

RAS 4433

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: Monday, May 6, 2002

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UNITED STATES OF AMERICA

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NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

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HEARING

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

Monday,
May 6, 2002

Courtroom B
U.S. Bankruptcy Court
31 E. 11th St.
Chattanooga, TN

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

PAGES: 1802-2035

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RONALD GROVER

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P-R-O-C-E-E-D-I-N-G-S

9:10 a.m.

CHAIRMAN BECHHOEFER: Good morning, ladies and gentlemen. I hope you all had a pleasant weekend. We are back here.

Before we start, are there any preliminary matters which the parties wish to address?

MR. MARQUAD: No, Your Honor.

CHAIRMAN BECHHOEFER: I guess, Mr. Dambly, you are going to call Mr. Grover today?

MR. DAMBLY: He is right here and we are going to call him next, right now.

CHAIRMAN BECHHOEFER: Okay.
Whereupon,

RONALD OTIS GROVER
was called as a witness for the Nuclear Regulatory Commission and, having been duly sworn, assumed the witness stand, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. EUCHNER:

Q Could you please state your name for the record?

A Ronald Otis Grover.

Q What is your educational background, Mr. Grover?

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1 A Graduated from the U.S. Naval Academy in
2 1975, obtained a Masters in Business Administration in
3 about 1984, and a Masters in Computer Science and
4 Information Systems in 1986.

5 Q What school did you get those two degrees
6 from?

7 A The Masters in Business Administration was
8 from Southern Illinois University, and the Masters in
9 Computer Science was from the University of New Haven,
10 in Connecticut.

11 Q When you graduated from the Naval Academy,
12 what was your first position?

13 A I entered into the -- I had a five year
14 obligation in the Navy. When I first graduated I had
15 to, I had a couple of small temporary assignments.
16 But I was selected for the nuclear power program, the
17 naval nuclear power program.

18 And that required approximately 12 month
19 training, qualification period, prior to boarding the
20 ship. I went through that process and my first actual
21 duty assignment was aboard the USS Enterprise.

22 And once we came aboard, myself and others
23 in my class that had that assignment, we had to
24 undergo rigorous qualification program to qualify as
25 what is called propulsion plant watch officer.

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1 Basically it is equivalent to a senior reactor
2 operator from a commercial standpoint.

3 Once we started in that process, we also
4 had a collateral duty, we also were assigned a
5 collateral duty, which my particular one involved
6 being the, assuming the duties of division officer of
7 the radiological and chemistry technicians aboard the
8 ship.

9 And we had to continue, or go through the
10 qualification process for propulsion plant watch
11 officer while we were carrying out those duties as
12 well.

13 So once I completed the watch officer
14 qualification, then we were assigned to a shift of
15 individuals which were required to stand, maintain
16 watch, or basically operate the plant during a four or
17 six hour watch period.

18 And I continued on as the, what is called
19 radiological laboratory, or RL division officer. And
20 I served in that capacity for about a year, year and
21 a half. Then I was selected to head the department,
22 which included chemistry and environmental, and it was
23 called chemistry radiological controls assistant, as
24 a department head position, reporting directly to the
25 reactor officer, which headed the reactor side of the

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1 propulsion group.

2 We had two, if you will, heads of the
3 propulsion group. You had the reactor officer, and
4 you had the engineering officer. And the reactor
5 officer basically was responsible for everything on the
6 reactor side, and the engineer was responsible for all
7 equipment and functions on the engineering side,
8 basically the propulsion plant side.

9 Q Now, you mentioned at the beginning that
10 before you could go onto the USS Enterprise you had to
11 go through 12 months of training. What kind of
12 training did you get?

13 A The training was basically split into two
14 sections, segments. The first segment was what was
15 called out hull training, or basically --

16 CHAIRMAN BECHHOEFER: I didn't catch that.

17 THE WITNESS: I'm sorry. It was called
18 out-hull, or basically it was --

19 ADMINISTRATIVE JUDGE YOUNG: What is the
20 word, could you spell it please?

21 THE WITNESS: Well, out of the ship,
22 external to the ship training. It was called out-
23 hull, O-U-T-H-U-L-L. Out-hull, I'm sorry.

24 ADMINISTRATIVE JUDGE YOUNG: Okay, thanks.

25 THE WITNESS: Basically it was going to,

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1 we had to attend six months of propulsion, or nuclear
2 power school, okay? It was basically a classroom
3 setting, classroom environment, comprehensive program
4 that we had to take regular courses.

5 It had instructors, and we had certain
6 courses that you had to complete, and you had to pass
7 that segment before you could move on to what is
8 called the in-hull side, which was a prototype that
9 the Navy operates, and it has several sites within the
10 country.

11 And the prototypes, or replicas of the
12 main propulsion plants that you would be operating in
13 the Navy, submarine types, surface ship types. And
14 since I was selected to go to surface ships, I went
15 through what was called the A1W school, which was in
16 Iowa at the time. Idaho, I'm sorry, Idaho Falls,
17 Idaho.

18 And that program was six months. And
19 there we basically trained on the equipment, and had
20 to complete various proficiency examinations and
21 testing, operational testing.

22 And you had to complete that with a
23 certain grade. And then once you did that then you
24 were qualified to move on to your ship assignment.

25 BY MS. EUCHNER:

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1 Q When you were taking the qualifying
2 classes for the propulsion watch officer, what did
3 that involve?

4 A Aboard ship, or prior to?

5 Q Aboard ship.

6 A That involved a series of things. There
7 was a series of class, a segment of it was required
8 classroom training, and proficiency tests that one had
9 to pass with certain minimum score, a required watch
10 standing, and sign-offs of a watch standing booklet.

11 You had to basically stand watches at each
12 station, not only the one that you are going to be
13 ultimately attempting to qualify for, but all the
14 watch positions in propulsion plant.

15 And there was what they called a
16 qualification card, you had to get that card signed
17 off, you had to study for the watch station, the
18 functions and responsibilities. And you had to
19 undergo an oral exam with qualified individuals for
20 the various watch stations.

21 And then you had to get that qualification
22 card signed off. So it basically all rolled up to
23 getting your classroom training done, getting your
24 watch station qualification signed off, and it rolled
25 up into a final exam, oral and written.

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1 And once you were able to -- and
2 operational, you had to go an operational testing,
3 which primarily consisted of various drills, put the
4 plant in various conditions, and you would have to
5 respond; you would direct the plant watchstanders to
6 take certain actions to arrest, you know, remediate
7 the condition, and putting the plant in a safe
8 condition.

9 So it was an involved process. It
10 typically took about a year, year and a half to
11 complete. And once you completed that then you were
12 considered qualified, you were assigned to a shift,
13 and you stood watches.

14 Q Now, you stated earlier that while you
15 were undergoing this qualification you also had a
16 collateral duty as a division officer in radiological
17 control and chemistry.

18 What were your duties in that position?

19 A Basically I had a group of about 35
20 individuals, and technicians who were qualified as
21 what we call radiological laboratory assistants,
22 which meant that they were qualified to do all the
23 radiological controls, carry on all the radiological
24 controls functions, monitoring functions aboard the
25 ship, and all the radioactive material, and also

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1 perform all the chemical analysis required both on the
2 primary side of the reactor side, and also the
3 secondary side of the plant systems.

4 And so I had to -- I was a division
5 officer at the time, and I had to ensure that the
6 individuals met all the requirements, the sampling
7 requirements, the monitoring requirements.

8 We took the proper actions if we had any
9 type of casualty situations, spills, chemistry going
10 out of specification, and I had to make sure that we
11 maintained training, maintained proficiency, and I
12 reported to the department head, you know, on those
13 things.

14 And also the personnel matters as well, I
15 was responsible for handling those.

16 CHAIRMAN BECHHOEFER: What was the time
17 period for this, when it was collateral to, which
18 other duties?

19 THE WITNESS: Well, I went aboard ship
20 from 1977 to 1980, I was aboard the USS Enterprise.
21 But you were, the junior officers coming aboard ship
22 were immediately assigned a collateral duty.

23 CHAIRMAN BECHHOEFER: I see, okay.

24 THE WITNESS: Of a division, some type of
25 division officer position.

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1 CHAIRMAN BECHHOEFER: I didn't know what
2 it was collateral to.

3 THE WITNESS: Well, it was called
4 collateral because you had a primary function to be a
5 propulsion plant watch officer, and you had a crew of
6 people on your shift that you had to manage and run,
7 as well.

8 So you had to stand watches and maintain
9 your shift people as well as run your division. So
10 you kind of had, basically had two jobs. And you had
11 issues and things that you had to do as a shift
12 officer, shift watch officer, maintaining
13 documentation, and following up on problems, and
14 maintenance, and so forth.

15 But that was your watch standing
16 responsibility. Then you had a division, and your
17 division specialized in carrying out certain
18 functions, as you had other division officers who had
19 the mechanical people, who had the electrical people.

20 So on shift you didn't necessarily have
21 to, you had to oversee any maintenance, but you
22 weren't directly, you know, these individuals didn't
23 report to you on a division standpoint.

24 In other words, you didn't specialize in
25 those other areas, you specialized in your area of

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1 responsibility from a division officer standpoint.

2 CHAIRMAN BECHHOEFER: Thank you.

3 BY MS. EUCHNER:

4 Q And you also stated that you later became
5 the head of the department for chemistry and
6 environmental, is that correct?

7 A That is correct.

8 Q What were your duties in that position?

9 A Basically it was an expanded
10 responsibility in that there were basically two
11 divisions in the department, what we call a RADCON,
12 radiological side, and then the chemistry side.

13 The men were split, basically, into two
14 groups, and I started out with just the radiological
15 side of it. Someone else had the chemistry side of
16 it. And then, of course, those two were divisions
17 rolled into the department, under the department head.

18 So I interacted, there was some cross
19 interaction between the two groups at the division
20 level. But now I had the full responsibility, at the
21 department level, of the chemistry technicians, and
22 also radiological technicians.

23 So it was a broader scope of
24 responsibility, it had a lot of procedural issues
25 forwarded directly to the department head, and

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1 interacted quite a bit with the commanding officer,
2 and executive officer, on any chemistry or
3 environmental issues, and radiological issues.

4 We didn't have a separate division for
5 environmental, that function was rolled under those
6 two, rolled under the department, and was split kind
7 of between the two divisions.

8 Q Did you have any other positions on the
9 USS Enterprise, or was that your final position?

10 A That was my final position.

11 Q And how long were you in that position?

12 A About a year, year and a half. And then
13 toward the end, well prior to leaving the ship,
14 basically was selected to go into the engineering
15 qualification program, which was a significant
16 qualification to get certified as a nuclear engineer
17 in the Navy, which was involved a process, basically
18 took about a year to 18 months to go through the
19 training, and the certification process, which
20 culminated in Washington, D.C. with, at that time it
21 was Admiral Rickover's staff, which you had to
22 basically take an 8 hour exam, and an 8 hour oral
23 interview.

24 All individuals aspiring to achieve that
25 qualification had to go through that process.

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1 Q Did you go through that process?

2 A Yes, yes, and received my qualification as
3 a certified nuclear engineer prior to leaving the
4 Navy.

5 Q When did you leave the Navy?

6 A June of 1980.

7 Q Where did you go after you left the Navy?

8 A Upon leaving the Navy I accepted an
9 engineering, supervisor engineering position at the
10 Dupont, with the Dupont Company at a nylon production
11 plant, in Delaware.

12 Q What were your duties in that position?

13 A Basically managed process engineering
14 group, maintenance group that maintained a lot of the
15 equipment, spinning machine equipment that was used to
16 make nylon. And I stayed there for about two, two and
17 a half years.

18 Q Where did you go after that?

19 A After that I accepted a corporate
20 chemistry manager's position with the New York Power
21 Authority, at White Plains. The corporate office, at
22 that time, was in White Plains, New York.

23 And basically in the nuclear, back into
24 the nuclear business.

25 Q What were your duties as the corporate

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1 chemistry manager?

2 A We basically, my organization was
3 responsible for providing technical support and
4 oversight to the two nuclear plants that the New York
5 Power Authority owned and operated, which were the
6 James A. Fitzpatrick Plant, and the Indian Point III
7 plant in Peekskill, New York.

8 Q What kinds of plants were those two?

9 A The Fitzpatrick plant was, or is a BWR,
10 boiling water reactor, and the Indian Point plant is
11 a pressurized water reactor.

12 Q How long were you the corporate chemistry
13 manager for New York Power Authority?

14 A I was there for, I served in that capacity
15 for about 11 years.

16 Q Where did you go after you left New York
17 Power Authority?

18 A I accepted a chemistry, corporate
19 chemistry manager's position at -- with the Tennessee
20 Valley Authority.

21 CHAIRMAN BECHHOEFER: Pardon?

22 THE WITNESS: With TVA, Tennessee Valley
23 Authority.

24 CHAIRMAN BECHHOEFER: Oh, okay. In your
25 location sometimes your voice fades away.

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1 THE WITNESS: I'm sorry.

2 CHAIRMAN BECHHOEFER: It is probably
3 caused by that wooden barrier, not being an engineer,
4 but --

5 ADMINISTRATIVE JUDGE COLE: That was in
6 1993, or '94 when you joined TVA?

7 THE WITNESS: In 1994.

8 BY MS. EUCHNER:

9 Q Who hired you at your first position at
10 TVA?

11 A Wilson McArthur.

12 Q Were you interviewed for that position?

13 A Yes.

14 Q By whom?

15 A Wilson McArthur and -- I'm drawing a blank
16 here.

17 Q Would it have been John Maciejewski?

18 A I'm sorry, John Maciejewski, yes.

19 Q Do you know whether there were other
20 applicants for that position?

21 A I think there were. I didn't know who had
22 interviewed for that job, specifically. But I had
23 heard that there were other, when I hired in, I heard
24 that there were others that had applied for that
25 position.

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1 Q What were your duties as the corporate
2 chemistry manager at TVA?

3 A Similar to, in nature to what I did at New
4 York Power Authority, but a little bit more
5 responsibility involved, because there were more
6 plants involved.

7 But basically we were charged with the
8 support, the technical support, and oversight, and
9 oversight was basically we did a lot of operational,
10 we were operationally involved with the plant
11 operations.

12 And so it was kind of a dual role. Let me
13 expand on that. We were required to provide the
14 technical and engineering support, but also we did a,
15 we worked with all the staffs closely, from an on-site
16 perspective, from an operational chemistry standpoint,
17 okay.

18 And operating the program, procedures,
19 addressing some of the -- our primary focus was to
20 address some of the long term chemistry issues, and we
21 also provided assistance for the day to day, some of
22 the day to day issues.

23 And when I came on board we had, we were
24 responsible for the Sequoyah plant, the Brown's Ferry
25 plants, and at the time Watts Bar was in the process

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1 of gearing up for start-up, initial start-up.

2 So we had those, and we also had some
3 responsibility at Bellafont. But they were not close
4 to working toward initial start-up.

5 Q Who was your supervisor when you first
6 came to TVA?

7 A Wilson McArthur.

8 Q And what was his position at the time?

9 A I don't recall the exact title, but it was
10 like the technical support manager, because he had
11 five functional groups within his organization. He
12 had chemistry, radiological controls, environmental,
13 fire protection, emergency preparedness. Those are
14 the groups that I recall that he had under his
15 organization at the time.

16 Q As the corporate chemistry manager, how
17 many people did you supervise?

18 A When I hired in there were two individuals
19 that were presently in their positions, and there were
20 two vacancy positions. So it was set up,
21 organizationally, for four direct reports.

22 Q Who were your two direct reports when you
23 first came?

24 A It was Chandrasekaran, and Sam Harvey.

25 Q Did you seek to fill either of the two

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1 vacancies?

2 A Yes. I was directed, once I was hired in,
3 that we wanted to go ahead and look to fill those
4 individual positions, those specific positions,
5 rather, and to start a job search process to look for
6 qualified candidates.

7 Q Were you able to start that job search
8 process?

9 A Well, once I was given direction to start
10 I was in the process of talking with employment
11 companies, I was receiving resumes, and this was about
12 two or three weeks after I was there.

13 And then I was informed that there was an
14 individual that was in that group at one time, and
15 there were some issues, and he was -- the settlement
16 was that he was coming back to one of those positions.

17 So let me mention his name, Gary Fiser.
18 I didn't know him at the time, I hadn't met him prior
19 to. But then I was told, we want to hold off from
20 further searches, we are going to -- TVA is bringing
21 back Gary Fiser into the organization.

22 Q Were you aware what the settlement was of,
23 what kind of settlement it was?

24 A No, I wasn't. Wilson McArthur had
25 informed me at the time, and several of the others,

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1 that he had -- was there prior to, and had a
2 complaint, and as far as part of settlement he was
3 coming back.

4 That was all I was informed of. But he
5 had mentioned that he was treated unfairly, and he was
6 a good individual, this, that and the other.

7 ADMINISTRATIVE JUDGE YOUNG: Who said
8 that?

9 THE WITNESS: Wilson McArthur.

10 BY MS. EUCHNER:

11 Q When did Mr. Fiser start working for you?

12 A It was about a month after I had hired in.
13 I believe it was April time frame, the beginning of
14 April.

15 Q Of 1994?

16 A Of 1994, yes, late March, early April,
17 somewhere in that time frame.

18 Q And what position did Mr. Fiser come into
19 in your organization?

20 A As a chemistry program manager, a PG8
21 level position.

22 Q At some point in mid-1994 did your
23 organization undergo a reorganization?

24 A Yes. About June/July time frame, John
25 Maciejewski had called a meeting with the department,

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1 and I'm not -- it wasn't just our department, but it
2 was within the division, we were going to undergo a
3 reorganization, downsizing was part of it.

4 And we were asked to look at, basically,
5 ways we can -- well, basically the direction was that
6 we were going to have to combine some functions in
7 Wilson McArthur's organization.

8 That was kind of the initial information
9 that was put out.

10 Q Okay. What happened to your corporate
11 chemistry manager position in that reorganization?

12 A As part of that reorganization, at the
13 time we had a separate chemistry group, environmental
14 group, and associated manager, and a radiological
15 controls group, and associated manager all reported to
16 Wilson McArthur.

17 And the direction was that we were going
18 to combine the chemistry organization and the
19 environmental organization, and do one group,
20 chemistry/environmental organization. And RADCON
21 would stay, radiological controls would stay as a
22 separate organization.

23 So, basically, my position was combined
24 with the environmental manager's position, into one
25 position. Two manager positions were combined into

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1 one.

2 Q Were you required to compete for the new
3 position that was created?

4 A Yes, we -- the procedure, the human
5 resources procedure at the time, as I recall, required
6 that if a change in organization, or change in job
7 functions exceeded a certain percentage, 15, 20
8 percent, then we were required to -- and that was
9 reflected in the job descriptions, associated job
10 descriptions.

11 It was a requirement that all of the
12 positions have to be vacated, and individuals that met
13 the qualifications were allowed to, an opportunity to
14 apply, and interview for that position.

15 And, of course, my position was that. So
16 we were given, at the time I guess the procedure was
17 to issue what is called at-risk letters to all the
18 individuals that their job was at risk, or was being
19 terminated, such that they would have the proper
20 notification.

21 So, yes, I was included in that group,
22 yes. In part of that reorganization, and had received
23 an at-risk letter.

24 Q What was the new position that was
25 created?

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1 A It was the -- it was called the chemistry
2 environmental manager's position.

3 Q Did you interview for that position?

4 A Yes.

5 Q With whom?

6 A With John Maciejewski.

7 Q And were you selected for that position?

8 A Yes.

9 Q What PG level was that position?

10 A PG11.

11 Q And as a result of that reorganization who
12 became your supervisor?

13 A John Maciejewski.

14 Q What happened to the technician programs
15 manager position that Dr. McArthur had been holding in
16 that reorganization?

17 A That position was deleted and the groups
18 that were left, organizationally, if I recall
19 correctly, three of those groups reported directly to
20 John Maciejewski, the chemistry/environmental, which
21 was combined in one group, radiological controls, and
22 I believe emergency preparedness reported directly to
23 him.

24 I think some of the other groups were put
25 in the other, were made subgroups, and put into other

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1 organizations. But that basically was the split up.

2 Q What position did Dr. McArthur end up in
3 after this reorganization?

4 A He interviewed and was selected for the
5 radiation controls manager's position.

6 Q Do you know what PG level that position
7 was?

8 A PG11.

9 Q How did your employment relationship with
10 Dr. McArthur change as a result of this
11 reorganization?

12 A Well, he was cordial. I mean, it wasn't,
13 I don't think he -- he wasn't pleased by it, because
14 it was a step down, based on where he was before. He
15 wasn't pleased with the reorganization. But we, you
16 know, I tried to be cordial.

17 He may not have fully accepted that, that
18 is kind of what my sense was.

19 Q Did he go from being your supervisor to
20 being your peer as a result of that reorganization?

21 A Organizationally, yes.

22 Q To your knowledge was Dr. McArthur
23 permanently placed in the RADCON manager position?

24 A Yes.

25 Q In this same reorganization what happened

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1 to the chemistry program manager positions that were
2 under your supervision?

3 A With the reorganization the job
4 description for that position, in the environmental
5 program manager positions, basically the charge was to
6 combine those two functions, or job descriptions into
7 one, what is called a PD, or job position description.

8 And it included chemistry and
9 environmental responsibilities. And one of the
10 problems was that, at the time, we didn't have program
11 managers that were heavily proficient in both
12 chemistry and environmental, because of the way we
13 were structured before.

14 You had these group of individuals that
15 their specialty was environmental. Not to say they
16 didn't have some chemistry background, or some
17 chemistry experience. And then you had this group
18 over here, which their main focus was chemistry.

19 They may have had some chemistry
20 experience, I mean, some environmental experience. So
21 you had two groups, and they were specialized in their
22 own primary areas.

23 So the objective was, as it was explained
24 to me when we did this, was to come up with one
25 position description and over time we would get those

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1 individuals in those, those five individuals or so,
2 over time they could get proficient in both areas.

