

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: Tennessee Valley Authority
Watts Bar Nuclear Plant, Unit 1
Sequoyah Nuclear Plant, Units 1 and 2
Browns Ferry Nuclear Plant, Units 1,2,3

Docket Number: 50-390-CivP; ASLBP No.: 01-791-01-CivP

Location: Chattanooga, Tennessee

Date: Wednesday, June 12, 2002

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

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

Chickamauga Room
Read House Hotel
827 Broad Street
Chattanooga, Tennessee

Wednesday, June 12, 2002

The above entitled matter came on for hearing
pursuant to Notice at 9:00 a.m.

BEFORE:

CHARLES BECHHOEFER, Chairman
ANN MARSHALL YOUNG, Administrative Judge
RICHARD F. COLE, Administrative Judge

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I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
John Corey	2822	2913	2954	2971
Charles E. Kent, Jr.	2991	--	--	--

<u>EXHIBITS:</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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Joint:

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P R O C E E D I N G S

CHAIRMAN BECHHOEFER: Before we resume this morning, are there any preliminary matters which any of the parties wish to raise?

MS. EUCHNER: No, Your Honor.

MR. MARQUAND: No, Your Honor.

CHAIRMAN BECHHOEFER: Mr. Dambly, Ms. Euchner, are you going to call your witness?

MS. EUCHNER: Staff will call John Corey.
Whereupon,

JOHN COREY

appeared as a witness herein and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. EUCHNER:

Q Good morning, Mr. Corey.

A Good morning.

Q Would you please tell me what your current position at TVA is?

A I'm the manager of radiological and chemistry controls at Browns Ferry Nuclear Plant in Decatur, Alabama.

Q How long have you been in that position?

A Since January of 1995.

Q What is your educational background?

A I have undergraduate degrees from the University

1 of Tennessee at Chattanooga, I have a B.S. in physics, a
2 B.A. in chemistry with a minor in biology. I did graduate
3 work at Texas A&M University and have a master of science
4 degree in nuclear engineering with a health physics option.

5 Q Did you get your master's degree immediately after
6 your bachelor's degree?

7 A Yes, I did.

8 Q After your master's degree, what was your first
9 position in nuclear power?

10 A I took a job with the Oak Ridge National
11 Laboratory, the X-10 facility, at Oak Ridge, Tennessee;
12 worked in the calibrations facility for instrumentation.
13 It's our radiation protection instrumentation, it was a
14 health physicist position.

15 Q What were your duties in that position?

16 A Developed calibration criteria for this radiation
17 detection equipment, supervised the facilities and the
18 technicians that were employed there.

19 Q How long did you hold that position?

20 A Approximately 15 months.

21 Q Where did you go from there?

22 A I was offered an opportunity at the Tennessee
23 Valley Authority. They had a facility in Muscle Shoals,
24 Alabama, their radiological hygiene branch. There was an
25 opening in their emergency preparedness department there and

1 I heard about it from an acquaintance from my college days
2 and I applied and was selected.

3 Q And what was that position?

4 A It was a health physicist SD-2 position, it's
5 basically an entry level health physicist position. The 2
6 classification had to do with the fact that I had a graduate
7 degree and it was in the emergency planning department.

8 Q What year was that when you first came to TVA?

9 A 1981.

10 Q How long did you hold that health physicist
11 position?

12 A A little over a year. There was another opening
13 that I applied for in the dosimetry department at Vonore
14 laboratory facility, it's known as the Eastern Area
15 Radiological Laboratory in Vonore, Tennessee.

16 Q You said you applied for that position, did you
17 interview for that position?

18 A To the best of my recollection, the gentleman that
19 was doing the selection was a Dr. Glen Hudson and I had
20 worked with him when I was working in the emergency
21 preparedness section and I don't recall having a formal
22 interview. It may have occurred.

23 Q Do you know whether any other individuals applied
24 for that position?

25 A No, I don't.

1 Q How long did you hold the dosimetry position?

2 A I worked at the Vonore facility for about 39 weeks
3 and then I had another opportunity at the Browns Ferry
4 Nuclear Plant.

5 Q And what was that opportunity?

6 A It was supervisor of a technical unit. I think
7 the job description says supervisor unit.

8 Q What did that technical unit do at Browns Ferry?

9 A At the time, there was an SC-3 position and it was
10 a health physicist position and there were three data
11 processors. Basically what this unit did was handled all to
12 dosimetry functions from monitoring the radiation exposure
13 of the plant personnel, performing the whole body counts,
14 handling any technical issue that they could with that
15 staffing.

16 Q How many people did you supervise in that
17 position?

18 A Four, to the best of my recollection.

19 Q Did you have to compete for that position?

20 A I do not know whether other people were considered
21 for that position. I had been providing technical support
22 to the superintendent of radiological controls at that time
23 from the Vonore facility. He would call up and ask for
24 assistance and I provided it to him. I'd heard that there
25 was an opening, basically I was selected for the position

1 and I don't know how he facilitated that. It would have
2 been handled through the human resources department.

3 Q Did you have a formal interview for that position?

4 A Not that I recall.

5 Q How long were you the supervisor of the technical
6 unit?

7 A During the period of time from 1983 when I
8 reported to Browns Ferry until I became the radcon
9 superintendent in '89, Browns Ferry Nuclear Plant and TVA
10 Nuclear as a whole was being reorganized quite extensively.
11 We had several issues in our nuclear program at the time and
12 we were having to bring additional resources to the sites to
13 address those issues, to keep the plants operating.

14 The site staff expanded quite a bit and I was
15 given more responsibilities over time as the staff at the
16 sites increased. There were various reorganizations that
17 took place. TVA at this time was bringing in different
18 management staffs and they had different views about what
19 the organization should look like and the reorganizations
20 and the changes were at the direction of senior-most
21 management and they were facilitated through the human
22 resources department.

23 JUDGE YOUNG: They were in the direction of
24 senior-most management?

25 THE WITNESS: They were directed -- the direction

1 to change the organization or to move people to the sites
2 was at the request or the direction of the chief nuclear
3 officer.

4 JUDGE YOUNG: I understand, thank you.

5 THE WITNESS: And the human resources department
6 then facilitated that request or that directive.

7 BY MS. EUCHNER:

8 Q Now I believe you said that it was between 1983
9 and 1989 that this was going on?

10 A That's correct.

11 Q Was your position that entire time the supervisor
12 of a technical unit at Brown's Ferry?

13 A No, the title changed as I took on more and more
14 responsibilities. It's a very challenging opportunity at
15 Browns Ferry Nuclear Plant and the harder you work, the more
16 opportunities you get, the more responsibilities you
17 acquire. So the title changed from unit supervisor, to
18 section supervision, at one time there may have been the
19 terminology of group supervisor in there, I don't know.

20 Q You said over this time, you received increased
21 responsibility. Did you receive any promotions during that
22 time?

23 A My management classification changed from an M-4
24 level position in '83 to an M-5 to an M-6 to an M-8 to an M-
25 10.

1 Q And that was over the course of the six yrs from
2 '83 to '89?

3 A Yes.

4 Q When you received these promotions, did you have
5 to interview for the promotion or were you simply granted
6 the promotion?

7 A A couple of the reclassifications were at the
8 direction of TVA Nuclear management and were carried out
9 through the human resources department. So they may have
10 been reclassifications per se, probably reflecting the
11 economics in the sense that the nuclear industry was
12 becoming more and more competitive and they needed to pay
13 people additional money to keep them, so your level would
14 change and your salary would change and you may be doing the
15 same work per se, but maybe a little expanded per se. There
16 was one -- I believe one change was due to a reduction in
17 force that occurred. Once again, the senior-most management
18 directed that there be a change in the organizational
19 structure and it was facilitated to a certain extent through
20 a reduction in force.

21 Q Okay, reduction in force, did you receive a
22 reduction notice?

23 A Yes, I did.

24 Q Do you remember from what position you received
25 that RIF notice?

1 A I believe I was in the rad protection group and I
2 received a reduction in force notice and I was selected for
3 the field operations manager, which was a different portion
4 of the same organization on the site.

5 JUDGE YOUNG: What date again was this?

6 THE WITNESS: I'm sorry, ma'am?

7 JUDGE YOUNG: The date.

8 THE WITNESS: I believe 1988.

9 CHAIRMAN BECHHOEFER: 1980?

10 THE WITNESS: 1988.

11 JUDGE YOUNG: '88, okay, thank you.

12 BY MS. EUCHNER;

13 Q How were you selected for the field operation
14 manager position?

15 A As I recall, I received the reduction in force
16 notice and then the human resources department facilitated
17 the selection process and I made it known that I was
18 interested in that position and selections were made by
19 management.

20 Q Did you interview for that position?

21 A I worked for the superintendent at the time, so to
22 the best of my recollection he asked me if I'd be interested
23 in the field operations manager position and I told him I
24 would.

25 Q So there was no formal interview?

1 A In the sense that someone asks you if you're
2 interested in a job, I mean that's about as formal as it
3 gets.

4 Q What management classification level was the field
5 operations manager position?

6 A I'm thinking it was an M-8 at the time.

7 Q And had that been a promotion for you from the
8 position you had held prior to getting your RIF notice?

9 A No, ma'am.

10 CHAIRMAN BECHHOEFER: The same?

11 THE WITNESS: Same level, yes.

12 CHAIRMAN BECHHOEFER: Same level.

13 BY MS. EUCHNER:

14 Q How long did you hold the field operations manager
15 position?

16 A Approximately a year.

17 Q What were your duties in that position?

18 A The field operations department oversees the
19 activities of the health physics technicians who go out and
20 do the radiological surveys in the plant. They document
21 those conditions, they then write up a permit that the
22 workers review to ensure they understand what the
23 radiological hazards are in the work area that they're
24 fixing to go work in. They also prescribe to protective
25 requirements for the safety of the workers. So my job was

1 to oversee the activities of the technicians to ensure that
2 we were looking at the work that was to be done and ensuring
3 we had the proper radiological controls in place for their
4 protection.

5 Q How many people did you supervise?

6 A At that time, there were approximately 100
7 contract technicians and there were in the neighborhood of
8 100 or so HP technicians, so to the best of my recollection
9 around 200 people.

10 Q You said you held that position for one year?

11 A Approximately a year.

12 Q What position did you take after that position?

13 A The superintendent of radiological control when Al
14 Sorrell was promoted to the outage manager position and
15 there was a vacancy at his level. And I was selected for
16 that position.

17 Q What level was that position?

18 A I believe it was like an M-10 at that time.

19 Q Okay. Did you compete for that position?

20 A I don't know whether they considered other
21 candidates or not. I was interested in the position and I
22 made sure the plant manager knew that I was interested in
23 the position and I was selected for the position.

24 Q Did you have an interview for that position other
25 than telling the plant manager that you were interested?

1 A No.

2 Q Did you file an application to a vacant position
3 announcement for that position?

4 A No, I did not.

5 Q What were your duties as the radcon
6 superintendent?

7 A At that time, the department had the field
8 operation section which I described earlier. There was a
9 rad health department which took care of the dosimetry,
10 whole body counting aspects, it was a radiation protection
11 section that took care of the ALARA functions, and that's an
12 acronym for as low as reasonably achievable, it's to reduce
13 exposure. And those were the three areas. And the rad
14 health also included instrumentation, respiratory
15 protection.

16 Q How many direct reports did you have in that
17 position?

18 A I'm thinking three or four.

19 Q How long were you the radcon superintendent?

20 A Until 1995 when I took the manager of radiological
21 and chemistry controls position.

22 Q Was that a promotion?

23 A Yes, it was.

24 Q To what level?

25 A It's a senior management position.

1 Q At that point, were you no longer on the M
2 classification schedule, you were on the PG classification
3 schedule?

4 A Over time, TVA has changed the terminology from
5 management levels. When I started in TVA, it was M levels
6 and then it became PG levels and then the senior management
7 is above the PG schedule.

8 Q Okay. How did the rad chemistry manager position
9 become vacant?

10 A The individual who was occupying it at the time,
11 which was Al Sorrell had other career opportunities and took
12 one of those. And I was offered the position, I was selected
13 for it.

14 Q Do you know what that other career opportunity for
15 Mr. Sorrell was?

16 A I believe he had three or four different
17 opportunities, he was a top performer and there was an
18 opening at the Western Area Radiological Laboratory in
19 Muscle Shoals, Alabama, which was very close to his
20 residence and I believe that's the position that he took.

21 Q To your knowledge, did Mr. Sorrell ever file a
22 Department of Labor complaint, based on his treatment at
23 TVA?

24 A Not to my knowledge.

25 Q You said you were selected for the rad chemistry

1 manager position. Did you apply on a vacant position
2 announcement for that position?

3 A No, I did not.

4 Q Did you interview for that position?

5 A I had worked in that position on a temporary basis
6 earlier and I made sure the plant manager knew that I was
7 interested in any opportunity for promotion that became
8 available. And I was selected for the position.

9 Q Was there a selection review board held for that
10 position?

11 A Not to my knowledge, no.

12 Q What were your duties in that position?

13 A The rad chemistry department includes the
14 radiological controls department that I described earlier.
15 It also includes the chemistry department and the rad waste
16 and environmental departments.

17 Q How many direct reports did you have?

18 A Four.

19 Q Was this the first time during your TVA tenure
20 that you supervised the chemistry department?

21 A That's correct.

22 Q And you are still in that position today?

23 A That's correct.

24 Q Have the duties of that position changed at all
25 over the course of your tenure in it?

1 A No.

2 Q In 1993, I believe you would have been the radcon
3 superintendent, is that correct?

4 A That's correct.

5 Q Do you recall whether there was a TVA-wide
6 reorganization of each of the sites' rad chemistry
7 organizations?

8 A In 1993, I believe that there was -- the rad
9 chemistry department came into being in the '93-'94 time
10 period and Al Sorrell was selected as the first rad
11 chemistry manager, I don't remember exactly what that time
12 period was.

13 Q I'll refer you to Staff Exhibit 12 in Volume 1 of
14 the Staff's Exhibits. Have you ever seen this document, Mr.
15 Corey?

16 A I may have, I don't recall. I'm not listed on the
17 distribution that I can see directly.

18 Q I'd like you to turn to the second page of that
19 document, it's an organizational chart.

20 A Okay.

21 Q Is that the rad chem organization as you remember
22 it in 1993?

23 A Yes.

24 Q To your knowledge, what was the PG or M
25 classification level of the three managers -- chemistry

1 manager, environmental waste control manager and rad con
2 manager?

3 A To the best of my recollection, the radcon
4 manager, chemistry manager are PG-10s and the environmental
5 rad waste position is a PG-9.

6 Q And to your knowledge, was that consistent across
7 the three sites?

8 A Yes, as best I can recall.

9 Q Now in 1993, I believe you said a little bit
10 earlier that the rad chemistry manager position came into
11 existence, is that correct?

12 A '93-'94 time frame.

13 Q Okay. During your employment at TVA, have you
14 ever had any interactions with the Nuclear Safety Review
15 Board?

16 A Yes.

17 Q What interactions have you had?

18 A The Nuclear Safety Review Board comes to the site
19 periodically and they review the operation of the plant and
20 they're looking at it from a nuclear safety perspective.
21 These individuals are usually top caliber industry experts,
22 people who have had many, many years of experience, to
23 provide an independent review of the site to the chief
24 nuclear officer and the senior-most management.

25 Q Were there any individuals in particular on the

1 NSRB that you had interactions with?

2 A Over my 20 years, I've worked with several.

3 Q Mr. Peterson, Mr. Tom Peterson, did you ever have
4 any interactions with him?

5 A As I recall, yes.

6 Q Could you please describe those interactions?

7 A I'm trying to recall over a 20-year time period.
8 We had individuals who came to the site as part of the NSRB,
9 who had a health physics background and chemistry background
10 and I believe he did some reviews at Browns Ferry over my
11 20-year tenure.

12 Q Did he have a radcon background, to your
13 knowledge?

14 A To the best of my recollection.

15 Q Did you ever have any disputes with Mr. Peterson
16 while he was on the NSRB?

17 A Not that I recall, no.

18 Q Did you ever have any disputes with anyone else on
19 the NSRB?

20 A No, the NSRB members, as I said earlier, are
21 usually very top caliber and when they make a suggestion to
22 you, it's prudent to listen to what they have to say. In
23 the nuclear industry, one of the pillars of our success is
24 the fact that we're open to constructive criticisms and
25 comment so that we can improve our performance and when

1 these individuals take time out of their day to come and
2 look at your program and make a recommendation to you, it's
3 usually very noteworthy and something you should seriously
4 consider.

5 Q I'd like to go back for a minute to the
6 reorganization that happened in 1993, the organizational
7 chart that we were just looking at. Who was the chemistry
8 manager at Browns Ferry prior to this reorganization?

9 A I'm trying to remember, there was a Don Smith who
10 was a chemistry superintendent. He was succeeded by a John
11 Sabados, who was succeeded by a Bill Nuremberger, who was
12 succeeded by Conrad Ottenfeld.

13 Q Okay. Prior to the reorganization that created
14 the rad chemistry manager with the three direct reports
15 underneath it, do you know what classification level the
16 chemistry manager position was?

17 A It's conjecture on my part but probably a PG-10 or
18 something like that. I don't know.

19 CHAIRMAN BECHHOEFER: PG-10, did you say?

20 THE WITNESS: Stands for pay grade.

21 CHAIRMAN BECHHOEFER: No, I say did you say 10? I
22 couldn't hear.

23 THE WITNESS: Yes, sir.

24 CHAIRMAN BECHHOEFER: Oh, okay.

25 BY MS. EUCHNER:

1 Q And prior to this reorganization, were you also a
2 PG-10?

3 A To the best of my recollection, it may have been a
4 PG-11 to a classification change, I don't know.

5 Q So it's possible that as a result of this
6 reorganization, your position could have been reclassified
7 to a PG-11, is that what you're saying?

8 A That's possible. We'd have to go back and look at
9 the -- my personal history record file to see exactly what
10 occurred when.

11 Q When this reorganization was done, was a RIF done?

12 A Not that I recall at Browns Ferry, I don't recall
13 there being a reduction in force.

14 Q Do you recall whether any of the manager positions
15 on this organizational chart were offered through a vacant
16 position announcement and competed through a selection
17 review board?

18 A Not to my knowledge -- I don't know.

19 Q Approximately when in 1995 did you become the rad
20 chemistry manager?

21 A I believe it was January of 1995.

22 Q As the rad chemistry manager, what was your
23 relationship to the corporate rad chemistry organization?

24 A We had a good working relationship. The corporate
25 staff has some additional resources that can help you solve

1 problems. The sites are focused very much on the day-to-day
2 operation of the power plant and ensuring that we're in full
3 regulatory compliance. The corporate staff can take the
4 time to look at the programmatic view as well as facilitate
5 Valley-wide contracts which supply support to the sites.

6 Q What was your work relationship with Wilson
7 McArthur?

8 A It was a good working relationship.

9 Q What was his position at the time?

10 A Best of my recollection he was my peer.

11 Q Do you recall some time in 1994 when Dr. McArthur
12 became the rad chemistry manager as opposed to the rad
13 chemistry manager?

14 A I don't recall what his progression history was.

15 Q What kind of work relationship did you have with
16 the corporate chemistry staff? And by that I would mean Mr.
17 Chandra, Mr. Fiser, Mr. Harvey.

18 A Somewhat limited when you speak of all three. I
19 met Mr. Fiser on just a couple of occasions when I went to
20 corporate for some meetings. Mr. Harvey I met a little bit
21 more frequently, but not a whole lot more. He was
22 facilitating Valley-wide contracts in support of the
23 chemistry departments. My chemistry superintendent would
24 have had much more dealing with him per se. Mr.
25 Chandrasekaran -- we just call him Chandra for short --

1 provided some additional support to Browns Ferry. We had a
2 situation where we needed a chemistry superintendent on a
3 temporary basis and he fulfilled that.

4 Q What type of work did Chandra perform at Browns
5 Ferry?

6 A We had an opening, it was a rather abrupt
7 situation where our chemistry superintendent left TVA and we
8 needed someone to come down and operate and manage the
9 chemistry department while we looked for a permanent
10 replacement, and he worked at Browns Ferry for I believe
11 approximately a year. He wasn't interested in the position
12 permanently, his family lived in Chattanooga and we couldn't
13 convince him that his future resided at Browns Ferry at the
14 time.

15 Q When he was acting in that position while you were
16 looking for someone else, was he a direct report to you?

17 A Yes, he was.

18 Q While he was there, did any of the work relate to
19 environmental duties?

20 A Not directly in the sense that -- the rad waste
21 environmental department superintendent was Billy Pierce.
22 In years past the chemistry department did have
23 environmental responsibilities. I do not recall whether or
24 not he was facilitating any activity at corporate while he
25 was at Browns Ferry in that regard.

1 Q Was there someone from corporate staff who
2 provided environmental support to Browns Ferry?

3 A I don't recall the name of the individual at this
4 time; no.

5 Q But there was an individual who did?

6 A Best of my recollection, there was a David
7 Sorrell---not Allen Sorrell at the site---but a David
8 Sorrell that provided some environmental support. I don't
9 recall what his tenure in that position was.

10 Q What is your work relationship with Charles Kent?

11 A Charles Kent was my first supervisor in TVA. When
12 I worked in the emergency planning department he was my
13 first supervisor. I worked at -- under his direction for
14 that approximately year time period. I've known Charles
15 Kent for over 20 years. He's a very, very intelligent
16 individual. He's a board certified health physicist. He's
17 one of the few people I know of that took both parts of the
18 exam the same day and passed it the first time. Very
19 unusual. Very intelligent. He's a real leader in the
20 health physics arena in TVA. He's one of the two board
21 certified health physicists that we have, and we're
22 fortunate to have them.

23 Q You mentioned that when you first came to TVA he
24 had been one of your supervisors. Did he later become your
25 peer?

1 A Yes, he did, when he worked at Browns Ferry. I
2 don't recall what level position he was at the time, but we
3 were -- he worked a brief time at Browns Ferry before he
4 went to Sequoyah Nuclear Plant. And I've been his peer
5 since '95.

6 Q Okay. And that was as rad chem manager?

7 A That's correct.

8 Q Was his position rad chem manager at Sequoyah at
9 that time?

10 A Yes. He and Allen Sorrell I believe became rad
11 chem managers approximately the same time period.

12 Q What's your work relationship with Jack Cox?

13 A Very, very good. Jack was the rad chem manager at
14 Watts Bar Nuclear Plant, and he later became the training
15 manager at Watts Bar. And I don't have as much of an
16 opportunity to interact with Jack now, but when we do
17 discuss training issues, I do have an opportunity to see and
18 talk to him.

19 Q And when you became rad chem manager in 1995, was
20 he the rad chem manager at Watts Bar?

21 A I don't recall when he became the rad chem manager
22 at Watts Bar. I believe it was approximately at that time
23 period. I'm not sure.

24 Q What is a peer team meeting?

25 A TVA at one time had a large corporate staff. And

1 we found that we needed to move people and resources to the
2 sites. But you still want to maintain a certain amount of
3 standardization between the sites. And one way to do that,
4 in lieu of having a large corporate staff and centralized
5 procedures, is to get the individuals at the same working
6 level together in a room about once a month and give them a
7 charter to standardize the operations between the three
8 sites, to improve things and make it more economical. So
9 that's what a peer team does, is we -- we look at the rad
10 chem program and we try to make it standardized, and with
11 our goal of -- of excellence in becoming the best in the
12 industry. And there are peer teams from the maintenance
13 managers and the ops managers and the rad waste, and then
14 the chemistry managers, as well.

15 Q Once you became the rad chem manager in 1995, how
16 often would you have the rad chem peer team meetings?

17 A I don't recall specifically how frequent they were
18 at that time. But presently we meet about every month.

19 Q Who would typically attend the peer team meetings?

20 A The site rad chem managers and the corporate rad
21 chem managers. So they four of us would get together.
22 Because we only meet once a month, or thereabouts, we would
23 have a rather large agenda, and the meetings would take
24 maybe eight hours. And we would have various groups which
25 would come in and give presentations. Then we would

1 basically ask those individuals to leave, and we'd go on to
2 the next group, and we'd work our way through the agenda.
3 There may be budget items or staffing items or, you know,
4 program development items.

5 Q And what if the rad chem managers was unable to
6 attend? Did they designate one of their direct reports to
7 attend in their place?

8 A Occasionally, yes. It's not a frequent
9 occurrence, though.

10 Q Did you ever recall Ron Grover ever attending the
11 rad chem manager peer team meetings from '95 and early '96?

12 A He may have, in this sense that we also looked at
13 the chemistry issues, and we would take recommendations from
14 the chemistry peer team and act on those. So there's a good
15 possibility that he would attend those meetings.

16 Q Did Mr. Fiser ever attend peer team meetings in
17 1995 and 1996?

18 A He may have.

19 Q Do you recall a particular peer team meeting which
20 Mr. Fiser attended, and which he was asked to leave?

21 A I don't specifically recall the date, but it's not
22 uncommon for us to -- once a presentation is done, to ask
23 the individuals to leave. It's -- as I said, when you're
24 handling up to ten agenda items and three or four people per
25 agenda item, the facilities usually don't accommodate

1 everybody at the same time, so...

2 Q If Mr. Fiser was attending to represent his
3 supervisor---in other words, to take notes and report back
4 to his supervisor---would he have been excluded?

5 A If he's not the rad chem manager, then they're --
6 they're asked to -- to step out.

7 Q But you don't recall any specific instance where
8 Mr. Fiser was asked to leave a meeting?

9 A I -- you know, I don't specifically at this moment
10 recall him leaving, but, you know, as I said, it wouldn't be
11 uncommon.

12 JUDGE YOUNG: You said -- I think you answered her
13 question, if a person were -- at a lower level was attending
14 on behalf of the rad chem manager, that at some point they
15 would be asked to leave?

16 THE WITNESS: If -- if an individual was attending
17 for the rad chem manager, he -- he may not be asked -- or
18 she may not be asked to leave, unless it had to do with a --
19 a field for which their expertise wouldn't -- would not
20 benefit further attendance. I don't recall Mr. Fiser ever
21 standing in for rad chem manager. Mr. Grover was the
22 chemistry manager. I don't recall Mr. Fiser ever -- ever
23 being at a meeting as a rad chem manager.

24 JUDGE YOUNG: I guess what I'm understanding --
25 what I'm trying to clarify is if someone does a

1 presentation, then they're asked to leave when they're
2 finished with the presentation. But if the person is
3 attending on -- on behalf of the manager who would normally
4 come, are there certain parts of the meeting that they would
5 attend, and then other parts that they would be asked to
6 leave, and how would that occur?

7 THE WITNESS: If an individual was coming to the
8 meeting as the rad chem manager, unless there was some
9 sensitive issue, per se, that the mentor would only want to
10 discuss with the permanent staff or something like that, the
11 mentor is a site VP. Each -- each peer team has a mentor.
12 Usually the person who is acting as the rad chem manager
13 would stay for the entire meeting. I don't have any
14 recollection of us having a stand-in, per se, for an entire
15 meeting.

16 JUDGE YOUNG: I guess what I'm trying to
17 understand, though, is if they're asked -- I think you said
18 they would be asked to leave at some point, and I didn't --
19 I wasn't clear on what would bring about the request that
20 they leave. You did say a moment ago something about
21 sensitive matters.

22 THE WITNESS: I guess, to clarify, if an
23 individual is -- is going to attend the peer team meeting as
24 the rad chem manager for a site, they would then be
25 responding for their permanent manager. And nothing right

1 now in my mind jumps out as something that they wouldn't be
2 eligible to sit in for, unless there was an issue that the
3 mentor wanted to make sure that only the -- the permanent
4 staff were apprized of.

5 These are working-level meetings. Sometimes the
6 rad chem managers are looking at future programmatic
7 changes, changes in direction. And we need an open forum
8 amongst ourselves so we can be very frank about what we
9 think we need to go do. And we don't want to put conjecture
10 out for speculation purposes. So we try to -- to maintain
11 discipline during the meeting, so that if people come in, do
12 a presentation, we get the information that we need to make
13 a decision, then they're asked to leave. That's basically
14 what I was trying to say.

15 CHAIRMAN BECHHOEFER: Yeah. Well, you're talking
16 about, now, the people being asked to leave are people
17 making presentations, not members of the -- members or
18 acting members of the committee; is that true?

19 THE WITNESS: That's correct.

20 CHAIRMAN BECHHOEFER: All right.

21 BY MS. EUCHNER:

22 Q Mr. Corey, you just mentioned a mentor. What is a
23 mentor for a peer team?

24 A A mentor is a site vice president who attends the
25 meetings. And this is a relatively recent addition to the

1 peer team committee. And he provides an avenue that the
2 peer team can use to get issues presented to the chief
3 nuclear officer and the -- and the senior VPs in TVAN.

4 Q You said that it was a relatively recent addition.
5 Was there a mentor for the rad chem peer team when you first
6 became the rad chem manager in 1995?

7 A Not that I recall.

8 Q Were you aware that Mr. Fiser had previously tape
9 recorded conversations with his co-workers?

10 A I had heard some comments in that regard; yes.

11 Q Who did you hear those comments from?

12 A I do not recall.

13 Q Do you recall what the comments were?

14 A On one of my trips to corporate during the '90s,
15 early '90s -- early to mid-'90s, to the best I can
16 recollect, it was either corporate or one of the sites, but
17 it wasn't at Browns Ferry. Someone just made a comment that
18 -- that he had tape recorded people without their -- their
19 knowledge, and I just thought it was kind of odd.

20 Q Do you recall ever discussing this with any of the
21 rad chem managers?

22 A No.

23 Q Did you ever discuss it with Dr. McArthur?

24 A Not that I recall; no. I just thought that it was
25 kind of odd and left it at that.

1 CHAIRMAN BECHHOEFER: Do you remember who -- who
2 specifically told you, from where you got the knowledge, the
3 source?

