

**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

DOCKETED
USNRC

September 5, 2006 (8:00am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of)

) Docket No. IA-05-052

DAVID GEISEN)

) ASLBP No. 06-845-01-EA

**DAVID GEISEN'S FIRST REQUESTS FOR PRODUCTION
OF DOCUMENTS AND THINGS (NOS. 1-32) TO NRC STAFF**

David Geisen ("Geisen"), by counsel, and pursuant to 10 C.F.R. § § 2.705, 2.707 and 2.709, propounds the following document requests to NRC Staff which, pursuant to the above-referenced rules and the Board's Order dated August 25, 2006, shall produce for inspection and copying each of the documents and things described and requested below at the offices of Miller & Chevalier Chartered, 655 15th Street, N.W., Suite 900, Washington, D.C. 20005, and serve written responses to these requests, within thirty (30) days of the date hereof.

INSTRUCTIONS

1. These requests cover all documents and things in the NRC's and NRC Staff's actual or constructive possession, custody or control.
2. These requests are addressed to the NRC and the NRC Staff and (i) their present or former commissioners, directors, administrators, investigators, staff, employees, agents, representatives, consultants and attorneys; (ii) any other person who

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has acted on the NRC's or NRC Staff's behalf or on whose behalf the NRC or NRC Staff have acted; or (iii) any other person otherwise controlled by the NRC or the NRC Staff.

3. You shall produce all documents in a form which renders the documents susceptible of copying.

4. Where originals of documents are not available, authentic copies of such documents may be produced; but, if a document has been prepared in separate copies, or additional copies have been made and the copies are not identical (whether by reason of subsequent modification, addition of notations, inclusion of metadata or otherwise), each non-identical copy is a separate document and should be identified or produced.

5. If any requested document or thing was, but no longer is, in your possession, custody or control, or is known to you but is no longer in existence or not within your custody, state whether it is (a) missing or lost; (b) destroyed, (c) deleted, (d) transferred (voluntarily or involuntarily) to others or (d) disposed of in some other manner. In each instance, describe and explain in detail the circumstances surrounding the disposition of the document or thing, including who authorized the action taken, who performed the action and the date of the action taken. Additionally, please identify each such document or thing including: (a) the type or character of the document or thing (*e.g.*, letter, memorandum, notes, electronic data, etc.), (b) the title, if any, of the document or thing, (c) the name and address of the author or creator of the document or thing, (d) the name and address of the recipient(s) of the document or thing, (e) all information contained in the document or thing, (f) the date and circumstances under which the document or thing ceased to exist or to be in your possession, custody or control, (g) the time period during which the document or thing existed or was maintained, (h) the

current and last known location and custodian of the document or thing and (i) the identity of the person(s) from whom the document may be requested, obtained, retrieved or recovered.

6. In searching for and producing documents and things responsive to these requests, you are specifically requested and instructed to search all document management systems, computer archives and back-up tapes or disks, and production of such documents or things should be made regardless of the form in which such documents or things exist. If any requested document or thing is maintained or exists in digital, electronic and/or imaged form, you shall produce both a tangible (or "hard") copy and a copy of the document in digital, electronic or imaged form.

7. These requests apply to and require the production of all responsive electronic data (including all active files, deleted files and fragmentary files) on any computer, network or electronic media. If any requested document or thing is stored electronically or in a computer, you are requested and instructed to describe and identify (a) the location of the document, (b) the computer program by which the document was created, (c) the computer software program, if any, that compresses the document and (d) the configuration of the computer on which the document is found. As used herein, the term "configuration," when used in reference to any computer, includes the following information: (a) the computer type, brand, model and serial number; (b) the brand and version of all software on the computer, including operation system, private and custom developed applications, commercial applications, shareware or work-in-process; and (c) the communications capability of the computer, including asynchronous or synchronous,

terminal to mainframe emulation, data download or upload capability to mainframe and computer connections via network, modem or direct connect.

8. If you withhold any of the requested documents from production under a claim of privilege or other protection, you shall produce within 10 days of the day on which documents are required to be produced pursuant to these requests or at such other time as directed by the Board, a list of withheld documents providing, for each document, the following information: (a) the date drafted or sent; (b) the author and senders, including their position (e.g., attorney), their employer and any entity with whom they are associated; (c) the portion(s) of the document as to which privilege or protection is claimed; (d) the identity of all persons who saw or received the original or a copy, including their position (e.g., attorney), their employer and any entity with whom they are associated; (e) the general subject matter of the document; and (f) the basis for any privilege or protection claimed. You shall also provide any additional information required by the applicable rules or the Board in this Enforcement Proceeding.

9. These requests require the production of documents in the same form and the same order as they are kept in the usual course of business or, alternatively, organized and labeled to correspond with the particular requests set forth below. If you choose the former method, the documents are to be produced in the boxes, file folders, bindings or other containers in which the documents are found. The titles, labels, or other descriptions on the boxes, file folders, bindings or other containers are to be left intact.