3 So when you initially, when the
4 reorganization was initially set up, you had the
5 chemistry people that their main focus was chemistry,
6 and you had environmental people, their primary focus
7 was environmental.

8 So one of my challenges was to work out a
9 scheme which we could cross, we could kind of
10 integrate across the board such that you could get
11 individuals proficient in both areas.

12 Such that, you know, that is typically,
13 you combine functions and you have to become more
14 efficient, so people have to be in a position to do
15 more things.

16 Q Were new position descriptions drafted for
17 chem and environmental program manager positions?

18 A Yes, they were.

19 Q And were the chemistry program managers,
20 and the environmental program managers required to
21 compete for the new positions?

22 A Yes, they were.

23 Q Who was the selecting official for those
24 chemistry and environmental program manager positions?

25 A We used a selection committee, or

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1 selection board process. And that involved, basically
2 the process involved advertising the positions, these
3 positions had to be vacated.

4 The old positions were vacated, and we had
5 to advertise the new positions, it required posting,
6 and that it be posted so much time, for a certain
7 period of time.

8 Applicants would submit their applications
9 to human resources, human resources would forward the
10 applications to me as the hiring manager. I would
11 review those, and then based on my initial review, and
12 also working with human resources at the time, we
13 would say these individuals meet the minimum
14 qualifications, we want to set up an interview for
15 those individuals.

16 Then we would put together a selection
17 board, which involved myself, a human resources
18 representative, and representatives from all three
19 sites.

20 And basically chemistry,
21 chemistry/environmental, some input, or individuals
22 from those organizations which we were basically
23 supporting, that had the type of backgrounds that they
24 could make an intelligent selection, and a fair
25 selection.

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1 And then they would make the selection,
2 and then the recommendation would come from the board
3 based on the process, and it is all documented, based
4 on who we interviewed, here are the people that we
5 recommend for the position.

6 Q Who has the final say in who gets hired?

7 A The hiring manager.

8 Q Okay. Do you, as the hiring manager, did
9 you consider anything else other than the scores?

10 A Well, you look at the -- yes, you look at
11 the individual's resume, you look at the individual's
12 past performance reviews, you know, that comes into
13 play. And also that information is given, and is
14 available to the selection manager.

15 Q Who was selected for the chemistry and
16 environmental program manager positions?

17 A We had, at the time, we selected -- there
18 were five individuals. We had five positions that
19 were left on the reorganization. Sam Harvey, Gary
20 Fiser, ES Chandrasekaran, Dave, Sorrell, and Jim
21 Mantooth.

22 ADMINISTRATIVE JUDGE YOUNG: Jim who?

23 THE WITNESS: Mantooth. I believe it is
24 M-A-N-T-O-O-T-H.

25 BY MS. EUCHNER:

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1 Q Were all of those positions at the same PG
2 level?

3 A No, they were, if I recall, four of them
4 were at PG8, and one was at PG7.

5 Q Between 1994 and early 1996, was there a
6 RADCHEM manager in corporate?

7 A Between 199 --

8 Q At some point between 1994 and 1996, was
9 there a RADCHEM manager?

10 A Yes.

11 Q Who was that?

12 A Wilson McArthur.

13 Q A RADCHEM, or a RADCON?

14 A I'm sorry, RADCHEM, I'm sorry. No, there
15 was not.

16 Q At some point did someone become an acting
17 RADCHEM manager?

18 A No, not between that period. Well, that
19 period that we did not have one was between 1990 --
20 well, was between 1994 and mid-1996, up until about
21 June.

22 Q We are looking at Staff Exhibit 130. Does
23 this organizational chart, which I believe is the
24 February 13th, 1995, reflect the organization of which
25 you were a part of, at that time period?

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1 A Yes, yes.

2 Q Was there an acting RADCHEM manager?

3 A Yes, at the time, I recall now, and I'm
4 thinking more of a permanent. But, yes, that
5 individual was considered acting.

6 Q Was Mr. Sorrell yours and Dr. McArthur's
7 supervisor in that position?

8 A Yes, and let me add to that. That kind of
9 evolved in somewhat of a strange situation, because
10 this was an internal move that was made. It was
11 nothing formal in that selection. It was one of those
12 situations where one day -- and he was at the site, he
13 was the RADCHEM manager, Alan Sorrell was the RADCHEM
14 manager at Browns Ferry.

15 But there was no prior notification, or
16 anything, he just -- he showed up in corporate one day
17 and said he was acting RADCHEM manager. So I guess I
18 didn't recall that, because it wasn't something that
19 was done, I guess, in a formalized manner.

20 He just shows up and says he was the
21 acting RADCHEM manager. Which prior to that there was
22 no process to create that position, or formalize it,
23 or anything like that. He just showed up, and there
24 he was.

25 And this org chart was created with him in

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1 it.

2 Q What PG level was that RADCHEM manager
3 position?

4 A PG senior.

5 CHAIRMAN BECHHOEFER: Was that the same
6 level as the permanent position, the PG level?

7 THE WITNESS: Yes, sir.

8 CHAIRMAN BECHHOEFER: Thank you.

9 MS. EUCHNER: Just so we can clarify, what
10 position were you referring to, Judge Bechhoefer?

11 CHAIRMAN BECHHOEFER: The RADCHEM.

12 MS. EUCHNER: Is the same level as what,
13 the one that was created in 1996, is that what you are
14 talking about?

15 CHAIRMAN BECHHOEFER: Well, I'm talking
16 about, this was on an acting basis. Is that the same
17 level as the position would have paid if it were
18 occupied permanently.

19 MS. EUCHNER: Okay.

20 BY MS. EUCHNER:

21 Q In 1994 through 1996, what kind of work
22 were Sam Harvey, Chandra, and Gary Fiser doing?

23 A They were primarily responsible to provide
24 the technical and operational chemistry support to the
25 sites. So they primary focused on chemistry tasks, if

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1 you will.

2 And each individual had a primary plant
3 that they had to support, however, they worked across
4 the lines, based on what we had to provide for all of
5 the sites. They were, you know, had responsibilities
6 at all of the sites, but they had a primary plant.

7 Sam Harvey had Sequoyah, Gary Fiser had
8 Watts Bar, and Chandra had Browns Ferry.

9 Q What kind of reactor is Sequoyah?

10 A Pressurized water reactor.

11 Q Watts Bar?

12 A Pressurized water reactor.

13 Q And Browns Ferry?

14 A Boiling water reactor.

15 Q You stated, earlier, that part of the
16 purpose for changing the positions in 1994 to add the
17 environmental was to get a little bit of cross
18 training, so that the chemists could some
19 environmental, and the environmentalists could do some
20 chemistry.

21 During 1994 to 1996 were the chemists
22 doing any substantial environmental work?

23 A They weren't doing substantial work. They
24 had, we were working toward that. And, basically,
25 tried to use the approach where there were certain

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1 tasks that we could -- it was a package type task that
2 we could take, and one of the chemistry people could
3 do that if, based on what was required to perform
4 that task, same thing on the environmental side.

5 We tried to take, you know, start it
6 small, with small things, and tried to work up from
7 that perspective, a building block type approach. But
8 primarily they were working chemistry.

9 And it was important, well I guess we were
10 one of the main reasons why we had to focus on
11 chemistry, because we had some major challenges at two
12 of the three sites, in regards to the state of their
13 chemistry programs, and the significant problems that
14 we had, at the time, which required a lot of our
15 attention, and a lot of our expertise on the chemistry
16 side.

17 And those two plants were Sequoyah and
18 Watts Bar.

19 Q What kind of challenges were going on at
20 Sequoyah and Watts Bar at that time?

21 A Well, at Watts Bar we, when I hired in,
22 and this was basically kind of immediate, they had a
23 lot of issues, a lot of technical issues with the
24 chemistry program.

25 There were a number of assessments that

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1 were done at the site, at those two sides, in regards
2 to the state of the chemistry program, from a
3 technical standpoint, from a personnel standpoint, and
4 they weren't good.

5 And so our, my immediate challenge was to
6 get in with those two site staffs, put together a
7 plan, if you will, an action plan if you will, to work
8 on those things which we identified we needed to work
9 on, those remedial things we needed to get the program
10 up to where we needed to get it to.

11 At Watts Bar we had several issues which
12 we had to get corrected that would impact approval for
13 start-up. At Sequoyah we had INPO, several INPO and
14 NRC deficiencies, which we had to correct, you know,
15 and a short fuse, basically, to turn those things
16 around.

17 So we had a challenge, you know, starting
18 right off, to work with the sites, and to get these
19 things turned around.

20 Q In 1994 and 1995 did you write any
21 performance appraisals for Gary Fiser?

22 A Yes.

23 MS. EUCHNER: We are going to look at
24 Staff Volume 3.

25 BY MS. EUCHNER:

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1 Q I'm showing you what has been marked as
2 Staff exhibit 46. Do you recognize this document?

3 A Yes.

4 Q What is it?

5 A It is the performance review and
6 development plan form. This is a standard form that
7 was used, at the time, to write performance reviews.

8 Q What rating did you give Mr. Fiser on this
9 performance appraisal?

10 A Let me see here, 3.4, for his overall
11 performance rating, out of a possible 4.0.

12 Q Okay. Were you generally pleased with Mr.
13 Fiser's performance?

14 A Yes.

15 Q What aspects of his performance were
16 strong?

17 A I felt that, in my opinion, from an
18 operational chemistry standpoint, on-site standpoint,
19 very good, he had a wealth of experience in that area.
20 He had prior experience as a chemistry manager at the
21 sites.

22 He worked very well with all of the sites.
23 And, of course, specifically with Watts Bar, because
24 that is where he spent most of his time. Good sound
25 working knowledge of chemistry, both primary and

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1 secondary.

2 And he was just a good individual who fit
3 in well with the sites.

4 Q Did you ever get any feedback from either
5 the RADCHEM manager, or the chemistry manager, at any
6 of the sites, about Mr. Fiser's performance?

7 A Yes, frequently. From Watts Bar and also
8 Sequoyah, but primarily from Watts Bar, because that
9 is where he spent most of his time.

10 Q And what kind of feedback would they give
11 you about his performance?

12 A Very good. They were very pleased with
13 his performance, stated to me on numerous occasions
14 that he provided on-site support head above heels.
15 They knew they could count on him, saw him all the
16 time, he spent a lot of time there.

17 He was able to get things done, that he
18 agreed to do. They were very pleased with him.

19 Q Did you have any problems with Mr. Fiser's
20 performance?

21 A No. We had things that we identified that
22 we wanted to work on as far as improvement, but no
23 major problems, from that perspective.

24 Q During this same time period, 1994 to
25 1996, did you draft any performance appraisals for Sam

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1 Harvey?

2 A Yes.

3 Q Were you generally pleased with Sam
4 Harvey's performance?

5 A I was generally pleased. We, you know,
6 each individual is different, and we had, Sam and I
7 had some issues. I had some issues with his
8 performance that I had to address with him.

9 And the challenge was to work on those, to
10 get those up to where I thought we needed to be,
11 strictly from a professional standpoint. But he had
12 strengths and weaknesses, you know, like all of us do.

13 Q What were some of Harvey's strengths?

14 A I thought he was pretty good technically
15 in, from a technical standpoint, from what he knew, he
16 was, what he was familiar with, he was pretty good in
17 that area.

18 He somewhat tried to, you know, on
19 occasions he would venture out into other technical
20 areas where he didn't have much, he didn't have a good
21 handle on it. But other than that --

22 ADMINISTRATIVE JUDGE COLE: He what, sir?

23 THE WITNESS: He kind of ventured out into
24 other areas where he wasn't that technically sound,
25 and tried to offer technical advice in some of those

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1 areas which he wasn't too proficient in, and we had
2 some problems there.

3 But for the most part, for the areas for
4 which he worked in, on an ongoing basis, and he was
5 technically sound in, he provided, you know, he was a
6 value, and he provided good support in those areas.

7 BY MS. EUCHNER:

8 Q What problems or weaknesses did you note
9 with Harvey's performance?

10 A I think one is, basically, trying to offer
11 solutions in areas which he wasn't too technically
12 proficient in. And, on occasion, that was found to be
13 incorrect.

14 But I think more so was his ability to
15 work with individuals at the sites, to function well
16 with the individuals at the sites. We had some things
17 that we had to work on, you know, saying certain
18 things, certain comments, how you interacted verbally
19 with individuals at the sites was an area where we
20 had, you know, I spent time with him, working on tact
21 and how we should approach certain things.

22 Because we are all a team, and that is
23 what I tried to promote, was a team concept. And
24 everyone played a part, and we couldn't be successful
25 without the sites, and we wanted the sites to feel,

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1 conversely, that they couldn't be as successful
2 without us.

3 And our mandate was, that is one thing
4 that we set up in our organization was, we spent most
5 of our time at the sites, with what we were working
6 on.

7 And we were there on a, you know, we tried
8 to be very objective, specific on things we were
9 working on, not general, but we wanted to work on
10 specifics in accomplishing the objectives, the goals
11 that we had set before us.

12 Q Did Mr. Harvey have any problems with a
13 specific employee during the time that he was under
14 your supervision?

15 ADMINISTRATIVE JUDGE COLE: Could you --
16 BY MS. EUCHNER:

17 Q Did Mr. Harvey have any problems with a
18 particular employee while you were his supervisor?

19 A Well, a particular one. I mean, he is --
20 he had problems with several. One thing we really had
21 to spend some time on was his interaction with female
22 employees within the group, and at the sites.

23 There were several occasions that it was
24 brought to my attention that, you know, he didn't
25 necessarily interact with them verbally in a

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1 professional way, in a total professional manner.

2 And so we had to address some of those
3 things, the comments that he made to certain
4 individuals. You know, the point was that regardless
5 of who we are, and your background, everybody should
6 be treated with respect, whether they are female, or
7 of a different nationality, or whatever, we should
8 treat each other with respect.

9 And I think that is where we had some
10 problems. No one was subordinate because they were a
11 female. You know, the females should be treated
12 equally as the males.

13 Q Do you know whether he had a particular
14 problem with Tresha Landers?

15 A Yes, he had some problems there, and we
16 had to address them.

17 Q How did you become aware of the problems
18 between Harvey and Landers?

19 A Well, she approached me about it on a
20 couple of occasions. And then I, as far as my
21 responsibility, I had a talk with Sam Harvey about it.
22 And she also went to human resources.

23 So not only did she approach me about it,
24 but human resources approached me about the problem.

25 Q Do you know whether Harvey ever received

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1 any discipline, or counseling, with regard to Ms.
2 Landers' complaint?

3 A Well, I don't know whether he -- I can't
4 recall whether he underwent any counseling recommended
5 by human resources. We, I had several discussions
6 with him about it, and I drafted a letter addressing
7 that, with him, to be forwarded to his personnel
8 records.

9 We talked about it with HR, and we talked
10 about it with Ms. Landers, and we felt this was the
11 appropriate, I felt at the time, I made the decision,
12 that this was the appropriate way to handle this
13 matter.

14 And she, it was acceptable to her, that is
15 the way she communicated it to me.

16 MS. EUCHNER: I'm going to Staff volume 4.
17 We are looking at Staff exhibit 67.

18 BY MS. EUCHNER:

19 Q Do you recognize this document, Mr.
20 Grover?

21 A Yes.

22 Q What is it?

23 A It was a letter directed to James Boyles,
24 who is the manager in human resources at the time, and
25 the subject matter was employee harassment and

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1 intimidation, dated June 24th, 1996.

2 Q And I notice that it says that Mr. Harvey
3 agreed to take employee sensitivity training. Do you
4 know whether he ever did that?

5 A I don't know for sure.

6 MS. EUCHNER: Your Honors, I would move to
7 have Staff Exhibit 67 entered into evidence.

8 MR. MARQUAND: No objection.

9 CHAIRMAN BECHHOEFER: Staff Exhibit 67 is
10 admitted.

11 (The document referred to,
12 having been previously marked
13 for identification as Staff
14 Exhibit 67 was received in
15 evidence.)

16 BY MS. EUCHNER:

17 Q In addition to the problems that Mr.
18 Harvey had interacting with certain people, did he
19 ever have any problems completing tasks?

20 A Yes, we had to work on those, we had to
21 work on it, that was another area we had to work on.
22 And I tried to impress upon him the importance of
23 being focused in completing his tasks, because we had
24 a sizable challenge ahead of us, well, at the time.

25 And it was important, we had laid out a

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1 comprehensive action plan, specifically for Sequoyah,
2 and there were certain key things we needed to get
3 done that was critical to the program, to the success
4 of the program there, in turning around the program.

5 So that was one of my challenges, was to
6 always keep everyone on task to make sure this is what
7 we agreed that we were going to do, and we had to
8 deliver.

9 So I don't, just in my opinion, I don't
10 think that he was used to that. And so that was
11 something that we had to continually work on.

12 Q At some point during 1995 did John
13 Maciejewski cease being your supervisor?

14 A Yes.

15 Q Who became your supervisor then?

16 A I believe, well Don Moody became the
17 supervisor, but I can't remember, it seems like we had
18 an interim person, or we had an acting person before
19 he took over. But ultimately it was Don Moody.

20 Q And did someone eventually take over for
21 Don Moody?

22 A Yes.

23 Q Who?

24 A Tom McGrath.

25 Q And do you know what position that was?

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1 ADMINISTRATIVE JUDGE YOUNG: Who?

2 THE WITNESS: Tom McGrath.

3 ADMINISTRATIVE JUDGE YOUNG: Tom McGrath?

4 THE WITNESS: Yes, ma'am. Well, I'm
5 trying to recall, because we had quite a few
6 organizational changes, and title changes.

7 I believe it was nuclear support, the
8 manager of nuclear support, or the director of nuclear
9 support. It was one of those. And we were under the,
10 if I recall correctly, reorganization at the time.

11 BY MS. EUCHNER:

12 Q Did you ever share your opinions, or your
13 evaluations of Fiser, Harvey, and Chandra, with either
14 Dr. McArthur or Mr. McGrath?

15 A Well, they were shared from a written
16 standpoint.

17 ADMINISTRATIVE JUDGE COLE: From what
18 standpoint?

19 THE WITNESS: From a written standpoint
20 with the performance appraisals, or performance
21 reviews. And, of course, with Dr. McGrath we always
22 conferred on different things. I mean, he was aware
23 because he was, at the time, prior to several
24 reorganizations he was the manager, so he was aware of
25 his performance, and --

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1 ADMINISTRATIVE JUDGE YOUNG: When you say
2 his performance?

3 THE WITNESS: Gary Fiser's performance.
4 And we interacted a lot, we had joint meetings with
5 the sites, the chemistry RADCON managers met
6 periodically, and I sat in on those, I was a part of
7 that periodic meeting, which was quarterly.

8 So all the -- he was aware of the
9 performance, and basically the feedback from the
10 plants for these individuals. Now, I've had specific,
11 I've had on one occasion that I know that I had a
12 specific conversation about Gary Fiser's performance
13 with Tom McGrath from the standpoint that he had made
14 a comment to me.

15 We were in a meeting about something, and
16 this was in a meeting with Tom McGrath, and I forgot
17 the, I can't recall the subject matter, but he brought
18 up the fact that he didn't think too highly of Gary
19 Fiser, and didn't think he was too, didn't think too
20 highly of his performance.

21 ADMINISTRATIVE JUDGE YOUNG: Did not think
22 too highly?

23 THE WITNESS: Did not think too highly,
24 and did not think he was that good of a performer.
25 And because of what happened in the past, I guess, he

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1 brought up, he just referenced something at Sequoyah.

2 And, you know, I just responded by saying
3 that, you know, I don't know what his, what happened
4 in the past, I was not here. I can only base it on
5 his performance now, you know?

6 I mean, I can't, based on others' opinions
7 about him, or what happened in the past, I have to be
8 objective about it, about his and others that I'm
9 responsible for, I have to be objective about them as
10 individuals, or how they are doing their job, based on
11 how they are performing.

12 And so, you know, I told him, I said, I
13 just got to base it on my opinion of him, as well as
14 anyone else in our organization, based on their
15 performance. And that was documented.

16 Q Did you ever have discussions with either
17 Dr. McArthur or Mr. McGrath, during which the three of
18 you discussed which of the chemistry managers was most
19 interchangeable at the sites?

20 A I may have had conversations with, I know
21 with probably Dr. McArthur. I don't recall having
22 that specific conversation with Tom McGrath. But I've
23 always said, and when I hired in, and was still
24 working with John Maciejewski, I've always said that
25 if the organization was downsized to one individual,

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1 in my opinion I felt that Chandrasekaran would be, if
2 you had to go down to one, I felt that he would be the
3 one that you would want to be left with because of his
4 experience on the BWR side as well as his background
5 in PWR side.

6 ADMINISTRATIVE JUDGE YOUNG: The person
7 you called Chandra?

8 THE WITNESS: I'm sorry, Chandrasekaran,
9 E.S. Chandrasekaran. And I've always echoed that. I
10 mean, if we got in a situation that you had to just,
11 you were left with one individual, that would be, to
12 me would be the best person to survive.

13 BY MS. EUCHNER:

14 Q As between Mr. Harvey and Mr. Fiser who
15 would you think would be more interchangeable?

16 A I would, at the time I had, I would have
17 recommended Mr. Fiser because --

18 (Telephone rings.)

19 BY MS. EUCHNER:

20 Q Do you need to respond to that?

21 A No, I thought that -- I would have
22 recommended Mr. Fiser because of his abilities, and
23 his working relationship at all three sites. He
24 functioned at all three sites.

25 And I felt, and conversely, from a site

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1 staff perspective, all three sites were pleased with
2 what he did at the respective sites.