4 THE WITNESS: No, sir. Working at a nuclear power
5 plant is a real, real act of environment. The work day is
6 about 12 hours long. During the '80s and early '90s it was
7 like seven-days-a-week type work. And something -- a
8 comment like that might last in my mind for just a few
9 seconds, to be quite honest with you.

10 BY MS. EUCHNER:

11 Q Do you remember approximately when you first
12 learned about the tape recording, when you heard these
13 comments?

14 A Some early, mid-'90s, something like that.

15 Q Would it have been before you became the rad chem
16 manager in 1995?

17 A I don't recall.

18 Q Are you familiar with the selection review board
19 policy at TVA?

20 A I have a general understanding of the selection
21 review board practice, per se. It initiated, to the best of
22 my knowledge, at Browns Ferry when John Scalice was there.

23 Q And when was that?

24 A In the early '90s.

25 Q Would that have been before the 1993

1 reorganization?

2 A I do not recall when he basically put out his
3 directive. He was either the plant manager or site VP at
4 that time, and it was just a -- a directive from him that
5 this is a -- a general policy, that, you know, he wanted
6 people to implement. Wasn't a whole lot of guidance
7 associated with it at the time, but we tried to carry it
8 out.

9 Q Would he have issued this guidance before you
10 became the rad chem manager in 1995?

11 A I believe so; yes.

12 Q And there was a written document containing
13 guidance, that you recall?

14 A Best of my recollection, it was just a memo at the
15 time. I don't know when or if it got proceduralized.

16 Q What was the purpose of implementing the selection
17 review board policy?

18 A I'm not going to try to read the gentleman's mind,
19 but I believe he was trying to insure that -- that
20 selections for positions were -- were based on a fair and
21 open review of the qualifications of the people who were
22 interested in the job.

23 Q How detailed was the memo that Mr. Scalice put
24 out, in terms of how to conduct a selection review board?

25 A I just recall it being a one- or two-page memo. I

1 don't recall specific details.

2 Q How many selection review boards have you
3 participated in either as a member or as a selecting
4 official in your time at TVA?

5 A About a half a dozen.

6 Q And how did you learn the appropriate way to
7 either participate in or run a selection review board?

8 A We would contact the human resource officer at the
9 plant and tell them that we first had a vacancy. We'd have
10 to post the vacancy. And then we would coordinate through
11 the human resources department to facilitate the selection
12 board, to get all the materials presented and hold the
13 meetings and then collect the data and compile it, and then
14 make the recommendations.

15 Q Now, I believe you said you had participated in
16 about a half a dozen. How many of those were you a
17 participant as an interviewer, and how many were you the
18 selecting official?

19 A Possibly two or three as a -- a serving on the
20 board, per se, and the -- and the rest of them as being the
21 selecting official.

22 Q Now, I'd like to take the process step-by-step.
23 As a selecting official, what is the first step that you
24 take when you have a vacancy that you need to fill?

25 A Is this for a management or a represented schedule

1 or just anything in general or what?

2 Q Management.

3 A Okay. First thing you have to do is make sure
4 that you have a vacancy, and that you have an approved org
5 chart.

6 JUDGE YOUNG: A what?

7 THE WITNESS: An approved organization chart.
8 Sounds simple. Sometimes it's not.

9 BY THE WITNESS:

10 A Then you make sure that you've got the support of
11 your uppermost management on site to go ahead and make that
12 selection. They may not want you to fill it, based upon
13 attrition planning or budget means. A vacancy -- once you
14 have permission to post a vacancy, you coordinate with the
15 HR officers to get it posted. People will apply on it.
16 You'll get the information package from the HR department of
17 all the applicants. You'll go through a spreadsheet
18 analysis of the applicants to see if they meet minimum
19 qualifications. It's a pretty rigorous review.

20 Then you'll select your top three or top five
21 applicants of all those that meet minimum qualifications for
22 the selection board. You'll work up your questions that you
23 wish the selection board to ask. You'll coordinate with the
24 HR officer to get the people on the board and the applicants
25 in the same place and the same time, provide them lunch,

1 because it usually lasts all day.

2 As a selecting supervisor, you can sit on the
3 board, not -- not usually done. You can sit in the
4 meetings, if you want to, and not participate, but just
5 listen. Or you can be completely separate from it. There's
6 various options available to you.

7 Once the selection review board completes its
8 task, the information is given to the HR officer, who
9 compiles it and provides you with a recommendation. If you
10 decide that you don't want to follow the recommendation,
11 then you have to justify that to the next level up as to why
12 you're taking exception to the recommendation. Then you
13 send all the information and your selection up to your
14 chain, to the HR officer. Then it goes up to uppermost
15 management for approval, nowadays. And then it comes back
16 down sometime later and an offer is extended.

17 Q Okay. Got a little ahead of me there, but that's
18 okay.

19 First I wanted to ask you, you asked me whether I
20 was talking about a management level position, or was it a
21 represented position that you...

22 A Yes.

23 Q Is there a difference in how you conduct selection
24 review board for what kind of classification we're talking
25 about?

1 A To the best of my recollection, the -- the
2 difference is in the information that you provide to the
3 selection board. The selection board will have a list of --
4 of questions that you want answered. They'll have the
5 vacancy announcement, which basically is a summary of the
6 job description. And that's what they have. And the
7 resumes of -- of the applicants.

8 For a represented schedule of the union positions,
9 they usually include the last three service reviews or
10 something like that.

11 JUDGE YOUNG: Last three...

12 THE WITNESS: Service reviews.

13 JUDGE YOUNG: ...performance reviews or...

14 THE WITNESS: Yes, ma'am.

15 JUDGE YOUNG: I'm trying to clarify. Are you
16 talking about performance evaluations?

17 THE WITNESS: Yes, ma'am.

18 JUDGE YOUNG: Thanks.

19 BY MS. EUCHNER:

20 Q Now, you mentioned review of a spreadsheet. What
21 information is typically contained on the spreadsheet?

22 A Their name, Social Security number, their
23 qualifications, their academic qualifications, their years
24 of experience, some sort of analysis regarding what ratings
25 they got on their performance evaluations, and then a

1 ranking, usually on the far right-hand side.

2 Q Do you use that spreadsheet to help determine who
3 meets the minimal -- minimum qualifications for the
4 position?

5 A Yes, that's what you're trying to do, is lay them
6 out, make sure that you've looked at all their
7 qualifications, experience, their diversity classification,
8 et cetera, and rank them as far as -- in order of priority.

9 Q Do you interview everyone who meets the minimum
10 qualifications for a particular position?

11 A No.

12 Q How do you determine how many to interview? Say
13 you have ten people who meet the minimum qualifications.
14 How would you determine how many you should interview?

15 A Just rule of thumb, if you will, three to five. I
16 mean, you're trying to make sure that the selection board
17 doesn't last an inordinately long period of time, and you're
18 trying to -- to get the best qualified candidate. But, I
19 mean, the supervisor -- the selecting supervisor does his
20 screening first, and then recommends the top three to five,
21 is just -- the best that I can -- I don't remember a hard
22 and fast number that you're restricted to.

23 Q Do you typically provide a selection package to
24 the individuals who are going to serve on the selection
25 review board?

1 A It's provided the day of, it's been my experience.
2 As I said earlier, the work there at the plant is so hectic
3 that if you got the package the day before you'd probably
4 misplace it. I mean, you go from one meeting to the next,
5 and you're always carrying tons of paper with you. So it's
6 best that you just show up at a certain location at a
7 certain time with nothing else to do but this.

8 Q And I believe you mentioned, when we were talking
9 about the distinction between management level and
10 represented level positions, that the difference was what
11 was given to the selection review board. And you told us
12 what was given to the review board for the represented
13 level. What is given to the selection review board for
14 management level positions?

15 A As best that I can recall, the -- the resume of
16 the individual, the vacancy announcement which summarizes
17 the job description, and a list of questions.

18 Q Are the service reviews included?

19 A No. Not to my knowledge.

20 Q When you were a selecting official, did you ever
21 participate in the selection review board by asking
22 questions?

23 A Yes. Let me -- let me clarify here. Are you
24 saying did I participate as a selecting supervisor on a
25 panel?

1 Q Okay.

2 A No.

3 Q Okay. Did you rate the candidates, as the
4 selecting supervisor, based on how they did during their
5 interviews?

6 A No.

7 Q When you were the selecting official, how many
8 members of the selection review board did you typically
9 have?

10 A Three to four, including an HR officer.

11 Q How do you select who you want to be the members
12 of your selection review board?

13 A If I were selecting a chemistry superintendent, I
14 would want probably the operations manager at the site to be
15 on the board, because the chemistry department interacts
16 directly with ops on shift. And the ops manager needs to be
17 comfortable with the performance of the chemistry
18 superintendent. I might ask the corporate rad chem manager
19 to come down and be on the panel, and potentially a
20 chemistry manager at another site to come. And then the HR
21 officer. You're looking for people who have to interact
22 with the individual, and who need -- need the services that
23 that individual can provide.

24 Q Who writes the questions that are given to the
25 review board members?

1 A Usually the selecting supervisor. You can use
2 industry peers, you know, if you want to, to get
3 information. But usually the selecting supervisor writes
4 the questions. But you're not restricted. I mean, you can
5 ask other people, so long as they're not people who are
6 going to be candidates. I mean, you know...

7 Q For a management level position, what kinds of
8 questions are typically asked? Are you looking to ask
9 questions that will go towards their management skills, or
10 questions that will go towards their technical skills, or
11 both?

12 A Usually both.

13 Q Why would you ask both?

14 A Well, when you're a manager, a good portion of
15 your time is facilitating the activities of subordinates.
16 So, I mean, if you -- if you don't have good people skills,
17 you're not going to be effective. The same time, you have
18 to be very technically competent for the areas of your
19 responsibility. When you work at a nuclear facility, you're
20 held accountable for the information and the decisions that
21 are made based on your information. So it's very important
22 that you know what you're saying, and that you know how to
23 direct people to carry out your decisions.

24 Q If you're a program manager who doesn't supervise
25 any employees, what would be more important, the management

1 skills or technical skills?

2 A It really depends on the position. If you're a
3 program manager for a corporate position, you're going to be
4 facilitating activities at a site, and once again, your
5 abilities to negotiate with people and convince them that
6 they have a problem, that you have a good solution for them
7 are -- are probably very critical in carrying out
8 successfully. So it's -- it's a mix, whether you direct
9 people day-to-day, or you're facilitating program
10 improvements with your peers or superiors at the sites, you
11 know. About the same.

12 Q Is it appropriate for a selection review board
13 member to add a question to the list when you get together
14 the day of the interviews?

15 A There's no rules that I know of that prohibit
16 that.

17 Q Would you consider it appropriate for one of the
18 selection review board members to add a question to the
19 interview questions on a topic that he knows a particular
20 candidate he will be interviewing that day has worked on in
21 depth?

22 A Well, if the question is pertinent to the position
23 and its responsibilities, then it's fair game. The bottom
24 line is, is that you're asking something that is relevant to
25 the position. Whether the person has knowledge of their

1 experience or not.

2 Q How...

3 MS. EUCHNER: Oh, I'm sorry. Go ahead, Judge.

4 CHAIRMAN BECHHOEFER: Just a clarification. When
5 an SRB is being set up, does the prior either knowledge or -
6 - well, prior knowledge of the members of the activities of
7 the particular candidates who are going to appear before the
8 board, is that taken into account? Prior relationship or
9 prior knowledge of activities of the board, vis-a-vis the --
10 the particular candidates?

11 When you're setting up a board, do you say, well,
12 this person is well aware of the activities of "X"
13 individual, who is a candidate; therefore, he should or
14 shouldn't be on the board? Pardon?

15 THE WITNESS: When you're -- you're trying to set
16 up a selection board, I mean, you are going to have some
17 knowledge of potentially some of the candidates. I mean,
18 you -- you can't -- I don't think you could successfully
19 have selection bds if -- if people had to recuse themselves
20 because they know somebody or have worked with somebody over
21 a period of it.

22 In -- in TVA right now, I'd say the majority of us
23 are all about the same age, so we've all basically been
24 there for like the last 20 years, so we have seen and met
25 and worked with each other. So it's -- you know, it's an

1 entirely -- it's a possibility that the people on the
2 selection board have worked with you in the past or have
3 knowledge of your experience and performance. But they're
4 asked to come and sit on the selection board, and to be
5 unbiased and ask the questions that the selecting supervisor
6 has asked. And you -- you can ask some additional
7 questions, so long as they're pertinent to the position
8 that's being put up for -- to be filled. So...

9 JUDGE COLE: When you ask additional questions,
10 should you make sure that each of the candidates is asked
11 the same question?

12 THE WITNESS: That would be the -- the right thing
13 to do. I mean, from the standpoint of if it's pertinent to
14 the position that they're relying on. Yeah.

15 BY MS. EUCHNER:

16 Q How do the selection review board members rate the
17 individual people they interview?

18 A The convention for rating is -- I don't think
19 there's any hard and fast rules about using a numeric code
20 or something like that. But generally it's been my
21 experience you use like a 1 to 10 rating and you'll listen
22 to the response to the question, you'll write it down as
23 best you can what they said and then on the boards that I've
24 participated on or asked to be performed for me, I've used a
25 numeric rating and it kind of goes back to your academic

1 years. I spent a lot of time in college and graduate school
2 and everything is 1 to 10 to me. If you had a 7, that's an
3 average response, an 8 is superior and then 9 and above is
4 excellent, unless you come from the old school and
5 everything 94 and above is excellent.

6 But that's kind of the way we have done it. I
7 don't think there's any hard and fast rule about the
8 convention, but that's what I've done.

9 Q When you were a selecting official, did you
10 provide the selection review board members any guidance or
11 criteria for how to rate the responses to the questions?

12 A No, I didn't, other than I just wanted them to
13 provide me a synopsis of the response and whether they
14 graded them as being strong or weak or adequate -- you know,
15 some convention as long as everybody did it the same way, so
16 I could take the spreadsheets after the HR officer compiled
17 it all and understood it. As long as everybody was using
18 the same numeric code or alphabetic code or something.

19 Q When you were a member of a selection review
20 board, did any of the selecting supervisors ever give you
21 any guidance on the criteria that they were looking for for
22 rating the candidates?

23 A Just the questions. It's not uncommon for the
24 selecting supervisor to -- when the selection review board
25 convenes to say, you know, I've got these candidates, I want

1 you to pick the best candidate, you know, I need a real
2 strong performer because my program needs this person to do
3 the following things, to give them an idea, in addition to
4 the words on the vacancy announcement as to the relevance of
5 the position.

6 Q When you were a member of the selection review
7 boards, did you score the answers as you went along during
8 the interviews or did you wait until the end and then go
9 back to score each question?

10 A When I was on the selection review boards, I
11 always scored the answer as soon as they gave it to me. I
12 would write down as quickly as I could some pertinent
13 thoughts just to summarize it and then I would score it
14 because you're going over so many questions, you didn't want
15 to wait until the end because it might blur your memory of
16 what was asked the first question, so I would try to score
17 it right then and there and go with my best judgment at the
18 time.

19 Q When you were scoring people that you were
20 interviewing, what were you looking for, were you looking
21 for -- in the event of a technical question, were you
22 looking for the fact that their technical answer was
23 correct, their demeanor or both?

24 A If it was purely a technical answer, I was looking
25 for a full, complete, correct answer. People's presentation

1 does make a difference, I mean in the sense that it helps
2 you understand things. If someone is very quiet and doesn't
3 speak up, sometimes you might not be able to hear exactly
4 what they're saying, but we always try to understand what it
5 is they're saying, so if it's a technical answer, we try, to
6 a large extent, to see if it's the correct and full and
7 complete answer.

8 Q Prior to the interviews, were there any
9 discussions between the selecting supervisor and the
10 selection review board members to make sure that all of the
11 members knew what the correct answer to the technical
12 questions was?

13 A I don't think there's any hard and fast rules
14 about making sure that everybody understands what the
15 correct answers are. The people that you're selecting on
16 the review boards usually have either the academic or the
17 technical or work experience to know what the right answers
18 are. I don't remember giving people an answer key.

19 CHAIRMAN BECHHOEFER: I take it the meetings are
20 not transcribed?

21 THE WITNESS: No, there's not a stenographer
22 there. Basically the HR officer just oversees the meetings
23 per se to make sure that the conduct is appropriate and all
24 the information is captured so that it's as fair as we can
25 make it.

1 BY MS. EUCHNER:

2 Q For management type questions; for example,
3 something like identify three projects that you have worked
4 on and explain what you have done for those -- how would you
5 personally go about rating that from a 1 to a 10, what were
6 you looking for in a superior answer?

7 A I was looking for ownership, if it's -- such as
8 the corporate positions that we're talking about here today,
9 you're looking for that kind of ownership so that when the
10 individual tells you that I've worked on the three projects,
11 that they knew what the project was from the outset, that
12 they had the individual initiative and ownership to go take
13 that project and --

14 JUDGE YOUNG: To go what?

15 THE WITNESS: Take the project.

16 JUDGE YOUNG: Take. Thank you.

17 THE WITNESS: -- and go to the sites and make sure
18 that they could sell the need for it and what the solution
19 was and facilitate its resolution so that it would be
20 implemented successfully. You need enough detail to
21 understand what the project was and why their performance
22 merits consideration for the position that they're applying
23 for.

24 BY MS. EUCHNER:

25 Q During the interview and scoring of each candidate

1 during the selection review board, is it appropriate for the
2 selection review board members to consider their prior work
3 history with the particular candidate?

4 A You're asked to grade their response to the
5 question and just that.

6 Q What happens if a candidate that you've worked
7 with before comes in and gives a bad answer to something
8 that you know that they performed exceptionally well, would
9 you grade them on the answer or would you grade them on the
10 fact that you knew that they performed it very well in the
11 past?

12 A To be fair, you have to grade it on the answer.
13 You have to be fair to all the other candidates that are
14 going to come in. If they gave the right answer and the
15 person who was the expert gave the wrong answer, that
16 individual unfortunately gets no points. And I've seen it
17 happen.

18 Q If the selection review boards are not supposed to
19 consider anything other than the answers to the question,
20 why are they provided anything other than the questions when
21 you're giving them the review board package, why are they
22 provided such things as the application and resume?

23 A I guess the people who set up the program thought
24 it was a good idea at the time.

25 Q Are they supposed to consider what's on the resume

1 in giving their ratings?

2 A No, it's just the answers to the questions. If I
3 might add, I've sat on review boards where an individual
4 that knew the right answers failed open and later on --

5 JUDGE YOUNG: Who knew the right answers failed
6 what?

7 THE WITNESS: They failed open -- it's an
8 expression, I'm sorry in a power plant when something fails
9 open, it means that they had no answer or had the wrong
10 answer when they should have known what it was, based on
11 their experience or training, what-have-you.

12 And the people who succeed are the ones that come
13 back after the notification that they haven't been selected,
14 they'll come back and ask the review board or ask the HR
15 officer where did I fail, or what didn't I do right, and
16 they take that constructive criticism and they go apply for
17 the next opportunity and they learn from it and succeed.
18 And some of the people I work with today at the plant failed
19 on selection review boards on their first try and worked on
20 their performance and did better the next time and
21 succeeded. So it's -- you know, you can learn from it and
22 you can succeed if you keep trying.

23 CHAIRMAN BECHHOEFER: Well, does the selection
24 review board ask -- if they get an answer from a candidate,
25 are there follow up questions to help clarify what that

1 answer is? Not the other questions that are scheduled to be
2 asked, but when a question is answered and you know that
3 there's something wrong with it, do you ever follow up like
4 we sometimes do here, or is that not done?

5 THE WITNESS: There's a certain amount of latitude
6 to follow up on a question, maybe you didn't hear it
7 correctly and you may ask the question again or a part of it
8 again just to try to trigger. You know, sometimes people
9 get in front of a panel and they freeze up, so we try to do
10 it in such a form and fashion that it wasn't intimidating
11 but we give them every opportunity and they can speak as
12 long as they want to about the question and we give them
13 every opportunity to give us a full, complete answer but
14 when they run out of words, you're stuck with what they've
15 said and if they don't answer the question correctly then
16 they get graded and they may not succeed.

17 JUDGE COLE: Have you been on review boards where
18 the reviewers didn't know the answers to the questions?

19 THE WITNESS: Not to my recollection, no.

20 JUDGE COLE: Are they provided the answers?

21 THE WITNESS: No, sir, they're not. The
22 questions, when they're given the questions up front, if
23 someone doesn't know or needs information, they could ask,
24 but it's been my experience that the people that I've been
25 on boards with have had, you know, many, many years of

1 academic experience and then 10 to 15 years at the plant and
2 based on the nature of the work and the work experience, and
3 the questions that you're asking, these are for entry level
4 folks. I've not seen a problem with that in the past.

5 JUDGE COLE: Thank you.

6 JUDGE YOUNG: What if they're not for entry level?

7 THE WITNESS: Even for positions such as the
8 superintendent level, the work we do at the power plants is
9 so proceduralized and driven by technical specifications
10 that the individuals that you would have for say a selection
11 of a chemistry superintendent which would be like the
12 operations manager is a very, very knowledgeable individual
13 and these people are -- if they don't understand something,
14 they will stop and ask. The one thing that we have at a
15 nuclear plant is the understanding and the protocol such
16 that if you don't understand what you're being asked to do,
17 you stop and you ask and you get clarification before you
18 proceed. We don't act on a hunch and we don't assume that
19 we'll figure it out on the fly. We can't fail, we have to
20 do things right the first time, so we train all of our
21 employees and we do it ourselves. If we don't understand,
22 we'll stop and ask.

23 BY MS. EUCHNER:

24 Q After each interview, do the selection review
25 board members typically discuss that interviewee's strengths

1 and weaknesses?

2 A Sometimes there's a brief discussion, it doesn't
3 last all that long. If there was a subject matter expert on
4 the panel that wanted to expound a little bit, they might.
5 Usually it would go fairly quickly, these are usually very
6 knowledgeable individuals and they come to an opinion and
7 they write down what they think and then they'll continue
8 on. But it's not forbidden that I know of.

9 Q Can the selection review board members change
10 their scores based on these discussions?

11 A There's nothing that precludes them from doing so.
12 I don't know of any rules that prohibit it. As for myself,
13 I came to my own conclusions and wrote down my notes and
14 wrote my score down.

15 Q You talked a little bit about prior knowledge and
16 what happens if someone who you know is great comes in and
17 gives a bad answer. Now I'd like to ask about what if the
18 opposite happens. What if someone comes in and gives an
19 exceptional answer to a question but you know that they have
20 either misrepresented something or lied in their answer. Do
21 you have a duty or is it appropriate for you to inform the
22 other selection review board members of that when you have
23 your discussions or do you simply lower their score based on
24 your knowledge or do you just give them a great score?

25 A We try to rate people on what they tell us. If

1 you know -- for example, if someone comes in and says oh, I,
2 you know, have a doctorate in nuclear engineering and you
3 know that they graduated from the local community college
4 and they don't -- I mean, that might be something that you
5 want to let people know if it was pertinent to the
6 discussion, but I've never had the experience where somebody
7 came in and lied that I knew about. And on all the boards
8 I've been on or witnessed, I've never had anybody say, you
9 know, after an interviewee left the room, say that's a lie -
10 - I've never seen that happen.

11 Q As a selecting official, once the interviews are
12 done and the members have rated all of the candidates, how
13 do you make the selection?

14 A The HR officer would send to me the recommendation
15 from the panel. I would then take that and look at the
16 spreadsheet and write my recommendation and I have never, to
17 my knowledge or recollection, taken exception to what a
18 selection review board recommended. You have the latitude
19 to do that if you feel strongly about it, but you have to go
20 justify it to your manager as to why you're doing it.

21 Q Do you simply take the scores of the selection
22 review board or do you do a little bit of independent
23 analysis based on looking at that spreadsheet, looking at
24 past performance before making your final decision?

25 A You would have that spreadsheet in front of you

1 and you'd have the recommendation and at that time, you'd
2 make that decision whether you wanted to go with it or
3 decide to select a different individual and go justify.

4 Q In 1996, did you become aware that the corporate
5 organization was going to be undergoing a reorganization?

6 A Yes, I was contacted by Wilson McArthur and he
7 asked me what I thought about having a selection board and
8 my recommendation to him was for the rad chemistry managers
9 to be on the selection board for the corporate rad chemistry
10 department.

11 Q Do you recall approximately when that was?

12 A It was in the summer of '96, it was about a month,
13 month and a half before the selection board met in July.

14 Q And did you in fact serve on the selection review
15 board for those positions?

16 A Yes, I did.

17 Q Do you recall what positions that you interviewed
18 for that day? If not the exact title, at least generically?

19 A There were a couple of chemistry program manager
20 positions, I believe there was a couple of health physics
21 positions or rad waste or environmental positions, something
22 like that. I'm sure it's in the package here somewhere.

23 Q You stated that you recommended that Dr. McArthur
24 use the rad chemistry managers, is that correct?

25 A I thought it would be appropriate in the sense

1 that when you're taking corporate staff and you're going to
2 downsize it, reduce the number of people, they provide
3 services to the site rad chemistry departments and I thought
4 it would be a nice thing, an appropriate thing, if the rad
5 chemistry managers had the opportunity to serve on the
6 selection review board, but you know, he's not restricted,
7 he could have asked other individuals to serve on that board
8 as well. I just thought it'd be nice if somebody from one
9 of the sites or more of the sites had the opportunity to be
10 on the board.

11 Q Who were the rad chemistry managers from Watts Bar
12 and Sequoyah at that time?

13 A Jack Cox was the rad chemistry manager at Watts
14 Bar, Charlie Kent at Sequoyah and myself at Browns Ferry.

15 Q Did both Mr. Kent and Mr. Cox eventually
16 participate in the selection review board?

17 A Mr. Kent did, Mr. Cox notified us that he had a
18 schedule conflict. I don't recall specifically in relation
19 to when the selection review board convened when he said
20 that but I just remember him standing up and saying well I
21 can't be on the review board, I've got a prior commitment,
22 and I thought to myself, man, you're getting out of a lot of
23 work.

24 JUDGE YOUNG: You thought what?

25 THE WITNESS: When he said that he wasn't going to

1 be on the selection review board because he had a prior
2 commitment, I thought to myself, boy, you're getting out of
3 a lot of work. It was an all day -- it started like in the
4 wee hours of the morning and it was late at night before I
5 got back home, so it was an all day affair.

6 BY MS. EUCHNER:

7 Q When did you first receive your selection notebook
8 for the selection review board?

9 A It was the day of. When we walked into the room,
10 they had the selection books available.

11 Q When you received it, did you review any of the
12 information in it?

13 A Just looked at the number -- I looked at the
14 agenda from the standpoint of how many people were going to
15 come, I thought to myself, this is going to be a long day,
16 and it was. It was tabbed and there were for the various
17 positions and there were candidates and the information that
18 I described earlier was in the book.

19 Q Did you review any of the resumes of the
20 candidates?

21 A Just glanced basically.

22 Q And do you recall whether or not there were
23 performance appraisals in those books?

24 A I don't recall there being performance appraisals
25 in the books.

1 Q The day of those interviews, prior to the start of
2 them, did you have a peer team meeting?

3 A Best I can recollect, yes.

4 Q Approximately when did the peer team meeting
5 start?

6 A I live in Huntsville and it's a two hour drive and
7 I lose an hour coming this way, so it was around 8:00 to
8 9:00 so it probably went from about 9:00 to noon, something
9 like that.

10 Q Who attended that meeting?

11 A The peer team meeting? Wilson McArthur and I
12 believe Charles Kent. I think Jack Cox did -- I believe he
13 did. I'm not sure who else was there.

14 Q Prior to the conclusion of that meeting, do you
15 recall Mr. Cox making any statements about the interviews?

16 A That may have been when he told us that he wasn't
17 going to be there.

18 Q Do you recall whether he made a statement about a
19 particular candidate for the chemistry positions?

20 A I don't recall when specifically, Mr. Cox spoke up
21 in favor of Mr. Fiser. It may have been then or it may have
22 been at an earlier meeting. He just indicated that Gary had
23 done a good job for him at Watts Bar.

24 Q Did he make any statements in the vein of I would
25 select Mr. Fiser for this chemistry position?

1 A Not that I recall, no.

2 Q Did you perceive Mr. Cox's statement as biased in
3 favor of Mr. Fiser?

4 A I think he was a strong proponent of Gary, but I
5 don't think he would have been biased if he had sat on the
6 board. I've known Jack several years and I think he would
7 have taken it very seriously and judged people fairly.

8 Q Do you recall whether Mr. Cox made statements
9 about any of the other positions or any of the other
10 candidates interviewing that day?

11 A Not that I recall in context with that statement,
12 no.

13 Q Either towards the end of the peer team meeting or
14 after it had concluded, did anyone mention Mr. Fiser's DOL
15 activities?

16 A Shortly before we went into the room, we were
17 having a cup of coffee outside in the hallway and I believe
18 Mr. Kent made a comment to Mr. McArthur, but I was sort of
19 in the same vicinity, regarding something about the fact
20 that Gary had had a DOL complaint, and I just recall
21 thinking that I knew that he'd had an earlier complaint in
22 '93 but I wasn't aware of any recent complaints, and it
23 really didn't register with me per se.

24 Q So you were aware of the '93 complaint, correct?

25 A I'd heard that he had a complaint, I didn't know

1 what it was in regards to or how it was dispositioned. I
2 just -- you know, when you know that someone makes a comment
3 about something like that, you need to be as impartial as
4 you possibly can be when you go in for a selection review
5 board. But it really didn't register that much with me, I
6 was kind of like, that's ancient history, so what.