10. The phrasing of these requests shall be construed so as to make your responses inclusive rather than exclusive. For example: (a) the word "including" is intended to be comprehensive and means "including but not limited to"; (b) the singular

form of all words includes the plural form and the plural form of all words includes the singular form; (c) the words “and” and “or” shall be interpreted as both conjunctive and disjunctive; (d) the word “any” shall mean “any and all”; and (e) the word “each” shall mean “each and every.”

11. Unless otherwise indicated, these requests refer and relate to the time period from the beginning of the circumstances and events alleged in the January 4, 2006 and the August 2003 OI Report until the date when you respond to these requests or your responses are required to be supplemented, whichever is later.

12. Your responses to these requests should be amended or supplemented in accordance with the applicable rules and the Board’s Orders in this Enforcement Proceeding.

DEFINITIONS

Geisen incorporates herein by reference the General and Specific Definitions contained in his First Set of Interrogatories (Nos. 1-31) to NRC Staff (“Geisen’s First Set of Interrogatories”) which, unless otherwise stated herein, shall govern these Requests.

REQUESTS

REQUEST NO. 1:

An unredacted and complete copy of the August 2003 OI Report, including, without limitation, Part III of the August 2003 OI Report.

REQUEST NO. 2:

An unredacted and complete copy of all exhibits to the August 2003 OI Report, including, without limitation, all exhibits issued on September 5, 2003 to the August 2003 OI Report.

REQUEST NO. 3:

All documents and things that you identified, or were asked to identify, in your

answers to Geisen's First Set of Interrogatories.

REQUEST NO. 4:

All documents and things relating to the facts, events, circumstances, allegations, claims, contentions, opinions and defenses in the January 4, 2006 Enforcement Order, the Answer or this Enforcement Proceeding.

REQUEST NO. 5:

All documents and things that are referenced or alleged in the January 4, 2006 Enforcement Order.

REQUEST NO. 6:

All documents and things relating to the January 4, 2006 Enforcement Order.

REQUEST NO. 7:

All documents and things that the NRC or NRC Staff relied upon, assembled, reviewed, obtained, considered, drafted, prepared or generated in preparing the January 4, 2006 Enforcement Order.

REQUEST NO. 8:

All documents and things relating to the facts, events, circumstances, allegations, claims, contentions and opinions in the August 2003 OI Report.

REQUEST NO. 9:

All documents and things relating to any persons who are referenced, listed or named in the August 2003 OI Report.

REQUEST NO. 10:

All documents and things that are referenced or alleged in the August 2003 OI Report.

REQUEST NO. 11:

All documents and things relating to the August 2003 OI Report.

REQUEST NO. 12:

All documents and things that OI relied upon, assembled, reviewed, obtained, considered, drafted, prepared or generated in preparing the August 2003 OI Report.

REQUEST NO. 13:

All documents and things on which you intend or expect to rely in support of any fact, allegation, claim, contention, opinion or defense in this Enforcement Proceeding, including all relevant documents, communications and information.

REQUEST NO. 14:

All relevant documents, communications and information that you have sent to or received from any person who you know or believe has any knowledge relating to any facts, events, circumstances, allegations, claims, contentions, opinions or defenses in the January 4, 2006 Enforcement Order, the Answer or this Enforcement Proceeding, including all persons whom you identified, or were asked to identify, in your answers to Geisen's First Set of Interrogatories.

REQUEST NO. 15:

All relevant documents, communications or information that constitute, relate to, or reflect any written or oral statements, communications or admissions made by any person who you know or believe has any knowledge relating to any facts, events, circumstances, allegations, claims, contentions, opinions or defenses in the January 4, 2006 Enforcement Order, the Answer or this Enforcement Proceeding, including all persons whom you identified, or were asked to identify, in your answers to Geisen's First Set of Interrogatories.

REQUEST NO. 16:

All relevant documents, communications and information that you have sent to or received from any person whose testimony you intend, expect or anticipate to obtain, subpoena, offer, proffer, present, introduce or rely upon in this Enforcement Proceeding.

REQUEST NO. 17:

All relevant documents, communications and information that constitute or relate to any articles, books or publications by any person whose testimony you intend, expect or anticipate to obtain, subpoena, offer, proffer, present, introduce or rely upon in this Enforcement Proceeding.

REQUEST NO. 18:

Biographies, resumes, curriculum vitae and personnel records sufficient to provide a full background and description of each person whose testimony you intend, expect or anticipate to obtain, subpoena, offer, proffer, present, introduce or rely upon in this Enforcement Proceeding.

REQUEST NO. 19:

All relevant documents, communications and information relating to any persons whom you intend, expect or anticipate to call as expert witnesses at the hearing or trial in this Enforcement Proceeding and any persons from whom you intend, expect or anticipate to obtain, subpoena, offer, proffer, present or introduce any opinion testimony at the hearing or trial in this Enforcement Proceeding pursuant to Fed. R. Evid. 702, 703, 705 or otherwise, including the following: (a) biographies, resumes, curriculum vitae and personnel records sufficient to provide a full background and description of such persons; (b) all contracts, engagement letters or agreements with such persons; (c) all documents that relate to any compensation that has been or will be paid to such persons for any services they may render in this Investigation; (d) all relevant documents, communications or information that you have sent to or received from such persons; (e) all documents that relate to the facts, data, documents or other information considered by such persons in forming their opinions; (f) all documents that relate to or constitute any exhibits to be used as a summary of, or support for, such persons' opinions and testimony; (g) all documents that relate to the qualifications of such persons to render the opinions; (h) a list of all publications authored by such persons within the preceding ten (10) years; and (i) a list of any other cases or legal proceedings in which such persons have testified as an expert or rendered opinion testimony at trial, by deposition or otherwise within the preceding four (4) years.