3 Q Did you ever become aware that Mr. Fiser
4 had tape recorded conversations with his coworkers in
5 the past?

6 A Yes.

7 Q Who told you that?

8 A Dr. McArthur.

9 CHAIRMAN BECHHOEFER: Dr. McArthur?

10 THE WITNESS: Yes, sir.

11 BY MS. EUCHNER:

12 Q What specifically did he say about the
13 tape recording?

14 A Well, he said that, I guess, during Gary's
15 prior complaint, and this is a period prior to me
16 being hired, coming on board, he had tape recorded
17 several individuals, and some of their conversations.
18 This was leading up to his complaint, or during his
19 complaint, I don't know the specifics.

20 But he basically had tape recorded several
21 meetings that he had with individuals.

22 Q Do you know whether Dr. McArthur discussed
23 this tape recording with any other individuals, other
24 than you?

25 A Yes, it was common knowledge, and he

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1 mentioned it at the chemistry, the RAD chemistry, the
2 chemistry RADCON managers meeting. So I don't know
3 whether that was confidential.

4 Q What was your response to Dr. McArthur's
5 statement that Mr. Fiser had tape recorded people in
6 the past?

7 A I guess he -- it was mentioned in the
8 context of casual comments, casual conversation. I
9 didn't really have a formalized response to it, other
10 than I wasn't here, I didn't know Gary Fiser before I
11 hired in at TVA, and I have to judge an individual, or
12 asses an individual based on his performance.

13 And the discussion, I can't, you know, I
14 can't form an opinion on something that I don't know
15 about.

16 ADMINISTRATIVE JUDGE YOUNG: Could I
17 clarify a couple of things?

18 THE WITNESS: Yes.

19 ADMINISTRATIVE JUDGE YOUNG: Do you recall
20 when these discussions took place between you and Mr.
21 McArthur, and also the managers meeting that you
22 referred to?

23 THE WITNESS: They took place, I don't
24 have the specific, it may have been in some of the
25 depositions, but I don't recall a specific date and

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1 time. But we would have quarterly chemistry, I know
2 we would meet at least quarterly, if not more
3 frequently, the chemistry RADCON managers would meet,
4 and I would attend that meeting.

5 It was openly mentioned then. I mean, our
6 office was right next to each other. We would talk,
7 frequently. It was just a, you know, he would
8 casually mention this, or that, based on what we were
9 talking about.

10 So I did not jot down the date and time.
11 That may have been in my deposition, when that
12 particular chemistry RADCON, particular meeting that
13 he did mention that in front of all the staff people
14 there at the meeting.

15 I don't know that --

16 CHAIRMAN BECHHOEFER: What was the time
17 frame, do you know that, approximately?

18 THE WITNESS: It was between, probably,
19 after the first reorganization, when I became the
20 chemistry/environmental manager, and that is when I
21 started attending the chemistry RADCON managers
22 meetings.

23 ADMINISTRATIVE JUDGE YOUNG: That was in
24 1994, was the first one?

25 THE WITNESS: Yes, it was the second half

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1 of 1994. We, I think we finished the reorganization
2 September time frame, in 1994, and when we did that,
3 that is when I started to attend those meetings.

4 So it had to have been between September
5 of 1994 through 1995.

6 ADMINISTRATIVE JUDGE YOUNG: The other
7 thing I wanted to ask you, you said that your response
8 was that you weren't there, that you didn't know him
9 at the time, and that you had to asses him, Mr. Fiser,
10 on the basis of his current performance, is what I
11 understood you to say?

12 THE WITNESS: That is correct.

13 ADMINISTRATIVE JUDGE YOUNG: What I'm not
14 clear on is, were you giving that response because you
15 felt, the response sounds as if you felt that someone
16 was trying to persuade you to see him differently. Is
17 that, am I --

18 THE WITNESS: That is generally, that was
19 generally the situation.

20 ADMINISTRATIVE JUDGE YOUNG: In other
21 words you think that you did feel that way, that
22 someone was trying to persuade you?

23 THE WITNESS: Oh, definitely. No,
24 definitely. I mean, that -- it was posed such that,
25 well, this is what I think, what do you think? From

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1 the standpoint, this is what I think, and this is the
2 way it was, and this is what generally our opinion of
3 him, or her, what do you think?

4 And so that is the way I responded.

5 ADMINISTRATIVE JUDGE YOUNG: And about
6 Fiser?

7 THE WITNESS: Yes.

8 ADMINISTRATIVE JUDGE YOUNG: Okay, thank
9 you.

10 BY MS. EUCHNER:

11 Q I think you stated that you would some
12 times attend meetings with the RADCON managers from
13 each of the three sites?

14 A That is correct.

15 Q Who were the three RADCON managers at
16 these sites in '94 through '96?

17 A Charles Kent, Allen Sorrel was there, part
18 of the time, prior to him coming to corporate, and
19 John, I will think here in a minute, and Jack. I
20 can't think of John's last name, he is currently the
21 RAD chemistry --

22 Q John Corey?

23 A John Corey, I'm sorry.

24 Q And is he the one who took over for Allen
25 Sorrell?

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1 A That is correct.

2 Q And what site was that?

3 A Browns Ferry.

4 Q And Kent was Sequoyah, correct?

5 A That is correct. And Jack was Watts Bar.

6 Q Do you recall a meeting at which you could
7 not attend, and you asked Mr. Fiser to attend on your
8 behalf?

9 A Yes.

10 Q Did he attend this meeting?

11 A Yes.

12 Q What happened?

13 A Well, he attended the meeting and I think
14 he sat in on part of the meeting, and at some point in
15 the meeting, as it was explained to me, he was asked
16 to leave the meeting, because they wanted to discuss
17 some issues, I guess, that they didn't want him to be
18 a part of.

19 MR. MARQUAND: Objection, lack of
20 foundation. He is guessing, he said I guess that --

21 THE WITNESS: Well, as --

22 MS. EUCHNER: Hang on a second.

23 CHAIRMAN BECHHOEFER: Could you clarify
24 the question, restate the question?

25 MS. EUCHNER: I have a bunch of clarifying

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1 questions, yes, Your Honor.

2 BY MS. EUCHNER:

3 Q How did you find out that Mr. Fiser had
4 been excluded from the meeting?

5 A Mr. Fiser, when he came back from the
6 meeting, he discussed it with me. And he informed me
7 that he was asked to leave the meeting.

8 Q Did he know why he had been asked to leave
9 the meeting?

10 A No.

11 Q Okay.

12 ADMINISTRATIVE JUDGE YOUNG: Can I
13 clarify, again? This is the meeting with the RADCON
14 managers at the sites, the three --

15 THE WITNESS: Yes, ma'am.

16 ADMINISTRATIVE JUDGE YOUNG: Okay.

17 BY MS. EUCHNER:

18 Q Did you do anything in response to Mr.
19 Fiser telling you that he had been asked to leave this
20 meeting?

21 A I went to talk to Mr. McArthur about it,
22 and he mentioned that they were getting ready to
23 discuss some sensitive issues, I guess, involving --
24 well, some sensitive issues involving personnel.

25 I don't know the exact content of what

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1 they talked about, but he said because we were going
2 to discuss those issues, and other issues, possibly,
3 that they felt uneasy with him being there, because he
4 has been known to tape record meetings, and sessions
5 of individuals.

6 ADMINISTRATIVE JUDGE YOUNG: Was Mr.
7 McArthur at the meeting, is that --

8 THE WITNESS: Yes, he was at the meeting,
9 from my understanding.

10 ADMINISTRATIVE JUDGE COLE: And when was
11 this meeting?

12 THE WITNESS: I don't recall the exact
13 date and time. I don't know whether it is in my
14 deposition. I don't recall.

15 BY MS. EUCHNER:

16 Q In 1996 was the operations support
17 organization planning to undergo a reorganization?

18 A Yes.

19 Q When did you first learn about this
20 reorganization?

21 A It was around the March time frame, the
22 beginning or the middle of March, I believe.

23 Q Who discussed it with you?

24 A Tom McGrath had called a meeting, a
25 department meeting, and he announced that nuclear was,

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1 would be undergoing another reorganization, downsizing
2 initiative. And that we will be having a series of
3 meetings, and we need to start looking at ways that --

4 ADMINISTRATIVE JUDGE YOUNG: I'm sorry, we
5 will be having?

6 THE WITNESS: A series of meetings, but
7 you need to start -- this was the initial
8 announcement, need to start looking at ways you can
9 reduce head count, individuals, they called it head
10 count, in your organizations, and looking at your
11 budget to see ways which we can reduce.

12 And the initial objective was we needed to
13 -- the plan was to reduce, I believe, we used a 40
14 percent target, initially, that we would be shooting
15 for over a period of time.

16 BY MS. EUCHNER:

17 Q Was there an initial cut that Mr. McGrath
18 stated that needed to be made in the first year so
19 that the upcoming fiscal year?

20 A Well, we wanted to lay it out, we wanted
21 to lay out the reduction to achieve, if I remember
22 correctly, a 40 percent reduction over a couple of
23 years, such that you needed to go back, and we wanted
24 each group, organization, to go back and lay out a
25 proposed way of getting there, okay?

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1 And a combination of, if you have
2 positions that weren't filled, attrition, you looked
3 at several different things and say, okay, dollar wise
4 and personnel wise, here is how I can achieve that
5 end, okay? And here are the intermediate steps that
6 we will take to get there.

7 Q Now, at that time, I believe you said in
8 1994 you had five chemistry and environmental program
9 managers. In 1996 did you still have five people in
10 those positions?

11 A Yes. Well, we had four permanent and one
12 who was a coop student. She was functioning in one of
13 the slots, and we hadn't put a permanent individual in
14 that last slot we had.

15 Q So that position was permanently vacant?

16 A That is correct.

17 Q Did you initially come up with a proposal
18 to meet the first year budget cuts?

19 A Yes, we did.

20 Q What was your initial proposal to Mr. Mr.
21 McGrath?

22 ADMINISTRATIVE JUDGE YOUNG: Did you say
23 we, or I?

24 THE WITNESS: I, well I had to submit it,
25 I'm the manager of the organization. I'm saying we,

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1 using that term in the whole organization, that is
2 what I'm saying, we.

3 But I had to come up with the proposal for
4 the chemistry environmental part of that. And that is
5 the way we started out, you know, I'm just looking at
6 the chemistry environmental piece of this.

7 We went through several iterations. I
8 don't recall the specific document that I submitted.
9 But I know we took into account that position. We
10 looked at how we could trim down the budget, you know,
11 dollar wise.

12 And we had, I had presented a way which we
13 could achieve it in the first year.

14 BY MS. EUCHNER:

15 Q And by achieve it, would that plan have
16 resulted in any of the current chemistry and
17 environmental managers losing their positions?

18 A No.

19 Q Who did you present this proposal to?

20 A Tom McGrath.

21 Q What was his response to this proposal?

22 A It was not sufficient, and with that the
23 objective changed to, as we went along, because now we
24 wanted to combine environmental and radiological
25 controls into one organization, or chemistry,

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1 radiological, and environmental, we wanted to put
2 those functions into one organization, with one
3 manager, okay?

4 And we -- it ultimately led that we want
5 to delete all environmental functions, basically
6 responsibility. So essentially it rolled down to,
7 with all iterations, that we would be left with two
8 individuals functioning in a chemistry capacity, as a
9 chemistry program manager.

10 And recognizing that, and I'm not trying
11 to complicate this, but we had several meetings, we
12 had several meetings on this. We had several
13 iterations. So we would come back one iteration, well
14 no, let's go back and look at it again.

15 So things changed as we, from the starting
16 point to the end point of what we were trying to
17 achieve. We started out with, okay, we need to cut
18 the budget 40 percent, that includes dollars and head
19 counts, as I recall, to meet, over a several year
20 period, that is where we need to be, 40 percent down.

21 And that changed, and it basically was
22 escalating to be more aggressive as we went into the
23 process, okay? So that the cuts, basically became
24 deeper and over a shorter period of time.

25 ADMINISTRATIVE JUDGE YOUNG: You said that

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1 you had figured a way to achieve the proposed goal at
2 the time, with no loss of positions. How was that --

3 THE WITNESS: Well, for the first year.
4 We knew over, and I can't remember if it was a two to
5 four year period which we had to achieve this
6 reduction. But for the first, we had to basically
7 submit, what are you going to do within the first
8 year?

9 And it was, it did include, the year is
10 out to that end. So our initial submittal showed,
11 reflected that. Well, we can achieve that first
12 milestone in the plan, in the reduction plan, without
13 having to delete positions. That is what I'm trying
14 to say.

15 Now, over time, to get that 40 percent reduction
16 yes, you are going to have to eventually, you are
17 going to have to drop positions, or delete positions
18 to achieve that.

19 ADMINISTRATIVE JUDGE YOUNG: Was the way
20 that you were going to not delete a position, am I
21 assuming correctly that it was to not fill the vacant
22 one?

23 THE WITNESS: That is correct. We were
24 going to take advantage of that vacant position,
25 because it was part of our head counts, part of our

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1 budget.

2 Of course with that is dollars associated
3 with that. So we would have been able to achieve that
4 milestone for the first year without physically
5 cutting individuals in the organization. That is what
6 I'm trying to say.

7 ADMINISTRATIVE JUDGE YOUNG: Okay, thank
8 you.

9 BY MS. EUCHNER:

10 Q You indicated that the final decision was
11 that there were going to be two chemistry people left
12 in the organization?

13 A That is correct.

14 Q What were those two chemistry positions
15 going to be?

16 A One would be PWR specialist, and one would
17 be a BWR specialist.

18 Q Who made the decision that there would
19 only be two chemistry managers left in the
20 organization?

21 A Tom McGrath.

22 Q Who made the decision that the positions
23 would be one BWR chemist, and one PWR chemist?

24 A Tom McGrath.

25 Q After the decision was made to cut one of

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1 the chemistry positions, did you discuss options for
2 other employment with your employees?

3 A Yes.

4 Q Did you ever discuss the possibility of
5 Mr. Harvey being transferred out to Sequoyah, with
6 anyone?

7 A I did, once it was presented to me, or was
8 discussed with me, initiated with me by the Sequoyah
9 chemistry manager, and the RAD chemistry manager.

10 Q And just who are those individuals, again?

11 A It was, at the time it was Charles Kent
12 and -- I'm drawing another blank here, Rich --

13 Q Gordon Rich?

14 A Gordon Rich, yes.

15 Q And what did they request of you when they
16 brought it up?

17 A Well, we were at the site for a meeting,
18 I was there for some, we were at a meeting, we were
19 discussing some issues, and they approached me. I
20 don't recall how, exactly.

21 But they basically approached me and
22 stated that they were interested in, would like to see
23 Sam Harvey possibly transferring Sam Harvey out to
24 Sequoyah, because they had a vacant position, and they
25 understood that we were going to go through this

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1 reorganization, and downsizing.

2 And it wasn't, it was pretty well known,
3 because I had, when we first entered into this, we got
4 notification of this, and we started working on this,
5 in the early stages, I had discussed with all of the
6 individual organizations, discussed it with the sites,
7 and let's look around, collectively and individually,
8 such that if there is other opportunities that we
9 would, could possibly vie for, to look for that.

10 Because here is the bottom line, we've got
11 these many individuals now, and there is only going to
12 be two left. So we need to all, you know, and my
13 position as well. So we need to all be looking around
14 for other opportunities, okay?

15 And I would do everything I could to help
16 everybody to keep their job, that is basically what
17 the bottom line was. So they had had that discussion
18 with him.

19 And they approached me about it. And I
20 told them, I said, I have no problems with it at all.
21 I said, the first thing I want to do is talk to Sam
22 Harvey about it, to make sure that is what he wants.
23 Because there is no situation, I don't want it to be
24 misconstrued, or anyone to think that we are trying to
25 push anybody, any individual out of the organization,

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1 to push them in a direction that they don't want to
2 go.

3 So it was about maintaining jobs, and
4 keeping everyone employed. That was the bottom line.
5 So they talked to me about it, and I went subsequently
6 and talked with Sam about it, and made it very clear
7 to him that it is your choice.

8 If you and the sites, that is what you
9 want to do, I will do whatever I can do to help make
10 that happen. You know we are going to have two
11 divisions left, you can stay and vie for those two
12 positions.

13 So that is kind of how it took place and
14 got started.

15 Q Did Mr. Harvey indicate to you that he was
16 interested in possibly going to Sequoyah?

17 A Yes, very much so.

18 Q After you discussed it with Mr. Harvey,
19 what did you do next?

20 A I then proceeded to talk with, ultimately
21 to talk with human resources representative, from
22 nuclear at the time, Ben Easley about, you know,
23 trying to get some idea of how -- I had never done
24 this, been involved with making a transfer, or head
25 count of individuals, from the site, or from corporate

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1 to the site.

2 So I talked with them to find out what
3 would be the process involved. And he explained to me
4 that I guess there were a couple of ways that it could
5 be done, but it would have to be initiated by the site
6 making a request.

7 And then if it is our position, in our
8 head count, then we would have to, it would have to
9 come through us, and we would have to initiate the
10 paperwork, whatever the process would be to make that
11 transition.

12 And I had initially enquired about it, and
13 we were -- and my initial understanding was that the
14 site, see, the site had to really -- the way I
15 understood it was that the site had to make a formal
16 written request to corporate for that to be done, for
17 that to be initiated.

18 And so I really didn't take any further
19 action. Once I had that understanding I communicated
20 that to Charles Kent, I'm sure in a conversation, and
21 things kind of went on, and were floated.

22 And then Wilson had mentioned several
23 times, are the sites ready, they want to go in and
24 make this transfer, and so forth.

25 ADMINISTRATIVE JUDGE YOUNG: Wilson being

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1 Wilson McArthur?

2 THE WITNESS: Wilson McArthur, yes. And
3 so I went back to Ben Easley and said, what do we need
4 to go ahead and do? And he said, it needs to be
5 discussed with Tom McGrath, because it is in his
6 department.

7 So that is when I went to Tom and I told
8 him, I set up a meeting with Tom McGrath and I told
9 him, I mentioned to him that the site, here is what
10 the site wants to do, they are interested in doing
11 this.

12 I talked with human resources and they
13 basically instructed me that they need your
14 concurrence in order to initiate paperwork-wise what
15 had to be initiated to start the process, you know, to
16 start this process.

17 BY MS. EUCHNER:

18 Q When you went to go talk to Mr. McGrath,
19 was he already aware that Sequoyah was seeking to have
20 Harvey transferred?

21 A He didn't indicate to me that he was aware
22 of that.

23 Q And what did you tell him about the
24 request to transfer Harvey?

25 A I just simply summarized it, said that the

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1 site had approached me about it, and Charles Kent had
2 asked me, and I went to, like I said before, I went to
3 human resources to find out what the process was.

4 This was something they wanted, Sam was
5 comfortable with it, so I figured all the parties
6 involved was supportive of it, and I saw it as a,
7 personally, I saw it as a win-win situation.

8 That is something he wants, the site wants
9 him, we were all on the same team, we don't lose any
10 expertise, we are all in-house.

11 So I went and expressed that to Tom
12 McGrath, and the fact that I didn't see it as being at
13 a loss, or anything like that, because we still have
14 that expertise, and things, the key projects he is
15 working on will still be in the organization, whether
16 he is at the site, or whether he is at corporate.

17 Because we had an exchange between the
18 sites, we had our own chemistry management and we
19 worked on projects and functions that involved all the
20 sites, and we shared resources.

21 So it wasn't, I didn't see it as a loss,
22 or we would become deficient, or anything like that.
23 So I explained all that to him, and the fact that they
24 wanted to move forward with it, and they needed his
25 concurrence, we needed his concurrence.

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1 When I say "we", I'm speaking with the
2 site as well, corporate and the site needed his
3 concurrence to move forward with this.

4 Q What was Mr. McGrath's response to the
5 suggestion that Harvey be transferred to Sequoyah?

6 A He was pretty adamant, and he said
7 absolutely not. He didn't approve of it, he didn't
8 support it, and he was not going to approve of it.
9 And he wanted Sam Harvey down here for one of the
10 positions that we were going to have left.

11 Q Did Mr. McGrath tell you that if Sequoyah
12 had a vacant position they could post it?

13 A I don't recall that coming up in the
14 conversation. Once he told me that he didn't support
15 it, that was, as far as I was concerned, that was the
16 end of the discussion, and he was not going to --
17 really didn't want to discuss it any more.

18 So he may have mentioned that, I don't
19 specifically recall that being stated.

20 Q Did he state -- go ahead.

21 ADMINISTRATIVE JUDGE YOUNG: Did he give
22 any reason for not liking the idea?

23 THE WITNESS: Well, he said he wanted Sam
24 Harvey down here at corporate for one of those two
25 positions we would have left. That was his reason, in

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1 my interpretation.

2 CHAIRMAN BECHHOEFER: When you said you
3 talked to HR, human resources, did they mention the
4 requirement to post, as far as you know, recall?

5 THE WITNESS: No. My understanding was
6 that we had to -- now, this could have been part of
7 it, but my understanding was that since we had the
8 position, and an individual in the position, and TVA
9 has done in the past, if we could transfer that
10 individual, and the head count.

11 In other words, the person would go in the
12 head count, or that portion of your budget would go
13 with it, okay? And in that situation that was the
14 process which was explained to me, and it wasn't
15 required, since you are just transferring that
16 individual, and that position, to corporate. I mean,
17 to the site.

18 Now, I'm sure cases have been done in the
19 past where they took the individual out of corporate
20 and sent him to the site, or kept a head count and the
21 site paid for him.

22 So it was different ways, I guess, that it
23 could have been done. But regardless of the approach
24 that was going to be ultimately used by human
25 resources, the first step that I was directed to get

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1 done was we had to get concurrence from the department
2 head to go forward with this, okay? That was the
3 first step.

4 And since the site didn't send a letter to
5 Tom McGrath in writing requesting this, then I was
6 directed to go talk with him verbally and see if he
7 was supportive of this.

8 And then HR would work with our group, and
9 we would work with the site, and they would follow
10 whatever the procedure that was to be used to make
11 that happen.

12 BY MS. EUCHNER:

13 Q In your conversation with Mr. McGrath, did
14 he tell you that the reason why Harvey couldn't be
15 transferred to Sequoyah was because it would appear
16 that one of the three chemistry managers was
17 preselected for a position?