7 Q Did Dr. McArthur respond in any way to Mr. Kent's
8 comment?

9 A I don't recall.

10 Q And you said that this was just before you went
11 into the room, does that mean just before you entered the
12 room where you would be doing the interviews?

13 A It was like 30 minutes or an hour -- the peer team
14 had broken up and I needed coffee so I got some coffee and I
15 was just sitting there waiting for them to get the materials
16 ready and the room ready and we were just having casual
17 conversation and when he made that comment just as an aside,
18 I thought so what.

19 Q I believe you have Joint Exhibit 21 over there in
20 the black notebook.

21 A This one?

22 Q Yes.

23 A Joint 21.

24 Q First I would like you to turn to page GG000221,
25 it's marked on the bottom of the pages.

1 A The interview schedule?

2 Q Yes.

3 A Okay.

4 Q Does that look like the interview schedule from
5 the interviews you conducted that day?

6 A Yes, it does, as far as the number of applicants
7 and the length of the meeting, 12:00 to 8:00.

8 Q And according to this schedule, who was the first
9 individual interviewed that day?

10 A Gary Fiser.

11 Q And so based on what you just testified to, it was
12 approximately half an hour to an hour before Mr. Fiser's
13 interview that Mr. Kent made the statement about Mr. Fiser's
14 DOL complaint?

15 A That's ballpark.

16 CHAIRMAN BECHHOEFER: And that was what, the '93
17 complaint or the --

18 MS. EUCHNER: I believe there's some dispute as to
19 that regarding what Mr. Kent meant versus what Mr. Corey
20 overheard.

21 BY MS. EUCHNER:

22 Q When you overheard him, Mr. Corey, did you think
23 that he was referring to a new DOL complaint or a prior DOL
24 complaint?

25 A I had no knowledge of a new complaint, so the only

1 complaint that I had any inference of was the one that was
2 back in the early '90s.

3 CHAIRMAN BECHHOEFER: Okay.

4 BY MS. EUCHNER:

5 Q The interview questions for this day, do you know
6 who wrote those questions?

7 A No, I do not.

8 Q Did the selection review board members go through
9 the list of questions before the interviews?

10 A That's correct.

11 Q And what did you discuss when you went through
12 these questions?

13 A Basically there were I believe like 16 questions,
14 Charles Kent offered up an additional question. No one on
15 the board took exception to the question and we looked over
16 the questions and decided which ones we would ask and then
17 who would ask the questions so that the same individual
18 would be asking a particular question for all the
19 interviewees so that you'd ask it the same way, trying to
20 make it as fair as we could, but at the same time changing
21 up who was going to be talking to the individual so that it
22 was more of an informal meeting, so someone wouldn't be
23 stymied by it.

24 Q Did you discuss the rating criteria for those
25 questions?

1 A I believe it was something like a 1 to 10 rating.

2 Q Did Dr. McArthur give the selection review board
3 members any guidance as to what would be an answer that
4 would get a 1 and what would be an answer that would get a
5 10?

6 A No, not that I recall.

7 Q Did Dr. McArthur participate in the interviews?

8 A No, he did not, other than to sit in the room and
9 just observe.

10 JUDGE YOUNG: He did sit in the room?

11 THE WITNESS: Yes, ma'am, the best of my
12 recollection, yes.

13 BY MS. EUCHNER:

14 Q At the end of each interview, did the selection
15 review board members have discussions of each candidate?

16 A I don't know that we talked about each and every
17 candidate other than just a couple of comments, but I don't
18 recall specifically that we had a formal discussion about
19 each and every candidate, I don't recall that.

20 Q Do you recall having a discussion of the strengths
21 and weaknesses of each candidate?

22 A In general terms, yes, I believe.

23 Q Did Dr. McArthur participate in those discussions?

24 A I don't recall.

25 Q For these particular interviews, how did you score

1 the candidates? Did you score as they gave the answer or
2 wait until the end?

3 A As I indicated earlier, I scored them after each
4 answer and then once all the questions were asked, I would
5 sum up the numbers at the bottom of sheet.

6 Q What criteria were important to you when you were
7 rating each of the candidates?

8 A As I indicated earlier, I was looking for full,
9 complete answers; I was looking for ownership if it was
10 something that was about their personal history that they
11 were providing; I was looking for an aggressive, go-get-it
12 attitude.

13 Q The aggressive, go-get-it attitude, would someone
14 who is sitting up straight and looking you directly in the
15 eye and appearing very self-confident get a higher score
16 than someone who was slumped back in their seat, not looking
17 at you, but who gave the exact same content-wise answer as
18 the person who was self-confident?

19 A I can't say that your presentation doesn't have
20 some bias. I mean, we're all human, right? We were trying
21 to listen to the words they gave us, we would prompt them if
22 we thought that they needed additional time to give us a
23 full, complete answer. But enthusiasm makes an impression
24 on people.

25 Q When did you turn in your score sheets to the --

1 well, first of all, who did you turn in your score sheets or
2 your notebooks to?

3 A When we got done with an interview for a
4 candidate, we would turn in our sheets at that time for that
5 candidate to the HR officer, so you didn't have access to it
6 once you turned it loose and the HR individual took care of
7 all the paperwork.

8 Q Either during or after the interviews, did you see
9 the scores that either of the other two selection review
10 board members gave?

11 A No, not until we were down in Atlanta for the
12 meeting with Mr. Reyes.

13 Q And actually I believe we missed something. Who
14 was the third selection review board member who took Mr.
15 Cox's place?

16 A Mr. Rick Rogers.

17 Q And what was Mr. Rogers' position?

18 A I don't recall specifically what his title was at
19 the time. I knew that he had worked at nuclear facilities
20 and the corporate office in very responsible positions.

21 Q Was he a part of the rad chem organization?

22 A No, he was not. I think his background is in tech
23 support.

24 Q All right. Now you have in front of you Joint
25 Exhibit 21 and I'm going to ask you to look through it and

1 it's going to take you a few minutes, so this might not be a
2 bad time for a break. And before you look through it, I'm
3 going to tell you what I want you to be looking for.

4 First of all, I want you to look and tell me if
5 that's the notebook that you used during the selection
6 review board for the 1996 reorganization. I want you to
7 look and see if there are any documents in there that have
8 your handwriting on, that have handwriting that you don't
9 recognize, that's not your handwriting. Whether there are
10 documents that you recall seeing in there that are no longer
11 in there. Or whether there are documents in there that were
12 not there the day -- additional documents, basically.

13 So those are the things I want you to be looking
14 for as you flip through the notebook.

15 THE WITNESS: Okay.

16 CHAIRMAN BECHHOEFER: Is a 15 minute break enough?

17 JUDGE YOUNG: Come back at 11:00.

18 CHAIRMAN BECHHOEFER: Why don't we come back about
19 11:00.

20 (A short recess was taken.)

21 CHAIRMAN BECHHOEFER: Okay. Back on the record.

22 BY MS. EUCHNER:

23 Q Mr. Corey, have you had the opportunity to look
24 through this notebook?

25 A Yes, I have.

1 Q Does it look like the notebook that you used that
2 day for the selection review board interviews?

3 A It has that appearance; yes.

4 Q Okay. Now, first I would like to start with the
5 handwritten notes. Other than on applications for the
6 positions that may have been handwritten by the applicants,
7 did you see any handwritten notes in here that were not in
8 your handwriting?

9 A Yes, ma'am. Some of the information in the front
10 does not appear to be my handwriting.

11 Q Okay. Can you specify what page numbers you're
12 looking at?

13 A I'm looking at the interview schedule. It's the
14 one that ends with 221.

15 Q Okay.

16 A And the pages which precede that is information
17 that I don't recall seeing that day.

18 Q Okay. So, to your knowledge, Pages 210 through
19 220, you don't recall seeing those in your book that day; is
20 that correct?

21 A Yes. And the handwriting on Page 221 is -- is not
22 my handwriting.

23 Q Okay. Is there any other handwriting that is not
24 your handwriting?

25 A I don't see anything that looks different. I'm

1 looking at some of the grading sheets. They appear to be my
2 handwriting.

3 Q All right. I would like you to now turn to -- and
4 let me see if I can get you a page number. We're going to
5 start with Page 235. And we are also going to be
6 referencing the list of questions which I believe are on 232
7 and 233.

8 Now, first of all, on Page 235, is that your
9 handwriting?

10 A That's correct.

11 Q And what is the handwriting on this page?

12 A Page 235 is the sheet where we recorded the
13 individual's name - the interviewee's name, the question,
14 the response rating, and comments. And then there's a place
15 at the bottom right for totaling the points.

16 Q Now, on Page 232 and 233, which are the list of
17 questions, there are a number of questions circled. What do
18 those circles indicate?

19 A Those are the questions that we asked the
20 interviewee.

21 Q Now, first I'd like to ask you, after each of your
22 scores on Mr. Fiser's score sheet, you have what looks like
23 a little letter. Sometimes a "W," sometimes a "W/A." Can
24 you please explain what those mean?

25 A "W" meant weak; "A" was adequate; "A+" meant very

1 strong. It was just -- as I started out, I just threw a
2 little notation off to the side. As I progressed through
3 the day, I believe I just stuck with the numbers. But it
4 was just little notes.

5 Q And did you make those notes first, and then based
6 your scores on those notes?

7 A I don't recall whether I put the number first or
8 the -- the alphabetic letter next to it second, to be quite
9 honest with you.

10 Q And the notes that come under "comments," did you
11 write those as each question was answered?

12 A Yes, I did.

13 Q Okay. Now, I'd like to go back to Page 232 and
14 233, which are the list of questions. And I'd like to start
15 with Question #1. Was that question asked of the PWR
16 chemistry candidates?

17 A It was asked for Mr. Fiser. I would need to look
18 and see on the other sheets, but I believe so; yes.

19 Q Okay. And what score did you give Mr. Fiser?

20 A I gave Mr. Fiser a seven.

21 Q Okay. What criteria did you use in reaching that
22 score?

23 A The question was: What strengths do you have that
24 will benefit this position? And his response, as best I can
25 recollect, was incumbent must have good people skills. He

1 did not talk about any sort of technical attributes to the
2 position, just indicated that he needed -- you needed to
3 have good people skills. And I figured that, based on his
4 answer, it was about an average rating, so I just gave him a
5 seven.

6 Q Okay. What would have been an excellent answer to
7 that question?

8 A When you're in this type of position you have to
9 be very strong, organizational skill wise. You don't have a
10 lot of resources at your disposal. You have to be very
11 organized, very energetic, a high energy individual. You
12 have to have a convincing presentation to sell your ideas to
13 your management, as well as to the sites. You have to be
14 able to coordinate the activities and resources of
15 organizations that don't report directly to you. So I was
16 looking for something more than just what he said.

17 Q Okay. I'd like you now to look at Question #2,
18 which is circled. Was that question asked of Mr. Fiser and
19 the other PWR chemistry candidates?

20 A Yes.

21 Q What scoring did you give Mr. Fiser?

22 A I gave him a seven.

23 Q Okay. What would have been an exceptional answer
24 to that question, which is: Indicate weaknesses that you
25 need to address if you fill this position.

1 JUDGE COLE: Somebody change that speaker, the
2 direction of that speaker. Looks like it's feeding right
3 into the mic. No, the other way, back towards the back.
4 There you go. That's better.

5 Q And to repeat my question is: What would be an
6 excellent or superior answer to Question #2?

7 A His response basically said that he tended to
8 trust people too much, and that the inference that he was
9 giving is that he -- he had to follow up on commitments or
10 things didn't get done as he'd hoped. Probably a little bit
11 more elaboration about how he was making sure that this
12 tendency that he had wasn't a repeating occurrence. He
13 could have indicated that: I have a problem with this, and
14 I corrected it by doing this, and I've not had this problem
15 since. But I was left with the feeling that he -- he had
16 this continuing problem, and that it -- it wasn't something
17 that he had completely solved.

18 Q Question #7, you have that circled. Was that
19 asked of Mr. Fiser and the other PWR chemistry candidates?

20 A Yes.

21 Q What would have been an excellent or superior
22 answer to that question?

23 A To the best of my recollection, is in -- in notes,
24 he indicated that he had worked with the Watts Bar start-up
25 chemistry issues and plan, and that he had done a -- a pre-

1 INPO assessment follow-up. And he referenced some problem
2 evaluation reports. That's what the acronym PER stands for.
3 And he also talked a little bit about the Watts Bar start-up
4 plan.

5 I gave him a 7.5. He -- I thought he'd done a
6 little bit better on that answer than he'd done on the -- on
7 the previous two. The question says: Describe three
8 projects, programs you helped to initiate, develop, and
9 complete in the chemistry areas. And what I was looking for
10 was more complete answer about the importance of the
11 projects that he had, the responsibilities that he had. He
12 had an opportunity to say, "Okay, here are my top three
13 projects that I have been given. They were very, very
14 important projects." The scope of the projects, how much he
15 had to commit himself to making them successful, what --
16 what he learned by them potentially. I was looking for a
17 little bit more of an answer than he gave us.

18 Mr. Fiser was -- appeared to be very relaxed,
19 almost to the point of laid back. Very soft-spoken,
20 somewhat difficult to hear. And didn't come across with an
21 aggressive presentation about how important these projects
22 were, and how successful he had been in doing them.

23 Q Did Mr. Fiser's being soft-spoken and laid-back
24 affect how you scored him?

25 A I don't know how much it affected me. I'm -- it -

1 - when a -- when a person takes the position to where
2 they're almost out of the chair, it -- it doesn't come
3 across real well. You have an opportunity to influence the
4 opinion that three people have of you, or actually four,
5 including the HR officer, and you want to present yourself
6 in the very best light possible. And you're given the
7 opportunity to talk about yourself and what you've
8 accomplished. I mean, how often does that happen.

9 You get an opportunity to sell yourself for a
10 position, for an advancement, for money, for benefit. And
11 the impression I got was that he -- I wasn't sure he was
12 real interested in -- in doing that, to be quite honest with
13 you. I mean, it was just -- I don't know that it adversely
14 affected the ratings that much, but his answers were -- were
15 short, they didn't expound, and they didn't really leave you
16 thinking that he'd given you all that he could.

17 Q You just mentioned, when you were describing that
18 you were presenting yourself to four people, and you
19 mentioned the human resources representative. Does the
20 human resources representative typically participate in the
21 rating of the candidates?

22 A No.

23 Q Okay. Now I'd like you to look at Question #9,
24 which is also circled. Was that question asked of Mr. Fiser
25 and the PWR chemistry candidates?

1 A Yes.

2 Q What were you looking for, for a ten or a superior
3 answer to that question?

4 A "Describe the level of responsibility this
5 position should have in contributing to the success of the
6 chemistry programs." I gave him a 7.8. He had said
7 basically there was a direct correlation between the success
8 of the site and his personal success. Should try to stay in
9 touch with the site, down to the technician level, find
10 problems, and provide solutions.

11 I thought it was -- was good that he knew there
12 was a direct correlation between his customer's success and
13 his own. I thought it was good also that he talked about
14 that by talking to the technicians he was going to find out
15 what the problems were. Sometimes the management above the
16 technicians might not be informed about everything that's
17 going on, and I thought that was good. And provide problems
18 and solutions.

19 I think, though, that -- that he probably could
20 have elaborated further about what specifically that -- that
21 he was going to do. When it says describe the level of
22 responsibility this position should have in contributing to
23 the success, even though there is a direct correlation, the
24 program managers at the corporate level basically are
25 supposed to provide additional direction, programmatic

1 direction to the sites.

2 It's not good enough to basically say, you know,
3 "If they do well, I'm going to do well." What he should be
4 saying is, "I am going to make it so that you succeed, and I
5 will succeed. But you, the customer, come first. And my --
6 my mission is to make you successful; and thereby, I might
7 be successful." And I was looking for that kind of -- of
8 knowledge and understanding, that the customer has to be
9 successful or you're not going to be. But it's not good
10 enough to -- to sit back and hope that the site does well so
11 that you'll benefit as well. There has to be more of that
12 ownership about the fact that the fate and direction of the
13 site, to a large extent, resides in what influence you can
14 exert.

15 Q Now, those first four questions that we just went
16 through, #1, #2, #7, and #9, would you describe those as
17 management questions or technical questions?

18 A Those are more towards the -- the management,
19 although he could have described about the projects and the
20 programs from a technical standpoint, as well. So the first
21 two basically are your management skills. He could have
22 mentioned his academic credentials or his work experience
23 credentials in #1.

24 Q Question #11 is circled. This was a question
25 asked Mr. Fiser and the other PWR candidates?

1 A Yes.

2 Q What were you looking for, for a ten or a superior
3 answer for that question?

4 A The question was: Describe at least two chemistry
5 concerns of TVAN or TVA Nuclear. And his response, I gave
6 him a seven. His -- my notes say, "Keeping up with
7 technology. Implementing molar ratio control, CDM," which
8 is chemistry data management system, "without resources."

9 A ten, in my mind, could have addressed more than
10 just the molar ratio issue. I think the -- the strongest
11 concern that we had on the power pressurized water reactor
12 side of the house, which is what PWR stands for, has to do
13 with steam generator integrity. We are having difficulties
14 with the water chemistry and the corrosion control on the
15 steam generators. The steam generators are a vital link.
16 You have the reactor over here making extremely hot water.
17 It goes to the steam generator. The clean water comes
18 through the other side and is flashed to steam that goes to
19 the turbines and makes electricity.

20 These steam generators are critical to the power
21 production of the PWRs. I thought that he could have
22 elaborated a great deal more about the steam generator
23 health at Sequoyah and Watts Bar. Fuel failures is another
24 issue that we have, and we had had, at the Browns Ferry
25 plant in the '80s, and there was some concern about fuel

1 integrity. Those two issues would have been good issues.

2 Also the fact that the -- the aging population
3 within the TVA system, particularly the nuclear division.
4 We're all about the same age. We have to look at the
5 demographics and look at succession planning. And the
6 economics are such that you're looking to do more, better,
7 with less resources and fewer people. That would have been
8 a good topic to discuss. Any one of those four, and there
9 are several others to -- to speak of that you could go into.

10

11 Q So were you looking for the identification of
12 particular concerns, like you mentioned steam generator
13 integrity was very important. Were you looking for -- would
14 someone identifying that automatically get a higher score
15 simply because you viewed it as such a key issue?

16 A I was looking for discussions regarding the -- the
17 health of the PWRs, and what the major challenges from a --
18 a technological standpoint were, as well as some of the
19 management issues. Part of what the program managers were
20 doing was looking at automation as a -- a way to offset the
21 fact that we were going to be using fewer and fewer people,
22 and he could have elaborated on that, as well.

23 Q Question #12, was that question asked of Mr. Fiser
24 and the other PWR candidates?

25 CHAIRMAN BECHHOEFER: What?

1 A Yes.

2 CHAIRMAN BECHHOEFER: Oh.

3 Q What's a superior answer to that question?

4 A The question is: Define the term "denting," and
5 where and how does it occur? And I gave Mr. Fiser a 7.5.
6 And his answer was: Will occur with the buildup of sludge
7 on a tube sheet. Affects the inside-outside diameter ratio
8 of the tube, stinting. Was a problem at Sequoyah. Irons
9 primarily constituent of the sludge.

10 I was looking for more of a discussion about what
11 you're going to do to prevent the denting. It is an adverse
12 condition to a steam generator and can cause it to leak,
13 which is something you don't want to occur because you'll
14 have radioactive water going to the clean side of the plant,
15 which is not a good thing. He could have discussed what
16 proposals he had to address those concerns. Not just where
17 and how does it occur, but elaborate a little bit further.

18 Q Does denting and steam generator fall under
19 primary or secondary chemistry?

20 A It's a phenomena associated primarily with the
21 secondary side or the clean side. Usually the piping on the
22 primary side is stainless steel and you don't have as much
23 of an iron oxide buildup on a PWR. BWR, it's different.

24 Q Okay. And if you could turn to the next page of
25 questions, Page 233. I'd like to go back to Question #12

1 for a minute. Go back to the previous page.

2 You just testified that part of what you were
3 looking for out of a superior answer was not just what is
4 denting, how does it occur, but also what do you need to do
5 to prevent it. Is that part of the question?

6 A The question is: Define the term "denting," where
7 and how does it occur? And the "where" is the steam
8 generators. And he could have elaborated the "where" on the
9 steam generators you have more denting or where it is most
10 susceptible. And how does it occur, he could have gone into
11 more of a discussion as far as the -- the chemistry aspects
12 of the corrosion, and what you would do to prevent it.

13 Q Does the question ask how to prevent denting?

14 A No, it does not.

15 Q All right, now we can go ahead to the next page,
16 Question #15. Was Mr. Fiser and the other chemistry program
17 managers asked this question?

18 A Yes.

19 Q What are you looking for, for a ten or a superior
20 answer for that question?

21 A I rated Mr. Fiser a seven. Says several versions
22 based on industry averages, and will show how you -- how the
23 plant stacks up. He did not describe the equation, other
24 than in those general terms. He didn't expound upon it,
25 other than to say it ranks the plants. He did not, as I

1 recall, describe what the adverse conditions are associated
2 with a -- a high INPO index rating, which is a negative.

3 The index tracks certain contaminants that you
4 find in the coolant which attack the piping integrity and
5 cause cracking. So I was expecting not just a general
6 discussion about this is the INPO index and there's a couple
7 of versions of it. I was looking for more information about
8 what constitutes the equation, and why it's significant.

9 Q Mr. Corey, you mentioned multiple versions. Had a
10 new version of the INPO index come out when you were holding
11 these interviews?

12 A I don't recall.

13 Q Question #16 is also circled. Did you ask Mr.
14 Fiser and the other candidates for the PWR program manager
15 position that question?

16 A Yes, we did.

17 Q What are you looking for, for a superior answer on
18 that question?

19 A Question is: Discuss your specific management
20 experience and training. I rated him a seven. He basically
21 said that he had 24 years of management experience, that he
22 was the chemistry manager at Sequoyah for four years. You
23 have to know how to compete to succeed.

24 I thought he had an opportunity to talk about some
25 of the issues that he would have had to have dealt with as a

1 manager, to let us know that he -- he had the skills for the
2 position that he was aspiring to. He didn't mention, to my
3 recollection, anything about the training that he had, that
4 might have further influenced us as far as his expertise was
5 concerned.

6 Q Is that a management-specific question or a
7 technical question?

8 A It's more towards the management side. But, I
9 mean, when you talk about training, he could have indicated
10 that -- what training courses he had taken that, you know,
11 further elevated him as far as in expertise.

12 Q And Question #17 is handwritten. Did you write
13 that in?

14 A Yes, I did.

15 Q Who wrote that -- who came up with that question?

16 A Charles Kent at the beginning of the NSRB session.

17 Q And was that question asked of Mr. Fiser and the
18 other candidates?

19 A Yes, it was.

20 Q What would a ten or superior answer to that be?

21 A I rated Mr. Fiser an eight. He indicated the
22 concentration of sodium and chloride, get the sodium down,
23 add ammonium chloride. He indicated that the Watts Bar
24 limit was approximately .5.

25 I was looking for a bit more discussion about why

1 the molar ratio was important, specifically regarding the
2 sodium concentration, and what sodium does in relation to
3 crack growth.

4 Q What area of chemistry does molar ratio relate to?

5 A The term you're -- you're looking at, the crack
6 generation and its -- you use the term for both, but
7 primarily secondary side.

8 Q Secondary side.

9 Now, we just went through each of the questions,
10 and you told me what you were looking for, what criteria you
11 were looking for, for a superior answer. How would the
12 candidates know what criteria you were looking for, for a
13 superior answer?

14 A Other than when you ask the question, they're
15 going to give you the full and the best answer that they
16 have. And there's not an outline for them as to how to
17 answer the question.

18 Q And did the criteria you used for determining
19 what's a superior answer, was that necessarily the same
20 criteria that Mr. Kent and Mr. Rogers would have used, or
21 could they have had different criteria?

22 A You know, the way they rated the question was
23 based upon their knowledge, work experience, and what their
24 expectations were in regards to that question. And we
25 didn't have a -- an outline or a score card, per se. It was

1 based upon professional judgement.

2 CHAIRMAN BECHHOEFER: Mr. Corey, before a
3 candidate went through these questions, question and answer
4 exercise, were they given any general criteria, such as look
5 at the question and then answer not only all aspects of --
6 of the particular question, but go beyond and analyze the
7 implications, if any, of -- of the particular questions and
8 how to correct problems that were being asked about? Or
9 were they told just to strictly stick with the questions and
10 answer the question, and if you're asked about a problem,
11 tell what you know about the problem, but don't go beyond
12 that? Are there any general discussions with the candidates
13 by -- by anyone, I should say, but by -- either by HR people
14 or by technical people who knew something about the area,
15 about how to -- how to answer these questions?

16 THE WITNESS: When the individuals came in, as --
17 as I recall, there was sort of an icebreaker. And -- and I
18 believe the HR individual -- it may not have always been
19 that person, but, you know, you're going to ask you some
20 questions (sic), you know. Please give us your -- your full
21 and complete answer, as best you know. There's not a time
22 limit on your response, you know. Use this opportunity.

23 And then during the questions we would -- you
24 know, would ask the question, and we -- we might prompt the
25 individual, in case we thought that they were just, you

1 know, locked up and -- and as I indicated earlier, failing
2 open on something, to -- you know, to help the person along.

3
4 But people at this level, okay, have had many
5 years of experience. This probably wasn't their first
6 selection review board or their first chance to interview
7 for a job. These people were career professionals. This is
8 an area for which they have been trained and are
9 experienced. And they were the top candidates to come
10 before the board. We weren't talking to rookies. These --
11 these people had knowledge, had experience. And, by and
12 large, they did fairly well. The fact that you got a seven
13 is better than a six or a five. Maybe not as good as an
14 eight or a nine, but it was, you know, a good score.

15 We didn't, as I recall, have an occasion where
16 somebody completely failed open on a question. There may be
17 one in here, but I just don't recall it at the moment. But
18 we didn't just ask the question and they had a certain fixed
19 time limit to give us the answer. We would try to prompt
20 them, as they went through it, to tell us as much as they
21 wanted to tell us about that particular question and that
22 particular area of expertise. It wasn't -- it wasn't -- we
23 tried not to make it intimidating or strict. It was very
24 casual, from the standpoint that we were giving them an
25 opportunity to tell us about themselves and what they had

1 accomplished and what they thought they could accomplish.

2 CHAIRMAN BECHHOEFER: Well, for instance, on the
3 question about denting, would you -- would the candidate
4 have been expected not only to identify what denting is, but
5 what can you do to stop it from happening?

6 THE WITNESS: That would be a definite plus to
7 somebody saying, "Okay, I understand that it's caused by
8 iron oxide that accumulates on the surface of the steam
9 generators in various locations." And as the question
10 indicated, you know, where and how does it occur.

11 And when you -- when it talks about, well, why
12 does it occur; well, you have too much iron oxide. And, you
13 know, what you could do to fix the problem. Not only
14 knowing this, I know that there's a problem that exists
15 there, but, you know, I could tell you how to solve it.

16 CHAIRMAN BECHHOEFER: Well, would he have been --
17 would a candidate have been prompted to -- to say that? Now
18 that you've identified what the problem is, what could be
19 done about it.

20 THE WITNESS: Yes, sir.

21 CHAIRMAN BECHHOEFER: Do you know? Would he have
22 been prompted along that line?

23 THE WITNESS: Yes, sir.

24 CHAIRMAN BECHHOEFER: Do you know whether Mr.
25 Fiser was, or do you remember whether he was prompted?

1 THE WITNESS: I remember that we -- we prompted
2 Mr. Fiser on a couple of occasions because he was so laid
3 back. And we were kind of like, "Well, you know, is that
4 all you want to say about it? Is there something more you
5 want to add?" you know. And we would try, as we did with
6 the rest of the candidates, to make sure they gave us all
7 the information they could.

8 CHAIRMAN BECHHOEFER: I see.

9 BY MS. EUCHNER:

10 Q Mr. Corey, I'd like you now to flip towards the
11 back of the book. And let me see if I can find the correct
12 page. Starting on Page 364.

13 A Okay.

14 Q And I'm looking 364 through...

15 CHAIRMAN BECHHOEFER: 364?

16 MS. EUCHNER: Yes.

17 Q 364 through 370.

18 Was that document in your notebook the day of the
19 selection review board interviews?

20 A I believe so.

21 Q Do you recall whether you reviewed this document?

22 A This is the vacant position announcement on 364.
23 It describes the duty and the minimum qualifications for the
24 position.

25 Q Would this be similar to the spreadsheet that you

1 discussed earlier?

2 A It would have this -- this basically -- you would
3 use some of the information from the vacant position
4 announcement which originates from the job descriptions to
5 define the criteria on your spreadsheet.

6 Q And is it typical to provide this kind of
7 information to the selection review board?

8 A The vacant position announcement is usually
9 provided to the selection review board.

10 Q What about all of the job history information? Is
11 that normal to provide that to the selection review board
12 members? I believe that's on Page 369.

13 A I do not recall.

14 Q If the review board members are only supposed to
15 be rating based on the answers to the interview questions,
16 why would the previous job titles and positions be relevant
17 to the selection review board members?

18 A It's probably redundant in the sense that you've
19 already done your spreadsheet as the responsible supervisor,
20 and have already determined that the people who are being
21 interviewed meet the minimum qualifications. And I don't
22 know if the -- the folks at -- that worked up the process
23 originally, I suppose, thought it was a good idea. I don't
24 know. It appears redundant to me.

25 Q And I have just one more question out of this

1 book, although I guess that's dangerous for a lawyer to say.
2 Who knows.

3 Page 235 is your score sheet for Mr. Fiser, if you
4 could flip back to that page. You have a few scores in
5 there, it looks like, for Question #7, Question #9, and
6 Question #12, where you did not give a whole number score.
7 You gave a 7.5, a 7.8, a 7.5. Why did you decide to break
8 it up like that instead of just relying on whole numbers?