REQUEST NO. 20:

All documents and things relating to the topics, subjects and contentions stated, described, included or contained in Geisen's First Set of Interrogatories, including any of the contentions quoted or referenced in Geisen's First Set of Interrogatories.

REQUEST NO. 21:

All documents and things you relied upon, assembled, reviewed, obtained, considered, drafted or generated in preparing your answers to Geisen's First Set of Interrogatories.

REQUEST NO. 22:

All documents and things that you identified, or were asked to identify, in your answers to Geisen's First Set of Interrogatories.

REQUEST NO. 23:

All documents and things that relate to any oral, written, electronic, non-verbal or other communications that you identified, or were asked to identify, in your answers to Geisen's First Set of Interrogatories.

REQUEST NO. 24:

All documents and things that you produced, or were requested to produce, in response to any Request for Production of Documents and Things to you in the *Miller* and *Moffitt* Enforcement Proceedings.

REQUEST NO. 25:

To the extent not already disclosed in the NRC Disclosures in this Enforcement Proceeding, all documents and things that you have disclosed in the the *Miller* and *Moffitt* Enforcement Proceedings.

REQUEST NO. 26:

All documents and things produced to you by any non-party pursuant to any document request (whether formal or informal, written or oral) by or for you or any subpoena issued in this Enforcement Proceeding or the *Miller* and *Moffitt* Enforcement Proceedings.

REQUEST NO. 27:

All documents and things that you intend to mark, identify, proffer, offer, present, introduce, use, show, reference, demonstrate or rely upon at the hearing or trial in this Enforcement Proceeding., including all documents that you intend, expect or anticipate might be identified, disclosed, marked, offered, proffered or admitted as any direct, rebuttal, impeachment, summary or demonstrative exhibit.

REQUEST NO. 28:

All documents and things relating to any formal or informal interviews that you identified, or were asked to identify, in your answers to Geisen's First Set of Interrogatories, including, without limitation, any memoranda, summaries, notes, transcripts, recordings and videotapes thereof.

REQUEST NO. 29:

Transcripts of all depositions taken, convened or noticed in the *Miller* and *Moffitt* Enforcement Proceedings.

REQUEST NO. 30:

All documents and things relating to David Geisen.

REQUEST NO. 31:

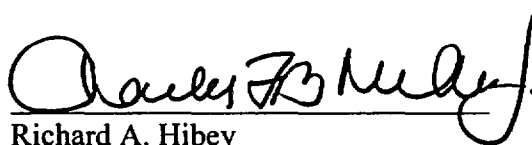
All documents and things relating to any knowledge, state of mind or intention of

David Geisen, including, without limitation, any knowledge, state of mind or intention of David Geisen alleged in the January 4, 2006 Enforcement Order or the August 2003 OI Report.

REQUEST NO. 32:

All documents that relate to any document retention, storage, destruction or disposal policies that the NRC has had from 1996 to the present, including all documents and things that relate to the NRC's policies, practices, procedures and facilities for generating, maintaining, storing and disposing of electronic data.

Dated: September 1, 2006



Richard A. Hibey

Charles F. B. McAleer, Jr.

Andrew T. Wise

Matthew T. Reinhard

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 1st day of September, 2006, 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 A. Spencer (*)

MAS8@nrc.gov

Sara Brock (*)

SEB2@nrc.gov

Mary C. Baty (*)

MCB1@nrc.gov

U.S. Nuclear Regulatory Commission

Office of the General Counsel

Mail Stop: O-15 D21

Washington, D.C. 20555-0001

Libby Perch (*)

Board Law Clerk

Atomic Safety and Licensing

U.S. Nuclear Regulatory Commission

Mail Stop: T-3 F23

Washington, D.C. 20555-0001

E-mail: empl@nrc.gov

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

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

E. Roy Hawken (*)

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

Adjudicatory File (*)

Atomic Safety and Licensing Board

U.S. Nuclear Regulatory Commission

Mail Stop: T-3 F23

Washington, D.C. 20555-0001

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

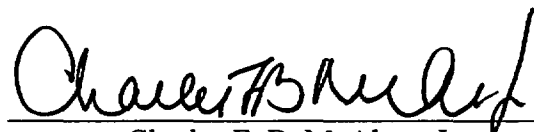
E-mail: ngt@nrc.gov

Office of Comm. Appellate Adjudication (*)

U.S. Nuclear Regulatory Commission

Mail Stop: O-16 C1

Washington, D.C. 20555



Charles F. B. McAleer, Jr.