18 A No.

19 Q After your conversation with Mr. McGrath,
20 did you have any further conversations with either Mr.
21 Harvey, Mr. Kent, or Mr. Rich?

22 A Well, after our meeting I went back and
23 subsequently talked with both, all three individuals,
24 and told them that we didn't get approval to proceed
25 from Tom McGrath. And that was the end of it.

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1 CHAIRMAN BECHHOEFER: When you said with
2 all three individuals?

3 THE WITNESS: Sam Harvey, Charles Kent,
4 and Gordon Rich. I communicated that to all of them
5 so that, you know, I was asked to do this, here is
6 where -- and I shared with them.

7 And I talked to Charles, you know, and I
8 told him, I said, you are welcome to go, maybe you can
9 talk with Tom McGrath directly, with the site,
10 approach him directly about it and maybe discuss it a
11 little bit more. Maybe there could be a change of
12 minds, or this, that and the other. But I've gone as
13 far as I can go with it.

14 So if you all want to, like to pursue it
15 independently, you are welcome to go ahead and do
16 that.

17 BY MS. EUCHNER:

18 Q And was Mr. Harvey ever transferred to
19 Sequoyah?

20 A No.

21 MS. EUCHNER: Your Honors, I'm at a good
22 breaking point. If we could maybe take a break now?

23 CHAIRMAN BECHHOEFER: Let's make it 15
24 minutes, which hopefully a cup of coffee runs that,
25 technically.

1 (Whereupon, the above-entitled matter
2 went off the record at 10:53 a.m. and
3 went back on the record at 11:17 a.m.)

4 CHAIRMAN BECHHOEFER: Back on the record.

5 Ms. Euchner?

6 BY MS. EUCHNER:

7 Q Mr. Grover, I would like you to look at
8 Staff Exhibit 130 again, the organizational chart.

9 A Okay. Exhibit 131?

10 Q Exhibit 130.

11 A Exhibit 130, okay.

12 Q Is this what the operation support RADCHEM
13 organization looked like prior to the 1996
14 reorganization?

15 A Yes.

16 Q Was the RADCHEM manager position vacant on
17 this org chart?

18 A Just prior to the reorganization that we
19 are talking about?

20 Q Was it vacant just prior to it? Or at the
21 time of this organizational chart, was it a vacant
22 position?

23 A I'm not following your question. I mean,
24 when this was first drafted, or --

25 Q Was somebody holding the RADCHEM manager

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1 position?

2 A When we went into the last reorganization,
3 this one we are talking about now?

4 Q Yes.

5 A In '96?

6 Q Yes.

7 A No one was in that position.

8 Q Had someone been in that position
9 previously?

10 A Well, Allen Sorrell had functioned, and he
11 came for a couple of weeks, it may have been a month
12 or two, and I think he ended up resigning, or retiring
13 from TVA, yes.

14 So at the point when we started the
15 reorganization in '96 no one was in that position.

16 ADMINISTRATIVE JUDGE YOUNG: At the point
17 -- I lost the end of your sentence.

18 THE WITNESS: Yes. At the time when we
19 started the reorganization in '96, no one was in that
20 position. And, frankly, I didn't think that it
21 existed.

22 BY MS. EUCHNER:

23 Q This organizational chart shows you as
24 chem and environmental protection manager, PG11. In
25 the 1996 reorganization what happened to that

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1 position?

2 A That position, that management position
3 was combined with the function, that management
4 function was combined with radiological controls
5 manager's function, into one managerial position,
6 which was the RADCON chemistry control manager. That
7 would be the new position.

8 Q And what PG level was this new position?

9 A PG senior.

10 Q Okay. Would that have been a promotion
11 for either you or Dr. McArthur?

12 A Yes.

13 Q Who made the decision to eliminate the
14 RADCON manager and the chem environmental manager
15 positions, and combine them into one RADCON chemistry
16 manager?

17 A Tom McGrath.

18 Q Were you interested in competing for this
19 position?

20 A Yes.

21 Q Did you ever express that interest to
22 anyone?

23 A Yes, I met with Tom specifically and told
24 him that I was, informed him that I was interested,
25 and I would like to apply for that position.

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1 Q When was that, approximately?

2 A It was during this time when we were
3 doing, going through the reorganization process, when
4 he had indicated that this is what we were going to
5 do. I informed him, I don't know the specific time
6 and date, but I did meet with him specifically and
7 expressed my interest in the position.

8 Q Was it before he had announced Dr.
9 McArthur as the RADCON chemistry manager?

10 A Yes, well before that.

11 Q Did you get the opportunity to compete for
12 the RADCON chemistry manager position?

13 A No, I did not.

14 Q Why not?

15 A Early part of June Mr. McGrath called me
16 into his office, and this was right before he was
17 going to, right before a staff meeting, to present the
18 final organizational chart, and numbers, and
19 everything to the staff.

20 And about a few minutes before the meeting
21 he had called me into his office and informed me that
22 he was selecting Dr. McArthur to fill that position.
23 And that was it, no discussion or anything, he just
24 wanted to inform me before he announced it at the
25 staff meeting.

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1 Q Did he give you a reason for why Dr.
2 McArthur was placed in that position?

3 A No.

4 Q Did you discuss the fact that Dr. McArthur
5 had been placed in the position without giving you the
6 opportunity to compete for it, with anyone?

7 A No.

8 Q Did you ever talk to anyone at HR about
9 why you weren't given the opportunity to compete?

10 A Yes, I followed up with HR, and we had
11 several discussions, starting late, you know, the
12 latter part of June, through August, September time
13 frame.

14 But, yes, I questioned the initial meeting
15 with both Phil Reynolds and Ed Boyles, to discuss the
16 matter.

17 Q Did Mr. Boyles or Mr. Reynolds give you
18 any reason for why Dr. McArthur could be placed in
19 that position without posting it for competition?

20 A Well, yes, we went through several
21 reasons. First we started with, well, nothing was
22 done wrong, and we went from that reason to we could
23 do that. Nothing was done wrong with what we did.

24 And we started from there to, well, he --
25 we made the recommendation, we made the selection,

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1 this is HR stating that, that was their position. I
2 didn't agree with that, and I expressed that to them,
3 because I told them that Tom McGrath was the hiring
4 manager.

5 And I said that this position, it was a
6 change in job description, it was a significant change
7 in function.

8 ADMINISTRATIVE JUDGE YOUNG: Significant?

9 THE WITNESS: Significant. Yes, when they
10 combined the manager functions, it was a significant
11 change in responsibilities, and based on current,
12 existing HR policy, the position should have been
13 properly posted, and individuals should be allowed to
14 interview for the position.

15 And he went through and said, well, Dr.
16 McArthur had more, you know, he has functioned in that
17 role in the past, we went through that argument. We,
18 and you know, we went through the fact -- then he
19 said, well, if -- this is Phil Reynolds and Ed Boyles.

20 Well, if we had -- we found if we would
21 have posted it, and you interviewed and not selected,
22 you were going to file a DOL complaint. I said, my
23 responsibility, you know, when I hired in on '94,
24 three or four, or five months after I was here,
25 basically I was vacated from the current position, and

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1 had to go through this process, through
2 reorganization.

3 And it was explained to me what the
4 process was, and this was HR policy, and we followed
5 the policy, and it worked out where I was able to get
6 a position. If not then I had no grounds to complain.

7 I said, the same should have been, it
8 should have been a similar situation here. I said,
9 each individual should, if there was a significant
10 change, and it was a new position that was created,
11 the policy states that you should be given the
12 opportunity to interview for the position.

13 And then I gave them some, an example,
14 during the course of the meeting I gave them an
15 example of a case where an individual desired that,
16 and they put it in writing that this was supposed to
17 be done.

18 So I gave them documentation showing that
19 this was the policy that should have been followed,
20 regardless. I mean, it didn't have anything to do,
21 you know, at the time with background, nationality, or
22 anything. This was the right thing to do.

23 And so we got through that argument, and
24 then they asked me, well, what if we just disallow it,
25 and do it again? And just take Mr. McArthur out and

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1 go through the process.

2 And I said, well, the problem is you've
3 already -- preselection has already been done. I
4 mean, you can take it out, but then you go through the
5 process and then select him again, I mean, you've
6 already preselected him, in my opinion, you've already
7 preselected someone.

8 So we went through that, and then I was
9 asked, what can we do to try to -- I said, I'm coming
10 to you because I chose not to file a complaint, I
11 chose to see if we could work this out internally, and
12 to go forward.

13 So, I mean, I don't want to ramble on, if
14 you need to cut me off. I didn't mean to --

15 BY MS. EUCHNER:

16 Q Well, you answered about five of my
17 questions with that one answer, but that is fine.

18 A I'm sorry, maybe I will stop and let you
19 continue on.

20 Q At the time that Dr. McArthur was named as
21 the RADCHEM chemistry manager, just prior to that, had
22 he been supervising the chemistry and environmental
23 functions?

24 A No.

25 Q What was his position just prior to being

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1 named the RADCHEM chemistry manager?

2 A He was radiological controls manager.

3 Q And what PG level was that?

4 A PG11.

5 Q Was that the same PG level that you were
6 at?

7 A Yes.

8 Q Once Dr. McArthur was named the RADCON
9 chemistry manager, what was your role in the selection
10 process, if any, for the chemistry program manager
11 positions?

12 A I was asked to help coordinate the
13 rewriting, to help him coordinate the rewriting of the
14 position descriptions now that we are, you know, going
15 through this change. So I provided some assistance in
16 that area.

17 Other than that I was just kind of
18 floating, and I would still provide some, you know, I
19 still took the initiative to support the plants, and
20 do what I could.

21 But I didn't have a primary role in the
22 selection process with the positions, associated with
23 the positions that were going to remain, but I helped
24 to try to coordinate, getting comments back for the
25 rewrites of the position descriptions from the

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1 individuals in the organizations.

2 Q Did the three chemistry managers have
3 input into the PWR and BWR position descriptions?

4 A The site chemistry managers?

5 Q No, the incumbent corporate --

6 A The program managers?

7 Q Yes, the program managers.

8 A Yes, all three had input.

9 Q Under these new position descriptions
10 would the PWR and BWR chemistry managers be performing
11 exclusively that type of chemistry, so that the PWR
12 chemists would only be working at the PWR plants, and
13 the BWR chemists would only be working at the BWR
14 plant?

15 A Yes, that is the way it was explained to
16 me, how the organization wanted to function.

17 Q Did the position descriptions written for
18 the PWR and BWR chemistry program manager positions
19 change the functions that the chemistry program
20 managers had been performing on a day to day basis?

21 A No, from a functional standpoint, no.

22 Q From a functional standpoint?

23 A No.

24 Q Okay. After the position descriptions
25 were drafted what was the next step in the selection

1 process, if you know?

2 A The next step should have been the review,
3 I guess the sign-off of the PDs by the organization's
4 manager. Then it goes to HR, human resources, and
5 then the posting, job notification and posting of the
6 position is initiated. And that, I believe, is 30
7 days if I recall correctly.

8 But they will post this position and
9 advertise it.

10 Q Does TVA policy for determining when a
11 position description should be posted as a new
12 position, or when an incumbent can transfer over, or
13 roll over into that position?

14 A Well, as I, my understanding was --

15 MR. MARQUAND: Objection, that is not the
16 answer to the question. The question called for a yes
17 or no.

18 ADMINISTRATIVE JUDGE YOUNG: Do you know
19 whether TVA has a policy on that, or had at that time?

20 THE WITNESS: Yes.

21 BY MS. EUCHNER:

22 Q What is that policy?

23 A That if the position description changed
24 by a certain percentage, I believe it is 15, 20
25 percent, thereabouts, somewhere in that vicinity, then

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1 it required, there was a requirement to post that
2 position.

3 If it changed slightly, or didn't change
4 at all, less than that threshold requirement, or
5 didn't change at all, then the requirement was to go
6 by seniority, if you are going to reduce the numbers
7 you have to go by seniority to fill those positions.

8 Q For the PWR and BWR chemistry positions,
9 did anyone from human resources discuss with you how
10 the duties listed in those positions broke down, as
11 compared to how the duties in the chemistry and
12 environmental program manager positions broke down, in
13 terms of percentage of the duties?

14 A No one from HR spoke directly with me.
15 They may have had a conversation with Wilson, since he
16 was the hiring manager.

17 ADMINISTRATIVE JUDGE YOUNG: They may have
18 had a conversation with whom?

19 THE WITNESS: Wilson McArthur, yes,
20 because he was the hiring manager now.

21 BY MS. EUCHNER:

22 Q What percentage of duties were chemistry,
23 as being performed by the three chemists? I guess
24 Gary Fiser, Sam Harvey, and Chandra, just prior to
25 this reorganization, what percent of their duties, on

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1 a day to day basis were chemistry?

2 A Essentially 95, 99 percent.

3 Q Okay. Did Dr. McArthur know that?

4 A Yes.

5 Q Do you know whether anyone from human
6 resources was aware of that?

7 A Yes.

8 ADMINISTRATIVE JUDGE YOUNG: You are
9 saying you did know, your answer was yes?

10 THE WITNESS: Oh, yes, they were aware,
11 they were aware of what the percentage was.
12 Essentially they were functioning on the chemistry
13 side. They --

14 ADMINISTRATIVE JUDGE COLE: By they you
15 mean McArthur and human resources?

16 THE WITNESS: That is correct, I'm sorry,
17 yes.

18 BY MS. EUCHNER:

19 Q To your knowledge does HR policy require
20 that you would compare an old position description, in
21 this case the chemistry and environmental program
22 manager position, to the new position descriptions, in
23 order to determine if a change has been significant,
24 to require posting?

25 A Yes, HR is involved in that process, and

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1 they would have to make that determination, it would
2 have to be made.

3 Q Under this policy should the old position
4 descriptions match the duties that the people are
5 actually performing on a day to day basis?

6 A Yes.

7 Q Do you know whether --

8 A But there is one caveat to that. You
9 know, as I explained earlier, all of the individuals
10 had the same job description, and part of that
11 description had a, you know, part of it had some
12 environmental tasks in it.

13 And, like I said before, we were -- our
14 long term objective was to transition, so everybody
15 would be able to do everything in that particular job
16 description.

17 Q Did you ever --

18 ADMINISTRATIVE JUDGE YOUNG: How did those
19 play in, in your understanding of the policy, even
20 though, as I understand what you are saying, correct
21 me if I'm wrong, even though the three people in those
22 positions were not performing very many environmental
23 duties, it was written down that they would, and you
24 saw long term that they would.

25 If you know, how does that play into

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1 looking at what the duties of the old job, or the
2 previous position --

3 THE WITNESS: I guess my opinion,
4 approaching this, was that you have to look at the --
5 how is the individual functioning in that job, based
6 on his job description, and how was he assigned what,
7 you know, how was his assignment made in respect to
8 the job description, okay?

9 And this was very clear, and communicated
10 what we were trying to do, early on, when we went into
11 that '94 reorganization, okay? And it was understood
12 that everyone in the organization wasn't proficient at
13 everything in the job description.

14 So this was the approach we were going to
15 take. But I look at it from a functional standpoint.
16 If that individual did all chemistry, that was what
17 really is, and that is how I had to rate his
18 performance.

19 You know, I think that is how his
20 performance should be rated on. I'm not going to
21 penalize him because maybe he did a few environmental
22 things, but I can't penalize him because that is not
23 what his charge was, that is not what I laid out, or
24 what we laid out on the development plan for him to
25 do.

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1 Same thing on the, from the environmental
2 standpoint, the people from environmental, they
3 weren't doing all this chemistry, but their primary
4 function was to do this.

5 So from a functional standpoint there was
6 no change from the old to the new, from a chemistry
7 standpoint. And I know it is kind of -- I mean, it
8 may be totally clear, but you have what we got on
9 paper versus here is what is actually going on.

10 And I think you have to look at the whole
11 picture there. We didn't get an opportunity to, you
12 know, to get to where we wanted to get to, based on
13 the plan that was laid out in '94.

14 ADMINISTRATIVE JUDGE YOUNG: Where did you
15 expect to get to in terms of how much time they would
16 have spent on

17 THE WITNESS: Well, I thought it would
18 have taken at least three to five years to get to
19 where we, you know, with no changes, and to
20 transition.

21 Because we were engaged in that, we were
22 sending in the chemistry people to environmental
23 classes, and so those, you know, the vehicle was, I
24 mean, the motion was started. The mechanics were
25 started, and we were working on that, but it was a

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1 long term process.

2 Same thing, when opportunities came up we
3 would take the environmental people and send them to
4 chemistry things. We gave them certain assignments,
5 you know, so that they cross-fertilized, but that took
6 time.

7 ADMINISTRATIVE JUDGE YOUNG: Two things I
8 would like to clarify. The environmental people that
9 you are referring to, who were -- I mean, who were
10 they, and where were they located on the chart?

11 THE WITNESS: Deidra Nida, she is there,
12 down at PG7, she was functioning as an environmental
13 program manager. And the vacant position we had
14 Tresha Landers, which was coop student, and she had
15 just graduated.

16 But she functioned, and I had her
17 functioning in environmental area. But she wasn't,
18 you know, permanent. She wasn't a permanent employee
19 of ours.

20 ADMINISTRATIVE JUDGE YOUNG: Did you have
21 any idea, in mind, about once the transition had
22 ultimately been reached, or been made under the plan
23 to combine environmental and chemical, or chemistry,
24 did you have any percentage in mind, in terms of how
25 much of the job would be chemistry, and how much would

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1 be environmental?

2 THE WITNESS: We would try to reach a
3 balance. I think long term you are going to have
4 people, because of their expertise, maybe a 60/40, it
5 just depends on the task, and what you had to do.

6 But the objective was to get everybody to
7 a point where they could function in both areas. Now,
8 that person may function in both areas, but just the
9 nature of the split, and how the work is laid out, and
10 because of the expertise, and they got specialty in
11 certain things at the site, maybe one guy, he is your
12 primary chemistry guru, and this is your secondary
13 chemistry guru, this is your -- you know?

14 So he is going to do all that because as
15 your guru, but not to say your other chemistry
16 functions that are generic across the plant, then they
17 would do those type things too.

18 So it is kind of hard to say. But the
19 objective was to get everybody to a point where they
20 could be proficient, you know, you could interchange.
21 That is what you were trying to get to.

22 So that you wouldn't sit here, the site
23 calls up, we need help in this area, well I don't have
24 anybody that can help you, because I don't have
25 anybody, you know? This person may transfer out, but

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1 you still have that expertise in-house, that you can
2 handle that function.

3 ADMINISTRATIVE JUDGE YOUNG: You said that
4 you based your comparison of the prior duties, or the
5 duties of the earlier positions with the future
6 positions, based on what was actually done in the
7 earlier positions.

8 Was that based on your knowledge of how it
9 was done in other situations, or what was that based
10 on?

11 A No, that is what actually, that is what we
12 actually did. I mean, that is what the individuals in
13 those positions actually did. In other words --

14 ADMINISTRATIVE JUDGE YOUNG: No, what I'm
15 asking is, you are looking at it that way, you are
16 looking at what they actually did. I believe the
17 question that Ms. Euchner asked you was, did you know
18 what TVA's policy was on when to post and when to
19 allow a rollover.

20 THE WITNESS: Right.

21 ADMINISTRATIVE JUDGE YOUNG: And you said,
22 you know, you looked at how much of their duties, what
23 they actually did in their earlier job compared to
24 what the new job was.

25 Was your -- what was the basis of your

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1 looking at it that way, rather than looking at it in
2 terms of what was written down in the position, as
3 including environmental, for example?

4 Is that how it had been done before, what
5 was the basis of your looking at it that way?

6 THE WITNESS: Well, I mean, what they did
7 align pretty closely, I mean, it aligned up with their
8 position description. I don't know if I'm answering
9 your question.

10 But, you know, what they did prior to,
11 versus what they are going to be, what is proposed,
12 it essentially lines up. I mean, we didn't have to do
13 -- a lot of changes didn't have to be made to the
14 position description. A lot of those things that were
15 identified in there, basically were reflected in the
16 new position description.

17 And I was just making a point that
18 functioning, that is what they did, okay? Now, say if
19 you've got 30 items in your position description,
20 maybe three, four, or five of them are line items, are
21 environmental, and the rest of them is chemistry.

22 But essentially all of, you know,
23 basically the bulk of it is chemistry. So --

24 ADMINISTRATIVE JUDGE YOUNG: What I'm
25 trying to get at is, what made you look at what they

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1 actually did, what was it, is that what you understood
2 the policy to be, why did you understand that?

3 THE WITNESS: Well, you take the position
4 descriptions and then from the position descriptions
5 you write your, you basically come up with their
6 development plan on what we work on, and then whatever
7 task they are working on at the sites, would have to
8 basically tie into the position descriptions.

9 So, and they were specific, the position
10 descriptions were specific on specific things that,
11 you know, we have to ensure secondary chemistry
12 control meets all required guidelines.

13 Maybe I'm missing --

14 ADMINISTRATIVE JUDGE YOUNG: I'm really
15 trying to get at something different, I think.

16 THE WITNESS: Okay.

17 ADMINISTRATIVE JUDGE YOUNG: And that is,
18 when Ms. Euchner asked you the question about what was
19 TVA's policy, and how did you compare the two, the
20 earlier positions with the future position
21 descriptions, you said you did it, you looked at what
22 the people actually did in the earlier positions, Mr.
23 Chandra, Mr. Harvey, Mr. Fiser.

24 THE WITNESS: Okay.

25 ADMINISTRATIVE JUDGE YOUNG: If someone

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1 else came in and said, well, we looked at their
2 position descriptions, not what they actually did, but
3 their position descriptions, and it has down, and I
4 don't have it in front of me, so I don't remember what
5 it -- but suppose it had 50 percent environmental, ten
6 tasks, five of them were environmental, five of them
7 were chemistry.