9 A I guess I wanted a little more detail.

10 Q What would the difference between a 7.8 and an 8.0
11 be?

12 A Two-tenths.

13 Q In terms of them giving an answer?

14 A It was just a figure of merit. I don't know why I
15 did it that way, other than when I was in school I was live
16 or die for a couple of points, you know.

17 Q All right, you can put the notebook aside for now.

18

19 At any point during this process, either before
20 the interviews started, during the interviews, or after they
21 concluded, did you discuss with any of the other selection
22 review board members or Dr. McArthur the selection of any
23 particular candidate?

24 A No, not that I recall.

25 Q At the end of the entire process, did the

1 selection review board get together and make a
2 recommendation for each position?

3 A We did not as a selection review board. We turned
4 in our sheets and turned in our notebooks at the end of the
5 day. And the -- I did not know, when I left that day, as to
6 who was selected or who was going to be recommended for
7 which. I turned in my score sheets and my books and I left.
8 And it wasn't until they made notifications to the people
9 who were selected, I found out as to who was selected.

10 Q Now, you mentioned earlier, when we were talking
11 about selection review boards, that you handed in your score
12 sheet, as soon as you were done with it, to the HR person;
13 is that correct?

14 A When we got done rating, there was a little
15 discussion towards the end of -- after the individual had
16 left the room, as I indicated earlier. But I had scored my
17 individual questions, and I was basically doing my
18 arithmetic, if you will, and double-checking my numbers to
19 make sure that I didn't make an arithmetic error. And then
20 we all just turned them in.

21 Q Who was the human resources facilitator for those
22 interviews?

23 A Milissa Westbrook I believe is her name.

24 Q So at the end of the interviews, when you turned
25 in your notebook, the score sheets were not in it?

1 A I turned in my notebook. She had the sheets. And
2 however she compiled the information after that.

3 Q But at the end of the interviews, when you handed
4 her your notebook, the sheets were not in it? You had
5 already given her the sheets separately?

6 A Yes, ma'am.

7 Q So the fact that the sheets are now in the book
8 means that either she or somebody else reinserted those
9 score sheets into the notebook?

10 A They would have had -- someone would have had to
11 have. Yes.

12 CHAIRMAN BECHHOEFER: Then the sheets were --
13 score sheets were turned in after each candidate; is that
14 not correct? Before you got to the next candidate?

15 THE WITNESS: That's correct.

16 CHAIRMAN BECHHOEFER: Okay. Thank you.

17 JUDGE YOUNG: So -- so you didn't keep all the
18 score sheets and check them at the end of the day?

19 THE WITNESS: No, ma'am, I turned mine in.

20 JUDGE YOUNG: You did it at the -- each at the end
21 of each interview?

22 THE WITNESS: That's correct.

23 JUDGE YOUNG: Okay.

24 BY MS. EUCHNER:

25 Q To your knowledge, did Mr. Kent and Mr. Rogers

1 also turn their score sheets in as the interviews went
2 along?

3 A Everybody did. We wanted a clean slate for the
4 next person coming in.

5 Q Prior to these interviews, were you aware that Mr.
6 Kent had sought to have Sam Harvey transferred to Sequoyah
7 permanently?

8 A Repeat your question.

9 Q Prior to the interviews, sometime in the spring of
10 1996, were you aware that Charles Kent had sought to have
11 Sam Harvey transferred to Sequoyah on a permanent basis?

12 A I don't recall. I'm not involved in the staffing
13 at the sites, at the different sites. Quite honestly, I
14 don't have the time. I don't recall.

15 Q If you had known that, would it have influenced
16 you in terms of thinking that Mr. Kent would be biased
17 towards Mr. Harvey?

18 A No, I think if I had known, it wouldn't have made
19 a difference in my mind. I've known Mr. Kent for a lot of
20 years, and I've never known him to be biased about somebody,
21 or petty in any sort of way. He's always been a very fair
22 and honest individual, to my knowledge.

23 Q Okay, I lied about not having any more questions
24 about the notebook.

25 A Can I comment on that?

1 Q I have a question about the -- the denting
2 question. You stated, when I asked you what you were
3 looking for in a superior answer, that you were looking for
4 a candidate to tell you what they were -- would do about
5 denting, what they would do to prevent denting. And I asked
6 you, well, did the question ask what you would do to prevent
7 it. If that's what you were looking for in an answer, why
8 didn't the selection review board change the question to:
9 What do you do to prevent denting?

10 A Well, as I indicated earlier, we were prompting
11 people to elaborate further on it. I don't know, to be
12 quite honest with you. I mean, to me, when you -- when
13 you're given a problem, the term "denting" is very, very
14 significant. Where does it occur. How does it occur. And
15 when you talk about how it occurs, you have to talk about
16 why the iron oxide is available in the system to get to the
17 steam generator. And when you have an adverse condition
18 like this, then the next footfall in the discussion is:
19 Describe what you would do to prevent it.

20 Q Was that question asked?

21 A To -- to the best of my recollection, we were
22 prompting people to give us the full, complete answers we
23 were looking for.

24 Q By that, I believe when the judges were
25 questioning you earlier, when you said "prompting," you were

1 talking about, "Is there anything more than you want to say?
2 Is there anything more you want to tell us about that?" Is
3 that the kind of prompting that you're referring to? Or are
4 you talking about a specific prompt, saying, "Well, how do
5 you prevent denting?"

6 A I can't recall exactly the words that we used when
7 we prompted people. But we were trying to -- to give them
8 an opportunity to steer them towards a full, complete
9 answer. And I think that for all the questions that we
10 asked of all the people we asked that day, we did our level
11 best to give them every opportunity to expound at length
12 about the questions.

13 Q And I believe you said earlier that the -- you
14 went through the questions up-front and determined who would
15 ask one -- what question, so that you would ask the same
16 three questions of all the candidates; correct?

17 A That's correct.

18 Q Does that mean that you would be the only one who
19 was allowed to follow up on that question?

20 A No.

21 Q So if you asked a question, Mr. Kent could have
22 followed up on it, if he didn't understand?

23 A That's correct.

24 Q I have nothing further at this time.

25 CHAIRMAN BECHHOEFER: Would it be desirable to

1 break for lunch before your cross, Mr. Marquand? Would you
2 prefer that?

3 MR. MARQUAND: Yes, Your Honor.

4 CHAIRMAN BECHHOEFER: Otherwise, we'd just go for
5 a few minutes and then...

6 MR. MARQUAND: I don't think it makes much sense
7 to break it up. I don't think it makes much sense to break
8 it up by having a little bit more now than breaking for
9 lunch and then trying to finish it up. I think it makes
10 sense to take the lunch break now.

11 CHAIRMAN BECHHOEFER: Why don't we be back at
12 1:00, then.

13 MR. MARQUAND: Yes, Your Honor.

14 (Whereupon, a luncheon recess was taken at
15 11:53 a.m., the hearing to resume at 1:00 p.m.,
16 the same day.)
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AFTERNOON SESSION

CHAIRMAN BECHHOEFER: Back on the record. Mr. Marquand.

MR. MARQUAND: Mr. Slater is going to examine Mr. Corey.

CHAIRMAN BECHHOEFER: Okay. Mr. Slater then. Whereupon,

JOHN COREY

RESUMED his status as a witness herein and was examined and testified further as follows:

MR. SLATER: Thank you, Your Honor.

CROSS EXAMINATION

BY MR. SLATER:

Q Mr. Corey, in your direct examination, Ms. Euchner asked you about your knowledge of Mr. Harvey, Mr. Chandra and Mr. Fiser; do you recall that?

A Yes, I do.

Q And I believe you said that you had limited knowledge of Mr. Harvey's and Mr. Chandra's and Mr. Fiser's experience prior to the 1996 selections; is that correct?

A I had limited knowledge of Mr. Fiser and a little bit more but still limited for Mr. Harvey. Mr. Chandra I had a little bit more, but his -- my experience with him was later after the 1996 selection board.

Q Okay, but up until the selection review board in

1 July of 1996, how familiar were you with Mr. Harvey's -- I
2 mean Mr. Chandra's work experience?

3 A I new of his academic credentials and I knew that
4 he spent a lot of his time as far as -- at the corporate
5 office. He hadn't been to the sites per se that much.

6 Q And his interface was mainly with your chemistry
7 guy?

8 A That's correct.

9 Q And you had also limited exposure to Mr. Harvey's
10 experience, is that correct?

11 A Yes, only to the extent that when he came to the
12 site to work out the details for a TVAN-wide contract for
13 chemistry -- for a chemical treatment program of some sort,
14 then we might get a briefing at the rad chemistry manager
15 level.

16 Q Now you also testified that at some point in time,
17 Mr. Chandra became the acting chemistry superintendent at
18 Browns Ferry?

19 A Yes, sir, our chemistry superintendent at the time
20 departed very abruptly and this was I believe in 1997.

21 Q So this was after the review board that you sat on
22 with respect to the selections that we've been talking about
23 this morning.

24 A I believe that's correct.

25 Q Now the SRB that we talked about a little bit this

1 morning, your role there was as a member of the SRB, is that
2 correct?

3 A That's correct.

4 Q So that would mean then that by the time the ball
5 came to your court and the court of the other members of the
6 SRB, the selecting manager had made a cut of applicants to
7 be interviewed, is that correct?

8 A That's correct.

9 Q Do you recall approximately how many applicants
10 you and the other SRB members were -- strike that. Could
11 you turn to page 209 of Joint 21?

12 A Page 209?

13 Q Before we move on to JX-21, you said that you were
14 familiar with Chandra's educational background. Could you
15 expound on that?

16 A Within TVAN, he held -- probably the most
17 knowledgeable individual we have on inorganic chemistry. He
18 has a doctorate degree.

19 Q So it's Dr. Chandra?

20 A Yes, it is.

21 Q Okay. Could you please turn to page 209 of JX-21?

22 A Okay.

23 Q Now in addition to the PWR job that you and Ms.
24 Euchner talked about this morning, were there other
25 positions that were being interviewed for in July of 1996?

1 A That's correct. There was a BWR chemistry
2 position, a radiological control programmatic position,
3 there was a radiological control tech support position,
4 there was a rad waste environmental protection position.

5 Q And these were all corporate positions, is that
6 correct?

7 A That's correct.

8 Q And these positions are there to -- or the
9 incumbents who fill these positions are there to assist and
10 support the sites, is that correct?

11 A That's correct.

12 Q Now you said that the selecting manager, who is
13 Dr. McArthur -- is that who the selecting supervisor was?

14 A Yes.

15 Q And that he -- at some point in time, you
16 suggested to him that it would be a good idea to have the
17 peer team members to sit on the SRB for not only the BWR
18 position but all these other positions that are set forth on
19 page 209, is that correct?

20 A That's correct.

21 Q Could you tell us why you thought it was a good
22 idea that the peer team members sit on the SRB?

23 A We're the primary customers of their service and I
24 felt that with a fewer number of corporate positions
25 available, they needed to select the very best people for

1 the job.

2 Q And now when you -- that related to all of these
3 positions, all five of them, is that correct?

4 A That's correct.

5 Q Now at some point in time, you were contacted to
6 sit on the SRB, is that correct?

7 A Yes.

8 Q It was you and Mr. Cox and Mr. Kent.

9 A That was my understanding.

10 Q And is it your understanding that at some point
11 down the line that Mr. Cox had a scheduling conflict?

12 A That's what he said.

13 Q And that he was subsequently replaced with Rick
14 Rogers, is that correct?

15 A That's correct.

16 Q To your knowledge, do you know of any reasons that
17 would suggest that Mr. Rogers was not qualified, based on
18 his experience, his professional judgment, to sit on the
19 SRB?

20 A No, he was fully qualified.

21 JUDGE YOUNG: I'm sorry, I didn't catch your
22 answer.

23 THE WITNESS: He was fully qualified to sit on the
24 board.

25 JUDGE YOUNG: Oh.

1 BY MR. SLATER:

2 Q So you wouldn't have any reservations in asking
3 him to sit on one of your boards?

4 A Oh, no, be glad to.

5 JUDGE YOUNG: What was his position again?

6 THE WITNESS: He had experience in operations and
7 tech support at the power plants.

8 JUDGE YOUNG: What position was he in at the time?

9 THE WITNESS: I do not recall his formal title at
10 that time.

11 JUDGE YOUNG: He was in corporate?

12 THE WITNESS: I believe that's correct.

13 CHAIRMAN BECHHOEFER: Would the SRB members all
14 have to be qualified in all these -- to evaluate candidates
15 for all of these positions?

16 THE WITNESS: Based on --

17 CHAIRMAN BECHHOEFER: Positions listed on page
18 209.

19 THE WITNESS: In the sense that they're task
20 qualified; no, to do that work, but as a customer, knowing
21 what those services are that that incumbent would have to
22 provide; yes.

23 BY MR. SLATER:

24 Q But you have no knowledge that Mr. Rogers did not
25 have the necessary credentials to fairly and fully evaluate

1 all of the candidates for each of the five positions listed
2 on page 209?

3 A I thought he was very qualified from operations,
4 his operations background would tell you that he has a very
5 strong knowledge of what chemistry is and does at the
6 nuclear plant and why it's important. There are technical
7 specifications regarding the plant operation which directly
8 impact operations that are chemistry in nature. At one
9 time, chemistry was part of the tech support program at the
10 nuclear sites, so he would have had that understanding as
11 well, and at that time they also took care of rad waste, so
12 he would have had that knowledge.

13 So I thought he was eminently qualified to sit on
14 the board.

15 Q Now once the board was set with you and Mr. Kent
16 and Mr. Rogers, I think you testified that the day of the
17 interviews, you had a peer team meeting, is that correct?

18 A Yes, sir, that morning.

19 Q And that ran from like 9:00 until 12:00?

20 A Yes, sir.

21 Q And when that meeting broke, then you went into
22 session to start the interview process for these positions
23 that are set forth on page 209.

24 A Yes, sir, there was a small delay, but there
25 wasn't much.

1 Q Now prior to starting the actual interviews, did
2 you and the other two members meet just to talk about maybe
3 the questions or the process?

4 A We weren't talking about the questions or the
5 process. If you're referring to our conversation that was
6 outside the room?

7 Q No, I'm talking about, if you take a look at the
8 schedule, on page 221 --

9 A Yes, sir.

10 Q -- it says from 12:00 to 12:30 there was board
11 preparation.

12 A Yes, sir, we were in the room, our notebooks were
13 handed out and we went through the questions and decided
14 which questions we were going to ask and who was going to
15 ask the questions and trying to get the logistic down about
16 turning in your sheets at the end of the interviews and that
17 type thing, yes.

18 Q Now when you and the other members had discussed
19 who was going to ask what questions, you may have been
20 assigned to questions 1, 4 and 3 and you would ask those
21 questions of each of the applicants for say the PWR job and
22 whoever else had, you know, another set of questions would
23 ask those same questions to all the applicants and the third
24 guy would ask the final set; is that the way it worked?

25 A Yes, sir.

1 Q Now I believe one question was added, is that
2 correct?

3 A Yes, sir, Mr. Kent added the question number 17 on
4 my sheet which is about the molar ratio.

5 Q Okay. Now one member can't just add a question.
6 Tell us how that process works in which a question would be
7 added.

8 A There's no rules to prohibit adding the question,
9 so long as the question is asked of all the applicants.

10 Q Now but would you -- if Mr. Kent wanted to add a
11 question, would you and Mr. Rogers have to agree that that
12 question is a good and fair question and should be -- and
13 could be asked also?

14 A Yes, sir, that was the consensus of opinion.

15 Q And did that occur here?

16 A Yes, sir.

17 Q Now I believe you also testified that prior to
18 going into session to start interviewing, that Mr. Kent made
19 a comment about Mr. Fiser's DOL complaint.

20 A We were just outside the room having some coffee
21 to get a little refreshed after the rad chem peer team
22 meeting and he just walked up and I guess he had a cup of
23 coffee in his hand and I believe he was talking to Wilson
24 McArthur, just -- and I was kind of off to the side just a
25 few feet, and basically mentioned about a DOL complaint.

1 The only knowledge I had of any such complaint was the one
2 that was in the early '90s. It really didn't make an
3 impression on me, I knew I was going in there to do
4 selections and I wanted to be as unbiased as possible and I
5 was kind of like, you know, so what, let's just get on with
6 the business at hand.

7 Q Now in conjunction with the comment about Mr.
8 Fiser's DOL, did Mr. Kent advise Mr. McArthur that maybe he
9 should not participate as -- participate by asking questions
10 or participate in any way in the interviews?

11 A I don't remember any follow up conversation in
12 that regard. I was basically just getting myself set to go
13 in and I really didn't carry the conversation forth.

14 Q To your recollection, did Mr. McArthur, Dr.
15 McArthur, ask any questions during the interviews of any of
16 PWR candidates?

17 A No, sir, I don't believe he asked any questions at
18 all.

19 Q To your recollection did he participate in any
20 way?

21 A No, he just sat in as an observer.

22 Q Did he participate when -- I believe you testified
23 that you had discussions after the folks interviewed.

24 A I don't recall him saying anything.

25 Q Okay. Did Mr. McArthur ask you or suggest to you

1 or direct you to grade or rate any candidate in any manner?

2 A No, sir.

3 Q Did anybody else ask you to rate or grade any
4 candidate in any particular way?

5 A No, sir.

6 Q And I believe your testimony was that you graded
7 or you rated the responses to the questions based on your
8 knowledge, experience, expectation and professional
9 judgment, is that correct?

10 A That's correct.

11 Q And did you rate Mr. Fiser, Mr. Chandra, Mr.
12 Harvey based on their responses filtered through your
13 knowledge, experience, expectation and professional
14 judgment?

15 A Yes, sir.

16 Q Do you have any reason to doubt that the other SRB
17 members rated the candidates through the filter of their
18 knowledge, experience, expectation or professional judgment?

19 A I believe that they did it the same way I did.

20 Q Did any member of the SRB suggest to you or --
21 suggest or direct you to slant your rating of any candidate?

22 A No.

23 Q Did -- were there any discussions about how the
24 candidates should be rates, other than between 1 and 10?

25 A Basically 1 and 10.

1 JUDGE YOUNG: Other than between 1 and 10, you
2 mean --

3 MR. SLATER: The scoring range.

4 JUDGE YOUNG: Other than just to discuss that
5 there would be a 1 to 10 scoring range, is that --

6 THE WITNESS: Yes, ma'am, that was all we talked
7 about as far as the scoring protocol at the beginning of the
8 review session.

9 JUDGE YOUNG: Just to follow up on the last few
10 questions. Am I understanding you correctly -- well, let me
11 ask it this way -- were there ever any unspoken messages of
12 the sort that can sometimes arise in groups of people that
13 would have led you to rank one candidate higher or lower?
14 For example, earlier you were asked about the tape
15 recording. Was there ever any sense that you should rank
16 one candidate higher or lower based on a general perception
17 of what TVA wanted or any other factor?

18 THE WITNESS: No, I didn't feel like there was any
19 direct or indirect signals or inferences to grade someone a
20 certain way. If I might add, the peer team members are very
21 independent thinking people. One of the criticisms we've
22 had in the past is we don't agree a whole lot. We're very
23 strong-willed individuals and we argue to the hilt when we
24 feel very strongly about issues. Mr. Kent and I have gone
25 round and round on many issues over the last two decades and

1 at times people will come to us and say will you please just
2 agree. And sometimes when it comes down to points of
3 principle in our field, we feel very strongly and we will
4 not agree. So it's unthinkable to me that one of us would
5 do something of that nature, and it wouldn't be well
6 received at all if one of us tried.

7 JUDGE YOUNG: Do you think that there was any
8 message that could have come from anywhere, not from each
9 other but from anywhere that would have suggested that Mr.
10 Fiser might not be a good candidate?

11 THE WITNESS: No, ma'am.

12 BY MR. SLATER:

13 Q Before I continue with the SRB process, I believe
14 in direct examination, Ms. Euchner asked you about peer team
15 meetings and whether some folks are excluded for certain
16 portions; do you remember that?

17 A Yes, I do.

18 Q And she asked you whether or not you recalled Mr.
19 Fiser ever being excluded from a portion of a meeting, do
20 you recall that?

21 A I recall and I believe that I said I didn't have
22 direct recollection of it, although we ask people to step
23 out of the meetings, so it could have happened.

24 Q Do you ever recall Mr. Fiser sitting in as the
25 representative of one of the rad chem managers?

1 A No, I do not recall that ever.

2 Q And if he sat in as a representative of Mr.
3 Grover, would he have been sitting in as a rad chem
4 representative?

5 A No, he would not, he would have been sitting in
6 for the chemistry manager.

7 Q And I believe you testified that folks are maybe
8 excluded when sensitive matters are discussed.

9 A That's correct or just items where you're still in
10 the conjecture phase and we really don't want to put out
11 misinformation of what we're considering doing.

12 Q And I believe you mentioned future programmatic
13 changes.

14 A That's correct.

15 Q What about budget?

16 A Could be budgets.

17 Q Any type of other sensitive matters that you
18 didn't want out there for public consumption until it was
19 finalized?

20 A Yes, sir, whenever people get negative
21 information, maybe it's human nature, they'll pass it along
22 and in doing so, they feel important. And when you have
23 information that's not been approved for dissemination
24 amongst the work force, you want to make sure that you hold
25 it tight until it's all approved. Because it's very

1 counter-productive to put out information that's not the
2 program direction. And sometimes we'll debate issues very
3 strenuously and in a heated way. And we really don't want
4 those discussions to be public knowledge until we've come to
5 a consensus of opinion.

6 As I said earlier, we sometimes disagree very
7 strenuously.

8 Q Well, let me ask you this. If some of these
9 sensitive matters were to be discussed and Mr. Grover was
10 attending one of these peer team meetings, would he be asked
11 to excuse himself?

12 A Yes, sir.

13 Q Did anyone ever suggest that Mr. Fiser should be
14 excluded from any peer team meeting because of his tape
15 recording?

16 A No.

17 Q Now during the board preparation session between
18 noon and 12:30, you and the other two board members had a
19 list of questions, is that correct?

20 A Yes, sir.

21 Q And one question was added.

22 A That's correct.

23 Q And in that list of questions with the one added,
24 then the three of you decided which questions would be
25 asked.

1 A That's correct.

2 Q And as to the PWR job, if you would turn to page
3 233 -- 232 and 233, nine questions are circled.

4 A That's correct.

5 Q And are those the questions that were asked during
6 the PWR interviews?

7 A That's correct.

8 Q Could you tell us, Mr. Corey, whether or not any
9 of these questions are slanted in the direction of anyone
10 having primary or secondary chemistry experience?

11 A I don't think that the questions as a whole are
12 slanted to a particular background, whether it be primary or
13 secondary. I think that they could be answered from either
14 viewpoint and done adequately.

15 Q Could you give us some examples? Let's take
16 number one for instance.

17 A That's just what strengths do you have that will
18 benefit this position. You talk about your particular
19 background, your knowledge, experience, your education and
20 why you think those attributes are going to be successful
21 for you in that position. And you would have that
22 opportunity whether you're a secondary chemist or a primary
23 chemist or a corporate chemist.

24 Q What about number seven?

25 A Describe three project programs that you helped

1 initiate, develop and complete in the chemistry area. That
2 could be either primary or secondary, you know. It could
3 have been a boiling water chemistry type question, you know.
4 We're just looking for those programs and projects that you
5 undertook that were particularly significant, that you
6 wanted to convey to people just how important they were and
7 how successful you were about doing them.

8 Q Now are there certain questions on this list that
9 are secondary chemistry questions?

10 A The question number 12 about denting talks about
11 corrosion. You could have answered that question from a
12 perspective of either from a secondary PWR side or you could
13 make an analogy to the same issue regarding iron oxide build
14 up on a BWR side. What you're concerned about is that
15 you've got carbon steel piping that is wearing away and when
16 you start moving metal around inside this piping, it has a
17 destructive influence on things that it impales upon or
18 collects on, especially surfaces that get hot and you have
19 to transfer heat across that surface.

20 It's also a concern on fuel. You could look at
21 corrosion issues regarding fuel. That's the primary side.
22 One of the most important things about chemistry is
23 maintaining chemical controls such that you don't release
24 fission products out of the fuel assemblies into the
25 reactor cooling system.

1 CHAIRMAN BECHHOEFER: Mr. Corey, from what I'm
2 just understanding though, from either the primary or the
3 secondary side, you might expect different answers to these
4 questions, depending on what the experience or background of
5 the persons answering this was; is that not correct?

6 THE WITNESS: That's correct for the majority of
7 the questions. Item number 12, when they refer to denting,
8 they're talking about corrosion on steam generators, but the
9 fact of the corrosion aspect itself, the science behind it,
10 why it occurs, that same phenomenon happens on other parts
11 of the system as well.

12 JUDGE YOUNG: Is the term denting used with regard
13 to those other systems also?

14 THE WITNESS: I've only heard the word denting in
15 regard to steam generators, but you might hear the word
16 spalding or pitting, kind of an analogous type thing, you
17 can actually have corrosion, spalding, pitting on fuel and
18 when you look at it, it looks a lot similar. It's just
19 localized corrosion of the metal.

20 JUDGE YOUNG: Would someone who had not had
21 experience in the secondary chemistry area be likely to know
22 the term denting?

23 THE WITNESS: I would say so, because the steam
24 generators are a critical component at the Sequoyah and
25 Watts Bar nuclear plants. The steam generators themselves,

1 you're talking a \$100 million replacement cost, so I'd say
2 if you went out and talked to the average employee about
3 what the concerns are, they would talk about denting and
4 sludge lancing on steam generators and the fact that it
5 takes a lot of dose to go clean them up.

6 JUDGE YOUNG: A lot of what?

7 THE WITNESS: It takes a lot of radiation exposure
8 on the part of personnel to go clean them.

9 JUDGE YOUNG: Oh.

10 THE WITNESS: And it's going to cost a lot of
11 money to replace them. I mean it's a huge, huge project
12 that they're going to have to do.

13 JUDGE YOUNG: So it's generally know, you're
14 saying, that that was a big issue.

15 THE WITNESS: Oh, yes, ma'am. We're all worried
16 about our jobs and want to keep these plants on line, so
17 anything that adversely affects them -- we're trying very
18 hard in TVA to communicate issues right down to the lowest
19 levels in the plants, so that everybody understands, you
20 know, we need to maintain fuel integrity, we don't want
21 leaking fuel because everybody knows as the contamination
22 levels go up, the workers get more dose, they don't want
23 that dose, you know. No one wants to have to go in and
24 repair these systems because it's a hot, challenging
25 environment in which to work. So everybody is keyed in to

1 what is successful and what it takes to be successful.

2 JUDGE YOUNG: Thank you.

3 JUDGE COLE: Mr. Corey.

4 THE WITNESS: Yes, sir?

5 JUDGE COLE: Is the term denting associated with
6 some physical action on the tubes, is that how the term
7 originated or am I going down the wrong road here?

8 THE WITNESS: No, sir, as I said, it's localized
9 corrosion and it has to do with your impacting the integrity
10 of the metal and by the build up of the oxide itself, it
11 impedes heat transfer.

12 JUDGE COLE: But does it also dent the tubes by
13 physical expansion of the corrosion products, is that how
14 the term came about?

15 THE WITNESS: I'm not sure I know specifically how
16 the term was coined, but it's a fair assumption.

17 JUDGE COLE: See, because if that's the case, then
18 it's something specifically associated with just steam
19 generator tubes, the term denting. So people might be
20 misled and not give as broad an answer as you might expect.

21 THE WITNESS: Well, they were talking about PWRs
22 and I think when they mention the term denting, it's pretty
23 common lingo amongst the chemistry people for certain,
24 whether they be in corporate or at the sites, that they knew
25 what we were driving at, but the issue is you're causing

1 localized corrosion.

2 JUDGE COLE: All right, sir, thank you.

3 BY MR. SLATER:

4 Q Mr. Corey, would you expect the person who was
5 seeking -- or the persons seeking the position, this PWR
6 position, to know what denting is?

7 A Yes, sir.

8 Q And why is that?

9 A Yes, sir.

10 Q Why is that?

11 A Oh, because you're talking about, as I said
12 earlier, a critical component. I mean these are
13 structurally a very large piece of equipment that's inside
14 containment and it is the interface between the super-
15 heated, contaminated water from the reactor and the pure
16 water from the turbine side. And if the tubes corrode, if
17 they fail and you have a transfer of radioactive material to
18 the secondary side, then you're talking about shutting the
19 unit down and going in and having to clean out the
20 generators and plug the tubes. And the more tubes that you
21 plug so that they're no longer a leak path, the less
22 efficient the generator becomes over time. After a certain
23 period of time, you have to go in and cut a great big hole
24 in your primary containment and go in there and get that
25 thing out of there, and it's a very expensive, long-term

1 outage and that means the plant is shut down for a
2 protracted period of time while you're doing it. It's a
3 huge loss of revenue.

4 Q Now I believe as to question number 12, you were
5 asked by Ms. Euchner -- I believe you testified that you
6 expected the person to not only define what denting is and
7 how does it occur, but also to propose a way to prevent it.

8 A Yeah, what ways would you mitigate it. I mean you
9 want people on your staff who not only identify the problem,
10 but come up with a solution. The most successful people in
11 our industry are people who find the problems and bring
12 forth the solutions.

13 Q How would the person who is interviewing and
14 addressing the question -- how would that person know to not
15 only define it and tell you how it occurs, and then propose
16 a solution to it?

17 A If I were the interviewee and I was asked a
18 fundamental question like this, I would not only describe
19 what caused the problem, but what I could do to fix it. I
20 would want them to see that I had worth, that I had value in
21 solving this problem, which was a significant economic
22 impact to the plant. And we were also, as I said earlier,
23 trying to prompt people to give us the full, complete answer
24 so that they would use this opportunity to expound upon
25 their knowledge and what attributes they could bring to the

1 table to solve the problems because corrosion on the steam
2 generators was a problem and we were fixing to go replace
3 steam generators.

