

RAS 3771

RELATED CORRESPONDENCE

DOCKETED
USNRC

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 THIRD
SET OF INTERROGATORIES AND DOCUMENT REQUESTS**

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 third set of interrogatories and document request.

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 admissible into evidence 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.

F. TVA objects to each and every interrogatory to the extent that it seeks information about ongoing investigations by TVA's Office of the Inspector General (OIG) that may involve criminal activity or that may require the disclosure of investigative techniques.

Interrogatory No. 1

State whether the Tennessee Valley Authority Office of Inspector General (OIG) taped the interviews it conducted during its investigations of 1993 and 1996 Department of Labor ("DOL") complaints filed by Gary Fiser and its

investigation of the DOL complaint filed by William Jocher, as indicated in the investigator notes provided by TVA in response to an earlier document request. Provide a copy of each tape.

Response

OIG taped some of the interviews. Copies of such tapes will be produced to counsel for NRC Staff.

Interrogatory No. 2

Wilson McArthur indicated in his deposition that he viewed a transcript of tape recorded conversations by Gary Fiser, but that the transcript was in not in the format in which Fiser provided it to TVA OIG. State whether anyone from TVA, including but not limited to, the TVA OIG or the TVA Office of the General Counsel, transcribed the tape recordings provided by Gary Fiser to the OIG for his 1993 DOL complaint. State which TVA employees were shown a copy of such transcript(s). Provide a copy of such transcript(s).

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 that the information it seeks is protected from disclosure as attorney work product and by the attorney-client privilege. Without waiving the foregoing objection, TVA states that the OIG did not transcribe any of Fiser's tapes and, outside of any documents prepared by the Office of

General Counsel in preparation for a hearing in this proceeding, does not have any information of any transcripts other than the purported "transcript" prepared by Fiser.

Interrogatory No. 3

State whether Allen Sorrell held the Radiological Control and Chemistry Manager position, state the dates upon which he held that position, provide a copy of his position description for that position, and provide a copy of this personal history record.

Response

Allen Sorrell was designated as the Acting Manager of Radiological Control and Chemistry from June 12, 1995, until December 31, 1995. He was not issued a position description for that position. TVA will produce a copy of his personal history record to counsel for NRC Staff.


Interrogatory No. 4

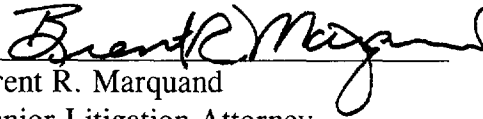
Identify the individual(s) who raised the concern(s) about Ronald Grover that resulted in the TVA OIG investigation of Mr. Grover, including but not limited to the individual who made an anonymous complaint to the OIG Hotline on May 1, 1997.

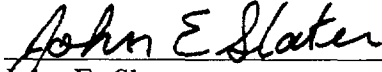
Response


The anonymous complaint was made anonymously. In addition, Emily Ellison, former Manager, TVA Travel and Benefits, raised a concern to the OIG that Grover may have received payments for travel expenses not incurred.

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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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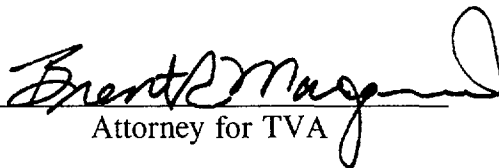
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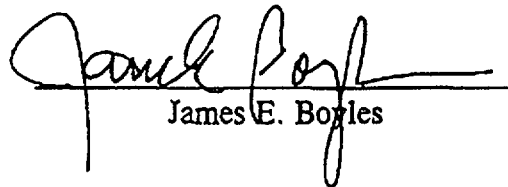
Mr. William D. Travers
Executive Director of Operations
U.S. Nuclear Regulatory Commission
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11555 Rockville Pike
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This 11th day of January, 2002.


Attorney for TVA

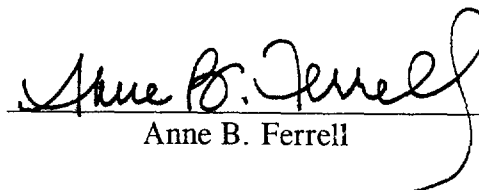
VERIFICATION

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 interrogatory and request Nos. 3, and that the response is true to the best of his knowledge, information, and belief.


James E. Boyles

VERIFICATION

Pursuant to 28 U.S.C. § 1746 (1994), Anne B. Ferrell affirms that she is a TVA employee, that she has been informed of the matters stated in the foregoing responses to interrogatories and requests Nos. 1, 2, & 4, and that the responses are true to the best of her knowledge, information, and belief.


Anne B. Ferrell