8 THE WITNESS: Okay.

9 ADMINISTRATIVE JUDGE YOUNG: In that
10 situation, if the person were doing all chemistry,
11 even though there were five things mentioned in the
12 written position description, that referred to
13 environmental things, how would you have compared the
14 position descriptions then?

15 Based on what they actually did, or on
16 what the position description said? And -- well,
17 first answer that. How would you have compared it at
18 that point, in that situation?

19 THE WITNESS: Well, there are two
20 comparisons that you make. You look at how it was
21 written before, and how it was written after, what is
22 different, okay?

23 Then you look at what, functionally, did
24 the person do before, and what functionally is he
25 going to do afterwards.

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1 ADMINISTRATIVE JUDGE YOUNG: Was there a
2 policy that told you to look at what they did
3 functionally, or did you understand the policy to
4 direct you to look at what they did functionally more,
5 or to what the position description said?

6 THE WITNESS: Well, it is based on, the
7 percentage is based on what the position description
8 says, okay? That is what supposedly, and if the
9 change is significant.

10 But that is usually the assumption, that
11 goes with the assumption that the person in that
12 position is doing everything in the position
13 description.

14 But you have to understand that we did
15 something a little unique, because you combined
16 functions and you are trying to get people cross-bred
17 to come up to the -- you picked the best people that
18 you felt that could do the job, and then you try to
19 get them cross trained.

20 But the objective was just to come up with
21 one PD versus, chemistry and environmental had two
22 separate PDs.

23 ADMINISTRATIVE JUDGE YOUNG: When you
24 looked at what they actually did functionally, were
25 you doing that based on prior reorganizations where

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1 there were position description changes, and you
2 looked at what they did functionally, or was that just
3 generally understood, or --

4 THE WITNESS: Yes, it was understood. I
5 knew, based on, I knew what they did in relationship
6 to the PD, the position description, before the
7 change. I knew what they were going to do in
8 relationship to the new PD after the change.

9 ADMINISTRATIVE JUDGE YOUNG: And that is
10 how it was generally done, that is how it was
11 generally looked at when there was a reorganization
12 and a change?

13 THE WITNESS: Well, no. I think -- well,
14 I can only speak from my experience. I mean, you look
15 at, when we did the change in '94 there was a
16 significant change in the position descriptions
17 because it wasn't just chemistry, now it is chemistry
18 and environmental. That is a significant change.

19 That is significant enough to warrant
20 posting, interviewing, refilling those positions,
21 okay? But then you take what you had then, and then
22 you go to the new position description, which the
23 chemistry essentially didn't change.

24 It was basically the same objectives in
25 the position, or the same requirements that you need

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1 to fulfill in the position description.

2 So when I asked, that is the question I
3 was asked, something had to be significantly
4 different. Well, no, he did, basically he is doing
5 the same job, he is not doing anything different. But
6 it is a different position description because now the
7 environmental function was taken out.

8 So that is what I meant, was what would he
9 do differently now in the new one, versus the existing
10 one. He is basically doing the same job.

11 ADMINISTRATIVE JUDGE YOUNG: Thank you.

12 ADMINISTRATIVE JUDGE COLE: So these three
13 individuals went from a PD of essentially chemistry,
14 to one that included environmental, and then back to
15 chemistry?

16 THE WITNESS: That is correct, that is
17 correct.

18 ADMINISTRATIVE JUDGE COLE: I'm looking at
19 this organization chart, 130, and under your
20 jurisdiction you had five slots, one was vacant?

21 THE WITNESS: That is correct, yes, sir.

22 ADMINISTRATIVE JUDGE COLE: And Harvey,
23 Chandra, and Fiser essentially were chemists?

24 THE WITNESS: That is correct.

25 ADMINISTRATIVE JUDGE COLE: With the long

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1 term bridging into environmental, but you didn't have
2 time to get much of that done?

3 THE WITNESS: Well, we started. I mean,
4 we started, it was a slow process.

5 ADMINISTRATIVE JUDGE COLE: And Nida was
6 essentially environmental?

7 THE WITNESS: She was, yes, she had a
8 chemistry background, but she worked, and she had
9 environmental, she had some environmental experience,
10 but she was in that environmental capacity, yes.

11 ADMINISTRATIVE JUDGE COLE: Could you give
12 me an example of what the people, or the person that
13 worked in environmental, give me an example of the
14 things that they do under environmental control, or
15 environmental work.

16 THE WITNESS: Well, they work with the
17 site, we work with the TVA environmental organization
18 on compliance issues, meeting regulatory requirements.

19 ADMINISTRATIVE JUDGE COLE: EPA
20 essentially?

21 THE WITNESS: Yes, EPA in regards to the
22 nuclear plants. They worked closely with the site
23 staffs in making sure we complied, we were meeting all
24 our reporting requirements.

25 If we are having problems with certain

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1 environmental issues, some waste streams, or
2 something, they worked along with the plant, they
3 worked with the plant, whatever has to be controlled
4 from a temperature standpoint.

5 Because we have to stay within a certain
6 temperature range, cooling, to protect the wildlife,
7 and so forth. They work with the plant monitoring
8 that.

9 We had to make recommendations, and we had
10 to do studies. So not only did we work closely with
11 the site people, we worked with the TVA environmental
12 organization to ensure that we were meeting existing
13 requirements, and any new requirements coming down the
14 pike.

15 ADMINISTRATIVE JUDGE COLE: Thank you.

16 CHAIRMAN BECHHOEFER: I have a further
17 clarification question, perhaps.

18 Don't these chemistry or environmental
19 tasks, when they arise, isn't it somewhat fortuitous
20 that they arise? I'm saying this because you've got
21 a bunch of environmental tasks that would happen, or
22 arise at a given point in time, your percentage would
23 logically, the environmental percentage of work would
24 logically rise.

25 And, similarly, if the chemical issues

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1 predominated, almost by definition the chemistry
2 percentage of work would rise.

3 So isn't that somewhat fortuitous,
4 depending on what tasks were to be performed? Or is
5 the position descriptions a projection of what tasks
6 the particular position would, the person in the
7 position would be called upon to deal with, should
8 they arise?

9 THE WITNESS: It was a combination of
10 both. But the bulk of the items in the position
11 descriptions identified things that were, that we
12 actually physically, it was real time.

13 In other words, we worked, and it wasn't
14 here is what we might think, just to give you a
15 nutshell. Basically the split was, we were basically
16 chemistry oriented, okay?

17 I mean, we, the -- from a technical and
18 support standpoint, most of our responsibility laid in
19 the chemistry area, okay? For a number of reasons.
20 We had mostly chemistry issues at the time,
21 environmental we did have new issues.

22 You are right, you have new issues coming
23 up, this, that, and the other. But that is where our
24 major concentration was, because that is where our
25 major problem areas were at the time.

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1 Not to say we didn't have issues in the
2 environmental. We had good staffs, good environmental
3 staffs at the sites as well. So, and they were
4 functioning well.

5 So they did a lot, you know, they took on,
6 and it was a different, it is kind of a different mix
7 of who does what on the environmental side versus the
8 chemistry side. So you can't necessarily, it is not
9 a direct comparison.

10 We had more corrosion type issues that we
11 were dealing with, you know, on an ongoing basis, in
12 the chemistry area. We had active problems we were
13 trying to resolve.

14 So that is where most of your expertise,
15 or most of your support was providing in the chemistry
16 area. It wasn't a direct 50/50 split.

17 CHAIRMAN BECHHOEFER: Well, now, for the
18 environmental, say an environmental issue arose, would
19 it first, or primarily, be assigned to this Nida?

20 THE WITNESS: Yes. If a new issue arose
21 we would start there. Now, not to say that she would
22 do all the work herself. It may be, you know, we
23 would break it down into pieces, you know? A subtask,
24 and she would be the lead coordinator.

25 It could have been that one of the people

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1 from the site could have been the lead coordinator,
2 and we were working with them. So it just depends on
3 what it was, where is the expertise.

4 And we would talk with the sites, and we
5 would figure out, but generally if it is a long-term
6 programmatic type issue, it would fall into our
7 bailiwick. You know, it would fall in our
8 responsibility.

9 We would take it, we would be the lead, we
10 would break it, you know, we would look at it,
11 identify what we needed to do, get our action plan,
12 whatever you want to call it, and then we would be the
13 facilitator.

14 ADMINISTRATIVE JUDGE YOUNG: And you said
15 in her bailiwick, meaning Ms. Nida?

16 THE WITNESS: I'm sorry, in her area.

17 CHAIRMAN BECHHOEFER: That is all right,
18 we know what you are talking about.

19 Are each of the six in this chart, at
20 least, job descriptions falling under your
21 supervision, are they all the same, or would they vary
22 as to primary tasks?

23 THE WITNESS: No, these, we went to one
24 job description.

25 CHAIRMAN BECHHOEFER: So all five of those

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1 persons --

2 THE WITNESS: Well, actually, if I recall
3 correctly --

4 CHAIRMAN BECHHOEFER: -- Ms. Nida, Mr.
5 Fiser, etcetera, they all had the same job
6 description?

7 THE WITNESS: There was a little change.
8 Let me back up. Four of them were exactly the same
9 because they were PG8. A little change on the PG7,
10 because it was a different level.

11 CHAIRMAN BECHHOEFER: I see, I see.

12 THE WITNESS: But essentially they were
13 pretty close. The 8, you know, the four that were the
14 PG8 were the same. We had a different one for PG7
15 position.

16 CHAIRMAN BECHHOEFER: Thank you. Back to
17 you, Ms. Euchner.

18 BY MS. EUCHNER:

19 Q If you had a position description that had
20 ten duties listed, does it necessarily follow that
21 each one of those duties is ten percent of the work
22 that the person holding that position description has?

23 A I didn't understand the question.

24 Q If you have a position description with
25 ten duties, are they all equal duties, necessarily?

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1 A No.

2 Q Okay. How would a human resources
3 individual making a comparison between an old position
4 description and a new position description determine
5 what percentage those ten duties would be assigned?

6 MR. MARQUAND: Objection, lack of
7 foundation. Mr. Grover was a chemistry manager, he
8 wasn't an HR manager, and I never heard him say
9 anything about having worked on TVA HR.

10 And the question was, how would an HR
11 manager make this determination. Let's ask the HR
12 manager, not Mr. Grover.

13 MS. EUCHNER: I will rephrase the
14 question, Counsel.

15 BY MS. EUCHNER:

16 Q When you have been involved in changes,
17 has the human resources manager talked to you about
18 what percentage of duties, listed on the position
19 descriptions, are so that they can make an accurate
20 comparison?

21 A Yes, when we were on callback in '94,
22 organizational change, we -- just from my experience,
23 we talked, here is what we are going to, here is where
24 we were, here is this new PD that we are going to.

25 And the individual from HR has to get into

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1 from the hiring manager, hiring organization. Because
2 from a technical standpoint they are not that well,
3 you know, may not that be that versed in your specific
4 area.

5 So they would have to discuss it with you.
6 They couldn't, unless it was just so dramatic, and it
7 wasn't, you know, night and day type of situation,
8 they would have to talk with the hiring manager to get
9 a good understanding of what specifically changed, and
10 from a percentage standpoint.

11 That is just based on my experience. Now,
12 I can't say how they actually, they got a separate
13 process that they use, along with that.

14 Q For the PWR and BWR chemistry manager
15 positions, did you ever talk to Mr. Easley about the
16 comparison between those position descriptions and the
17 chem and environmental position descriptions?

18 A No, as far as this organization is
19 concerned, this '96 organization.

20 Q Did you ever discuss with him the fact
21 that the chemistry managers, or the three chemistry
22 individuals, Chandra, Fiser, and Harvey were
23 performing 90 to 95 percent of their duties in
24 chemistry?

25 A I don't -- we talked, and there were

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1 several discussions, and we talked -- yes, we talked,
2 we had several discussions and we talked not only with
3 him, but also with Dr. McArthur, he was involved, and
4 they approached me about it, and asked me my opinion
5 on it.

6 ADMINISTRATIVE JUDGE YOUNG: Who
7 approached you?

8 THE WITNESS: Ben Easley. And I indicated
9 to both him and Wilson that I essentially, you know,
10 the chemistry function of that, I don't see that as
11 having a significant change.

12 Now, I didn't get into details and what
13 percentages, and this, that, and the other. They just
14 asked my general opinion. You know, we are going back
15 and forth, and I was working with them on trying to
16 get these done, and get them in to them, so that they
17 can proceed with the process.

18 BY MS. EUCHNER:

19 Q Now, you were cutting back, or the
20 chemistry organization was cutting back to two
21 positions, one PWR and one BWR. In order to have full
22 coverage would the BWR person also have to
23 occasionally perform PWR functions in place of the PWR
24 person, if that person wasn't available?

25 A I would think that that is what would have

1 to happen, yes.

2 Q To your knowledge why were the PWR and the
3 BWR chemistry positions posted for competition?

4 A Why was --

5 Q Why were the BWR and PWR positions posted
6 for competition, as opposed to going on seniority?

7 A Just in my opinion probably because --

8 MR. MARQUAND: Objection, objection. That
9 is irrelevant. The question is what he was told by
10 somebody else. He didn't make the call.

11 ADMINISTRATIVE JUDGE YOUNG: I think you
12 have to establish some foundation other than just
13 opinion.

14 BY MS. EUCHNER:

15 Q Were you ever told by anybody why the
16 positions were posted?

17 A No.

18 Q Did you ever have any discussions with
19 anybody about why the positions were posted?

20 A Well, we had discussions, yes.

21 CHAIRMAN BECHHOEFER: Were any of your
22 discussions with HR representatives?

23 THE WITNESS: Yes. Not -- I didn't have
24 exclusive, a bunch of exclusive, because again, I
25 wasn't the hiring manager. As I recall most of the

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1 discussions, we didn't have a lot, but several of them
2 Wilson asked to talk with myself and Ben about, you
3 know, throughout the process.

4 ADMINISTRATIVE JUDGE YOUNG: At this point
5 I'm assuming, from what you said earlier, Mr.
6 McArthur, it had been announced that he was going to
7 be the RADCHEM manager.

8 What was your role during this time, since
9 it wasn't posted and you didn't get that position,
10 what was your --

11 THE WITNESS: Well, I kind of just was
12 really floating, and I worked with him and basically
13 during this process I just helped to work with him, to
14 coordinate getting --

15 ADMINISTRATIVE JUDGE YOUNG: Him being
16 McArthur?

17 THE WITNESS: Yes, Wilson McArthur. I
18 just worked with him. He asked that I assist in
19 getting the position descriptions together, getting
20 comments and rewriting, helping on the rewriting. I
21 didn't have the final sign-off on it, I just tried
22 coordinating with the chemistry program managers, and
23 the organization, and getting their comments, and
24 putting together the drafts, and rewrites, and that
25 sort of thing, and providing that to him.

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1 ADMINISTRATIVE JUDGE YOUNG: So you
2 expected that a place would be found for you, or --

3 THE WITNESS: Well, I mean --

4 ADMINISTRATIVE JUDGE YOUNG: I'm just
5 trying to clarify, in my own mind, sort of what was
6 your position, or what was your --

7 THE WITNESS: Well, I mean, I was working
8 with human resources in an effort to try to work out
9 a solution to the dilemma while this, but I was still
10 functioning, you know, and still provided support to
11 the sites, and tried to continue on in the chemistry
12 area.

13 But, you know, he was the final, he was
14 the manager now in the organization. So just
15 basically provide a supporting role, that is basically
16 how I functioned.

17 ADMINISTRATIVE JUDGE YOUNG: Thanks.

18 BY MS. EUCHNER:

19 Q Now, I asked you, just a couple of minutes
20 ago, if you recalled whether anyone from human
21 resources told you why the chemistry positions had to
22 be competed, and you said that, no, you didn't recall
23 that.

24 I'm having you look at Staff Exhibit 49,
25 which is -- well, first let me ask you, go to the

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1 first page of that document.

2 A Page 1?

3 Q Page 1.

4 A Okay.

5 Q Do you recall being interviewed by David
6 VanBockern of the Tennessee Valley Authority office of
7 Inspector General?

8 A Yes, I recall. I didn't recall his name,
9 but I recall, yes.

10 Q And if you will go to page 2 of that
11 document, the paragraph towards the bottom of the page
12 that starts, in comparing the old position
13 description, if you could please read that paragraph
14 to yourself, to see if it refreshes your recollection?

15

16 CHAIRMAN BECHHOEFER: Which paragraph is
17 this?

18 MS. EUCHNER: The second from the bottom,
19 in comparing the --

20 CHAIRMAN BECHHOEFER: Oh, okay.

21 MS. EUCHNER: -- old position description.

22 CHAIRMAN BECHHOEFER: Got it.

23 THE WITNESS: Okay.

24 BY MS. EUCHNER:

25 Q Does that refresh your recollection as to

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1 whether you had any discussions with human resources
2 about posting the chemistry positions?

3 A Well, like I said, I had several
4 discussions with the human resources office. What
5 was, what I was trying to reflect in that statement
6 was that the decision was made, which it is ultimately
7 the responsibility of corporate human resources to
8 make the decision, that is who has the final say as to
9 how this is supposed to go forward, either posting, or
10 you go by seniority.

11 And that is what I was reflected there.
12 I can't recall the time and date that I discussed with
13 them and they said, well, this is what is going to be.
14 We had several discussions in support of that.

15 And the decision was ultimately made that
16 that was what we wanted to do.

17 Q Does this refresh your recollection as to
18 why they wanted to advertise the positions?

19 A Yes. I mean, they wanted to advertise
20 because now everybody vying for that position would
21 have to go through the interview process.

22 MS. EUCHNER: Your Honors, I'm about to
23 start on a new topic that is probably going to take a
24 while, so this might be a good time to break.

25 CHAIRMAN BECHHOEFER: Yes. We will break

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1 now and be back at 1:15.

2 (Whereupon, at 12:05 p.m., the above-
3 entitled matter was recessed for lunch.)
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A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

1:13 p.m.

CHAIRMAN BECHHOEFER: Back on the record.

BY MS. EUCHNER:

Q Once the decision was made to post the PWR and BWR chemistry manager positions did you have any involvement in the selection process?

A No.

Q Did Dr. McArthur ever ask you for input on questions that should be asked in the interviews?

A No, I don't recall.

Q What type of technical questions would it be important to ask a candidate for a PWR chemistry manager position?

A Well, you want to, you like to -- you should ask questions involving current technical issues. Some basic questions I think you need to start with is questions related to primary water chemistry and secondary water chemistry.

That is kind of the basics, the starting point. Then you may, you probably would ask questions relating to current issues, or current problems that you are working on, associated with pressurized water reactors, those types of things.

MS. EUCHNER: Joint Exhibit 22. And we

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1 are going to page GG000422, the PWR questions.

2 BY MS. EUCHNER:

3 Q Now assuming that the circled questions
4 are the questions that were asked in the PWR
5 interviews, after a quick review of the questions on
6 the first and second pages, in your opinion do these
7 questions adequately cover the areas of technical
8 expertise that PWR chemistry manager would need?

9 A Just -- these are the circled ones?

10 Q The circled ones, yes.

11 A I don't see any questions on the primary
12 water chemistry, which I think you should have at
13 least one or two questions in that area, indicated
14 here.

15 Q Are there any secondary chemistry
16 questions?

17 A Yes, there are. Do you want to know which
18 ones?

19 Q Yes, please.

20 A Okay. Well, let's see. Number 11 could
21 be, it says two chemistry concerns. So based on what
22 you bring up. 12 specifically, 15, 17.

23 Q And those are specific to secondary?

24 A Yes.

25 Q Based on your knowledge that the kind of

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1 work that Chandra, Harvey and Fiser were performing at
2 the three sites, did these questions favor the
3 expertise of any of those candidates?

4 A Well, it would -- you mean the ones that
5 are, which questions, the secondary chemistry ones?

6 Q Well, in general, would the interview
7 questions, which you just indicated are missing
8 primary chemistry, but have three specific secondary
9 chemistry questions, would that favor one of the
10 three, or any of the three?

11 CHAIRMAN BECHHOEFER: The circled
12 questions?

13 MS. EUCHNER: The circled questions, yes.

14 ADMINISTRATIVE JUDGE COLE: You said 4.

15 BY MS. EUCHNER:

16 Q I'm sorry, the four you identified.

17 A Well, 11 is just, that is based on how you
18 respond. It says, describe at least two chemistry
19 concerns. If you bring up a secondary one it could be
20 that.

21 So 12, 15, and 17 dealt specifically with
22 the secondary side, and primary steam generator
23 chemistry. And Sam Harvey was, worked primarily in
24 that area, and knows those specific issues. Most of
25 it is Sequoyah, but also Watts Bar.

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1 So it was kind of a split there. He kind
2 of handled those issues for both PWRs, and not for
3 Sequoyah in total, but partially for Watts Bar and
4 Fiser participated in that.

5 ADMINISTRATIVE JUDGE YOUNG: Just to
6 clarify, when you say he handled those issues, are you
7 talking about he handled these specific issues that
8 the questions addressed, or secondary in general?

9 THE WITNESS: No, those specific issues,
10 the denting issues, the secondary, question 12. He
11 was the -- and when I say he handled most of those, he
12 was sort of the lead person.

13 He was our representative with our EPRI,
14 which is kind of our technical, the industry's
15 technical organization. Each plant had a
16 representative INPO, they had a representative for
17 certain specific issues, certain specific technical
18 matters.

19 That individual would basically be the
20 company representative, he would coordinate, bring
21 that information back, he would help put in, or
22 implement programs to address those issues. He would
23 be the primary person.

24 ADMINISTRATIVE JUDGE YOUNG: What I'm not
25 clear on is, when you said that Mr. Harvey was the one

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1 who would mainly handle those issues, were you talking
2 about denting and INPO chemistry index, and molar
3 ratio?

4 THE WITNESS: Right, that is correct.

5 ADMINISTRATIVE JUDGE YOUNG: Or were you
6 talking about secondary in general?

7 THE WITNESS: No, those three. Now, he
8 did, he handled secondary in general for his primary,
9 his lead plant, he was the lead person for the lead
10 plant. The same with the other engineers for their
11 lead plant.