4 Q So you were looking for someone who --

5 CHAIRMAN BECHHOEFER: Am I not correct though that
6 you said in terms of prompting, you didn't remember whether
7 somebody like Mr. Fiser was asked how would you fix this
8 problem or how -- once the question had been asked for him
9 to define it, describe it, et cetera. You didn't remember,
10 as I recall, whether he was prompted to say well, what can
11 be done about it.

12 THE WITNESS: I can't recall whether we
13 specifically said those words or not, but in general, we
14 tried to prompt people to get the full, complete answers.

15 CHAIRMAN BECHHOEFER: And did they know that the
16 full, complete answer would be not only to identify a
17 problem and describe it, but also say how to fix it?

18 THE WITNESS: Yes, sir. In a nuclear plant
19 environment, we function as teams to solve problems and we
20 all know how it feels when someone brings us a problem and
21 then basically steps back from it and says it's yours now.
22 And there is so much to do that you're looking for people
23 who not only identify them, but bring you plausible
24 solutions to work on. It's a common attribute that we try
25 to groom into people as they work their way in through the

1 industry and at our plants is not only to go out and
2 identify problems, but if you have the expertise to help us
3 solve it, feel free, please tell us what you know that could
4 solve it. Most of problems that we have at the plants can
5 be solved by the first line personnel who work with it every
6 day. It's not the manager four levels up that's got the
7 solution, by and large. We facilitate, we remove barrier to
8 people solving problems. Most of the solutions come from
9 the very same people who know enough to identify the
10 problem. And that's the kind of go-get-it, aggressive
11 attitude that we try to groom into our people when they come
12 to work for us at these plants.

13 BY MR. SLATER:

14 Q Is that just a short way of saying that you are
15 looking for folks who are proactive?

16 A Oh, absolutely.

17 Q Not only being proactive, being -- use independent
18 judgement in attacking the problem and coming up with
19 solutions?

20 A Absolutely. We're just like any other large
21 company in the United States. We're trying to succeed, and
22 the way you succeed is you empower people to be successful.
23 You give them the responsibility, you give them the tools.
24 As a manager, your job is to step in there and help them
25 when they hit a wall, to remove the wall, to get the

1 resources and the additional help they need to solve the
2 problem. Tell them it's important, and then help them solve
3 it. And once you do that, you will find that they find
4 problems more readily, and they solve them on their own.
5 And that becomes a self-sustaining work ethic that makes
6 plants like Browns Ferry and Sequoyah successful.

7 Q Let's take a look at Question #11.

8 A Okay.

9 Q Is that particular question, "Describe at least
10 two chemistry concerns at TVAN," tilted in the direction of
11 someone with primary or secondary chemistry?

12 A No, sir, you could have answered that any number
13 of ways. As I indicated earlier, a major concern -- I mean,
14 a primary concern with nuclear safety is containing the
15 radioactivity. And that's a primary chemistry issue. You
16 know, you want to make sure that your water chemistry does
17 not have anything that will attack the fuel itself, or
18 attack the piping integrity on the primary side. You don't
19 want to have water coming out of that pipe, you don't want
20 fission products to come out of that fuel.

21 You could have also answered the question from a
22 secondary side, saying, "Look, steam generator integrity is
23 equally important, and we need to make sure we don't have
24 this denting corrosion problem on the steam generators."

25 Or you could have answered it from the -- the rest

1 of the balance of the plant piping, all of the cooling
2 systems that we use to take the raw water out of the river.
3 We have to treat all that water to make sure that we don't
4 have what's known as bio-fouling. That water is not the
5 best quality, but we have to treat it so that when it goes
6 through all the heat exchangers for all the emergency
7 equipment, that it doesn't clog anything up or doesn't cause
8 it to corrode.

9 So you could have answered it from a number of
10 perspectives, and have equally good answers. We were
11 looking for an aggressive assessment about, okay, what are
12 the problems that we've had. Well, we've had leaking fuel,
13 we got steam generators that are corroding, and we've got
14 secondary piping that's corroding. We've got an aging
15 workforce. We need to automate, and we -- we need to make
16 sure that we've got some kind of attrition plan. You know,
17 any one of those things, any two of those things would have
18 been fine.

19 CHAIRMAN BECHHOEFER: Would that have been ten?

20 THE WITNESS: You could get ten.

21 JUDGE COLE: You'd probably give it a ten.

22 THE WITNESS: Yes, sir. I got wild, and that's
23 why I'm going this way.

24 BY MR. SLATER:

25 Q If you would turn to 233, and let's take a look at

1 Question 17.

2 A Yes, sir.

3 Q Says, "Define 'molar ratio' and the -- and primary
4 functions affecting it."

5 A Yes, sir.

6 Q Was that a secondary chemistry question?

7 A To a large extent. It's talking about crack
8 corrosion, talking about the fact that you're getting
9 impurity into a crack that propagates its erosion and
10 cracking. But you could -- you could jump out of that and
11 go talk about inter stress corrosion cracking, which is
12 another phenomena that's somewhat alike, and it has to do
13 with warm water chemistry.

14 Q Was Question 17 a fair question for the candidates
15 who were seeking this position?

16 A Yes, sir.

17 Q Why so?

18 A Once again, you're talking about minimizing and
19 degradation of a primary plant component through chemistry.
20 And whether it's on the primary side or the secondary side,
21 in this regard it's of equal importance. You're trying to
22 insure integrity of the system that contains a pathway for
23 radioactive release to the public. So it, to me, was an
24 equally good question for somebody either from a PWR
25 background or a BWR background or somebody who'd been at

1 corporate, if they were applying on the position. That's
2 something they should know.

3 Q Do you know whether or not Mr. Fiser knew anything
4 about molar ration?

5 A Well, from his -- I graded him on his response. I
6 thought he gave me an answer that was, you know, in the weak
7 to adequate range, I believe.

8 Q Well, let me ask you this. Why don't you turn
9 over to Page 235 for a moment.

10 A Yes, sir. 17, I graded him as an 8.0.

11 Q Right. And if you take a look at -- let's take a
12 look at his response to Question #11. Before you even got -
13 - get -- before you even got to Question 17, doesn't he
14 mention something about molar ratio control in his answer?

15 A Yes, sir, he does.

16 Q So that would suggest to you that this is -- this
17 is a person who knew about molar ratio?

18 A Yes, sir.

19 Q So would that further suggest that maybe this was
20 not an unfair question to ask Mr. Fiser in -- Mr. Fiser, in
21 particular, and the other candidates in general?

22 A I thought it was a fair question.

23 Q On the whole, Mr. Corey, do you think -- or in
24 your opinion, were the set of nine questions that were asked
25 of the candidates were a fair set of questions to assess the

1 abilities, the experience, and the judgement of the
2 candidates seeking the PWR job?

3 A Yes, sir. And we had our choice of the questions
4 to ask, and one person did not govern about which questions
5 were all going to be asked. We picked out the questions,
6 and we agreed. Three independent minds came up with our
7 questions, and we asked them.

8 Q Now, during your direct examination, in response
9 to one of Ms. Euchner's questions, and I believe you were
10 talking about or discussing with Ms. Euchner Mr. Fiser's
11 demeanor.

12 A Yes.

13 Q And I believe you said, quote, "He -- he looked as
14 though," quote, "he was out of his chair."

15 A Yes, sir.

16 Q Close quote. What did you mean by that?

17 A His posture was such that he was so reclined in
18 the chair that I was wondering when he was going to slip out
19 of it. I mean, he was so relaxed and so laid back, and he
20 was -- his responses were such that you were wondering if he
21 was really paying that much attention to what was being
22 asked. You -- I got the feeling that he wasn't putting
23 himself into it.

24 Q Now, the -- during an interview, and I -- isn't
25 the job in -- in the interview, for the interviewee to

1 attempt to sell himself to the -- to the board?

2 A Yes, sir. I mean, every job I've ever gotten,
3 I've always tried to demonstrate to the individual who would
4 be making that decision that I was the best candidate for
5 that job. I'm competing against everybody else who has an
6 interest in that job, who has a similar qualification. In
7 this particular case, he was competing with two other
8 individuals.

9 Q Now, in Mr. Fiser's case, when he was almost out
10 of his chair, did you get the feeling that he was trying to
11 sell himself?

12 A If he was, he wasn't doing a very good job of it.

13 Q Now, there were other folks who applied for this
14 job and who were interviewed. Sam Harvey, for one.

15 A Yes, sir.

16 Q Do you remember Mr. Harvey interviewing for this
17 job?

18 A Yes, sir.

19 Q You rated Mr. Harvey higher than Mr. Fiser. I
20 believe you gave Mr. Harvey a 77.4, and Mr. Fiser a 65.8.
21 Could you explain to the board why you believed Mr. Harvey
22 deserved a higher score than Mr. Fiser.

23 A Very sharp contrast in -- in their performance.
24 As I said earlier, Mr. Fiser was -- was very laid back,
25 difficult to hear and understand. We prodded. We gave him

1 every opportunity, I thought, to tell us everything he
2 wanted to tell us about the subjects at hand.

3 Mr. Harvey, on the other hand, was extremely
4 aggressive. Once you gave him a question, he ran with it at
5 length. Demonstrated to us that he had a great deal of
6 interest in the job, a great deal of interest in the topic
7 that was being discussed. A very high energy level. Very
8 aggressive, you know. Just let me at the problem and I'll
9 solve it, is the only way I could summarize it. A real go-
10 getter.

11 Q Just for the record, Mr. Corey, could you identify
12 the page number in Joint Exhibit 21 for Mr. Harvey's scores.

13 A That's Page #251.

14 Q And Mr. Fiser's scores are on Page 235?

15 A That's correct.

16 Q Now, Mr. Corey, did anyone instruct or direct you
17 or suggest to you that you should score Mr. Fiser lower than
18 Mr. Harvey because he had filed a previous DOL complaint?

19 A No, sir.

20 Q Did anyone instruct or suggest or direct you to
21 score Mr. Fiser lower than Mr. Harvey because he had tape
22 recorded folks in the past?

23 A No, sir.

24 Q And, now, the PWR job was not the only position
25 that was -- that was being -- that you held interviews for

1 on that particular day; is that correct?

2 A That's correct.

3 Q And I believe you said it was a -- a long day,
4 that you started out early in the morning, and you left late
5 at night back for Huntsville.

6 A That's correct.

7 Q How long did the selection -- this interview
8 process took?

9 A It's like eight hours. It was long.

10 Q And approximately how many people were interviewed
11 for the various jobs?

12 A I think there was ten. They're listed on the
13 agenda sheet.

14 CHAIRMAN BECHHOEFER: Were each of the individuals
15 who were interviewed considered for all five of the jobs,
16 five or six of the jobs listed?

17 THE WITNESS: No, sir. No, sir. Only the ones
18 they applied on. We had health physicists who only applied
19 on the health physics position; they didn't apply in the
20 chemistry position. The chemistry program manager, there
21 was a PWR and a BWR, so they could apply on both of those,
22 if they wanted to, the chemistry folks could. There was a
23 rad waste environmental position.

24 CHAIRMAN BECHHOEFER: So those positions listed,
25 these individuals didn't apply to any one for which they

1 might be selected, in other words?

2 THE WITNESS: They applied on the ones they felt
3 that they were qualified to compete on.

4 CHAIRMAN BECHHOEFER: Right. But then the answers
5 would govern on any of the -- for any of the jobs, the score
6 sheets, et cetera?

7 JUDGE YOUNG: Only the -- only the ones they
8 applied for.

9 CHAIRMAN BECHHOEFER: Well,...

10 THE WITNESS: I'm not sure I...

11 CHAIRMAN BECHHOEFER: ...what I'm saying is, the
12 score -- since these interviews were for -- technically, the
13 way I read that front page there, for all five or six of the
14 jobs listed. Whether or not the individuals applied for it.
15 If the individual had applied for all of the -- of those
16 jobs, the same score sheet would apply, then, for -- for
17 each of the jobs that he applied for?

18 THE WITNESS: If -- if...

19 JUDGE YOUNG: Were there different questions for
20 different jobs?

21 THE WITNESS: Yes, ma'am.

22 JUDGE COLE: And there were separate interviews
23 for each position they applied for?

24 THE WITNESS: That's correct.

25 CHAIRMAN BECHHOEFER: I see.

1 JUDGE YOUNG: And Mr. Fiser only applied for PWR;
2 is that correct?

3 THE WITNESS: I believe that's correct.

4 BY MR. SLATER:

5 Q Now, you also scored Dr. Chandra higher than Mr.
6 Fiser; is that correct?

7 A That's correct.

8 Q And I believe Dr. Chandra's scores are found at
9 Page 267, in Joint Exhibit 21; is that correct?

10 A That's correct.

11 Q Could you describe for us, like you did for Mr.
12 Harvey, why Mr. -- Dr. Chandra, in your opinion, scored or
13 rated higher than Mr. Fiser?

14 A As you can see from my notes, Dr. Chandra
15 expounded at length on several of the topics for which I
16 graded him highly. Extremely knowledgeable individual and
17 an expert in the field. We get calls from all over the
18 country for his expertise, and we rely greatly on his
19 abilities. Extremely educated and extremely intelligent
20 individual.

21 Q And based on his responses to the questions
22 filtered through your -- your knowledge and experience and
23 expectation and professional judgement, you thought he rated
24 higher than...

25 A Yes, sir.

1 Q Could you tell us what is the job of an SRB member
2 with respect to -- need to strike that.

3 Is it the job of an SRB member to base their
4 rating on the response to the individual questions?

5 A Yes, sir.

6 Q And you do not factor in prior knowledge of the
7 candidate's work ethic, work history, and that kind of
8 thing?

9 A That's correct.

10 Q And I believe you testified that if someone that
11 you knew, who was an expert on something, came into the
12 interview and just bombed, and just -- just -- was just a
13 freeze there, didn't know how to respond to it, that person
14 will be judged based on an inability to respond and answer
15 the question?

16 A You have a bad day, you don't pass.

17 Q It's -- it's just tough?

18 A Yes, sir, that's -- that's exactly correct.

19 Q Is -- is that unfair?

20 A The thing about this is, you're trying to be fair
21 to everybody who's applied. And the bottom line is, you
22 bring them in and you try to treat each of them the same.
23 Give them the same opportunity. And no system is perfect.
24 I mean, for many, many years I selected people based upon --
25 I would do my own spreadsheet and I'd make my decision, and

1 that was it. I got the consent of my supervisor, but he
2 relied on my technical knowledge and expertise to pick the
3 right people to make my program successful, and he held me
4 accountable.

5 And, quite honestly, when the selection review
6 board process came out, a lot of us who were running line
7 organizations were kind of like, you know, I've got to jump
8 over another hurdle to accomplish my mission. And, be quite
9 honest, we were all -- you know, had a difficult time
10 getting our mind set that this is what we were going to go
11 do.

12 But by the time '96 rolled around, I can assure
13 you that we were doing it, and doing it well, and we -- we
14 take it as any other directive, you know. The man at the
15 top has made a decision, and he's eminently qualified to do
16 so, and we carried out his directive.

17 It is a much fairer system, in the sense that
18 you're getting a broad review by several professional-level
19 people. And the way they respond in that session is the
20 only way that you can fairly grade them. So if you have
21 somebody who is eminently qualified, he comes in and has a
22 bad day, he's not going to get that job. He can come back
23 and compete for it the next time it's available. And I've
24 had people who have done that, and have been successful on
25 their -- their second or third attempt. And that's just the

1 way the system is set up.

2 It's -- it may not be perfect, but it's better
3 than what we had before. It's more equitable, but it
4 certainly is arduous. You spend a lot of time doing this
5 stuff. Where it would have taken you an hour or two hours
6 before, now you're talking about days, potentially weeks.
7 And it's -- it's tough, but you do it.

8 Q Could you please turn to Page 224.

9 A Yes, sir.

10 Q Just to follow up on Judge Bechhoefer's question,
11 are those the five different positions with the folks who
12 applied for those particular positions?

13 A Yes, sir.

14 Q And for each one of them, they were interviewed
15 separately for these jobs; is that correct? With the
16 exception of the first two that you might have -- if there
17 was an overlap, if both -- if there was a person who applied
18 on both, then you just took care of that interview at that
19 one sitting; is that correct?

20 A That's correct. For example, if someone applied
21 on the BWR chemistry and the PWR chemistry, then there was a
22 BWR question that we asked, and you'll see on my sheet that
23 it was annotated that way. So they didn't have to come back
24 and do all -- all of the questions again, then add the BWR
25 question to it.

1 Q As an example, if you will turn to Page 251.

2 A Yes, sir.

3 Q And that's the score sheet for Mr. Harvey; is that
4 correct?

5 A That's correct.

6 Q And you have two ratings here; is that correct?

7 A That's correct. And it reflects that question
8 that -- the additional Question 13.

9 Q Okay. And if you would turn over to Page 288, is
10 that list of questions for the program manager for rad
11 waste, slash, environmental protection?

12 A Yes, sir.

13 Q And this is a totally separate list of questions
14 from the one that we've been discussing; is that correct?

15 A That's correct.

16 Q And you and the other members went through the
17 same process of going through this -- this list of questions
18 and -- and coming to a consensus that -- consensus as to
19 which ones to ask?

20 A That's correct.

21 Q Do you have any reason to believe that Charles
22 Kent was anything but impartial with respect to the grading
23 of the applicants or the interviewees for the PWR job?

24 A I believe that Charles Kent is a very unbiased and
25 impartial person. I think that he would have graded them

1 fairly.

2 Q Do you have any reason to believe that Mr. Rogers
3 was anything but impartial with respect to rating the PWR
4 candidates?

5 A No, sir, I believe he was impartial, as well.

6 Q Thank you.

7 JUDGE COLE: Did you have any knowledge of their
8 rating?

9 THE WITNESS: No, sir. Until we went down to
10 Atlanta for the Region 2 presentation to Director Riaz, I
11 had not seen the -- the rating sheets or the sum scores.

12 JUDGE COLE: So your evaluation is just upon your
13 knowledge of the people?

14 THE WITNESS: Yes, sir. Independent.

15 MR. SLATER: No further questions.

16 JUDGE YOUNG: Any redirect?

17 MS. EUCHNER: I do. Could I just have five
18 minutes?

19 CHAIRMAN BECHHOEFER: Okay, I'd like one follow-up
20 question. If you turn to Sam Harvey's sheet, 251. Now,
21 does that sheet apply to both the BWR chemistry and the PWR
22 chemistry positions for which Mr. Harvey seems to have
23 applied for both of them (sic)? So the same...

24 THE WITNESS: Yes, sir.

25 CHAIRMAN BECHHOEFER: ...this sheet would be used

1 for both?

2 THE WITNESS: Yes, sir. The -- if you look at 1,
3 2, 3, 4, 5, the sixth line down where I have Questions 12,
4 slash, 13, the 13th questions was a BWR specific question.
5 So when I tallied up his score, I tallied it up for the PWR
6 questions, which was his 78 out of 90, and then his BWR
7 score was 77 out of 80.

8 CHAIRMAN BECHHOEFER: I see. Okay. I think that
9 clarifies.

10 THE WITNESS: Or 90, rather.

11 JUDGE YOUNG: 77, or 68.4?

12 THE WITNESS: I add vertically.

13 JUDGE YOUNG: Huh?

14 THE WITNESS: I was adding vertically. It's 68.4,
15 plus nine is 77.4.

16 CHAIRMAN BECHHOEFER: Okay.

17 THE WITNESS: I went to Texas A&M, you know.

18 CHAIRMAN BECHHOEFER: Well, that clarifies it a
19 little bit.

20 JUDGE COLE: Mr. Corey, how well do you know Jack
21 Cox?

22 THE WITNESS: I know Jack a less number of years
23 than I -- than I do Charles Kent, but approximately the same
24 number of years as Wilson McArthur.

25 JUDGE COLE: Do you have any knowledge of the

1 reason why Jack Cox did not participate on the selection
2 review board?

3 THE WITNESS: Only than what he said, he had a
4 prior engagement later that evening and he was not going to
5 be able to sit through the entire selection board. So
6 rather than have him do a part of the board and then not, he
7 made the decision not to sit the board, but to take care of
8 his prior engagement. I don't know what it -- what it was,
9 whether it was professional or family-related.

10 JUDGE COLE: All right. You want to take a five
11 minute break?

12 CHAIRMAN BECHHOEFER: Yeah.

13 MR. SLATER: Your Honor, I just have a -- just one
14 follow-up. Just to make it clear on the record.

15 BY MR. SLATER:

16 Q Mr. Corey, if you would take a look at Page 232
17 and 233.

18 A Okay.

19 Q Are those the -- the questions for the PWR
20 position?

21 A That's correct.

22 Q And if you would flip over to Page 249 and 250,
23 could you tell us what those are.

24 A This is the questions for the BWR chemistry. And
25 you can see that the only difference between the two sheets

1 is Item #13.

2 Q And there's not a #17 for the BWR position; is
3 that correct?

4 A That's correct.

5 Q Thank you.

6 CHAIRMAN BECHHOEFER: Let's take a ten minute
7 break, maybe.

8 (A short recess was taken.)

9 CHAIRMAN BECHHOEFER: Back on the record.

10 REDIRECT EXAMINATION

11 BY MS. EUCHNER:

12 Q Mr. Corey, Mr. Slater asked you a little bit more
13 about the peer team meetings and why Mr. Fiser might have
14 been excluded from one.

15 A Yes, ma'am.

16 Q I believe you stated that it was your belief that
17 Dr. McArthur was the corporate peer team member for rad
18 chem; is that correct?

19 A Yes, ma'am.

20 Q Were you aware that from 1994 to 1996 Dr. McArthur
21 was not the rad chem manager at the corporate office?

22 A Well, he served, and -- and in that sense, we
23 looked at him as our peer.

24 JUDGE YOUNG: I'm sorry, I...

25 Q Can you explain that a little more.

1 A I do not know what his title was for the time
2 period that you elaborated. But from the standpoint of
3 being in the peer team, best of my recollection, we looked
4 at him as a peer.

5 JUDGE YOUNG: He -- he came to the peer team
6 meetings, is that what you're saying, during that time?

7 THE WITNESS: Yes, ma'am.

8 JUDGE YOUNG: Thanks.

9 BY MS. EUCHNER:

10 Q Were you aware that Dr. McArthur did not have
11 supervision over the chemistry part of the organization at
12 corporate?

13 A I don't know what his career progression was
14 within time frames. What organizations he was being put
15 over is a function of time.

16 Q What was Mr. Grover's position in the corporate
17 organization?

18 A Chemistry manager.

19 Q To your knowledge, who did Mr. Grover report to?

20 A I don't recall.

21 Q Did he report to Dr. McArthur?

22 A During that time period, I don't believe so, but
23 I'm not sure.

24 Q If there was no rad chem manager at the corporate
25 offices, who would substitute for a rad chem manager at the

1 peer team meeting?

2 A It could -- it could be a position above them that
3 could come. If the issue pertained to their department,
4 they might come.

5 Q Could the two manager level positions just below
6 the rad chem managers come, the rad con and the chemistry
7 managers?

8 A There's that possibility.

9 Q Would that have been Dr. McArthur and Mr. Grover,
10 then?

11 A At the time that they were at the chemistry
12 manager, rad con manager level, that's a possibility.

13 Q You also talked a little bit about Mr. Grover
14 attending these meetings. To your knowledge, was Mr. Grover
15 ever asked to leave a peer team meeting?

16 A I don't have a specific recollection about Mr.
17 Grover being asked to leave, other than, as I said earlier,
18 if the material that was being covered wasn't pertinent to
19 his department or the agenda, yes, we would ask him to
20 leave.

21 Q What classification level were the rad chem
22 managers at each of the sites?

23 A Senior managers.

24 Q Would a PG-11 manager be a peer to the rad chem
25 managers?

1 A As far as pay grade, no. In the sense if you did
2 not have a rad chem manager representing corporate in that
3 regard, and as I said earlier, depending upon the subject
4 that was being discussed, potentially.

5 Q Was Dr. McArthur ever excluded from a meeting?

6 A I don't recall. Not to say that he wasn't, but I
7 just don't recall.

8 Q Like to go back to the questions now for the PWR
9 position, which I believe are on Pages 232 and 233.

10 A Yes.

11 Q And I'd like you to look at the questions that are
12 specifically related to technical issues which I would have
13 as #11, #12, #15, and #17. Would you agree with me that
14 that's a correct characterization, that those four questions
15 specifically ask for a technical response?

16 A You could infer technical attributes to Question
17 #7, in addition. And you could answer Question #2 from a
18 technical standpoint, if you wanted to.

19 Q I wasn't asking that, Mr. Corey. What I was
20 asking is if the four questions I just identified, 11, 12,
21 15, and 17, were technical questions?

22 A Yes.

23 Q Okay. Of these technical questions, how many of
24 them relate more heavily to secondary chemistry than to
25 primary chemistry?

1 A In the strictest sense, if you isolate the term
2 "denting" being only corrosion relating to steam generators
3 as opposed to denting being corrosion -- localized corrosion
4 on other surfaces, then you could say that 12 is probably
5 more towards secondary. As I said, you can -- localized
6 corrosion is not restricted just to secondary sides. And
7 #17, when you're talking about molar ratio, you're talking
8 about crack growth on steam generators, per se. But, once
9 again, it's referring to cracking, which is also a primary
10 side condition, as well.

11 Q Is there a difference between what the key
12 chemistry issues would be at an operating nuclear plant
13 versus a plant that's in startup?

14 A There are some differences. But you're basically
15 taking a system out of lay up and you're putting it into
16 service. And you're going to be treating it as operating
17 from the moment you go critical and heat it up. So there
18 are probably minor -- minor changes that are being done as
19 you're taking things out of lay up and putting them in
20 service.

21 Q Would you have the same problems with a plant
22 that's in startup versus a plant that has been operating for
23 a few years?

24 A They're somewhat different, depending upon the
25 operating experience of the unit. I mean, when you start a

1 brand new plant up, you're talking about brand new piping.
2 You've got problems with things sealing like they should,
3 potential with contaminant intrusions. When you leave a
4 residual of oil or something on a surface, small amounts of
5 things cause problems. But then again, when you do repairs
6 and modifications on an operating plant when you come out of
7 an outage, it's the very same thing. So on one hand you
8 could say yes; and the other hand, no, it's the same.

9 Q Regarding Question #12, the question on denting,
10 you talked a little bit, both when I asked you questions
11 this morning and then when Mr. Slater questioned you about
12 what you were looking for in a response, and that part of
13 what you were looking for are ways to prevent it, ways to
14 fix it when it does happen.

15 What specifically were you looking for? Were you
16 looking for something that the plant already knew was a way
17 to fix it, or were you looking for someone to give you an
18 idea of a new way to fix denting?

19 A I'll take both.

20 Q Would one of those two get a higher answer than
21 another, or a higher score?

22 A If you knew what caused it and you had an idea as
23 to what was being done to clean it up, at least you'd be
24 demonstrating cognitive knowledge of a present condition.
25 And if you wanted to throw something out there from a

1 conjecture standpoint about, well, this is something else
2 that I know that the industry is looking at, that would tell
3 me that you're not only knowledgeable about what's happening
4 at the site, but what's happening in the industry. So if
5 you gave me both, I'd probably rate you a little higher.

6 Q We talked this morning about how to control
7 denting. Is one way to control denting proper molar ratio
8 control?

9 A Yes.

10 Q Who is TVA's EPRI representative on steam
11 generator chemistry?

12 A I believe that -- I'm thinking that Mr. Fiser or
13 Mr. Harvey. And I can't really say who has been the long-
14 term person. Or Mr. Chandra.

15 Q Would it surprise you to know that it was Mr.
16 Harvey?

17 A No.

18 Q Do two of the questions on that list specifically
19 relate to steam generator chemistry?

20 A From the standpoint if you're restricting your
21 answer only to steam generators.

22 Q And one of those two questions was added by Mr.
23 Kent?

24 A And there's no reason why not. Fair question.

25 Q On Mr. Slater's cross-examination, you talked a

1 little bit about Mr. Fiser's demeanor during the interview,
2 that he was very laid back, and that you felt he might not
3 be trying as hard as he could; is that correct?

4 A That's correct.

5 Q Were you aware that Mr. Fiser had some knowledge
6 that Mr. Harvey had an opportunity to be transferred to
7 Sequoyah, and that opportunity had been blocked?

8 A No.

9 Q Were you aware that Mr. Harvey had previously told
10 Dave Voeller out at Watts Bar that he would be working with
11 him more closely?

12 A I had heard some shop talk, but not specifically;
13 no.

14 JUDGE YOUNG: You'd heard that prior to the
15 interviews, or after?

16 THE WITNESS: I don't recall specifically. But I
17 had heard that statement made. And it's been over -- this
18 is, what, six years now. I can't tell you before or after.
19 But...

20 BY MS. EUCHNER:

21 Q Were you aware that Mr. Fiser felt that the
22 chemistry position, the PWR position that was being
23 interviewed for was a position that he had been given in a
24 settlement of his previous DOL complaint?

25 A I don't know how his DOL was settled.

1 Q Were you aware that Mr. Cox was absent, and that
2 Mr. Fiser had worked fairly closely with Mr. Cox at Watts
3 Bar?

4 A Repeat your question, please.

5 Q Were you aware that Mr. Cox was not able to attend
6 the selection review board, and that Mr. Fiser had worked
7 most closely with Mr. Cox at Watts Bar?

8 A Yes.

9 Q Given all the questions that I just asked you, if
10 Mr. Fiser did have knowledge of all those things, is it
11 possible that he felt the process was rigged?

