle by McArthur.

Response

TVA objects to this interrogatory on the ground that the information sought is not "relevant to the subject matter involved in [this] proceeding" and is not "reasonably calculated to lead to the discovery of admissible evidence" (10 C.F.R. § 2.740(b)(1) (2001)). Without waiving the foregoing object, TVA previously produced a September 6, 1996, letter counseling Dr. McArthur and which is marked as Bates No. AF 151. Dr. McArthur was not disciplined with respect to "the destruction of a TVA vehicle or a rental vehicle."

Interrogatory No. 7

Please identify what TVA employees were represented by Brent Marquand of the TVA Office of the General Counsel during the investigation and settlement of Gary Fiser's 1993 Department of Labor (DOL) complaint, the investigation and settlement of William Jocher's DOL complaint, the investigation and settlement of Fiser's 1996 DOL complaint, and the investigation of Ron Grover's DOL and/or equal employment opportunity complaints. This includes representation in any proceeding related to these cases, and specifically to proceedings before the NRC and

the DOL. Additionally, please identify whether Marquand has ever represented the following former TVA employees in any matter: Fiser, Grover, and Ben Easley.

Response

Mr. Marquand has not represented Fiser. TVA objects to the remaining parts of this interrogatory on the ground that the information sought is not "relevant to the subject matter involved in [this] proceeding" and is not "reasonably calculated to lead to the discovery of admissible evidence" (10 C.F.R. § 2.740(b)(1) (2001)).

Interrogatory No. 8

Please identify whether the TVA Office of Inspector General (OIG) provided copies and/or transcripts of tapes made by Gary Fiser obtained during Fiser's 1993 DOL complaint to Brent Marquand, including: (a) when the tapes or transcripts were provided to Marquand; (b) who from the TVA OIG provided these copies to Marquand; (c) to what TVA employees, if any, Marquand provided the tapes or transcripts of Fiser's tapes; and (d) any statements or documents which indicate that Marquand informed a TVA employee that Fiser had made the tapes and provided them during his 1993 DOL complaint.

Response

Information concerning the identity of documents obtained, when and from whom such documents were obtained, and how such documents were used by TVA's Office of General Counsel to defend TVA from claims asserted against it is protected from disclosure as attorney work product and by the attorney-client privilege. Accordingly, TVA objects to this interrogatory on the ground on the ground that the information it seeks is protected from disclosure as attorney work product and by the attorney-client privilege.

Interrogatory No. 9

Please identify what interactions Brent Marquand had with individuals from the TVA OIG, including, but not limited to, Beth Thomas and David Van Bockern, during or after TVA OIG's investigations of Fiser's 1993 and 1996 DOL complaints, Jocher's DOL complaint, and Grover's DOL complaints.


Response

Information concerning the identity of persons interviewed, the substance of such conversations, and how such information is subsequently used by TVA's Office of General Counsel to defend TVA from claims asserted against it is protected from disclosure as attorney work product and by the attorney-client privilege. Accordingly, TVA objects to this interrogatory on the ground on the ground that the information

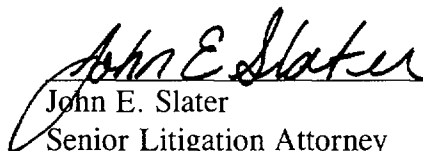
sought is protected from disclosure as attorney work product and by the attorney-client privilege.

Respectfully submitted,

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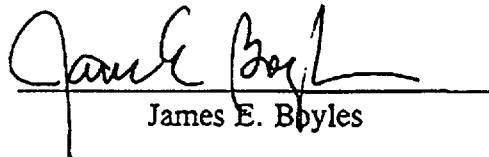
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Attorneys for TVA

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VERIFICATION

Pursuant to 28 U.S.C. § 1746 (1994), James E. Boyles affirms that he is a TVA employee, that he has been informed of the matters stated in the foregoing responses to interrogatories and requests Nos. 1-6, and that the responses are true to the best of his knowledge, information, and belief.


James E. Boyles

CERTIFICATE OF SERVICE

I hereby certify that the foregoing responses have been served by overnight messenger on the persons listed below. A copy of the responses has also been sent by e-mail to those persons listed below with e-mail addresses.

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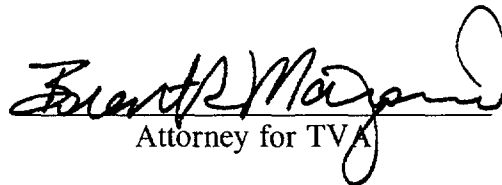
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This 11th day of January, 2002.


Attorney for TVA