12 But from a programmatic standpoint, from
13 a chemistry programmatic standpoint, that issue, those
14 issues applied to Sequoyah and Watts Bar. So he was
15 the lead person involved with implementing those
16 programs at those two sites, since they were both
17 PWRs.

18 So we had certain things, certain tasks
19 that if, you know, I may have had one program manager,
20 chemistry manager, that was his expertise. Or we sent
21 him to school, and he was specifically the guru for
22 that, or he is the industry, he is our industry
23 representative for that.

24 And then he would help implement that at
25 the other sites. For example, Chandrasekaran, he was

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1 the hydro water chemistry, we only had one plant which
2 had hydroelectric chemistry. But raw water control.

3 Do you know what I mean? So it was just
4 those particular issues that was really in Sam's
5 arena.

6 BY MS. EUCHNER:

7 Q Did Dr. McArthur ever discuss with you who
8 he had asked to be on the selection review board for
9 the chemistry positions?

10 A WE had one conversation, from what I
11 recall, and Ben Easley was present. He had asked to
12 talk with myself, and also Ben Easley. We wanted to
13 meet to kind of discuss how they were going to
14 approach that.

15 And I indicated to him that you need to
16 have at least one representative, if you are going to
17 have it at the chemistry RADCON managers level, the
18 input or participation on the board, the selection
19 board, you need to have that individual from each
20 plant present.

21 So in other words you want to have equal
22 representation from the sites. Because, naturally,
23 the person that is representing a particular site, the
24 one that is the primary support of that site, he or
25 she would be most familiar with that individual.

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1 So I stressed to him that you need equal
2 representation from the sites.

3 Q Now, just to go back a little bit, had he
4 said that he was planning on using the RADCON
5 chemistry managers from each site for the SRB?

6 A You mean for the selection board?

7 Q Yes, for the selection review board. I'm
8 sorry.

9 A Yes, he had indicated that to me.

10 Q And was one of them going to be
11 unavailable to serve on the board?

12 A Jack Cox, he had mentioned there were some
13 problems getting him to sit on the board, on the time
14 and date, the time frame he was looking to hold the
15 selection.

16 Q And which of the three, of Fiser, Harvey,
17 and Chandra, provided primary support to Jack Cox's
18 organization?

19 A It would be Gary Fiser.

20 ADMINISTRATIVE JUDGE YOUNG: Was your
21 question intended to use primary in the --

22 MS. EUCHNER: I'm sorry, yes. Primarily
23 in the sense of it is his lead plan, I'm sorry.

24 ADMINISTRATIVE JUDGE YOUNG: I just wanted
25 to make sure.

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1 BY MS. EUCHNER:

2 Q Did you have an opinion as to whether or
3 not Cox should be on the board?

4 A Yes, I expressed that pretty strongly to
5 Mr. McArthur, if you are going -- whatever level you
6 are going to handle the participation of the board,
7 you want to have equal representation at that level.

8 So if you are going to have a RADCON
9 managers there, one or two, well if you plan on using
10 that level of input, or participation, you need to be
11 using that individual from each plant.

12 Q Why?

13 A Well, that way you will have equal input,
14 because RADCHEM manager from Browns Ferry may not be
15 as familiar with the program managers that primarily
16 support our lead persons from the other sites. He may
17 be in general, but he probably would be most familiar
18 with who supports his site, and he probably interfaces
19 with him, and sees him more so, and interfaces with
20 him on issues.

21 So to get, to have a balance, an equitable
22 balance, I felt it was important and critical that you
23 have, you know, each one would provide equal input to
24 the board.

25 Q What was Dr. McArthur's response to this,

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1 when you told him?

2 A He had responded that he was having
3 problems, it was a scheduling issue getting Jack Cox
4 for the date and time that he had set up, initially he
5 had set up, it was a scheduling conflict.

6 That is what he indicated to me, and I
7 indicated to him, I said, you need to try to work, I
8 think you need to work that out, but it is important
9 that you have equal participation on the board.

10 ADMINISTRATIVE JUDGE YOUNG: I lost the
11 end of your sentence.

12 THE WITNESS: It is important, I thought
13 it was absolutely important that he has, essentially,
14 that he has equal participation on the board from all
15 sites.

16 ADMINISTRATIVE JUDGE YOUNG: Thank you.

17 BY MS. EUCHNER:

18 Q Do you know who was ultimately selected as
19 the PWR chemistry program manager?

20 A The PWR?

21 Q PWR.

22 A Sam Harvey.

23 Q In your opinion was there anything about
24 the selection process that indicated that one of the
25 candidates may have been preselected for a position?

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1 A When you say the selection --

2 Q I will ask you a more specific question.

3 A Okay.

4 Q Did you ever have a conversation with Dave
5 Voeller about a conversation he had with Sam Harvey?

6 A Yes.

7 Q What did -- well, first of all, how did
8 you find out about the conversation between Mr.
9 Voeller and Mr. Harvey?

10 A I was on a trip, coming back from Browns
11 Ferry, and Gary Fiser called me and asked me whether
12 selection had been made with the two positions. And
13 I told him that as far as I knew it wasn't, I wasn't
14 aware of it.

15 And he mentioned to me, stated to me that
16 Dave Voeller had contacted him and said that, stated
17 that Sam Harvey had went up and had a -- went up to
18 Watts Bar and had a conversation with Dave Voeller
19 stating that he wanted to come up and talk with him.

20 Words to the fact that he is going to be
21 the person that is going to be interacting with him
22 now, from a corporate chemistry standpoint, and is
23 going to be spending some time up there to discuss,
24 you know, to start interfacing with him more
25 frequently.

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1 And basically to that extent. And so I
2 responded to Gary, you know, this is news to me
3 because I'm totally unaware of it. And he was
4 somewhat upset, and I just told him, well, just --
5 let's find out, get the facts and find out what is
6 going on. As far as I know the selection process is
7 supposed to continue.

8 And then I proceeded, I spoke with Dave
9 Voeller about it, and he confirmed, basically what
10 Gary Fiser had informed me of. And then I went and
11 subsequently spoke with Sam Harvey about it, you know,
12 about the conversation.

13 And he was somewhat in denial and said
14 that he was misunderstood in what he said. And I told
15 him, I said, well this is what they stated that you
16 said. And I talked with Dave Voeller directly, and so
17 you need to go talk with him and get it straightened
18 out.

19 If this is what you intended, you need to
20 talk with him and get it straightened out, because you
21 have given the wrong impression, of whatever the
22 content of the conversation was that you spoke with
23 him on.

24 And I think he, as far as I know, he went
25 and talked with Dave Voeller about it.

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1 CHAIRMAN BECHHOEFER: Pardon, I didn't
2 hear you.

3 THE WITNESS: He had indicated,
4 afterwards, that he did go talk to Dave Voeller about
5 it, after I had my conversation with him.

6 BY MS. EUCHNER:

7 Q What was your reaction to finding out of
8 this conversation between Mr. Voeller and Mr. Harvey?

9 A Well, I was --

10 MR. MARQUAND: Objection, how is his
11 reaction, his personal reaction, is relevant if he is
12 not involved in the selection process?

13 MS. EUCHNER: Well, Mr. Cox wasn't either,
14 and you didn't object when I asked Mr. Cox the same
15 question.

16 MR. MARQUAND: Well, whether I object to
17 somebody else or not is irrelevant, when this is
18 objectionable, whether this has any relevance or
19 bearing.

20 MS. EUCHNER: It is certainly relevant
21 because it is part of the Staff's argument that Mr.
22 Grover was deliberately excluded from the selection
23 process. So his opinion of whether there was a
24 preselection is certainly relevant.

25 MR. MARQUAND: I still fail to understand

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1 the relevance.

2 CHAIRMAN BECHHOEFER: Can you rephrase
3 that at all?

4 MS. EUCHNER: I'm not entirely sure how
5 else I would rephrase it. I simply asked him what his
6 reaction to a conversation was.

7 CHAIRMAN BECHHOEFER: We'll overrule the
8 objection, you may answer.

9 THE WITNESS: Oh, okay. Well, I was
10 disappointed, personally. It just seems to further
11 complicate a delicate situation there. Any time you
12 do reductions and you are dealing with people's lives,
13 and their livelihood, it is not comfortable, it
14 doesn't feel good.

15 So anything that, you know, it is
16 difficult enough for the process to take its course,
17 and people are going to lose their positions, and
18 their jobs, for something like this to happen it just
19 further throws a wrench into the process, and it just
20 makes it more difficult to deal with.

21 And so I tried to handle it the best way
22 I knew how, from a professional standpoint, and tried
23 to keep everybody calm, let's continue on the process.
24 As far as I know it is not going to be stopped, so
25 let's see how it proceeds on.

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1 So I didn't make a stink of it, or
2 anything like that. And that is the advice I passed
3 on to Gary, was to let the process take its course,
4 and to see what happened. It was kind of surprising
5 that he would say something like that unless he knew
6 something that we didn't know.

7 So I, that is the way I handled it. And
8 I was disappointed that that took place.

9 BY MS. EUCHNER:

10 Q If you had been the selecting manager for
11 the PWR and BWR positions, what would you have done?

12 A Well, I would have --

13 MR. MARQUAND: Objection, calls for
14 speculation.

15 MS. EUCHNER: This is completely relevant,
16 because one of the things that the staff is arguing is
17 that Mr. Grover was not given an opportunity to
18 compete for the RADCHEM manager position because he
19 would have selected Gary Fiser.

20 So his answer to this is completely
21 relevant. And I believe Mr. Marquand even questioned
22 Mr. Easley about the same thing, about whether Gary
23 Fiser was harmed by Mr. Grover not being given an
24 opportunity to compete.

25 ADMINISTRATIVE JUDGE YOUNG: I guess that

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1 is the -- to think that these kinds of questions the
2 door has been opened with virtually all of the
3 witnesses we've had. So I'll go along with my
4 colleagues, and I'm allowing it.

5 CHAIRMAN BECHHOEFER: You may answer.

6 THE WITNESS: Okay. Well, I forgot the
7 question.

8 BY MS. EUCHNER:

9 Q If you had been the selecting manager for
10 the two chemistry positions, what would you have done?

11 A Well, the first thing, in all these -- in
12 this process, what I try to do, to me the first and
13 foremost thing that you want to establish is that it
14 is a fair process. And that is what I try to be very
15 adamant about.

16 And I try to give everybody as much
17 opportunity and as equal a chance to participate as
18 possible. To me that is first and foremost. I would
19 have insisted that, first of all, you had equal
20 representation on the selection board.

21 If this individual's RADCHEM manager was
22 going to be participating, then the others would
23 participate. And, you know, the bottom line is you
24 are supporting the sites. The sites should have full
25 and equal representation on the selection process.

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1 They are the ones that should ultimately
2 determine who they want, from a corporate perspective,
3 whether it is the incumbent, or whether it is somebody
4 from outside, that they feel are the best individuals
5 that can provide the technically and operational
6 support they need.

7 So, you know, I think you have to have,
8 you should have, always have equal representation, and
9 at the same levels, okay? So I would have insisted and
10 done all I could do to make that happen.

11 And then you've got the Board there,
12 you've got the other members of the board, you could
13 discuss with the sites to see who else you want on the
14 board, human resources should be there, and the hiring
15 manager.

16 So at least those are five minimum
17 individuals that I think should be there. The hiring
18 manager, the human resources representative, and the
19 three site representatives. So you should have had at
20 least a minimum of those five individuals.

21 And that way HR is there to make sure you
22 follow the procedure. If some question comes up,
23 well, you needed to do this, or you had to tally the
24 scores, or whatever, you've got the proper guidance
25 there.

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1 And it would have balanced the questions
2 to make sure that the position you are selecting for
3 there is a balance of questions in all areas, because
4 you want the individual that can best provide the
5 support in all of the subareas in chemistry, on the
6 PWR side, and on the BWR side.

7 So you want that, and you want that the
8 process should be such that you pick the best
9 qualified individual.

10 Q Going back to the beginning of the
11 process, would you have done anything differently
12 regarding whether the position should have been
13 posted, or whether incumbents should have been rolled
14 over, based on seniority?

15 MR. MARQUAND: Objection, that was a
16 determination by HR. He is not an HR expert, he
17 hasn't purported to be. I don't see how what he
18 thinks could have happened by somebody in HR, has any
19 bearing on this case, or effects anybody's bonafides
20 by Wilson McArthur, or Mr. McGrath.

21 MS. EUCHNER: I believe we had mixed
22 testimony as to who made these decisions. I believe
23 Mr. McGrath has said that HR made every decision, but
24 I believe both Dr. McArthur and Mr. Grover stated that
25 Mr. McGrath had a say in these matters, which means

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1 that management did have some control over it.

2 MR. MARQUAND: I think the record will
3 speak for itself, but I don't think that is the case.

4 CHAIRMAN BECHHOEFER: We believe the
5 witness should be asked the source of any information
6 he got from HR, and then he may, if he lays a
7 foundation of that sort, then he may answer the
8 question.

9 MS. EUCHNER: Well, Your Honor, this is a
10 hypothetical question, he never got any input from HR.

11 ADMINISTRATIVE JUDGE YOUNG: And I would
12 just add, from my perspective, I think that you are
13 sort of starting to get into cumulative testimony,
14 because he did talk about this earlier. So you might
15 want to move along on that, at least.

16 MS. EUCHNER: Then I have one last
17 question.

18 BY MS. EUCHNER:

19 Q Based on past performance, if you had to
20 choose who would have been the PWR chemistry manager,
21 and the BWR chemistry manager, who would you have
22 selected?

23 MR. MARQUAND: Objection, that is not the
24 test in this case, it is not based on past
25 performance. The selection policy is very clear that

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1 you look at a lot of things, including the selection
2 review board results, past performance --

3 ADMINISTRATIVE JUDGE YOUNG: But that is
4 one of them.

5 MR. MARQUAND: Right, but the selection --
6 this is an inappropriate question. The selection is
7 not based solely on that. And to ask him based solely
8 on that what would you do? It confuses the issue.

9 ADMINISTRATIVE JUDGE YOUNG: You can
10 clarify it in your --

11 MR. MARQUAND: Thank you, Your Honor.

12 CHAIRMAN BECHHOEFER: We'll overrule the
13 objection.

14 BY MS. EUCHNER:

15 Q Based on past performance who would you
16 have selected for the two chemistry manager positions?

17 A Well, if it was my, if I was involved, and
18 it was my decision, ultimate decision, based on
19 performance I would have to select Chandrasekaran and
20 Gary Fiser.

21 MS. EUCHNER: I have nothing further at
22 this time.

23 CHAIRMAN BECHHOEFER: Mr. Marquand, do you
24 need a few minutes before you --

25 MR. MARQUAND: Yes, that would be good,

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1 Your Honor.

2 CHAIRMAN BECHHOEFER: Ten minutes.

3 ADMINISTRATIVE JUDGE COLE: Would ten
4 minutes be sufficient, sir?

5 MR. MARQUAND: How about 15?

6 ADMINISTRATIVE JUDGE COLE: Okay.

7 (Whereupon, the above-entitled matter
8 went off the record at 1:50 p.m. and
9 went back on the record at 2:23 p.m.)

10 CHAIRMAN BECHHOEFER: Back on the record.

11 CROSS EXAMINATION

12 BY MR. MARQUAND:

13 Q Mr. Grover, just briefly, with respect to
14 your work experience, and your background in the
15 nuclear industry, am I correct that when you worked
16 for the New York Power Authority you had no
17 assignments, I mean, your job was in the corporate
18 office, is that correct?

19 A That is where, yes, organizationally that
20 is where we resided. My position resided.

21 Q So you were the corporate chemistry
22 manager?

23 A Yes.

24 Q Similar to the corporate chemistry manager
25 at TVA?

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1 A Yes.

2 Q And you did not, your job was not as the
3 chemistry manager at any of the operating sites for
4 the New York Power Authority?

5 A That is correct.

6 Q So if I'm correct, then you have never, in
7 the nuclear, never worked in the commercial nuclear
8 business at an operating plant, your job has not been
9 an assignment of one of those plants?

10 A My physical assignment was at corporate.

11 Q Right.

12 A We spent 30 to 40, I spent 30 to 40
13 percent of my time at the sites.

14 Q I understand how the jobs work, but you
15 were never given a job working at an operating
16 commercial nuclear plant?

17 A That is correct.

18 Q Now, you came to TVA in, was it February
19 of '94, and you began to fill some vacancies, that was
20 your initial direction, was to fill some vacancies?

21 A That is correct.

22 Q And you said, then, after a short period
23 of time you were told to put that on hold, that Gary
24 Fiser was going to come into the organization?

25 A That is correct.

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1 Q And at that point in time you were
2 informed -- Wilson McArthur told you that Gary Fiser
3 is a really good guy, and just treat him like
4 everybody else, and that you didn't get anything
5 negative from Wilson McArthur about Gary Fiser?

6 A Initially, no.

7 Q As I understand it you were not involved
8 in Gary Fiser's previous complaints against TVA?

9 A That is correct.

10 Q Dr. McArthur didn't tell you what those
11 complaints were about?

12 A He didn't -- in conversations he generally
13 mentioned he had a complaint. I didn't know the
14 specifics of it, no. He didn't share that with me, I
15 wasn't, I didn't know anything about what it was
16 about, and so forth.

17 Q Now, in your earlier testimony I think you
18 said that as -- there was a discussion about
19 interchangeability of various chemistry program
20 managers, of Chandra, of Fiser, and of Harvey. Do you
21 recall that? This morning.

22 A Repeat the --

23 Q This morning there was a question to you
24 about which of the chemistry program managers was most
25 interchangeable, and that you had told, at some point

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1 in time, Dr. McArthur, that if you only had one
2 chemistry program manager you would chose Chandra,
3 because he was the most interchangeable.

4 Do you recall that?

5 A As I understood the question, the question
6 was if one individual had to be selected to support
7 the program, which individual would that be?

8 Q Right.

9 A Not too much being interchangeable, which
10 one would that be? And I didn't specifically have
11 that discussion, just solely or directly to Wilson
12 McArthur, but I shared that with anyone, you know,
13 whenever we got into staff reduction, this, that, and
14 the other.

15 If we had to go down to one person who
16 would I feel would be the best qualified to --

17 Q And when did you have that discussion?

18 A It wasn't any -- I don't recall a specific
19 time or place. It was probably mentioned several
20 times. I know I mentioned it to John Maciejewski.

21 Q John Maciejewski left in what, the '95
22 time frame?

23 A Right.

24 Q My question is, did it happen in the
25 context of this '94 reorganization, did it happen in

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1 the context of the '96 reorganization, can you put it
2 into context?

3 A It wasn't tied to a specific
4 reorganization, it was tied to -- we always, every
5 four to six months we were in some type of
6 reorganization, or organizational change, but the
7 question of staff reduction always came up.

8 I mean, this was a continual process we
9 were going through. So it was just a general
10 statement. Well, what if you -- it was always going
11 back and forth, well we go down to two people, what if
12 you go down to one people, person?

13 It was always back and forth. So it was
14 just a general comment, if we had to. And I know I
15 mentioned it because the discussion came up with John
16 Maciejewski.

17 Q Well, did you mention it to Tom McGrath?

18 A No, I did not mention it to Tom McGrath.

19 Q Now, you said in this last answer, you
20 told me were having changes, and reorganizations every
21 four to six months. Help me out on this.

22 In August of '94 there is this
23 reorganization where chemistry and environmental are
24 combined, and it ends up being combined under you.
25 And you ended up selecting a number of people to be

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1 chemistry environmental program managers.

2 Was there another reorganization between
3 that September '94 reorganization, and downsizing, was
4 there one between that and the June of '96
5 reorganization and downsizing?

6 A Not, there wasn't one that directly
7 affected our organization, but there were always
8 organizational changes. When I made that statement
9 I'm referring to TVA nuclear in general. There were
10 always changes.

11 We changed department heads, we changed
12 VPs at the sites. Every six months there were
13 changes.

14 Q Well, I'm trying to understand, and put
15 this comment of yours about why you would pick one
16 chemistry program manager above all the others, and
17 put it in the context of what events were happening.

18 If there wasn't a reorganization between
19 August of '94, and June of '96, what would have
20 prompted you to come up with this?

21 A There was always discussions of, we --
22 there is going to be another reorganization, or if we
23 had to reorganize what should we ultimately end up
24 with, organizationally?

25 So these discussions were always, they

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1 would come up frequently. And I mentioned this, I
2 made my statement based on keeping the function in
3 corporate, if you went down to one, you know, that
4 discussion came up. Can we go down to one individual?

5 If we go down to one individual you need
6 one with experience, and expertise across the board.
7 This would be, I suggested Chandra because he has the
8 most experience across the board.

9 So it wasn't pointed, it wasn't a pointed
10 question associated directly with any reorganization
11 that our organization went through. But there was
12 discussions all the time. That was just a part of
13 life.

14 Q You mentioned, just a second ago, in this
15 last answer, the discussion about keeping the function
16 in corporate. What are you talking about there?
17 Keeping what function in corporate?

18 A Keeping a corporate chemistry presence, or
19 keeping a corporate chemistry function in the
20 corporate office, versus doing away with it
21 altogether.

22 Q Is there a distinction between a corporate
23 chemistry function, and a site chemistry function?

24 A Yes, there is two different organizations,
25 position descriptions are different, staffing is

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1 different.

2 Q What is different about the corporate
3 chemistry function?

4 A What is different about the corporate --

5 Q What is different about it?

6 A Well, functionally the site chemistry
7 staff deals primarily with the day to day operations
8 at the site. I'm talking about from a generic
9 standpoint.

10 From a corporate standpoint we deal with
11 longer term programmatic issues that have to be
12 resolved, broader than from a day to day perspective.
13 They have a programmatic problem.