12 A That would be conjecture on my part. If I had
13 been Mr. Fiser, I would have competed all the harder.

14 Q But is it possible that someone who did feel that
15 the process was rigged might not try harder, and might feel
16 that it was a futile effort?

17 A That -- from my personality standpoint, to me I
18 wouldn't do that, and I'm -- you're asking me for
19 conjecture, and I don't know how to respond.

20 Q You stated that someone having a bad day,
21 regardless of how good their prior performance had been,
22 it's very likely that they wouldn't be selected for a
23 position?

24 A That's correct.

25 Q As a selecting official, is that something that

1 you might consider in terms of justifying a different
2 decision, that you knew someone was a superb performer, but
3 they just had a bad day? Would that be a reason to justify
4 changing the recommendation of a selection review board?

5 A You, as the selecting supervisor, have that
6 latitude if you want to take it.

7 Q So just because you have a bad day doesn't mean
8 that under this process the selecting official is forced to
9 accept what the selection review board recommended?

10 A That's correct. He has the latitude to look at
11 the recommendation, decide on his own that no, he doesn't
12 want to go that way. But he has to convince his management
13 that what was presented at the review board wasn't typical,
14 wasn't right.

15 Q What do you...

16 CHAIRMAN BECHHOEFER: Would that -- would that
17 call for some sort of paperwork approval type of -- would
18 there have to be some document submitted justifying why the
19 scores for that day were not representative or not -- not
20 valid?

21 THE WITNESS: I've never taken that latitude
22 myself, to take exception to a recommendation from a review
23 board. I'm sure you'd have to justify it, not only
24 verbally, but some way in writing, so that the package --
25 should someone want to appeal it later, there would be a

1 written justification. But we would need to ask the HR
2 people as to how they document that.

3 CHAIRMAN BECHHOEFER: I see.

4 BY MS. EUCHNER:

5 Q When you have a vacant position that you're
6 seeking to fill, what are you looking for? Are you looking
7 for the best person for the job?

8 A Oh, absolutely.

9 Q And who would the best person be? Someone who in
10 the past has been a proven strong performer, or someone who
11 in the past had been a poor performer, but just had an
12 excellent day at the interviews?

13 A Well, you can look at it from two perspectives.
14 You're looking for the person who, when given the
15 opportunity, is aggressive and promotes themselves and
16 succeeds, because you may have an individual who is -- has
17 turned things around in their life, and is now in a power
18 ascension mode, and is going to do great things.

19 On the other hand, you may have a situation where
20 you've had somebody who's done extremely well, and now is in
21 a declining phase in their career for some personal reason.
22 And, what you have to do is look at who competes the best,
23 given the circumstances. It's somewhat like sports. I
24 mean, you're given a chance to step up to the plate and you
25 get, you know, "X" number of pitches. And you either, you

1 know, make the hit or you don't. And sometimes that's the
2 only analogy I can drop back.to, is -- is sports.

3 Q But, to continue that analogy, if you're talking
4 in terms of baseball, if you have -- if you're Barry Bonds
5 and you have even two days in a row of 0 for five, does that
6 mean you're going to lose your job?

7 A Well, if he's -- I realize he's competing, but he
8 has a contract.

9 Q What's the basis for that contract that Mr. Bonds
10 has? Is it his past good performance?

11 A It's how he does each and every time he comes up
12 to the plate.

13 Q And so wouldn't that be more important than how he
14 performs on just a given day selected by his manager, so to
15 speak?

16 A Well, when he went to spring training on his first
17 shot at the -- at the pros, I'm sure that when he stepped up
18 to the plate, if he hadn't demonstrated a certain attribute,
19 they wouldn't have selected him. So...

20 Q But is that what we're talking about in terms of
21 the chemistry program manager position? Are we talking
22 about people who don't have any prior experience, or are we
23 talking about people who have a history to look at?

24 A The thing is, is you need to realize, and I'm sure
25 you do, but this is part of a process. I mean, you have a

1 selection sheet, and the selecting supervisor goes through
 2 and takes all that information, puts it on a spreadsheet,
 3 which is part of a permanent record, goes ahead and ranks
 4 the people and picks his top candidates, which Mr. Fiser was
 5 one. Came to the selection review board. You -- you bring
 6 in a selection review board. They independently ask
 7 questions you want asked. They can also ask questions that
 8 you didn't think to ask. And they make a recommendation.
 9 And, you know, it's a multi-faceted process, and this
 10 selection review board is one component of it. And I
 11 thought the selection review board that day was very fair
 12 and impartial and adhered to the principles that Mr. Scalice
 13 had set forth years back. So I don't know how else to
 14 answer your question.

15 Q You stated earlier that you felt that this was a
 16 more equitable way of -- of doing things. How is it more
 17 equitable if it punishes a poor -- or an excellent performer
 18 for one bad day?

19 A As I said, it's not the absolute best system, but
 20 it's better than having the decision made by a single
 21 supervisor without any other points of view being
 22 considered. And I also said it was more arduous, and it is.
 23 It takes a whole lot more effort to do this, to try to be
 24 fair. I mean, the whole reason that Mr. Scalice asked us to
 25 do it was he was trying to make sure that the selections

1 were based on merit and people's abilities in front of
2 review boards to think on their feet, answer the questions,
3 and compete. So that the people who were promoted at the
4 plants didn't have to have a certain affiliation with a
5 certain manager to succeed.

6 Q If the selections are based on merit, then why
7 shouldn't the selection review board be able to consider
8 prior good or bad performance?

9 A The selecting supervisor already did that. It
10 would be redundant if we did it.

11 Q Earlier this morning, when I asked you about your
12 background and the different positions you held at TVA, you
13 told me that in 1995 you became a rad chem manager; correct?

14 A That's correct.

15 Q And you also stated that you didn't apply for that
16 position; correct?

17 A That's correct. I mean, I didn't fill out any
18 paperwork, per se; no.

19 Q And that was a promotion; correct?

20 A That's correct.

21 Q So was that non-competitive promotion equitable to
22 other people who could have applied for that position?

23 A It was done at the discretion of senior-most
24 management within TVAN. I had functioned in that position
25 on a temporary basis. I am not sure what process they used

1 to consider other applicants, but they decided that, based
2 on my track record and having the TVA record for excellence
3 in regards to this particular program area, that I was most
4 qualified for it.

5 Q Isn't that exactly what you stated that Mr.
6 Scalice's selection review board policy was designed to
7 avoid, is that kind of selection?

8 A I think my selection was based on my -- my
9 performance acting in that position. And it was concurred
10 at, at the very highest levels. So, I mean, the gentleman
11 makes the rules; he can also interpret the rules.

12 Q Did you compete for the temporary acting position,
13 or were you simply placed there?

14 A Temporary positions aren't competitively bid.

15 Q One other thing that Mr. Slater asked you about,
16 and you responded to, was that, you know, if someone who is
17 a great performer goes in and has a bad day, in the future
18 they can come back and improve on that and maybe be selected
19 the next time the position opens up; is that accurate?

20 A That's correct.

21 Q Well, in a reduction situation, if a great
22 performer has a bad day, are they out of a job if they're
23 not selected?

24 A In the present system we have, we have a
25 reinvestment pool where people basically have other

1 opportunities. In a reduction in force, in the strictest
2 sense, potentially, no.

3 Q So potentially you could have...

4 CHAIRMAN BECHHOEFER: Potentially what? I didn't
5 hear it. Potentially...

6 THE WITNESS: In a -- in a strict reduction in
7 force to where there is not a -- an opportunity for you to
8 compete on another job, once you're no -- you're not
9 selected---and you'd have to consult with the HR experts
10 about this---but, you know, I'm not sure whether you'd have
11 another opportunity, short of applying for employment from
12 outside of TVA.

13 CHAIRMAN BECHHOEFER: I see. Okay. I just didn't
14 hear your...

15 THE WITNESS: I'm sorry.

16 CHAIRMAN BECHHOEFER: I had just not heard
17 everything in your last answer.

18 THE WITNESS: Okay.

19 BY MS. EUCHNER:

20 Q So, essentially, if you are in a reduction
21 situation, the great performer might not have any future
22 opportunities to apply if they lose their job?

23 A That's a possibility, other than reapplying from -
24 - from outside TVA.

25 Q I have nothing further.

1 CHAIRMAN BECHHOEFER: I have one sort of a follow-
2 up question. Mr. Slater, you may have some further
3 questions, if you wish.

4 MR. SLATER: I have just a couple.

5 CHAIRMAN BECHHOEFER: Okay. I have one follow-up
6 one. If a person who interviewed has a bad day, doesn't do
7 well, but the people on the review board knows that he --
8 know -- they know that he can do better, could a reinterview
9 be scheduled? Let's do it again, because we know this guy
10 can do better. Is there anything like that that might go
11 on?

12 THE WITNESS: Not to my knowledge. That's not
13 saying that there's not an opportunity there, if there were
14 extenuating circumstances. But I'm not the keeper of the
15 rules in this regard. But to my knowledge, I've not heard
16 of that being done. Not to say that it couldn't, but I've
17 not heard of it being done.

18 CHAIRMAN BECHHOEFER: I see.

19 THE WITNESS: As I said earlier, this is part of a
20 process. It's not the entire process. So if you had a bad
21 day and your supervisor determined that your performance was
22 aberrant that day, then he could take the initiative and go
23 to his superior and try to justify it.

24 But, on the other hand, if what the supervisor was
25 hearing from the selection review board was somewhat in

1 trend with the way the person had been acting, maybe you
2 don't want to extend yourself for him in that regard.

3 CHAIRMAN BECHHOEFER: Well, what if a person was
4 sick that particular day or during the particular hour of
5 the interview, for instance?

6 THE WITNESS: Then the appropriate thing to do
7 would be excuse yourself and then let them know that you are
8 ill and that you would like the opportunity to be
9 interviewed.

10 CHAIRMAN BECHHOEFER: Again or later?

11 THE WITNESS: Once you commit yourself, it's
12 basically like you're back out there at the plate. The guy
13 throws the ball; it's your opportunity to swing.

14 CHAIRMAN BECHHOEFER: Okay.

15 MR. SLATER: Mr. Corey, just a couple of
16 additional questions.

17 CHAIRMAN BECHHOEFER: Mr. Slater, go ahead.

18 MR. SLATER: Thank you, sir.

19 RECROSS-EXAMINATION

20 BY MR. SLATER:

21 Q Now, we've talked a good deal about this bad day
22 thing. The same standard applied to Chandra, Fiser, and
23 Harvey; is that correct, sir?

24 A That's correct.

25 Q And if Mr. Harvey had had a bad day, then he would

1 have gotten a low score; correct?

2 A That's correct. .

3 Q And if Mr. -- Dr. Chandra had had a bad day, he
4 would have gotten a low score, as well; is that correct?

5 A That's correct.

6 Q And that -- and if the selecting manager was going
7 to go with the SRB recommendation, those two individuals may
8 not have been selected?

9 A That's correct.

10 Q So the -- the standard that we were -- that we've
11 been talking about, that apply to Mr. Fiser, apply to the
12 other applicants as well; is that correct?

13 A That's correct.

14 Q The equal playing field?

15 A Yes, sir, it's an equal playing field.

16 Q And now if a person has a bad day in front of the
17 SRB and is not selected because he had that bad day, is the
18 reason for his non-selection, then, based on discrimination
19 or raising safety concerns, or just having a bad day at the
20 ballpark?

21 A Just a bad day.

22 Q And there's been some questions. I sort of
23 confused things about taking into consideration experience
24 and past work history. That is -- is past experience and
25 past work history taken into advantage -- I mean, taken into

1 consideration at the front end by the selecting manager?

2 A Yes, that's correct.

3 Q And he -- he looks at -- he takes the package, he
4 looks at the service reviews, he looks at this, that, and
5 the other thing, may even talk to former supervisors and
6 things like that, and then he would rate those folks on a
7 spreadsheet?

8 A Yes, sir.

9 Q And then he would say, "I'm going to -- I'm going
10 to take the first -- the top five or six folks and send them
11 to an SRB"?

12 A That's correct. He can select the top one, top
13 two, top five, whatever he wants to send.

14 Q And then once -- once those slate of names come to
15 the SRB, then the SRB's job is to rate those folks on the
16 responses to the questions?

17 A That's correct.

18 Q And then, once that is done, the SRB members
19 submit their ratings to the HR person, who then -- is that a
20 yes or no?

21 A That's a yes.

22 Q And then -- and then the HR person then sends
23 those scores over to the selecting manager?

24 A That's right. They compile it and tell them what
25 the final scores are and which -- and what person got the

1 highest score.

2 Q And then, based on that, the selecting manager
3 makes his determination?

4 A That's right. He looks at his spreadsheet, he
5 looks at his recommendation, he makes the decision whether
6 he wants to go with the recommendation or whether he wants
7 to appeal it to his management.

8 Q And if he decides to go the other way, then he
9 would have to justify to his upper management; is that...

10 A That's correct. The system has checks and
11 balances.

12 Q Let me ask you this, Mr. Corey. If a manager who
13 had a vacant position wanted to discriminate against
14 someone, which process would be easier to manipulate? The
15 system that we have now with the SR -- with the selecting
16 manager and then the slate of candidates going to the SRB,
17 or that single manager making the selection?

18 A Obviously the single point would be the -- you
19 know, if someone was of a mind set to do something wrong
20 like that, then they obviously wouldn't want to be sharing
21 the information.

22 Q Ms. Euchner also asked you about I think four of
23 the questions. She asked whether or not they were technical
24 in nature, and I think she -- there were a couple that sort
25 of implicated steam generator issues.

1 A Yes, sir.

2 Q Were those questions that implicated steam
3 generator issues fair to have asked during these interviews?

4 A Yes, sir.

5 Q Why?

6 A I said earlier, this -- the steam generator is
7 obviously a critical component, costs lots of money, takes a
8 great deal of time to replace, a lot of radiation exposure
9 to the workers. This program manager needs to be able or to
10 handle, whether it be a primary or a secondary issue. It
11 doesn't matter.

12 What we are looking at is having fewer people who
13 had to do more. And if you're going to compete and succeed,
14 then you need to be familiar with both sides of the -- the
15 steam generator, whether it's on the primary side or the
16 secondary side, because it's the interface piece.

17 You know, as I said, it's one of the -- the
18 critical issues. Could have been fuel failures or the
19 cooling water system failures that support critical systems
20 and components just as easily. But I thought all the
21 questions were very fair. I mean, we picked the questions.
22 It wasn't like they were prescribed. I mean, we picked
23 which ones we wanted to ask, and we had the opportunity to
24 add more, and it was a consensus of three people. So I
25 thought it was very fair.

1 Q For the PWR job that Mr. Harvey was selected for,
2 was it fair not to ask any questions that were specific --
3 specific to primary chemistry?

4 A Ask your question again, please.

5 Q Was it fair not to ask any questions specific to
6 primary chemistry?

7 A We had the opportunity to ask questions on the
8 primary or secondary side or balance of plant. So the
9 questions that were asked...

10 JUDGE YOUNG: What was the third one? Or...

11 THE WITNESS: Balance of plant. There's a lot of
12 piping that provides cooling water.

13 JUDGE YOUNG: Or the balance of the plant? Is
14 that what you...

15 THE WITNESS: Yes, ma'am. Yes, ma'am.

16 JUDGE YOUNG: Okay.

17 BY THE WITNESS:

18 A So, I mean, all those questions, and we could have
19 added more if we wanted to. Just a matter of time. But I
20 didn't see a bias in the questions either way.

21 Q Did we have -- did we have any big primary
22 chemistry questions percolating around this time?

23 A Oh, yes, sir. We've had fuel failures in TVA more
24 times than we'd like to say. Some of my earliest
25 experiences when I was a health physicist at Browns Ferry

1 was dealing with corrosion issues on fuel that allowed
2 fission products to get out into erector coolant system.
3 And during the outages you have to go in and open those
4 systems up. And it's very serious, and it's something you
5 have to be on top of. Good chemistry controls is absolute
6 paramount (sic) to the safety of that plant. If you put an
7 impurity into that system and it corrodes that fuel, and
8 there have been occasions like that in the industry, the
9 consequences are very severe and extremely expensive.

10 Q Now, Mr. Corey, in response to the questions or
11 some of the questions that were asked during the interview,
12 could Mr. Fiser have -- could he have expounded on those
13 primary chemistry issues you just raised, in responding to
14 some of those questions?

15 A Yes, sir, easily. Because when I talk about molar
16 ratio, you're talking about, you know, the reason you do it
17 is to stop sodium in the crevices that causes corrosion and
18 cracking. And on the primary side, an analogy to that is
19 integrating and stress corrosion cracking, where you have
20 cracks on the primary piping, as well. And you also have
21 corrosion, not only on the film, but on the piping. So you
22 could just have easily have taken denting or molar ratio and
23 expounded on the fact that, yes, this does happen here, and
24 yes, I realize, as program manager, I have to be alert to
25 the fact that corrosion happens elsewhere in the power plant

1 and can adversely affect the fuel integrity, the steam
2 generator integrity, the integrity of the cooling water
3 systems that supply the emergency power to the plant. And
4 that would have been a very good answer, you know. The
5 program manager for the PWR has to be able to see the whole
6 picture. We did not have enough resources to have two
7 people. We had to have one person, you know, who was
8 looking at the total picture.

9 Q Thank you, sir.

10 CHAIRMAN BECHHOEFER: Was the person interviewed
11 aware that he or she, as the case may be, may expand upon
12 answers to include material possibly not directly asked for
13 by the question, but related?

14 THE WITNESS: By their experience and background,
15 and the fact that they were given an opportunity to show us
16 their knowledge for this position that would cover both
17 primary and secondary sides, we didn't -- I mean, aside from
18 prompting people, if they looked like they were having
19 difficulty, you know, giving us an answer, we didn't give
20 them more direction about globalism, if you will, on the
21 answers. We did not inhibit them. If they wanted to
22 expound, we didn't shut anybody down. We let them basically
23 run out of gas, you know.

24 CHAIRMAN BECHHOEFER: Well, were they aware that
25 they could do this when they came in and -- and had to

1 answer a question, or were they warned, "Well, just answer
2 what you're asked."

3 THE WITNESS: We didn't -- we didn't warn them to
4 -- to only answer specifically what you were asked. We --
5 we have a very aggressive culture in -- in TVAN. To compete
6 and succeed we have to be aggressive. And by their very
7 nature, when you throw a bone out there like this, you
8 expect them to chew on it real hard and give you everything
9 they know about it. They're out there to impress you.

10 CHAIRMAN BECHHOEFER: Right. And are they aware
11 of this, though?

12 THE WITNESS: I believe so, sir.

13 CHAIRMAN BECHHOEFER: But there's no formal
14 statement anywhere that tells them...

15 THE WITNESS: No, sir.

16 CHAIRMAN BECHHOEFER: ...that they could do this?

17 THE WITNESS: Not that -- there's nothing in
18 writing in the package that says, you know, "Give us full
19 disclosure," per se. But when we sat them down and said,
20 "Here, we're going to ask you some questions. You know,
21 tell us everything you want to tell us about this," you
22 know, we -- we tried not to stifle them in any way. We
23 wanted them to -- to use this opportunity to really blossom
24 and show us what they had of themselves that would be an
25 attribute to the program.

1 CHAIRMAN BECHHOEFER: Okay, thank you.

2 THE WITNESS: You're welcome.

3 JUDGE COLE: Mr. Corey, just a clarification
4 question on some of the terminology. You've been a
5 selecting official several times, and you were asked the
6 question about the scenario of a selecting official when
7 confronted with a recommendation that is contrary to what
8 you think would be in the best interest of the program.

9 THE WITNESS: Yes, sir.

10 JUDGE COLE: And you indicated you had to decide
11 then whether to appeal. Did it really work that way, or --
12 or do you make your decision and then send it fwd with an
13 explanation?

14 THE WITNESS: No, sir.

15 JUDGE COLE: To appeal has a different connotation
16 than...

17 THE WITNESS: You -- I'm sorry. You have to get
18 the permission of your manager, because the human resource
19 officer knows what your spreadsheet says, because you've
20 filled all this information out, as well as what the review
21 board has said. And what they're going to be sitting there
22 looking for is, okay, if the review board has said it's
23 Person B and you were saying Person A is what you -- what
24 you wanted, then they're going to be looking at, in our
25 case, the plant manager to agree that -- that your selection

1 was -- was the right one to do. But you have to get
2 permission, you don't...

3 JUDGE COLE: Okay. And how do you actually do
4 that? What is the mechanics of accomplishing that?

5 THE WITNESS: You go to the -- I would go to the
6 plant manager and show him the spreadsheet and what the
7 review board said, with my writeup about why I thought that
8 my -- my interpretation of who was the best was better than
9 what they recommended. And then the plant manager, because
10 he would be my immediate supervisor, would make the decision
11 about whether or not he wanted to concur with me and
12 basically overturn the review board, or go ahead and go with
13 the review board.

14 JUDGE COLE: And would he articulate that in
15 writing?

16 THE WITNESS: Yes, sir.

17 JUDGE COLE: All right.

18 THE WITNESS: I would.

19 MS. EUCHNER: I have a few additional questions,
20 Your Honor.

21 FURTHER REDIRECT EXAMINATION

22 BY MS. EUCHNER:

23 Q We were just talking about the process that you
24 have to go through to get approval from your management if
25 you do something different than what the selection review

1 board -- and I'd like -- right now I'm going to get you a
2 copy of PB102, which is the selection policy. It is -- it's
3 Joint Exhibit 63.

4 Mr. Corey, are you familiar with this document?

5 A I may have seen it in the past, I do not recall.

6 Q I'd like you to turn to page 2 of the document and
7 do you see where it says Section 3.4 Selecting Candidates?

8 A Yes.

9 Q Could you please read through that section and
10 tell me where it says that if you do something different
11 than the selection review board recommends that you have to
12 seek approval of your higher management?

13 (The witness reviews a document.)

14 A If you'll look in bravo, it says "The final
15 candidate is selected by the immediate supervisor based on
16 information contained in the personal history record,
17 interview, assessment results, a thorough review of the
18 qualifications of the candidates compared to the
19 requirements process, input from upper level management
20 involved in the process."

21 When I gave my explanation to you earlier, it was
22 based on my recollection of what Mr. Scalice had put in his
23 memorandum, not per se from the business practice which came
24 after that. But it would be my interpretation that input
25 from upper level management involved in the process would be

1 that.

2 Q I'd like you to go down a little bit further to
3 D.2. Does that not say that any selection for a PG-8 or
4 higher requires upper level management approval?

5 A The process now goes all the way up to the senior
6 VP for anything.

7 Q So regardless of whether or not you're following
8 the review board's recommendations or choosing to do
9 something else, it still has to be approved by upper level
10 management?

11 A The upper level management review here right now
12 basically is more towards an economic I believe than it is
13 qualification per se. What we're looking at right now is
14 whether we can succeed without filling positions and that's
15 what the review process is doing up to the senior VP of ops
16 level. But my understanding, as I said, was based on the
17 memorandum that if I take exception to the review board
18 practice, I have to go to my management above me, which
19 would be plant manager and if he took exception, he'd have
20 to go to the site VP in order to get permission to take a
21 different course of action.

22 Q If you would flip back to page one of the
23 document, what's the date on this?

24 A 9/30/93.

25 Q And what does it state the purpose of this is?

1 A "The business practice establishes standardized
2 requirements which must be met when selecting a candidate
3 for a management or specialist position and is used in
4 conjunction with the Nuclear Power Selection Guide."

5 Q Does that mean that the requirements set forth in
6 here are not optional?

7 A From my standpoint, I would have to get permission
8 to take exception and this is promulgated as a business
9 practice by the senior VP of ops and I guess it's from Mr.
10 Reynolds for nuclear power. So if you were going to do
11 something in exception of this business practice, you'd have
12 to go up the chain.

13 Q If you would go back to page two, you were reading
14 from -- I believe you called it bravo, I assume you meant
15 letter B, when you said that?

16 A Yes, we use the phonic alphabet to make sure we
17 don't make mistakes.

18 Q And that contains a list of items or factors that
19 the selecting manager is supposed to consider.

20 A Yes.

21 Q Does it say in there that you're required to
22 justify a difference from all the other factors if in a
23 review of those factors, you come up with a different
24 conclusion than the selection review board did?

25 A It doesn't specifically say that, no.

1 CHAIRMAN BECHHOEFER: Mr. Corey, do you by any
2 chance remember the approximate date of the Scalice
3 memorandum that you referred to?

4 THE WITNESS: It precedes the issuance of the
5 business practice, I believe he was at Browns Ferry in the
6 '91 through '93 time frame as plant manager and site VP, and
7 I don't recall whether he promulgated that as plant manager
8 or site VP, but I believe it was before the business
9 practice.

10 CHAIRMAN BECHHOEFER: So this business practice,
11 which is dated 9/30/93, the other one must have been prior
12 to that?

13 THE WITNESS: That's correct.

14 CHAIRMAN BECHHOEFER: Thank you.

15 BY MS. EUCHNER:

16 Q Mr. Corey, does this business practice memorandum
17 require posting of all positions that are vacant? If you're
18 looking for it, go ahead and turn to page one of the
19 document.

20 A Advertising management specialist positions.

21 Q Yes, what positions are required to be posted?

22 A It says "All vacant permanent, that is duration of
23 one year or longer, PG-1 through senior management and
24 specialist positions must be posted for not less than seven
25 working days TVA-wide prior to being filled."

1 Q And when you were selected as the rad chem manager
2 in 1995, had that position been a vacant permanent position?

3 A Yes.

4 Q And that was a senior management position?

5 A That's correct.

6 Q To your knowledge -- well, first of all, who
7 selected you for that position?

8 A The plant manager did.

9 Q Who was that at the time?

10 A Gene Preston.

11 Q Do you know whether Mr. Preston followed all of
12 the procedures set forth in AP-102?

13 A I do not know. You would have to consult with the
14 HR specialist in that regard.

15 Q Did he interview you?

16 A He basically came down to my office and we had a
17 discussion about it and I told him I was very interested in
18 the position should it become open and to my knowledge my
19 approval paperwork was signed all the way up the chain of
20 command to the chief nuclear officer, so he had to have the
21 concurrence of the entire management team.

22 Q I'd like you to go back to Joint Exhibit 21, which
23 is your selection notebook. And go to the PWR questions
24 which are at page numbers 232 and 233.

25 A Okay.

1 Q Now we've already discussed the circled questions
2 which are the questions that were asked of the PWR people.

3 A Yes.

4 Q What about the uncircled questions? Do any of the
5 ones that weren't asked relate to primary chemistry? And I
6 mean specifically, not could it be answered with a primary
7 chemistry tilt. I mean, specifically did they ask a
8 technical question for primary chemistry.

9 A Hydrogen water chemistry is a -- you can say it's
10 a primary side of BWR but --

11 Q But is the hydrogen water chemistry question a PWR
12 or a BWR question?

13 A It's primarily a BWR question. Let's see here --
14 Number 8 would have attributes for both primary and
15 secondary, but not just primary.

16 JUDGE YOUNG: For some reason, this just made me
17 recall or made me think of a question I want to make sure I
18 have a correct understanding of. The selections of which
19 questions to ask were made by you and Mr. Kent and Mr.
20 Rogers or were they -- did Mr. Cox play any role in that
21 prior to his leaving?

22 THE WITNESS: No, ma'am, it was the individuals
23 who sat at the board that day, it was the three of us and
24 Mr. Cox didn't sit the board so he didn't select the
25 questions.

1 JUDGE YOUNG: Okay.

2 BY MS. EUCHNER:

3 Q And who drafted these questions again?

4 A They're normally provided by the selecting
5 supervisor and the rules don't preclude him getting
6 recommendations from staff or industry experts or his peers
7 at other plants, per se.

8 Q And who is the selecting supervisor for this?

9 A Wilson McArthur.

10 Q Mr. Slater asked you what was a better system for
11 selection, the process that you used before Mr. Scalice came
12 up with the selection review board or the selection review
13 board process, and I believe you stated that you thought the
14 selection review board process was fairer, is that correct?

15 A The selection review process is more equitable and
16 fair, it's not quicker.

17 Q Well, in terms of being fair or equitable, which
18 would be a better process, using a subjective system such as
19 the selection review board or selecting people based on
20 seniority?

21 A I think the selection review board is a better
22 process. Time in position does not necessarily equate to
23 performance or capabilities for future efforts. I think
24 you're better off looking at how people react in a review
25 board sitting as well as you have the opportunity through a

1 spreadsheet analysis to give weight to the experience that
2 people have had and their education. It's a very good
3 process.

4 Q So what you're saying is that your prior service
5 and the length of that service is not a better system than
6 judging someone based on a 30-minute interview, is that
7 correct?

8 MR. SLATER: Objection, that's a
9 mischaracterization.

10 MS. EUCHNER: Excuse me, a 45-minute interview.

11 MR. SLATER: He didn't say that.

12 JUDGE YOUNG: I believe he was talking about --

13 CHAIRMAN BECHHOEFER: A relatively short
14 interview.

15 JUDGE YOUNG: I believe the comparison was between
16 the SRB process and the single person; is that the --

17 THE WITNESS: When you acted as a single
18 supervisor and did the selection, you did the spreadsheet,
19 okay? You had to document why you picked the person you
20 picked. So we did the spreadsheet, we've always done the
21 spreadsheet per se, all along. The SRB was just another
22 opportunity for a person to be heard other than by a single
23 individual. It gave them the chance to stand in the
24 spotlight, to show what they had to offer and give them a
25 better opportunity than just the words on the page. It was

1 an enhancement, an improvement, it's arduous but it works.

2 CHAIRMAN BECHHOEFER: Well, prior service would be
3 reflected on the spreadsheet, isn't that correct?

4 THE WITNESS: That's correct; yes, sir, sure is.

5 BY MS. EUCHNER:

6 Q But I believe you've said numerous times today
7 that if you didn't go with what the selection review board
8 recommended, that that wasn't up to you, you had to justify
9 it to your upper level management.

10 A That's correct.

11 Q Whereas if you went with what the selection review
12 board said, you had to do nothing further, they would accept
13 that.

14 A That's correct.

15 MS. EUCHNER: I have nothing further.

16 CHAIRMAN BECHHOEFER: Mr. Corey, I guess you're
17 excused. Thank you very much.

18 THE WITNESS: Thank you, sir.

19 (Witness excused.)

20 CHAIRMAN BECHHOEFER: Would the staff like another
21 quick break before we --

22 MS. EUCHNER: We may as well do it now.

23 CHAIRMAN BECHHOEFER: What?

24 MS. EUCHNER: We may as well go ahead and take a
25 short break now and then maybe we can go until the end of

1 the day.

2 CHAIRMAN BECHHOEFER: 2:30?

3 MS. EUCHNER: Yes, that should be fine, that's
4 plenty.

5 (A short recess was taken.)

6 CHAIRMAN BECHHOEFER: Back on the record. Mr.
7 Dambly.

8 MR. DAMBLY: The staff would call Charles Kent.
9 Whereupon,

10 CHARLES KENT

11 appeared as a witness herein and, having been first duly
12 sworn, was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. DAMBLY:

15 Q Will you state and spell your name for the record?

16 A My name is Charles E. Kent, Jr. and it's K-e-n-t.

17 Q What's your current occupation?

18 A I am the manager of radiological and chemistry
19 control at Sequoyah Nuclear Plant.

20 Q How long have you had that position?

21 A I've been in that position since 1993.

22 Q What's your educational background?

23 A I have a bachelor's degree and a master's degree
24 in physics.

25 Q From where?

1 A Bachelor's degree is from Austin Peay State
2 University in Tennessee and the master's degree is from the
3 University of Mississippi.

4 Q Is that plain physics, health physics?

5 A Physics.

6 Q Physics.

7 A Uh-huh.

8 Q What's your professional work experience?

9 A Describe it from the beginning?

10 Q From I guess after you got your master's degree.

11 A When I graduated from the University of
12 Mississippi in 1972, I began work for the state of Tennessee
13 in their radiological health division, performing licensing
14 reviews and inspections of radioactive material applications
15 for the state of Tennessee.

16 Then in late '73, December '73, I went to work for
17 the U.S. Army in Fort Monmoth, New Jersey in the command
18 group as a health physicist overseeing research and
19 development efforts of weapon systems.

20 Q Okay, and after that, did you come to TVA?

21 A No, sir, in -- after working for the U.S. Army at
22 Fort Monmoth and then later at Rock Island Arsenal in
23 Illinois, I took a position with Oak Ridge Associated
24 Universities in Oak Ridge, Tennessee teaching health physics
25 for the programs there, to physicians, educators and the

1 NRC.

2 Q Okay. And after that?

3 A After that, I came to work for TVA in 1979. I
4 took a position as a senior health physicist in Muscle
5 Shoals, Alabama, which is where the health physics group was
6 headquartered then for all of TVA.

7 JUDGE YOUNG: Back up for one second. You said
8 for the NRC?

9 THE WITNESS: Yes.

10 JUDGE YOUNG: Did you mean AEC back then?

11 THE WITNESS: It was the AEC back then, that's
12 correct, yes.

13 Primarily the function there was training
14 agreement state personnel.

15 JUDGE YOUNG: Oh, okay.

16 THE WITNESS: Okay, in 1979, I came to work for
17 TVA in Muscle Shoals, Alabama as a staff health physicist,
18 initially involved mostly in quality assurance activities
19 for the health physics program. That involved inspecting
20 programs basically at all of our sites at that time. And
21 other license activities that TVA was responsible for.

22 Following that, I took a position as a manager in
23 the emergency preparedness group and was involved in the
24 initial development of emergency plans for both Sequoyah and
25 Browns Ferry Nuclear Plants.

1 BY MR. DAMBLY:

2 Q For the EP position, what grade position was that?

3 A It was -- at that time, it was an M-6, it was a
4 management scale 6 position.

5 Q Was there a vacancy that you applied for for that
6 position?

7 A I really can't remember, but I'm sure there was --
8 I feel like there was.

9 Q Okay, and what was your grade when you were at
10 Muscle Shoals?

11 A I was a senior health physicist, at that time they
12 would have called that an SC-4 position.

13 Q Okay. After the EP, position?

14 A After the EP position, I had several positions in
15 the early '80s related to programs and policy. I was
16 involved in a group that basically was responsible for
17 developing radiation protection, programmatic policy and
18 guidance for all of the nuclear plants, and I was in that
19 position effectively until 1985.

20 Relocated from Muscle Shoals to Chattanooga in
21 1985 and in 1986, I believe it was, I took a position as the
22 radiological control superintendent, I think the position
23 was called at that time, at Watts Bar Nuclear Plant in the
24 pre-licensing program for Watts Bar Nuclear Plant.

25 Q How did you get that position, was there a vacancy

1 announcement that you applied on?

2 A I believe there was.

3 Q Do you recall being interviewed for the job?

4 A Yes.

5 Q You filed an application?

6 A Well, I assume so.

7 Q You said you filed an application.

8 A It's been a long time ago, I assume so.

9 Q Okay.

10 A I was in that position from mid-'86, I think July
11 of '86, until late '88. In late '88, it was obvious that
12 Watts Bar was not going to license within the next few years
13 and we had at that time a fairly substantial staff at Watts
14 Bar. We had attempted through various means to get the staff
15 involved in what was going on at the operating nuclear
16 plants and try to upgrade the technical skills of the staff,
17 but it was a fairly significant financial burden on the
18 site, so we decided to destaff the program and we reduced
19 the staff from 89 people to nine people which were left at
20 Watts Bar, and I gave myself a RIF notice.

21 Q Gave yourself a RIF notice.

22 A Yes.

23 Q And as a result of RIFing yourself, where did you
24 go?

25 A As a result of RIFing myself, there was a need for

1 support at Browns Ferry Nuclear Plant, so I took a position
2 one grade lower than I had had at Watts Bar at the Browns
3 Ferry Nuclear site to support them. I was at Browns Ferry
4 for --

5 Q What grade was that?

6 A I believe it was a PG-9.

7 Q And you had been a 10 at Watts Bar?

8 A Been a 10 at Watts Bar, I think that's correct.

9 Q And how did you get that position, was it a vacant
10 position and you had some kind of rights because of the
11 reduction?

12 A I really can't remember the details of that. I'm
13 sure there may have been -- I really didn't have any rights
14 as far as reduction because I was a management employee, but
15 I'm sure that would have been given some consideration.

16 Q Okay. What was the position you were in at Browns
17 Ferry?

18 A I had two positions while I was there. When I
19 first arrived on site, I took the position as the
20 radiological protection group manager, which is -- that's a
21 supervisor job over the technical group. And I held that
22 position for I don't know, possibly a year or so. And then I
23 moved to the position of being the field operations manager,
24 which was directing the activities of the on-shift staff in
25 the health physics group.

1 Q What grade was that position?

2 A They were both the same grade, I think they were
3 PG-9.

4 Q Did you take a lateral transfer or was there a
5 vacancy?

6 A No, that was a lateral. It was a rotational type
7 assignment.

8 Q Okay. And what did you do after field ops manager
9 at Browns Ferry?

10 A After the field ops manager position at Browns
11 Ferry, I decided to relocate back to Chattanooga for
12 personal reasons and a position was available at Sequoyah in
13 the radiation protection group. It was the technical group
14 supervisor position at Sequoyah Nuclear Plant, and I applied
15 on that job in 1989 and I think started work at Sequoyah
16 about September of '89.

17 Q So that was a vacancy that you applied on.

18 A I believe that's correct.

19 Q What level was that?

20 A I think that was a -- I believe it was a PG-8 or 9
21 position, it was essentially a lateral from where I was.

22 Q To your knowledge, within TVA, if you have a
23 lateral opening, if you were a 9 and there was a 9 someplace
24 else, do you have to compete for that or can you be non-
25 competitively lateraled into another position that you're

1 qualified for?

2 A I'm really not familiar with all the processes. I
3 believe I did apply on a vacancy at that time.

4 I was in that position for approximately a year
5 and then was promoted to the position of the radiological
6 control manager.

7 Q Do you remember when you were promoted into that
8 position?

9 A That would have been in late '90, I believe
10 November, December time frame of 1990.

11 Q What grade was that?

12 A That was a 10 or an 11, I'm not sure which.

13 Q Was there a VPA that you applied on?

14 A Actually I don't recall. The incumbent in the
15 position had left the company and had left the vacancy and I
16 really don't recall if there was vacancy announcement that I
17 applied on or not.

18 Q Do you recall being interviewed by any kind of
19 board for the job?

20 A I don't think I was interviewed by a board, I was
21 -- I discussed the position with the plant manager at the
22 time. And --

23 Q Who was that?

24 A Cal Bondra, Calvin Bondra.

25 Q Bondra?

1 A Bondra, yes.

2 Q Can you spell that, please?

3 A B-o-n-d-r-a, I believe.

4 Q Okay, you said you discussed it with him. To your
5 knowledge, did he hold interviews with any other candidates?

6 A I really couldn't tell you, I don't remember.

7 Q So you became radcon manager in late 1990.

8 A Uh-huh.

9 Q How long did you stay in that position?

10 A I was in that position until about February of
11 '93, at which time there was a reorganization and chemistry
12 was absorbed into -- essentially combined with the radcon
13 organization to form the current rad chem organization.

14 Q What happened to your position?

15 A As the radcon manager?

16 Q Yes.

17 A It remained vacant for a considerable amount of
18 time.

19 Q I take it from that you got the new radcon
20 chemistry manager position?

21 A That's correct.

22 Q And that was a PG senior position?

23 A Yes, that's correct.

24 Q Was there a vacancy announcement for that one?

25 A I don't recall a vacancy announcement for that

1 position. It was a senior management position and I don't
2 think we necessarily advertise senior management positions,
3 but I don't recall.

4 Q What position were you in when you first met Mr.
5 Fiser?

6 A I would have known Mr. Fiser when I was at
7 Sequoyah as the radcon manager. So that would have been in
8 '89-'90 time frame.

9 Q What position was Mr. Fiser in at that time?

10 A Mr. Fiser I think at that time was in -- part of
11 that time was in the chemistry program as the chemistry
12 superintendent, which was a part of the operations
13 organization. I believe that's correct.

14 Q Was radiation control part of the operations
15 organization as well?

16 A No, it wasn't.

17 Q It was separate.

18 A Right, separate organization, separate line of
19 reporting to the plant manager.

20 Q Were you and Mr. Fiser peers at that time?

21 A Essentially.

22 Q Did you interact with him professionally during
23 that period of time?

24 A Really only on issues of -- I guess you would say
25 common issues. We did have some common interests. I was

1 interested, of course, in anything that would reduce
2 radiation exposure at the plant and chemistry is an area
3 that has a significant impact on radiation exposure, so we
4 did interact on filtration, rating filtration systems and
5 things like that, clean up processes during outages,
6 shutdown chemistry, those kind of things, we had some
7 interaction on those areas.

8 Q Are you familiar with a situation in which Mr.
9 Fiser and -- well, first of all, do you know Bill Jocher?

10 A Yes, I know Bill Jocher.

11 Q Do you recall when he and Mr. Fiser were rotated,
12 Mr. Fiser went to corporate chemistry and Mr. Jocher came
13 out to Sequoyah?

14 A You know, I am familiar with that rotation and I
15 believe it happened in early '92, 1992, because Mr. Jocher I
16 think was at the plant about a year before he left and went
17 back down to corporate.

18 Q And that was before you became the radcon
19 chemistry manager?

20 A Mr. -- that was before, right. That rotation was
21 before. Mr. Jocher left and rotated back to corporate
22 shortly after I became the rad chem manager.

23 Q And to the best of your recollection, whose idea
24 was it to make a switch between Jocher and Fiser?

25 A Between Jocher and Fiser?

1 Q Yes.

2 A Well, I really didn't know at the time. I think
3 now I believe it was the plant manager's idea to effect that
4 rotation, but --

5 Q And who was that?

6 A Mr. Beecken.

7 Q Can you spell Beecken?

8 A B-e-e-c-k-e-n, I believe.

9 Q Did you now at the time how long that switch was
10 supposed to last?

11 A No, I did not.

12 Q Did they ever unswitch?

13 A Mr. Jocher returned to corporate in March of '93,
14 I think March 8 was his last day, and I kind of remember
15 that because I was then responsible for the chemistry
16 organization and had been working with him during about a
17 30-day period on transition, while combining the two
18 organizations. So I believe it was early March of '93 when
19 he rotated back to his corporate position and Mr. Fiser
20 stayed in corporate.

21 Q Okay. Now when you became the rad chem manager at
22 Sequoyah in '93, was that part of a reorganization of the
23 rad chem departments at all the plants or was this something
24 strictly at Sequoyah?

25 A It resulted in -- it was an initiative, I think

1 that was identified as being prudent at Sequoyah first with
2 the intent of duplicating it at all sites. So in effect, it
3 was a company-wide.

4 Q Whose idea was it to try this at Sequoyah first?

5 A I really don't know. And I know Mr. Beecken
6 talked to me about it but I'm not sure that it was his
7 initiative.

8 Q To the best of your recollection back in the '93
9 time frame, what did the chemistry organization look like at
10 Browns Ferry? Is it similar to the organization at
11 Sequoyah?

12 A I really wouldn't know. I know there was a
13 chemistry superintendent, they had technical staff, but as
14 far as the structure goes, I really wouldn't know.

15 Q And the chemistry superintendent position Mr.
16 Fiser had at Sequoyah, that was a PG-9 position?

17 A I believe that's correct.

18 Q Do you have any idea what the analogous position
19 at Browns Ferry was, grade was?

20 A I would have thought it would have been the same.

21 Q Was there an equivalent position at Watts Bar?

22 A Yes, there was.

23 Q Now when you took over as the rad chem manager,
24 did you have any plans to reorganize the organization under
25 you?

1 A Yes, I did.

2 Q What was it that you wished to do?

3 A Well, as a result of -- I spent -- when the plant
4 manager approached me about the combination of the two
5 groups, I spent some time looking at the chemistry
6 organization and how it was set up to function, and
7 basically at that time -- now this was in early '93 -- Mr.
8 Jocher, who had been serving as the chemistry
9 superintendent, basically had almost everybody in the
10 organization reporting directly to him. And I knew, first
11 of all, I couldn't function that way with everybody
12 reporting to me. So I did look at how I would want to
13 restructure the organization, both of them, the chemistry
14 and the RP organizations to try to make it most effective.

15 There was an initiative ongoing in the company at
16 that time to reduce layers of management as much as possible
17 and I was striving for a seven-to-one ratio direct reports
18 to managers, and so all those things factored into the
19 proposal I made to my management about restructuring the
20 group.

21 Q Now you said Mr. Jocher had everybody in chemistry
22 reporting directly to him?

23 A Well, technically that may not have been 100
24 percent accurate. He had most of the technical staff, I
25 believe, and the shift supervisors reporting directly to

1 him. That was my impression of how the group was
2 functioning.

3 JUDGE YOUNG: You're talking about when he was
4 there, right?

5 THE WITNESS: When he was there, yes, that's
6 correct.

7 BY MR. DAMBLY:

8 Q And was the environmental function also part of
9 that at that time?

10 A Yes, environmental activities were a part of the
11 chemistry group at that time, it was a very small effort. I
12 think they had like maybe one person full time.

13 Q Was the organization under Mr. Jocher any
14 different than the organization had been under Mr. Fiser?

15 A I'm really not that familiar with how it had been
16 structured before.

17 Q Okay, what did you propose to your management
18 about reorganizing it?

19 A Well, one of the things that I believe to be the
20 case with the chemistry organization then was that we had
21 lost some of our technical expertise, so we needed to beef
22 up the technical staff. So I proposed an organization that
23 would essentially have a technical group supervisor, an
24 operations group supervisor, an environmental group
25 supervisor, a radiation protection technical group

1 supervisor and a radiation protection field operations group
2 supervisor reporting to me, five direct reports.

3 Q And that would have eliminated the position that
4 Jocher was in or Fiser had been in before, or not?

5 A Yes. That -- right, we would have had no
6 chemistry superintendent and of course, we wouldn't have had
7 the radcon manager job which I had just vacated.

8 Q Under your proposed organization, what grade would
9 the five direct reports to you have been?

10 A The five direct reports, those positions were
11 proposed to be PG-10 positions, most of them.

12 Q So under your proposal --

13 A The environmental one would not have been, it
14 would have been a lower grade.

15 Q So the chemistry function would have been a higher
16 grade than it had been previously?

17 A I believe that's correct.

18 Q In your plan, the chemistry superintendent
19 position had been eliminated totally, correct?

20 A That's true.

21 Q Do you recall when you specifically came up with
22 your proposed organization?

23 A I believe it was in February of '93.

24 Q I think you might have a volume there that says
25 joint exhibits on it.

1 A Yes.

2 Q Turn to Joint Exhibit 58.

3 A Did you say 58 or 38?

4 Q 58.

5 A Oh, 58, okay.

6 Q Can you tell us what this document is?

7 A This document is a document that I issued to all
8 radiological control and chemistry personnel in February of
9 '93, February 26, and it describes the functional
10 organization that we were implementing immediately. I had
11 been given responsibility for the group in late January of -
12 - I believe it was late January of '93, maybe February 3.

13 Q And is that your signature on this document?

14 A That is my signature.

15 Q This is the memo that you put out notifying
16 everybody of your planned organization?

17 A That is correct.

18 MR. DAMBLY: The staff would like to move Joint
19 Exhibit 58 into evidence.

20 MR. MARQUAND: No objection.

21 CHAIRMAN BECHHOEFER: Without objection, Joint
22 Exhibit 58 will be admitted.

23 (The document, heretofore marked as
24 Joint Exhibit Number 58, was
25 received in evidence.)

1 BY MR. DAMBLY:

2 Q What's the subject line on this memo?

3 A The subject line is the implementation of interim
4 radiological control and chemistry organization.

5 Q And this memo also indicates that the attached
6 organizational chart is interim and not final?

7 A That's correct.

8 Q If we look at that chart, which functions of those
9 five under there would have previously been under chemistry
10 superintendent?

11 A Chemistry ops manager function, the chemistry
12 technical manager function, the responsibilities of Mr.
13 Adams as shown there, chemistry program manager, and some of
14 the responsibilities under Mr. Osborne.

15 Q So basically the positions that would have been
16 reporting to the chemistry superintendent now were reporting
17 directly to a higher level position?

18 A Those functions would have been under the
19 responsibility of the chemistry superintendent. I don't
20 believe that they were structured so that these positions
21 actually existed and reported this way.

22 Q To the best of your recollection, did the
23 chemistry superintendent have subordinate manager positions
24 under it?

25 A Yes.

1 Q And this memo indicates that this interim
2 organization was subject to approval by management, is that
3 correct?

4 A Yes, that's correct.

5 Q At corporate nuclear power.

6 A That's correct.

7 Q And did they approve this?

8 A They did not.

9 Q What positions were eliminated in your proposed
10 reorg or your interim reorg, just the radcon manager and the
11 chemistry superintendent?

12 A That's correct, I believe those were -- well,
13 there may have been other lower level positions in chemistry
14 that during the shuffle were changed around, I'm not sure, I
15 don't recall the details of the chemistry organization as it
16 existed at that time.

17 Q Do you recall there being any reduction in force
18 associated --

19 A No, there was no reduction in force.

20 Q So nobody lost their job as you proposed this?

21 A Yes, that's correct.

22 Q And would it be fair to say that the chemistry
23 organization was somewhat in limbo at the time you put this
24 out, pending management approval?

25 A Well, I don't think it was in limbo, I think when

1 we put this out, we -- it was in a state of transition and
2 we recognized that. I felt at that time that I had
3 excellent support from my site management to implement this
4 organization and had every confidence that this is the way
5 we were going to go eventually anyway. So I think with the
6 directive that was given to the people in charge of these
7 different program areas, that there wasn't much of a limbo
8 state, there was a lot of things to do and we were trying to
9 organize to get them done.

10 Q Okay, in the same book here, if you would turn to
11 Joint Exhibit 25.

12 A Twenty five, did you say

13 Q Twenty five. It's a report of interview with the
14 TVA IG, January 11, 1994.

15 A Okay, I've got it.

16 Q If you would turn to the top of page 3. "Kent
17 admitted the chemistry organization structure was in limbo.
18 However, Kent felt confident it would be implemented."

19 A Yes. And that's in quotes, so I may have used
20 those words at that time.

21 Q And if you turn back to the prior page, this is in
22 reference to I guess the section you were being asked about
23 Fiser's reduction in force in '93.

24 A Yes.

25 Q Do you recall Fiser's reduction in force in '93?

1 A Yes, I believe I do.

2 Q Did you know he was' RIFed from the chemistry
3 superintendent position at Sequoyah?

4 A I did not at the time.

5 Q How is it possible to RIF somebody from a position
6 under you without you knowing about it?

7 A Well, I wasn't involved in the decision.

8 Q No, but as the manager responsible, nobody told
9 you that they were conducting reductions in force of your
10 staff?

11 A That's true, I was not -- well, he was not really
12 part of my staff at that time. When the move was
13 implemented to combine the two organizations, Mr. Fiser was
14 a part of the corporate staff and he had responsibilities
15 there. Mr. Jocher expressed an interest to return to
16 corporate and we agreed that if he would stay on until early
17 March, that would be sufficient transition for him to be
18 able to do that. He was aware of what we were planning in
19 terms of this organization.

20 Q Who is the he we're talking about now?

21 A Mr. Jocher. I had discussed it with him and he
22 was aware of some of the details of what we were planning on
23 doing. And you know, I had every -- I assumed that Mr.
24 Fiser was in a corporate position and he was satisfied with
25 his corporate position. I was not aware that he was going

1 to be RIFed as a result of this action or any action related
2 to this.

3 Q When did you find out that that was in fact the
4 case?

5 A Sometime later.

6 Q How much later?

7 A I really can't remember. It may have been --

8 Q Are we talking a few months afterwards, are we
9 talking about when Mr. Fiser filed his '93 or are we talking
10 '96 time frame?

11 A I was aware of it I think in -- later in '93.

12 Q You were clearly aware of it when you were
13 interviewed by the IG.

14 A Yes.

15 Q Do you know why Mr. Fiser was RIFed from that
16 position?

17 A No, not specifically.

18 Q Did you tell the IG you thought he was RIFed
19 because he wasn't the right person for the chemistry program
20 and had numerous performance problems?

21 A I may have.

22 JUDGE YOUNG: I'm sorry, that who had numerous
23 performance --

24 MR. DAMBLY: Fiser. If you look at page 7 of that
25 Joint Exhibit 25.

1 BY MR. DAMBLY:

2 Q Under miscellaneous, it says "Kent does not
3 believe Fiser was RIFed because of filing safety concerns.
4 Instead, Kent believes Fiser was RIFed because he was not
5 the right person for the chemistry program and had numerous
6 performance problems.:

7 A That's what's recorded in this document, I don't
8 believe those are my exact words. This is not a transcript,
9 this is the investigator's perception of the discussion.
10 You know, I can't deny that I probably gave the investigator
11 that perception.

12 Q And with the knowledge you had back in '93-'94
13 time frame, is it proper to reduce someone in force from a
14 position because of performance?

15 A You know, I'm not an expert on human performance
16 rules and regulations. I have some experience just because
17 I've been involved in a RIF myself and had done it for a
18 large number of people, but I believe that when you
19 eliminate a position by RIF, you eliminate the function and
20 the position, and it's not done for performance-related
21 reasons, it's done for business or organizational function-
22 related reasons. You don't need that function any more
23 basically.

24 Q Okay. I believe you told me during deposition Mr.
25 Fiser wasn't aggressive enough for that position, you didn't

1 think and he should have gotten more funding. Do you recall
2 that?

3 A I don't recall the specific conversation -- that
4 specific detail of our conversation.

5 Q But tell me, after you took over and became the
6 radcon chemistry superintendent, how much did you increase
7 the funding for the chemistry program at Sequoyah?

8 A I really don't remember, I'd have to go back and
9 look at the budgets. I know there were a number of needs
10 the chemistry staff had when I first took over chemistry.
11 There were very few computers in the staff, available to the
12 staff, so immediately I gave them computers, and tried to
13 automate and upgrade some of their work processes.

14 Q If we could go to Joint Exhibit 25.

15 A What exhibit was that again?

16 Q Let me make sure I've got the right one -- yeah,
17 Joint Exhibit 25, the same one we've been dealing with, your
18 '94 interview with the IG. Starting on page 3, under
19 "Fiser's performance." It says at the bottom of that page,
20 "Kent further stated that the Institute of Nuclear Power
21 Operations had a finding against chemistry in 1991 and from
22 that point on, Fiser should have been more aggressive at
23 finding and fixing the problems." Do you recall making that
24 statement?

25 A I don't recall specifically making that statement,

1 it doesn't sound unreasonable though.

2 Q Do you recall whether or not there was a finding
3 in '91 by INPO against the chemistry program at Sequoyah?

4 A Well, based on this statement, I would assume
5 there was. I do not specifically recall that '91 INPO
6 evaluation and the findings that would have come from that.

7 Q If you would turn to Joint 33, which is an
8 appraisal for Mr. Fiser signed by Dr. McArthur covering I
9 guess fiscal year '92, which would have covered September
10 '91 through September '92. About midway down the first page
11 it says "There have been no chemistry related findings by
12 INPO for SQN. This is a record for SQN."

13 Now INPO only comes to the plant every two yrs to
14 do --

15 A I believe now that's correct. In the early '90s,
16 the inspection frequency at the sites was more frequent than
17 two years, I believe.

18 Q Do you recall there being a '91 finding or are we
19 talking about the one here that was -- as I recall the
20 testimony, there was an '89 one and one in late '91. Do you
21 know of another one by INPO somewhere in here?

22 A No, I wouldn't -- I couldn't recall that detail.

23 Q If Fiser had been rotated back when Jocher went
24 back to corporate, if Fiser had come back to Sequoyah, would
25 he have been RIFed by you at that point?

1 A I apologize, I was --

2 Q I'm sorry.

3 A -- looking at the details of this, I haven't seen
4 this document before. Your question was again

5 Q If Fiser came back to Sequoyah in '9 -- I guess
6 we're talking '93 now --

7 A Yes.

8 Q Would you have done a reduction in force because
9 you eliminated his position on your interim organization?

10 A Well, I wouldn't have done a reduction in force as
11 a result of the interim organization because that was
12 interim, it was unofficial, it was a functional
13 organization, it was the way we had structured the group to
14 work until final approvals had been made by senior
15 management, including the grading of positions and all those
16 kind of things had to be done. So that was going to take
17 several months, so I wouldn't have done it immediately. I
18 really can't say. I mean that wasn't an option I was faced
19 with, so --

20 Q Well, have you ever -- in your experience at TVA,
21 have you ever had anybody or you yourself ever RIFed anyone
22 from a temporary or interim organization?

23 A No.

24 Q Was the organization as you had proposed at Joint
25 Exhibit 58, the interim organization, was that approved by

1 nuclear management?

2 A Ultimately, it was not. It was endorsed by site
3 management but in the final analysis, the decision was made
4 to standardize as much as possible the organizations at the
5 three sites and that organization was not approved.

6 Q Okay. If you look at Volume 1 of the staff
7 exhibits in front of you, Staff Exhibit Number 12. Does
8 everybody have that document?

9 Can you tell me what Staff Exhibit 12 is?

10 A This is a memo from Mr. Bynum who was the Vice
11 President of Operations to the plant managers and site vice
12 presidents, it looks like, corporate management.

13 Q Did you ever receive a copy of this?

14 A Probably -- yes, I did, there's a distribution
15 stamp on the upper right hand corner and it shows that I was
16 given a copy and so I would have.

17 Q And this was Mr. Bynum's standard organization for
18 the power plants for the rad chemistry area?

19 A Let me look at this just a second, if you don't
20 mind.

21 (The witness reviews a document.)

22 A Yes, that's what this was.

23 Q And the date on that is April 27 of '93?

24 A That's correct.

25 Q How soon after that did you implement that at

1 Sequoyah?

2 A Well, we would have moved in this direction as
3 quickly as possible. I think that when -- about this time,
4 we would have been rewriting job descriptions, going through
5 the process of -- we used the Hay process then that
6 evaluated job descriptions. So we would have been rewriting
7 job descriptions and getting them evaluated and posting job
8 descriptions to fill these positions.

9 Q And before I follow up on that, if you turn to
10 Joint -- well, you don't have to -- Joint Exhibit 59 is the
11 notice that went to Mr. Fiser surplussing him from the
12 Sequoyah position and that was April 2 of '93, so that would
13 be before Mr. Bynum standardized the plant and while it was
14 still under your interim organization?

15 A Yes, that would appear to be correct.

16 Q Now you indicated that after Mr. Bynum put this
17 out, you were busy rewriting position descriptions under the
18 Hay process to get them classified. If this was going to be
19 a standard organization for the power plants, and I guess
20 initially it covered Sequoyah and Browns Ferry, why wasn't
21 there a standard organization chart drawn up with standard
22 position descriptions?

23 A Well, I believe that essentially that is the
24 process we were going through. The move was made at
25 Sequoyah, as I recall -- and this is 1993, so my

1 recollection may not be 100 percent -- but from the
2 beginning, it was my perception that the need to make these
3 changes were most critical at Sequoyah.

4 Q Were what?

5 A Most critical at Sequoyah.

6 Q Oh. So Sequoyah was going to be sort of the first
7 or lead or pilot, however you want to put that, in terms of
8 getting this organization in place, combining the two and
9 making that effective and functional. And in a sense, you
10 know, we took the lead on writing the job descriptions and
11 coordinating and getting them done.