14 Q Is that what you, and Sam, and Harvey, and
15 Gary Fiser, and Dr. Chandra were all involved in
16 doing, was providing corporate function to these
17 various sites?

18 A Yes, and we were involved with some of the
19 problems they ran into on a day to day basis as well.

20 Q So you were --

21 A But that was our mandate, was the bigger,
22 longer term issues, broader issues.

23 Q So your mandate, basically, was that you
24 were there as a resource for the sites, for these long
25 term technical issues?

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1 A We were there for a resource, but we were
2 there, also, for oversight.

3 Q And that oversight was provided through
4 the corporate office, not through the sites?

5 A That is correct. Now, they did do some of
6 their own self assessments, but basically we were
7 providing, you know, part of our mandate was to
8 provide oversight.

9 Q Now, we were talking, a second ago, about
10 the question of interchangeability of these various
11 chemistry program managers. And I think you said that
12 Chandra was the most interchangeable.

13 A I didn't say most interchangeable. I said
14 if you were left with one position in corporate, who
15 would be the person that I felt would be the most
16 qualified to fill that role, it would be Chandra,
17 based on his experience.

18 Now, if you misunderstood meaning one
19 versus the other, essentially if you came down to one,
20 that is my point, if you came down to one individual,
21 you know, I always recommended, based on experience
22 and background, and level of expertise, who could
23 function best in that -- who do we currently who could
24 best function in that position.

25 Q So you say that interchangeability wasn't

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1 an issue for you?

2 A Well, I don't understand your point about
3 interchangeability.

4 Q All right.

5 A Interchangeability, when I talk about
6 interchangeability, that is where our organization
7 wanted to be, where any individual could basically do
8 the basic functions across the board and support each
9 site.

10 That is where you ultimately would like to
11 be, from an interchangeable standpoint. If somebody
12 goes down, somebody transfers, you don't lose, you
13 know, you don't lose your level of support.

14 Q Well, let me make sure I'm understanding.
15 When I'm using the word interchangeability, the way I
16 understand you are talking about it, is that an
17 individual would be capable of going to any of the
18 three sites, and addressing any of the chemistry
19 issues that might come up.

20 And so my question is, did you feel that
21 Chandra brought more to the table, more various issues
22 than the other two individuals, Sam Harvey or Gary
23 Fiser?

24 A Yes, if you are defining
25 interchangeability, if that is the way you define

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1 interchangeability, yes.

2 Q Well, am I -- are we not understanding
3 each other right, then?

4 A Well, I don't know --

5 Q Would you not use it that way?

6 A Well, my whole point is, if you are left
7 with one individual, if you are only left with one
8 position, Ron you've got to cut, and you are only --
9 we are going to reduce down and have one position, in
10 corporate chemistry that is going to provide the
11 chemistry environmental support, with whatever is
12 packaged with that chemistry function, who would I
13 feel would best fit that bill?

14 And that was just based on my opinion, I
15 said we need -- I'm speaking from an organization
16 standpoint, to keep the program going. That is why I
17 suggested that. I wasn't pinned down, I wasn't tasked
18 with it.

19 I offered that as a statement, because the
20 discussion was going back and forth, well we want one
21 guy, we don't want any chemistry support. And I said,
22 you know, I was a proponent of you needed a corporate
23 chemistry present. If you only end up with one person
24 at least keep, if you have to end up with one person,
25 at least keep this one individual, because that is

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1 going to best provide the support you need.

2 Q Well, ultimately, of course, they kept two
3 positions to address chemistry, correct?

4 A That is correct.

5 Q And Counsel's last question to you, as I
6 wrote it down was: Based on past performance who
7 would you have selected? And you said Chandra and
8 Gary Fiser.

9 A That is correct.

10 Q Did interchangeability play any part in
11 that, as to the reason you had picked Gary or Chandra
12 over Sam Harvey?

13 A It was based on performance and their
14 ability to do the job, and their ability to do the
15 work at the sites.

16 Q Let me refer you to --

17 A Can I clarify one thing?

18 Q Go ahead.

19 A Don't mix that statement I made, it didn't
20 have anything to do, this going down to one
21 individual, it didn't have, it wasn't tied to any of
22 the reorganizations.

23 Q I understand.

24 A It is just a general statement.

25 Q I'm focusing now on this answer you gave

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1 counsel about you would pick Chandra and Gary Fiser,
2 and not pick Sam Harvey.

3 A Okay.

4 Q And my question is, to you, in choosing
5 Gary Fiser over Sam Harvey, does it have anything to
6 do with the fact that you thought Gary Fiser was more
7 interchangeable with all of the sites, than Sam
8 Harvey?

9 A He worked, he had a better working
10 relationship at the sites than, across the board, than
11 Sam Harvey. But, again, I'm going back to
12 performance, okay? Which was documented, and so
13 forth.

14 I'm looking at based on my relationship,
15 and my tenure within the organization, during this
16 period.

17 Q You are going back to performance.

18 A Overall performance.

19 Q You are talking about performance reviews,
20 and the like?

21 A Performance reviews, that is part of it.
22 How they interacted with the site, had the ability to
23 get work done. Those all, those things contribute.

24 Q Their ability to --

25 A The feedback you get from the sites to how

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1 well they were -- they categorized, you know, the
2 support that they received.

3 Q Does that include their ability to support
4 each of the sites on technical issues?

5 A Yes, technical, operational issues, the
6 whole gamut.

7 Q Now, in saying that you looked at past
8 performance reviews in making this -- well, first
9 let's talk about this interchangeability issue.

10 You said you did or didn't consider Gary's
11 interchangeability with all the sites?

12 A Well, in relationship to what, to the --

13 Q In making your call, just now, that you
14 would pick Gary Fiser --

15 A Well, if you define interchangeability as
16 their ability to work with the sites, and work with
17 the staffs, if that is your definition of
18 interchangeability, yes.

19 Q What is your definition, in this context,
20 how would you --

21 A The way I defined interchangeability
22 before was the individual's having an ability to work
23 on specific issues in support of all the sites, okay?
24 You may have certain issues at one site that you don't
25 necessarily have at the other site.

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1 That person's ability, and background, and
2 expertise, and ability to get those things, to address
3 those issues across the board, whatever the technical
4 issue may be, who can best do that, that is what I'm
5 saying interchangeability.

6 In other words, if we had an ideal
7 situation, one hundred percent interchangeability, I
8 could send anyone down, and take on the task at Browns
9 Ferry, any individual could go to Sequoyah, any
10 individual could go to Watts Bar and step in and do a
11 very good job in taking care of what their needs are.

12 Q You just mentioned background experience,
13 that is another factor that you look at, you look at
14 their background experience, is what you said. Is
15 that something else you would look at?

16 A In regards to what, interchangeability?

17 Q In making this call about their -- when I
18 asked you about interchangeability you said background
19 experience. I'm sorry, background and expertise.

20 A Well, yes, you would look at the
21 expertise, and that is part of it, but it is their
22 ability to basically get what needs to be done at
23 those sites.

24 Q So as I understand it now, you said you
25 would be going back to past performance reviews, how

1 they interacted with the sites, their ability to
2 support each of the sites, that is their ability to go
3 to Browns Ferry, or Sequoyah, and Watts Bar, and deal
4 with technical issues. And also their background and
5 expertise.

6 A Okay.

7 Q Is that right, is that correct? Those are
8 the things you, yourself, look at in terms of making
9 this call, that you would pick Gary Fiser over Sam
10 Harvey for the job.

11 A Yes.

12 Q And for instance in background, you would
13 look at the jobs that Sam Harvey had had in the past,
14 the kinds of things he had done in the past?

15 A Well, what --

16 Q Is that true, or not?

17 A I don't go back. I'm talking in reference
18 to when I came on board, what that individual did from
19 '94 to '96, okay? That is what I use as a gauge, his
20 performance during my tenure. I wasn't involved with
21 his performance prior to '94, none of the individuals
22 I was involved in.

23 Q I understand that. But in making your
24 call wouldn't it be pertinent to your --

25 A You would look at that, that could be a

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1 factor, yes, but that is not the total, I mean, that
2 could be a factor.

3 Q I mean, you were aware that Sam Harvey had
4 worked at Houston Power & Light, is that right?

5 A Yes.

6 Q And you were aware that Gary Fiser had
7 worked over at Arkansas, right?

8 A Yes.

9 Q You were aware that Gary Fiser had worked
10 for a while, in fact in your job, as acting corporate
11 chemistry manager?

12 A I wasn't aware that he was acting. I know
13 there was a guy that was functioning as the lead, but
14 I wasn't aware that he was an acting chemistry
15 manager.

16 Q Well, you knew he was functioning as a
17 lead chemistry, in chemistry then?

18 A He was the lead, as well as Chandra was
19 the lead.

20 Q Did you -- had you been aware that Gary
21 had worked as the Sequoyah site chemistry manager?

22 A After some time when I was there. I
23 wasn't aware of that initially.

24 Q You are aware of that today?

25 A Yes.

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1 Q And you knew that in '96?

2 A Yes.

3 Q And so is that part of your calculus in
4 arriving at this conclusion that you would pick Gary
5 Fiser over Sam Harvey for the chemistry program
6 manager job?

7 A I don't understand your question.

8 Q Is that part of --

9 A Because he worked at Sequoyah, that is
10 automatic selection, is that what you are asking me?

11 Q No, what I'm saying is, is that part of
12 what enters into your thinking?

13 A Right, site experience, it has to be.

14 Q I just want to make sure I understood the
15 various things you would consider.

16 Let me show you Joint Exhibit 31.

17 ADMINISTRATIVE JUDGE COLE: Is this Staff
18 exhibit 131?

19 MR. MARQUAND: Joint Exhibit 31.

20 ADMINISTRATIVE JUDGE COLE: Okay.

21 MR. MARQUAND: And it is in book number --
22 well, it is the white one, the very last one.

23 BY MR. MARQUAND:

24 Q Mr. Grover, this has been previously
25 admitted into the record as Mr. Fiser's fiscal year

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1 1989 performance appraisal, his service review.

2 In making your determination that you
3 would pick Mr. Fiser over Mr. Harvey, and going -- you
4 said you would be going back to past performance
5 reviews, did you see in Mr. Fiser's 1989 performance
6 review, where he was the chemistry manager at
7 Sequoyah, and it says, through this period he
8 demonstrated continued weaknesses in aggressiveness
9 and communication skills.

10 Did you see that?

11 A First of all, let me correct you on
12 something. I did not say going through all the
13 individual's past performance reviews. I said I
14 considered the performance reviews from the point of
15 my tenure, when I took over and managed the
16 organization. Q February of '94?

17 A February of '94 forward.

18 Q So you would have ignored all of his
19 previous performance reviews?

20 A I didn't have access to his performance
21 reviews. In my opinion, with all of the individuals
22 involved, that is not relevant to, I don't use that as
23 a basis for assessing my performance. I wasn't there,
24 that is another --

25 Q I'm not asking you to asses his

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1 performance while you were there. I asked you the
2 basis for your determination that you would pick Fiser
3 over Harvey, and you said I would go back to
4 performance reviews.

5 A I said --

6 Q And so now you are telling me that you
7 would only have gone back to the performance reviews
8 that you gave Mr. Fiser?

9 A No, I just said that two minutes ago. I
10 just told you that.

11 Q No you didn't.

12 A Yes, I did.

13 Q The record will speak for itself.

14 A Yes, it is on the record that I just
15 stated I used the performance reviews from the time of
16 my tenure.

17 Q So you would not have looked at Mr.
18 Fiser's past performance reviews indicating he had
19 weaknesses at Sequoyah chemistry?

20 A No, I didn't have access to their records,
21 we are starting a clean slate when I come in, I did
22 not have access to those records.

23 Q You don't think Mr. Fiser's past history
24 would be pertinent to the determination of whether he
25 should be selected for a job or not?

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1 A Not in my opinion, no.

2 CHAIRMAN BECHHOEFER: Could you explain
3 what you meant by not having access? Could you have
4 gotten access if you requested it?

5 THE WITNESS: Your Honor --

6 CHAIRMAN BECHHOEFER: Given your position.

7 THE WITNESS: I don't know or not. I
8 mean, first of all to me it wasn't important to me to
9 try to dig and find all their performance reviews and
10 look up their personnel files. I mean, personally,
11 that is my opinion.

12 When I come into an organization I'm going
13 on, we are starting afresh, anew, and go forward from
14 there. I personally don't want my opinion of an
15 individual biased by whether it is accurate or
16 inaccurate, by something that was written five or ten
17 years ago, from that individual.

18 Now, it is a different story if I'm coming
19 in there and you go through the interview, as far as
20 the selection process, someone has submitted, as part
21 of the selection process, their prior performance
22 reviews, that sort of thing, and that is all you have
23 to go on, as part of your selection process, that
24 wasn't the case.

25 Those individuals were already there, or

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1 shortly to be there. So I had no reason to go back.
2 I mean, if HR explained to me that that is what I was
3 supposed to do, that was the process, then that is a
4 different story.

5 That was never the process to go back and
6 find out, get, you know, go in and review all the
7 individuals' past performance reviews.

8 BY MR. MARQUAND:

9 Q Mr. Grover, it is true, isn't it, that the
10 selecting manager has access to the past performance
11 reviews and appraisals of all the applicants for a
12 job?

13 A This wasn't a selection process.

14 Q The question to you was, if you had been
15 in the position to make the selection, who would you
16 have selected? And you are telling me you wouldn't
17 have gone back and looked at those performance
18 reviews?

19 A No, I based my -- I would base my decision
20 on what he has done in the organization that I
21 managed. I would not go back and look at ten years
22 prior performance reviews.

23 Q We can't always have the luxury of having
24 all of the applicants have worked for us for
25 sufficient period of time in which to judge their

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1 performance, can we?

2 A Well, I felt that I had sufficient time.
3 I had over two years, and I worked with these people
4 every day. If I couldn't make a determination, based
5 on writing several of the fitness reports, performance
6 reviews on these individuals, then I probably wasn't
7 doing my job.

8 Q But all candidates don't always work for
9 a selecting manager, do they?

10 A Well, that is what I was just explaining
11 to the Judge. If it was a situation where we were
12 going through a selection process, we had that, if
13 candidates are applying for the position that I have
14 no, have had no interface with, that is part of the
15 application process, they have to submit one or two
16 prior performance reviews.

17 I don't know what the numbers, I don't
18 know how far they go back, twelve months, or whatever,
19 two years, I can't recall. But that is part of the
20 process.

21 But there was no need to do that in this
22 particular instance, the people were there.

23 Q And if the selection process says the
24 selecting manager is responsible for looking at past
25 reviews, then you wouldn't have a problem with looking

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1 at them, would you?

2 A What is that?

3 Q If the selection process said the
4 selecting manager looks at the past reviews, you would
5 do that, wouldn't you?

6 A If I had no knowledge of performance, I
7 wasn't their manager, I would go back to the ones that
8 I did. That is the most current. I can't base how
9 good an individual is from a performance review ten
10 years ago, and I managed him for the last two or three
11 years, I'm going on what he is doing now.

12 I don't know, I wasn't there, I don't know
13 all the situations, I don't know all the circumstances
14 surrounding that performance review.

15 Q Okay. In 1994 you were part of a group, in
16 fact you were the selecting official for the chemistry
17 environmental program manager positions, weren't you?

18 A That is correct.

19 Q Did you look at, let's see, at that point
20 in time, in August of '94 you had been there six
21 months?

22 A Right.

23 Q So you didn't have several years of past
24 performance to judge performance by, did you?

25 A I didn't have what?

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1 Q These people hadn't been working for you
2 for several years to give you a basis to make a
3 determination of their performance, is that correct?

4 A No, that is not correct.

5 Q They had only been working for you for six
6 months?

7 A That is right, but we worked together for
8 six months. I mean, I can form an assessment based on
9 how they worked, okay? But you have to understand, we
10 went through a selection board process.

11 The selection board members had all
12 information that was required to be presented to them.
13 The selection committee made the decision, made the
14 recommendations.

15 Q Did you accept their recommendations?

16 A Yes, we accepted their recommendations.

17 Q We, or you?

18 A I accepted their recommendations.

19 Q Now, the selection process, as I
20 understand it, is -- and you correct me if I'm wrong,
21 in 1994 it was similar to 1996, you received a number
22 of applications, and you looked at them, and you
23 decided who was minimally qualified, and set those
24 people up for interviews by the selection review
25 board, is that correct?

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1 A Yes.

2 Q All right. And then the selection review
3 board interviewed them, made a recommendation to you,
4 is that right?

5 A What are you talking about, in 1996?

6 Q In '94.

7 A In '94, that is correct.

8 Q And then after you got their
9 recommendation, based on their recommendation, you
10 accepted their recommendation and selected the people
11 that they recommended to you?

12 A Yes, my recollection is that we selected
13 the individuals who were recommended by the selection
14 board.

15 Q Did you select anyone who hadn't worked
16 for you previously, anyone that you would not have had
17 knowledge, based on being their supervisor, of their
18 performance?

19 A No.

20 Q Nobody?

21 A No, not in that particular -- well, yes,
22 because I was aware of them. Let me back up, because
23 we combined environmental organizations. So those
24 individuals, the two individuals that fulfilled the
25 environmental positions were in the organization.

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1 Q But they had not worked for you, right?

2 A That is correct.

3 Q So you didn't have the same basis to
4 evaluate their past performance, as you did the people
5 who worked for you for the last six months. Is that
6 right?

7 A That is correct.

8 Q How did you evaluate their performance, or
9 how did you compare their performance to the other
10 applicants?

11 A We looked at the documentation they
12 submitted, as far as the application is concerned.
13 And it went to the selection committee, we followed
14 the same process.

15 Q So you are saying you looked at their
16 performance reviews?

17 A I don't remember what was submitted in the
18 package. If you've got a copy of the package we could
19 look at it and make the determination. I don't recall
20 what was submitted in the selection board package.

21 Q Did you look at Mr. Fiser's --

22 A If it was in there, whatever was in the
23 package I looked at it.

24 Q Did you look at Mr. Fiser's past
25 performance reviews?

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1 A Whatever was in there I looked at, as far
2 as the package.

3 Q So if the individual didn't submit any
4 performance reviews you didn't look at any?

5 A It depended upon if the individual had a
6 current performance review, you know, there could have
7 been other factors, from the applicant's standpoint
8 why he didn't submit one.

9 I interacted with HR to make sure that the
10 application submittal is complete. If we were missing
11 something I contacted HR and said, we are missing
12 this, this, and this, or this is missing, do you have
13 a copy, or do you need to contact the individual to
14 obtain a copy?

15 Or in some cases some individuals didn't
16 get performance reviews, they had maybe one that was
17 real old, and their current organization didn't give
18 them one. So you base, you proceed with what you had.

19 Q Did you look at Mr. Fiser's September 1992
20 performance appraisal?

21 A I don't recall, whatever was submitted in
22 the package. I don't, you know, I don't recall.

23 Q So if it wasn't submitted in the package
24 you made no effort to obtain the service reviews and
25 look at them?

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1 A That may not have been the case. I talked
2 to HR. Again, I didn't feel it was absolutely
3 necessary for the individuals that were already
4 incumbents, which I already had a good feel for where
5 they were, their level of performance wise, that I
6 needed to go back multiple years.

7 And you have to understand, the selection
8 process, that is why you have the board, okay? So
9 you've got multiple inputs, a multiple ranking system,
10 and they come up, that is why you have the board, so
11 that you can come up with the best qualified
12 individuals.

13 You know, you take the question that you
14 ask me, and I was asked what my opinion was. If it
15 was my choice what my opinion was. I wasn't asked the
16 question, well, if you go through the selection
17 process.

18 I mean, I was asked that, but I mean, it
19 wasn't, if you had a choice, your sole choice, who
20 would you choose.

21 Q You are talking about the question counsel
22 asked you?

23 A Right. But that doesn't mean that I would
24 circumvent the selection process.

25 Q You wouldn't circumvent the selection

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1 process, is that right?

2 A I would not circumvent the selection
3 process.

4 Q As I understand the question she asked you
5 was, it was based on past performance, who would you
6 have selected of the three? You are saying, is that
7 not -- you would not have used that as your sole
8 criteria?

9 A No, she said, she asked me if I had to
10 select based on performance, that is who I would
11 choose.

12 Q And would you do that if the selection
13 review board recommended Sam Harvey, would you still
14 have picked Gary Fiser over Sam Harvey if the
15 selection review board recommended Sam Harvey to you?

16 A I would look at what the review board,
17 what the review board had recommended, then I would
18 make my decision based on that. I don't know, I
19 wasn't part of the process so I couldn't, you know, I
20 don't know all the information that was presented at
21 the review board.

22 I don't know the rankings, I don't know
23 anything. So it is hard for me to make that --

24 Q Well, you did see the questions. Let's
25 talk about those a minute. As I recall your testimony

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1 about the questions, let me make sure I understand
2 your testimony.

3 Was your testimony that in selecting
4 chemistry program managers, that the selection review
5 board should have asked technical questions related to
6 both primary and secondary chemistry?

7 A In my opinion, yes.

8 Q And that they should have asked questions
9 related to the current PWR issues for the PWR job?

10 A No, I said that they should ask, it should
11 be a balanced, it should be a balance in the questions
12 that are asked. It should ask questions that cover
13 across the board in the chemistry program in general,
14 primary, secondary.

15 Q Questions related to current PWR issues,
16 is that right?

17 A Well, yes. I mean, that is part of the
18 chemistry program.

19 Q Then the next question that you were asked
20 was, do the questions on Joint Exhibit 22, on page
21 422, cover areas of expertise of PWR chemistry --
22 cover all of the areas of expertise that a PWR
23 chemistry manager would need?

24 Let me show you that page.

25 CHAIRMAN BECHHOEFER: Is this 422?

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1 MR. MARQUAND: Page 422 of 23, Your Honor.

2 ADMINISTRATIVE JUDGE YOUNG: Of 23 or 22?

3 MR. MARQUAND: 422 of 22.

4 BY MR. MARQUAND:

5 Q Mr. Grover, let me represent to you that
6 the questions that were asked are those that are
7 circled, and not number 10 where it has an X through
8 the circle. Nine questions were asked.