12 Q And who had to approve the job descriptions, was
13 that corporate nuclear HR or --

14 A Well it had to go to the Hay Committee, so yes,
15 corporate everybody would have been involved in that
16 process.

17 Q And were those same PDs then transferred over to
18 Browns Ferry's organization?

19 A I believe that would have been the case, yes.

20 Q And at the time, Browns Ferry had a chemistry
21 superintendent in a position analogous to the position that
22 Mr. Fiser had had at Sequoyah?

23 A I'm going to assume so, I really don't know what
24 Browns Ferry had at that specific time, but I would assume
25 so.

1 Q And as a result of the reorg, they would have been
2 the positions shown on here on this standard chart of
3 chemistry manager?

4 A Yes, there was a chemistry manager position
5 created, that's right.

6 Q And that was a PG-10 position?

7 A Yes, I believe that's correct.

8 Q Which was an upgrade for the chemistry
9 superintendent position.

10 A That's correct.

11 Q Do you know if anybody was RIFed out of Browns
12 Ferry because it was a higher grade position?

13 A No, I don't.

14 Q Are you familiar with the term reclassify
15 position?

16 A Yes, I believe I am; not technically, but
17 functionally.

18 Q Mr. Corey talked about it this morning, if you're
19 in a position and someone comes and takes a look at your job
20 duties and decides they're now a higher grade, are you
21 allowed to be just put in that position or have your
22 position reclassified to a higher grade?

23 MR. MARQUAND: Objection, lack of foundation.

24 MR. DAMBLY: I'm asking him if he knows.

25 THE WITNESS: I can give you my perception. My

1 perception is that when a new position is developed, if it
2 is a different classification, higher grade or whatever,
3 there would be a review of incumbents of lower level
4 positions to see if they match appropriately to that.
5 That's a lay understanding of that process, but really
6 that's an HR process and I'm not really that familiar with
7 it.

8 JUDGE YOUNG: That's a what kind of process?

9 THE WITNESS: A human resource process, HR.

10 JUDGE YOUNG: Thank you.

11 BY MR. DAMBLY:

12 Q If we're talking about a situation where there is
13 an individual in one position and there's a review done and
14 that position is regraded, are you aware of any situation
15 that requires posting in that -- any requirement for posting
16 of a position where an individual's position has been
17 upgraded? I'm not talking where there's three and there's
18 only going to be two, I'm talking one person and the
19 position goes from a 9 to a 10.

20 A Yes, I could believe that would be the case. It
21 depends on the functions of the new position and whether or
22 not they're equivalent.

23 Q I'm asking you for reclassification, the person is
24 doing a job, you're doing the radcon manager position. They
25 grade you at a PG-10 and somebody comes in and does a review

1 of your position and decides it should be a PG-11. Do you
2 have to apply for that position or do they just make it a
3 PG-11 position?

4 A As that has been done at lower levels -- I've
5 never seen that necessarily done at that level -- but I am
6 familiar with situations where lower grade positions have
7 been reviewed at the request of an incumbent, and in some
8 instances those positions were graded at a higher level and
9 the person was reclassified into that position.

10 Q And there was no posting and no advertisement, no
11 requirement to apply and compete?

12 A I believe that's correct.

13 Q Now once it was determined in I guess we're
14 talking three weeks, three and a half weeks after Mr. Fiser
15 got a surplus from the chemistry superintendent position,
16 that in fact a similar position was going to survive in the
17 new organization or be in the standard organization, did you
18 or anyone make any move to put Mr. Fiser in that position?

19 A Not immediately.

20 JUDGE COLE: I'm sorry, I didn't hear that, sir.

21 THE WITNESS: Not immediately.

22 BY MR. DAMBLY:

23 Q Is that because you didn't know he was in that
24 position, in the chemistry superintendent position?

25 A I'm not -- I don't know that I know exactly which

1 position Mr. Fiser was in at the time this organization was
2 implemented.

3 Q I mean you said you didn't think he was at
4 Sequoyah, you thought he was downtown.

5 A He was in corporate, right, he was in corporate.

6 Q And you didn't know he'd been surplussed from the
7 Sequoyah position?

8 A I may or may not have -- no, I don't think I did
9 at that particular time.

10 Q So had you known that or had somebody told you Mr.
11 Fiser was actually in the chemistry superintendent position,
12 he would not have been reduced in force from that position?

13 MR. MARQUAND: Judge, calls for speculation.

14 JUDGE YOUNG: Didn't you already ask that question
15 a little while ago?

16 MR. DAMBLY: I don't think so.

17 THE WITNESS: I really don't know. It depends on
18 the circumstances and I really don't know all the
19 circumstances.

20 BY MR. DAMBLY:

21 Q To your knowledge, did the Browns Ferry chemistry
22 superintendent get surplussed?

23 A To my knowledge, that did not happen, but I don't
24 know that I --

25 CHAIRMAN BECHHOEFER: Did or did not?

1 A -- would be aware of all those details.

2 Q If you'll go again to Joint Exhibit 25.

3 A Okay, I have it.

4 Q If we go to Page 3 in the paragraph above the
5 heading, "Fiser's performance," it says, "According to Kent,
6 Fiser was the only individual RIF'd when the new
7 organization was implemented. Kent explained the new
8 organization only called for the elimination of the
9 chemistry manager position and the rad con manager position.
10 Prior to being named rad con chemistry manager in January
11 '93, Kent was the rad con manager, since the rad con manager
12 position hadn't been filled since Kent was promoted, there
13 was no one to RIF."

14 Do you know, obviously, in '90 -- in January '94,
15 that Mr. Fiser had been RIF'd from the Sequoyah position?

16 A I would assume so. I was responding to a question
17 from the investigator. I really don't recall the question,
18 so I really can't tell you exactly how I responded to that
19 question. But this is the perception, I guess, of the
20 investigator as to what I said.

21 Q Okay. Now, if you go to Page 4 -- well, first of
22 all, who became the chemistry manager ultimately at -- at
23 Sequoyah as a result of the new organization?

24 A Ultimately it was Gordon Rich.

25 Q Gordon Rich?

1 A Yes.

2 Q And how long was he there?

3 A Was he in that position?

4 Q Yeah.

5 A He was in that position from the day he took the
6 position, which I believe was probably late -- mid to -- to
7 late...

8 Q '93?

9 A ...'93, until he left the company in last July.

10 Q And if -- if you look down at the bottom of -- of
11 Page 4...

12 MR. DANBY: I guess I have to fill this room with
13 hot air now.

14 Q At the bottom of -- of Page 4 there's a
15 discussion, and the decision to upgrade the chemistry
16 manager position from a nine to a ten.

17 MR. MARQUAND: Your Honors, I'm going to object to
18 this manner of examination. This isn't proper examination,
19 to hand somebody something that -- that they purportedly
20 describe previously, and ask them, "Did you say this? Did
21 you say that?"

22 If he wants to impeach him, that's fine. We've
23 been this route before. That's not the proper way to ask
24 him questions. Counsel should know better.

25 MR. DANBY: I think I can ask the questions I'd

1 like to ask, and I don't need to be admonished by Mr.
2 Marquand. And, moreover, he's already said he doesn't
3 remember any of this, so I'm allowed to take him through and
4 ask him.

5 JUDGE YOUNG: I think there's...

6 CHAIRMAN BECHHOEFER: Yeah, I believe he's trying
7 to refresh his recollection.

8 JUDGE YOUNG: Some leeway is all right.

9 BY MR. DANBY:

10 Q Now, we discussed previously you didn't recall
11 what happened to the chemistry manager at -- at Browns
12 Ferry; do you recall?

13 A Yes, I stated that. That's correct.

14 Q Okay. And if you'd look down on the bottom of
15 Page 4 where it says, "The decision to upgrade the chemistry
16 manager position," and you go through why it was upgraded.
17 And the last is, "Kent stated that John Sabados, the current
18 chemistry manager at Browns Ferry Nuclear Plant, was a PG-9
19 until," in quotes, "maybe days ago." Kent explained that
20 BFN is just now beginning to implement the new
21 organizational structure. According to Kent, it was always
22 the intention that SQN would be the first plant to implement
23 the new structure because there was immediate need."

24 Does that refresh your recollection that Mr.
25 Sabados went from a nine to a ten as a result of the

1 reorganization?

2 A Yes, it does.

3 Q Do you recall Mr. Sabados competing for that job?

4 A I really -- I really don't remember the situation.
5 I don't recall the situation at Browns Ferry. I was
6 obviously aware, though, in January of '94, that that had
7 taken place. And it had been delayed, you know,
8 significantly.

9 Q When the rad chem organization was finalized, the
10 binding, standard organization at Sequoyah, did you ever
11 consider Mr. Fiser for any positions at Sequoyah?

12 A Yes, I did.

13 Q What positions?

14 A I considered him for -- well, actually before the
15 organization was finalized, I considered him before -- for
16 the chemistry technical support supervisor's position. And
17 then after the organization was finalized, I did discuss the
18 possibility of the chemistry manager's position with him.

19 CHAIRMAN BECHHOEFER: Did you say chemistry
20 manager?

21 THE WITNESS: Yes.

22 CHAIRMAN BECHHOEFER: Okay.

23 Q Before the reorganization was final, you talked to
24 him about which position? The technical...

25 A Before the organization was finalized, I believe I

1 had a conversation with Mr. Fiser about the chemistry
2 technical support supervisor's position. I viewed that as -
3 - as a key position in the new organization, and at some
4 point I was aware that Mr. Fiser was in the transition
5 program, and I did discuss the possibility of that position
6 with him. I believe that's correct.

7 JUDGE COLE: Sir, could you move the microphone a
8 little closer. I'm a having a little trouble, also.

9 THE WITNESS: Sorry. I think the situation is I'm
10 trying to address the questioner here.

11 JUDGE YOUNG: You need to listen to him but -- but
12 sort of look over so he can see you, and we can.

13 BY MR. DANBY:

14 Q Okay, going back to Joint Exhibit 58, your
15 proposed interim or your interim organization.

16 A Yes, I have it.

17 Q Okay. And on the org chart, on the second page is
18 the position that has D. Bodine in it. Is that the one you
19 talked to Mr. Fiser about?

20 A Yes, I believe I did.

21 Q And you talked to him about it while he was in the
22 transition program, he had already gotten a surplus notice?

23 A I believe that's correct.

24 Q Had Mr. Bodine left that job?

25 A That's Ms. Bodine.

1 Q Oh, Ms. Bodine. I'm sorry.

2 A And I believe at that time, by the time I had
3 talked with Mr. Fiser about this position, we had -- we had
4 looked at the function we needed to support the
5 environmental program, and had made the decision that we
6 really didn't have enough support in that area. And I
7 believe we had reassigned Ms. Bodine that area of
8 responsibility.

9 Q Okay.

10 A I mean, all of the people in these positions were
11 basically -- in the chemistry organization, were basically
12 serving in those positions in a functional capacity. But
13 the PDs did not exist at the time. In other words, they had
14 administrative responsibility because we had given it to
15 them, but there really was no position or formally approved
16 organization that outlined that responsibility.

17 Q Okay. Now, according to the -- Joint Exhibit 58,
18 you put out this interim chart in February of '93, February
19 26. And as we've just seen, Mr. Fiser got his surplus
20 notice on, I think, April 2nd, and the standard organization
21 came out in late April of '93. You think you talked to Mr.
22 Fiser in the three weeks in-between his surplus and the
23 standard organization that kept the superintendent position,
24 essentially?

25 A I really can't recall the exact date that I

1 discussed it with Mr. Fiser. But I do recall having a
2 conversation with him where we discussed the position and
3 any interest he might have in the position. And he
4 expressed to me that he was not interested in the position.

5 Q Do you recall him indicating to you he wasn't
6 interested in the position because he thought he had his
7 corporate position? That he was there, and he wasn't
8 interested in going back?

9 A I actually believe that he indicated to me that he
10 was not interested in the position because it was a -- a
11 lower grade position than he was -- than he had -- had
12 occupied at the site at that time, a lower level. He -- he
13 deemed it, I think, as a lower level position in the
14 organization, and -- and he didn't want to take the position
15 or was not interested in pursuing it for that reason. He
16 sort of looked at it as a step down. And I -- I really
17 don't know where he was in -- in terms of whether he was in
18 corporate in a -- what he thought was a secure position at
19 the time, or if he was in ETP. I'm not sure about that.

20 Q Subsequent to your discussions about this
21 position, had you ever talked to Mr. Fiser about the
22 possibility of taking the chemistry manager position as
23 shown in the standard organization chart?

24 A Yes, I did

25 Q How'd that come about?

1 A I can't recall the exact date, but Mr. Fiser was,
2 I know, in ETP at that time.

3 Q And you better explain, transition program, ETP?

4 A Transition program. Right.

5 Q Not toilet paper.

6 A What was that?

7 Q Not toilet paper, it's transition program?

8 A He was in the transition program; right. I
9 believe that's correct.

10 And he was in the transition program. We were
11 trying to staff the positions at Sequoyah. The -- Mr. Bynum
12 had -- had approved -- finally approved the organizational
13 structure that -- that had the chemistry manager position in
14 it. We had been trying to staff those positions for some
15 time. The chemistry one, in particular. I was under some
16 pressure from my site management to -- to get that position
17 staffed, because they understood -- by that time, that was --
18 - that was late April or -- or later, I believe. We had --
19 we had laid out a very aggressive and thorough, long-range
20 chemistry improvement plan to upper management, so they
21 really understood the scope of what needed to be done in the
22 chemistry area. And I believe they thought that was going
23 to be a key position, once it was finally endorsed by
24 corporate management. They thought that was going to be a
25 key position, and -- and they wanted us to move forward with

1 -- with getting all the positions filled and the
2 organization stabilized and, you know, all those kind of
3 things accomplished. So at -- at some point in '93, I did
4 approach Mr. Fiser and -- to determine whether or not he was
5 interested in that position.

6 Q Okay. And what -- what did Mr. Fiser say?

7 A Well, my recollection is, and I have -- I'm sure
8 I've talked about this before in some of the many interviews
9 that we've done over the nine years or so. But I'm
10 recalling right now from the time. My recollection of the
11 conversation was that he was somewhat pleased that I had
12 chosen to talk to him about it. He expressed an interest in
13 the position. And he communicated to me, however, that he
14 was concerned that upper management did not have very much
15 confidence in his leadership abilities. And that if he were
16 a part of the program, it would be potentially detrimental
17 to the program for him to come back.

18 Q Okay. Did you talk to any management -- any of
19 your management about that possibility of bringing Mr. Fiser
20 into that position?

21 A Yes, I -- I did. I talked to both the site vice
22 president and the plant manager.

23 Q All right. And who were those two individuals?

24 A I believe at the time of these conversations the
25 site vice president was Bob Fennick, and he had been the

1 site vice president throughout this. I believe the plant
2 manager was Ken Powers, P-o-w-e-r-s, if you haven't talked
3 about him before. I would have discussed it with both of
4 them.

5 Q Did you discuss it with Mr. Beecken?

6 A I don't think so. Not at that time. I don't
7 believe Mr. Beecken was -- I believe at this particular
8 time, when I had the conversation with Mr. Fiser, Mr.
9 Beecken was -- was not in the plant manager's position. I
10 believe he was in a -- in a position -- in another position
11 on site, but not the plant manager's position.

12 Q Did you talk to -- to Powers and Fennick before
13 you talked to Fiser initially, or did you approach Mr. Fiser
14 first?

15 A I -- I would -- I'm not sure. I believe I would
16 have talked to my plant management prior to approaching Mr.
17 Fiser, but I'm not sure. I can't recollect the exact
18 sequence of events.

19 Q All right. If you would turn to Staff Exhibit 73.

20 A 73?

21 Q 73. Not in the joint, in the staff, in Book 1.
22 Or, I'm sorry, Book 4. Volume 4. It's one of them I put on
23 the...

24 A Okay, I have it.

25 Q Okay, if you turn to 73, and if you turn -- and

1 this is, just for the record, the interview by the Office of
2 Investigations, the NRC Office of Investigations that took
3 place October 22nd, 1998. And if you would turn to Page 11.

4 A Okay, I have it.

5 Q Okay. And starting on -- on we'll say Line 7, you
6 have an answer that says, "Not exactly. Let me explain.
7 Gary was in what I think was called the transition program,
8 and I was having a great deal of difficulty staffing the
9 vacancy that I had, and so I approached my manager at that
10 time."

11 Question: "Can you tell me who he was, please."

12 Answer: "Rob Beecken."

13 Question: "Okay."

14 Answer: "Mr. Rob Beecken. And I believe I told
15 Rob that, you know, I thought Gary could do the job, and
16 that I could fill in where he, you know, lacked maybe in
17 some of his aggressiveness. And that I thought if he were
18 going to have the staff position, we needed to consider
19 Gary."

20 Question: "What was Mr. Beecken's response?"

21 Answer: "He told me fine, talk to him. So I
22 did."

23 Does that refresh your recollection as to who you
24 discussed Mr. Fiser's potential hiring with?

25 A I would have -- I -- obviously I did talk to Mr.

1 Beecken about it. This is -- is almost the same time
2 interval that Mr. Beecken moved out of the position and Mr.
3 Powers came into the position. I know I also talked to Mr.
4 Powers about it. So there was a transition in there. But
5 obviously I did talk to Mr. Beecken about it, and these are
6 -- this is my words, so I -- I believe that's correct. And
7 I believe he did say he'd -- he'd support me.

8 Q Did you ever interview Mr. Fiser for the -- the
9 chemistry manager position?

10 A No.

11 Q Do you recall discussing with him on July the 6th?

12 A I did have two conversations with him about it,
13 but I -- I would not call them -- they weren't interviews.
14 I did call him when I initially discussed the position with
15 him. He was -- like I said, he was in ETP at the time. He
16 came out to my office. We talked about the position. He
17 expressed the concern, and I had a follow-up conversation
18 with him following that.

19 Q Okay. Do you recall, when he -- when he was in
20 your office, whether or not Mr. Powers came by and
21 discussed...

22 A I don't recall Mr. Powers coming by. He did walk
23 -- you know, call -- what he would call walking his spaces a
24 lot. You know, he may have stuck his head in my door. He
25 was not involved in any substantial way in -- in a

1 conversation with Mr. Fiser during that -- during that time
2 interval. Not in my office, anyway.

3 Q Well, after you had your conversation with Mr.
4 Fiser, did you talk to Mr. Powers?

5 A Yes, I'm -- I'm sure I did. I believe I -- I
6 recollect a conversation with Mr. Powers I believe the same
7 day I talked to Mr. Fiser. As a matter of fact, my
8 recollection is that Mr. Fiser and I discussed the potential
9 for this position in my office, and we left my office and we
10 walked around to Mr. Powers' office. We were walking out of
11 the building. Mr. Powers' door was open and he was in his
12 office, so I introduced him to Gary. And -- and he got up
13 and shook his hand and, you know, made nice things. And I
14 told him why I was talking to Gary and -- or that this is
15 the guy that I was talking to. And he would have said some
16 nice things and that would have been it.

17 Q Okay.

18 A It was a very short conversation.

19 Q Did Powers tell you he'd approve any decision you
20 had to hire Mr. -- or to offer the position to Mr. Fiser?

21 A Yes, I think Mr. Powers -- I believe I had a
22 follow-up conversation with Mr. Powers and -- and we talked
23 at some -- at some length about the possibility of Mr. Fiser
24 coming out in that position. And I believe that he said he
25 would support me in whatever I felt was the right thing to

1 do.

2 Q Did you make an offer to Mr. Fiser?

3 A No, we did not.

4 Q You didn't? You didn't offer -- quote him a
5 salary of \$81,000?

6 A No, we did not.

7 Q Did you ever tell him to show up at work the next
8 week after this interview or discussion with Mr. Powers?

9 A No, we did not. I think at some point I did
10 discuss Gary coming to Sequoyah on a loan basis. And this
11 is while he was in ETP. To help support the program. But
12 it was not in -- it was not related to, you know, "Here's an
13 offer of a position. You're supposed to report on this
14 date."

15 Q Do you recall ever making any statements to Mr.
16 Fiser that -- that he should lay low and you would talk to
17 the right people, make sure it would be okay to hire him?

18 A Not specifically using those words. I -- I do
19 recall the conversation, as I mentioned, that I had with Mr.
20 Fiser about him coming to Sequoyah, that possibility. He
21 did express a concern, and he was fairly serious about it.
22 And he said that he thought -- he thought that upper
23 management would look poorly on the program if he was a part
24 of it. And he -- he said I should check into that before we
25 moved any further in those conversations, and so I told him

1 I would. And I did follow up and -- and make a phone call
2 to corporate and ask regarding corporate's perception of Mr.
3 Fiser and his abilities and whether or not it would
4 potentially have a negative impact on the program.

5 Q Okay. And did you ever discuss or receive any
6 approval from Mr. Fennick to -- to hire Fiser in that
7 position?

8 A No. I never asked for permission to hire Fiser in
9 the position. I -- I did discuss with Mr. Fennick the
10 possibility of -- of talking to Gary about the position, and
11 he -- he endorsed me pursuing that, and so I did. But he --
12 both he and Powers, I would have kept them briefed
13 throughout the process of where we were, what discussions we
14 were having, you know, what was going to work, what wasn't
15 going to work. I believe in keeping my management informed
16 of what's going on. I would have kept them informed of what
17 was going on.

18 Q Okay. Now you said Mr. Fiser suggested to you
19 that you should check with corporate management and find out
20 how he was viewed, I guess. Who did you talk to in
21 corporate?

22 A I talked to Wilson McArthur.

23 Q Was he the only person in corporate?

24 A The only person I talked to; yes.

25 Q Okay. What did Mr. McArthur tell you, or Dr.

1 McArthur tell you?

2 A Mr. McArthur -- Dr. McArthur later, I would say
3 within a few days, called me back and -- and relayed to me
4 that he had asked some questions, and had gotten feedback
5 that there was a perception in corporate of lack of
6 confidence in Mr. Fiser's abilities, management abilities,
7 and that however I think he told me he would support me in
8 whatever decision that I chose to make.

9 Q Did he tell you who in corporate had this lack of
10 I guess...

11 A Confidence?

12 Q ...confidence in Mr. Fiser?

13 A He did not.

14 Q Did you ask?

15 A I did not.

16 Q As a result of your discussion with Dr. McArthur,
17 what'd you do?

18 A Within a few days, I believe, I -- I called Mr.
19 Fiser back, and he came to my office and we talked, and I
20 relayed the -- that information to him. And he -- he
21 basically said that, you know, he had felt that way. And,
22 you know, that was -- he understood. That was fine. I
23 think he -- he thought that it would be best for the program
24 if he was not a part of it, and we would -- we would just
25 terminate that line of thinking. He did express to me that

1 he had some other things he was pursuing, maybe business
2 ventures, that kind of thing, on -- on the outside. And he
3 seemed content with that.

4 Q Do you recall any discussion or conversation you
5 had with Mr. Fiser on -- on July the 9th---I'm sure you
6 couldn't remember that day---of '93 in which -- do you
7 recall a conversation in which you told him that when
8 McArthur talked to others about hiring Fiser, that it was
9 like throwing a rock in a hornet's nest?

10 A No. I -- I have seen those words and, you know,
11 we've -- I don't recall saying those words. And I don't
12 recall Mr. McArthur saying those words to me.

13 Q Do you recall the -- the other words that --
14 telling him, it would be like a baby bird that fell out of
15 the nest, and putting it back in the nest where the mama
16 bird would peck it to death?

17 A I don't specifically recall that. I mean, we --
18 we -- you know, we talked in a fairly casual manner for
19 probably -- you know, my recollection would be 30 minutes.

20 JUDGE YOUNG: Do you ever use animal analogies
21 like that?

22 THE WITNESS: It's possible. I don't recall that
23 one.

24 Q But was the reaction that you got from Dr.
25 McArthur, when he talked to whoever he talked to in

1 corporate, as serious as these comments would have said? I
2 mean, did he indicate there's something other than people
3 don't have confidence, something more along the lines...

4 A No. No, he did not. As -- you know, and I
5 believe that -- that Wilson McArthur expressed to me that
6 there was a concern or lack of confidence in his managerial
7 abilities. But at the same time he said he would support me
8 in whatever I wanted to do. And so I -- I can't believe
9 that -- that Wilson and I would have talked about it and he
10 would have expressed to me that, hey, there's a hornet's
11 nest down here, you know. Everything's a-buzz since I
12 brought this up, you know. Bad things are -- you know, a
13 lot of steam against this. If he'd have said that, I don't
14 think we would have -- I don't think he would have said,
15 "I'll support you in whatever you want to do." He would
16 have said, "Hey, this is not a thing you want to pursue."
17 He didn't -- but he didn't do that.

18 Q Did anybody tell you if Mr. Keuter or Mr. Bynum or
19 Mr. McGrath made any comments about hiring Fiser back to
20 Sequoyah?

21 A No, I'm -- I'm not aware of any specific
22 individual who made any comments about -- at least I wasn't
23 at that time. It may be that since then, and all the
24 conversations we've had over the years, you know, I may have
25 found out somewhere from McArthur or from someone else that

1 -- who it was that actually -- he got in contact with. But
2 I -- I can't recall who it was, and I don't really think I
3 know.

4 MR. DANBY: Well, this -- this would be a good
5 breaking point, if that's appropriate.

6 JUDGE YOUNG: Okay.

7 CHAIRMAN BECHHOEFER: That'll be fine. Okay,
8 we're -- I guess we're adjourned for the day. Any further
9 matters people want to take up before we leave?

10 JUDGE YOUNG: I'd like to get some sense of -- of
11 where we are on this list of witnesses, which looks awfully
12 long in -- in view of the progress we've made. I think we
13 were hoping to finish with Mr. Kent today.

14 MR. MARQUAND: Tomorrow.

15 JUDGE YOUNG: Tomorrow. Yes. Oh, I had down
16 today, but...

17 MR. MARQUAND: He's scheduled for today and
18 tomorrow.

19 JUDGE YOUNG: Okay.

20 MS. EUCHNER: Yes. And then on Friday we're going
21 to go ahead and call Mr. Reynolds.

22 JUDGE YOUNG: Okay.

23 MS. EUCHNER: And next week we're going to have to
24 discuss when we want to adjust the schedule to bring Mr.
25 Fiser back.

1 JUDGE YOUNG: Okay. Now, one thing. I have to
2 leave -- we're going to have to stop at -- at 5:00 on
3 Friday. So if we need to go late either today or tomorrow
4 to -- to keep up with ourselves...

5 MR. MARQUAND: I only have a little bit left with
6 Mr. Fiser. I went back over everything and determined I do
7 not have much left with him. So when he comes back, we
8 would conclude our cross on him very quickly.

9 JUDGE YOUNG: You think he might fit in...

10 MR. MARQUAND: I was hoping we could fit him in
11 this week.

12 MS. EUCHNER: I think that's highly unlikely, Your
13 Honor.

14 MR. MARQUAND: Well, I mean...

15 CHAIRMAN BECHHOEFER: Are we progressing such that
16 we're likely to be finished with Mr. Kent by the end of
17 tomorrow?

18 MR. DANBY: I would think that -- so you can hear,
19 that I would be finished with Mr. Kent tomorrow morning. I
20 mean, I don't think it'll take more than, I mean, three
21 hours at the outside. I don't think it would take that
22 long. Which would leave the afternoon for cross.

23 JUDGE COLE: Did you put a time limit on the
24 amount of time they'll require to finish with Mr. Fiser?

25 MR. MARQUAND: I think I will be done in well

1 under an hour on the cross.

2 CHAIRMAN BECHHOEFER: Under an hour?

3 MR. MARQUAND: Under an hour.

4 CHAIRMAN BECHHOEFER: I just didn't know what I...

5 MR. MARQUAND: Yes.

6 CHAIRMAN BECHHOEFER: Okay.

7 JUDGE YOUNG: How much cross do you -- how much
8 cross of Mr. Kent do you think you'll have?

9 MR. MARQUAND: If the direct is as extensive as
10 Mr. Corey, very little cross.

11 JUDGE YOUNG: And then Mr. Voeller and Mr.
12 Reynolds?

13 MR. MARQUAND: Mr. Voeller is a short witness, I
14 believe; Mr. Reynolds probably a little longer.

15 JUDGE YOUNG: Okay. And we don't want to -- we
16 don't want to call Mr. Reynolds -- Mr. Reynolds is available
17 next week if we don't finish...

18 MR. MARQUAND: I checked with Mr. Reynolds. And
19 if he -- we are not done with him by the end of the day
20 Friday, we can pick up with him Monday.

21 JUDGE YOUNG: Okay. Because, as I say, we
22 probably ought to keep track, because that's -- that's the
23 one day this week I think that we cannot -- well, I could --
24 we could if I took a break to -- to go pick up something and
25 then come back. But...

1 MR. MARQUAND: Can we -- do we need to do this off
2 the record?

3 JUDGE YOUNG: Yeah, right, we can do this off the
4 record.

5 (Whereupon, the hearing was adjourned at 5:06
6 p.m., to reconvene at 9:00 a.m., on Thursday, June
7 13, 2002.)

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CERTIFICATE

This is to certify that the attached proceedings
before the United States Nuclear Regulatory Commission
in the matter of:

Name of Proceeding: Tennessee Valley Authority

Watts Bar Nuclear Plant,
Unit 1 Sequoyah Nuclear
Plant, Units 1 and 2 Browns
Ferry Nuclear Plant, Units
1,2,3

Docket Number: 50-390-CivP; ASLBP No: 01-
791-01-CivP

Location: Chattanooga, Tennessee

were held as herein appears, and that this is the
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151 William Warren
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Official Reporter
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