9 Is it possible, in the period of SRB
10 interview, to ask all of the areas, to ask questions
11 that cover all of the areas of expertise that a PWR
12 chemistry manager would need?

13 A Could you repeat your question?

14 Q How long do you understand that these SRB
15 interviews typically last, individual interview?

16 A It varies.

17 Q For 30, or 45 minutes?

18 A Yes.

19 Q Okay. In that period of time would it be
20 possible to ask all of the questions necessary to
21 cover the areas of expertise a PWR chemistry manager
22 would need?

23 A Is it possible to ask all of the
24 questions?

25 Q To ask the questions and have the

1 candidate respond?

2 A Yes.

3 Q To cover all of the areas of expertise a
4 PWR chemistry manager would need?

5 A Well, you have to put a bound on that. We
6 could sit here, it can last 20 minutes, or it can last
7 five hours.

8 Q Right.

9 A You know, I mean, how many --

10 Q You can answer yes or no.

11 A So you try to cover, you have to be broad
12 in a sense, but yet specific enough in a sense that
13 you know the right questions, you know, you try to ask
14 the right questions where you can get the type of
15 responses that you need to make an assessment of the
16 knowledge and technical background of that individual,
17 in that particular area.

18 Q Now, correct me if I'm wrong. As I
19 understand the process, the applications come in, the
20 selecting manager looks at the applications and
21 background information, to determine the persons,
22 which of those persons meet the minimum qualifications
23 for the job, is that correct?

24 A That is correct.

25 Q So presumably everybody who goes for an

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1 interview meets the technical qualifications for the
2 job, is that right?

3 A The minimal, yes, that is the way it is
4 supposed to work.

5 Q So then it is a matter of selecting who,
6 among those people, would be the best for that
7 particular job, not to find out who has the particular
8 technical knowledge for those jobs.

9 A That is correct.

10 Q So is it necessary, really, to cover all
11 of the areas of expertise that a PWR chemistry
12 manager would need?

13 A It is important, to me it is essential to
14 cover the critical areas.

15 Q All right. So you think it is necessary
16 to cover all the technical areas?

17 A Well, I didn't say all of the technical
18 areas. You have to cover the main areas, you need to
19 cover the main areas.

20 Q All right.

21 A Okay? If your primary chemistry, water
22 chemistry is in bad shape, that plant will be shut
23 down and stay down. If your secondary water chemistry
24 is in bad shape, and you can't get it straightened
25 out, that plant is going to stay down.

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1 So you need the main basic, there is basic
2 fundamental areas in which the program manager
3 chemistry, in this area, needs to have a good working
4 understanding of.

5 Q Now, as I understood your answer to
6 counsel, you thought that these questions, you didn't
7 see any primary questions, and you saw three that
8 focused on secondary.

9 And also then you said Sam Harvey worked
10 primarily on secondary issues, while Gary Fiser
11 participated in some secondary issues for Watts Bar,
12 but his area was primary. Is that right?

13 A No, I said that Sam was a lead in certain
14 areas that were identified in here. He was a lead, he
15 was our company representative to some of these
16 groups, and he was basically the lead person in
17 helping us address some specific problems we had.

18 Not to say that any of the other chemistry
19 program managers weren't involved with helping with
20 solutions, or working along with him. But he was kind
21 of the resident person, if you will, that helped us
22 coordinate solutions to address those specific
23 problems in those three questions.

24 Q How would you characterize Gary's
25 experience? Wouldn't you characterize it as saying

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1 that he had experience across the board?

2 A Yes.

3 Q And he had worked at Sequoyah as a
4 chemistry manager, is that right?

5 A Yes, that was my understanding.

6 Q And that is a PWR plant?

7 A That is correct.

8 Q Now, let's look at these questions a
9 minute, let's look at the circled questions. Is the
10 first circled question slanted, or does it favor
11 somebody with a secondary expertise?

12 A No.

13 Q Is it an appropriate question to ask?

14 A Which one, number one?

15 Q Number one.

16 A Yes.

17 Q What about number two, does it focus on
18 Mr. Harvey's --

19 A No, that is a fair question, that is kind
20 of a standard question that I've seen asked.

21 Q What about number seven, does that focus
22 on secondary, or is that a fair question?

23 A It could be -- it is not specific.

24 Q It could be, however a candidate chose to
25 answer it, whether they worked on primary or

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1 secondary, or a mixture of both, couldn't it?

2 A That is correct.

3 Q What about number 9, is that a fair
4 question to ask?

5 A Yes.

6 Q What about number 11, is that a fair
7 question to ask?

8 A Yes.

9 Q Does it focus on primary, or secondary, or
10 Sam Harvey's area of expertise?

11 A No, it could be, it is two chemistry
12 concerns. So whatever you feel that you -- we had
13 multiple concerns.

14 Q Tell me some of those multiple concerns,
15 in the PWR arena, since we are talking about the PWR
16 program manager.

17 A Well, you had the denting, you had the
18 issue with denting. Basically it involved corrosion
19 control of the steam generators. We had raw water
20 chemistry issues.

21 Q You are going too fast. You are saying
22 denting?

23 A Denting.

24 Q And corrosion control?

25 A Well, denting is a form of corrosion.

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1 Q Corrosion of the steam generators?

2 A That is right, denting is one example.

3 Q All right, what else?

4 A One problem is a result of corrosion. I
5 mean, if you just generally categorize it, you know,
6 you had the corrosion issues centered around the steam
7 generator. You had corrosion issues on the secondary
8 side of the system.

9 You had your cooling water corrosion
10 issues. So we've had several. We had the issues with
11 analysis, limits of detection. I mean, we've had
12 multiple issues. I can continue on.

13 Q So number 11 would be a fair question,
14 then, to ask these gentlemen about their knowledge of
15 what is a concern?

16 A Yes. I never said that any of the
17 questions weren't fair.

18 Q What about 12, is it a fair question?

19 A Yes, 12 is a fair question.

20 Q What is the INPO chemistry index in number
21 15?

22 A That is an index based on a ratio that is
23 calculated based on certain analysis. And it is
24 really kind of used as a measure of corrosion that
25 could be occurring in your steam generators.

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1 Q And it is related only to secondary
2 chemistry?

3 A Well, no. There is other -- that is one
4 of the primary indexes. There could be other indexes,
5 and there --

6 Q Isn't it a measure of performance on how
7 well your chemistry is performing at the plant?

8 A Well, when you roll it up, yes, it could
9 be that. But it is not, again, it is more of a
10 qualitative thing, and it is not --

11 Q But doesn't it measure performance both in
12 the primary and the secondary side?

13 A Well, there is performance indicators on
14 the primary side.

15 Q So this isn't just strictly a secondary
16 question that focuses in Sam Harvey's area of
17 expertise?

18 A It is mostly, that is where the emphasis
19 is, is on the secondary side.

20 Q But it includes primary as well, right?

21 A If I recall correctly, yes. We were
22 starting to look at the indexes on the primary side.
23 But at the time the main focus was on secondary.

24 Q And wasn't INPO chemistry index one of the
25 performance goals of each of the -- for all of the

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1 plants, and for corporate chemistry?

2 A Yes.

3 Q Look at question number 16. Is that a
4 question that focuses on secondary, or Sam Harvey's
5 area of expertise?

6 A No.

7 Q Look at number 17.

8 A I'm looking at it.

9 Q And that is define molar ratio control?

10 A Pardon me?

11 Q That question was to define molar ratio
12 control?

13 A Right.

14 ADMINISTRATIVE JUDGE COLE: I don't think
15 it says that. It says define molar ratio
16 concentration.

17 MR. MARQUAND: I'm sorry, okay, I misread
18 that. Molar ratio concentration, thank you, Your
19 Honor.

20 BY MR. MARQUAND:

21 Q And that is a secondary question, isn't
22 that right?

23 A Yes.

24 Q And, in fact, wasn't the issue of -- well,
25 was there an issue, a concern at Watts Bar, and

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1 Sequoyah, about molar ratio concentration?

2 A Yes.

3 Q In this period of this selection, there
4 was that issue, in 1996, there was this issue about
5 molar ratio concentration at Sequoyah and chemistry.
6 And how to approach it, how to deal with it, how to
7 best handle it. Is that right?

8 A That was an issue we were working on, yes.

9 Q And had there been problems with -- well,
10 just very quickly, what does that -- where it says
11 define molar ratio concentration, so that we are all
12 talking about the same thing.

13 What is molar ratio concentration?

14 A It is a ratio of your, from a basic
15 standpoint, the anion, or the cation, you come up with
16 a ratio within the steam generator chemistry, and that
17 ratio, based on where it lies, based on a numerical
18 value, will tell you, give you a gauge of the type of
19 corrosion that could possibly be occurring.

20 Q Well, what kind of corrosion are we
21 worried about occurring when we are talking about
22 molar ratio concentration?

23 A Well, denting comes into, you know, comes
24 into play, stress cracking, corrosion comes into
25 place. So, again, it is -- and there is different

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1 schools of thought on, well, we should be at this
2 range, or we should be at this range.

3 It is based on how you operate your
4 chemistry, so --

5 Q I mean, is there some specific vehicle of
6 corrosion we are talking about here, some specific
7 impurity, or something like that, that is causing this
8 corrosion?

9 A Well, your primary concern about
10 chlorides, that is one thing that you are concerned
11 with.

12 Q About what, too much chlorides in the
13 system causing corrosion?

14 A Right.

15 Q And so in order to control these
16 chlorides, what do you do to control these
17 concentrations of chlorides?

18 A Well, obviously you want to control the
19 source. If concentrations are too high you want to
20 control the source coming in. And that is typically
21 from your cooling water.

22 Q So you are saying we get too much
23 chlorides coming into the cooling water, and the
24 feedwater would cause denting and corrosion of steam
25 generators?

1 A Well, based on your chemistry, and your
2 concentrations, and how long it has been concentrated,
3 there are several factors that you have to look at.

4 Q So what do you do to control these
5 chloride concentrations?

6 A What do you mean what do we to control --

7 Q Well, you said that there is a --

8 A Well, if you have an in-leakage, you want
9 to control your in-leakage.

10 Q So you want to control the amount of
11 chlorides that are going into the system?

12 A Well, you want to minimize those.

13 Q You want to minimize them?

14 A That is right, you want to keep them --
15 you want to keep that ratio, you know, you want to
16 keep your ratio at a certain range, based on where you
17 think you need to operate.

18 Q So you are trying to lower the parts per
19 million, so to speak, of the amount of chlorine, free
20 chlorine ions that are in solution?

21 A Well, yes, but it is a little bit more
22 complicated than that. I mean, you are looking at
23 some other ions, you are looking at your total ion
24 balance as well. But that is one thing you are
25 sensitive toward.

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1 But that is usually one of your main
2 particles that you are concerned about.

3 Q But you are saying that the vehicle
4 corrosion you are concerned about, some of it is
5 chlorine in the solution?

6 A Yes, that is correct.

7 MS. EUCHNER: Your Honors, I'm going to
8 object to this. I'm not entirely sure what I see the
9 relevance of whether Mr. Grover can adequately explain
10 molar ratio. I think he asked this question about
11 whether molar ratio was a relevant question to ask.

12 I don't think we need a dissertation on
13 what molar ratio really is.

14 MR. MARQUAND: I just think I need to
15 understand it, Your Honor. It is a question that is
16 on here, and he said that it was Mr. Harvey's
17 strength, and not Mr. Fiser's, as well as the fact
18 that he is the one that quoted the questions.

19 And he suggested, and Counsel suggested,
20 might slant these. And I just think it is going to be
21 necessary for us to have, in the record, an
22 understanding of what the corporate chemistry manager,
23 who said -- that counsel suggests wasn't a fair
24 question, what he thinks it means.

25 Because we will --

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1 ADMINISTRATIVE JUDGE YOUNG: Do you think
2 you will need to go much further with this?

3 MR. MARQUAND: I'm not sure, I just wanted
4 to make sure that I understand what Mr. Grover
5 understands it is, and make sure that we all have it
6 clear in the record what he thinks the problem is.

7 ADMINISTRATIVE JUDGE YOUNG: Why don't you
8 move along to another as quickly as possible.

9 MR. MARQUAND: I understand.

10 BY MR. MARQUAND:

11 Q In 1996, in the summer of 1996, in fact,
12 there were problems with molar ratio concentration at
13 Watts Bar, weren't there?

14 A We had some --

15 Q Spikes, right?

16 A Yes, we had some spikes.

17 Q Some serious spikes. And don't you have
18 a lot of problems in a plant that initially started
19 up, with getting it stable, and low molar ratio
20 concentration?

21 A Pardon me?

22 Q Don't you have, isn't that typical, in a
23 plant that is newly started up, is having problems
24 with molar ratio concentrations?

25 A It is not typical, because this was

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1 something that is fairly new, the molar ratio control
2 concept was fairly new. And you don't, we don't start
3 up nuclear plants every day.

4 This was an initial startup. This was
5 across the board in chemistry in general, you put your
6 program into place based on, and you add the chemicals
7 that you have specified that if it works right will
8 keep you in the box that you need to operate in.

9 But with a startup situation, a new plant,
10 there are always going to be some noises, there will
11 always be some tweaking. You can't necessarily count
12 on one plant functioning exactly the same as another
13 plant.

14 You are going to have some different
15 issues that you have to deal with.

16 Q Well, talk about operating outside the
17 box. In fact, in the summer of '96 there was some
18 real concern about the operation of Watts Bar being
19 outside the box with respect to molar ratio control,
20 weren't there?

21 A I don't recall specifically what those
22 issues are. You have the chemistry reports, you let
23 me look at the numbers, and I can tell you. I know we
24 had some issues, it wasn't a dramatic type situation,
25 but we did have a problem. And one of the problems

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1 was with condensor in-leakage, which contributes to
2 molar ratio control.

3 Q And who was the chemistry --

4 A That is condensor and leakage into the
5 feedwater, and the feedwater goes into the steam
6 generator.

7 Q Wasn't Gary Fiser the chemistry and
8 environmental protection program manager primarily
9 assigned to work with Watts Bar?

10 A That is correct.

11 Q Did there come a time, in the summer of
12 '96 -- do you know who David Goetcheus is?

13 A Yes.

14 Q Who is David Goetcheus?

15 A At the time he was, he had the material,
16 he had the --

17 Q He was the manager for steam generators,
18 right?

19 A Well, that wasn't his title. He had a
20 group with mechanical people in it. He was --

21 Q One of his concerns --

22 A -- from the material side of the steam
23 generators yes, he had responsibilities.

24 Q He was from the corporate office?

25 A That is correct.

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1 Q And one of his responsibilities was steam
2 generators, right?

3 A Not -- he was the one responsible for the
4 materials side and the maintenance of steam
5 generators, not the chemistry side.

6 Q He was responsible for the maintenance of
7 them. And did there not come a time, in the summer of
8 '96, when Mr. Goetcheus was so concerned about molar
9 ratio control that he went to Ike Zeringue, and
10 proposed a program to address molar ratio control at
11 Watts Bar?

12 A That is news to me. We already had that
13 in place, we already had the program laid out, we
14 already had a plan of action to do molar ratio
15 control, because we had started it at Sequoyah.

16 Obviously the sister plan was Watts Bar,
17 where we were going to continue that approach there.

18 Q You said that --

19 A No, he didn't --

20 Q You are denying that he did?

21 A Pardon me?

22 Q You are denying that he did?

23 A I wasn't aware of it. We already had a
24 program for molar ratio control in Watts Bar.

25 Q Okay. You said we already had a program.

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1 Who put that program in place, you and Gary Fiser?

2 A It was a joint effort between our staff
3 and corporate chemistry staff. I mean, and the site
4 staff.

5 Q Dave Voeller was the site chemistry
6 manager?

7 A That is correct.

8 Q And you are saying that corporate staff,
9 who was involved in the corporate staff, you and Gary
10 Fiser?

11 A And Sam Harvey was involved with that and
12 so --

13 Q When was Sam Harvey brought into that
14 issue?

15 A He was always involved with the issue.
16 Because, again, I said he was our resident person,
17 resident person that we used to implement specific
18 programs. One of those was molar ratio control.

19 Now, he worked with Gary Fiser, and the
20 site staff, and we put that together, we put that plan
21 together.

22 Q When was that plan --

23 A And we --

24 Q When was that plan put together?

25 A I don't recall the date, the month and

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1 date. But it was -- we, we, it was a continuous
2 thing, and we worked on it prior to the plant starting
3 up, and during the startup process. We worked out a
4 plan, because we did the same thing at Sequoyah.

5 Q Was the plan put together before June of
6 1996?

7 A Yes, we had a plan before June 1996.

8 Q And Sam Harvey was brought in to work on
9 that plan --

10 A He was never brought in, he was already
11 part of the team. I mean, we didn't have to bring him
12 in specially, this was part -- we worked together.
13 The chemistry managers at the site, we did this as
14 part of our chemistry managers group, that was part of
15 our comprehensive plan.

16 It wasn't something that just someone came
17 up with the idea, or we brought someone in
18 specifically to do that. But we had laid it out from
19 a planning standpoint, the various chemistry programs
20 that weren't in place during startup, but we had, some
21 of them had to be staggered.

22 Because you had some chemicals that
23 affects some parameters. So we had to get some
24 parameters within operating range before we brought
25 this particular chemistry program on board.

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1 So it was a thought-out process, and a
2 thought-out plan.

3 Q Let's return to the 1996 selection. In
4 your testimony you said that you told Dr. McArthur
5 that he should have equal representation from each
6 side. Is that correct?

7 A I strongly recommended, I didn't tell him
8 anything. I strongly recommended.

9 Q All right. And that was --

10 A It would be a mistake if he didn't do
11 that.

12 Q That was because, in your view, you felt
13 that the individual selecting review board members
14 would be pushing for each of the people that they had
15 worked with, primarily?

16 A No, that could very well be. But I think
17 that if you work with an individual every day, versus
18 seeing another individual maybe once every three to
19 six months, you are going to be more familiar with
20 that individual.

21 My whole objective, my whole point was,
22 you wanted to be a fair process, you want it to be as
23 fair as possible.

24 Q Well, now, didn't you want --

25 A You want everybody to have an equal

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1 opportunity.

2 Q My understanding of the selection review
3 board is that each of the members is supposed to rate
4 these individuals on an impartial basis. Am I wrong?

5 A Well, that is the way it is supposed to
6 work, yes.

7 Q Well, have you been on selection review
8 boards in the past that didn't involve a co-equal
9 manager from each of the sites?

10 A No.

11 Q You've never been on a selection review
12 board that didn't involve co-equal managers from each
13 site?

14 A That I personally --

15 Q Right.

16 A -- participated in?

17 Q So how many selection review boards have
18 you participated in?

19 A Probably the ones that involved my
20 organization.

21 Q Just the one in '94 and the one in '96?

22 A Well, I wasn't on the one in '96.

23 Q You saw, from the outside looking in, the
24 one in '96?

25 A Yes, we had a selection board to select

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1 Deidra Nida to one of the environmental positions,
2 because one of the individuals who was originally put
3 in that position left the organization. So basically
4 two.

5 Q So two, one in --

6 A Well, let me correct that. It was three,
7 because I participated on one of the site selection
8 boards.

9 Q A site selection boards. And did that
10 involve --

11 A In Browns Ferry.

12 Q What kind of job was that selection for?
13 That was site chemistry manager, wasn't it?

14 A No, it wasn't a site chemistry manager
15 position, it was a tech service manager position, a
16 PG7 position at Browns Ferry.

17 Q And who were the three individuals who sat
18 on that, or how many individuals sat on that selection
19 review board?

20 A I don't recall all the participants, it
21 may have been three or four people.

22 Q You sat on there as the corporate
23 chemistry manager?

24 A Yes.

25 Q Who else sat on it?

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1 A The corporate chemistry, I believe --
2 well, I'm not sure. An HR individual sat in on it,
3 and I know at least one of the chemistry managers at
4 one of the other sites, I can't recall.

5 Q Who was selected, who did the selection
6 review board select?

7 A Let's see, I know the individual, but I'm
8 trying to think of his name. He was an individual
9 from Browns Ferry. I can't, maybe if it comes to me
10 I will mention it.

11 Q Who was the selecting manager?

12 A It was John Sabados. He was the site
13 chemistry manager at the time.

14 Q Did he sit on, was he a voting member of
15 the SRB?

16 A I can't specifically remember whether he
17 was there or not.

18 Q All three sites weren't represented on
19 that board, were they?

20 A Pardon me?

21 Q All three of the nuclear sites were not
22 represented on that board?

23 A I don't recall. I mean, it was a site
24 specific position, it wasn't a corporate position.

25 Q Okay. So the only corporate boards that

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1 you've sat on were the one in '94 that selected the
2 chemistry and environmental program managers, and a
3 later one that selected Deidra Nida as a chemistry
4 environmental program manager?

5 A Yes, and then the one at the site, so
6 there is three.

7 Q All right. And the board that selected
8 Deidra Nida were there three site RADCHEM managers,
9 did they constitute the SRB?

10 A I know we had them there, I can't
11 remember. We would have to pull up that documentation
12 of who all participated. But if I remember correctly,
13 I believe that just the chemistry managers, not the
14 RADCHEM.

15 Q The chemistry managers?

16 A Yes, the chemistry managers.

17 Q Now, in the 1994 one that you were the
18 second manager for, for the chemistry environmental
19 program managers, who were the individuals on that
20 SRB?

21 A On the --

22 Q August of '94.

23 A I don't recall. I believe all the
24 chemistry managers were present, but I don't want to
25 make a statement on that, I'm not totally sure about

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1 it.

2 Q You were the selecting manager, weren't
3 you?

4 A Which one are we talking about now?

5 Q For the chemistry and environmental
6 specialist PG8s and PG7s.

7 A I'm pretty sure I was.

8 Q Did you select members for the selection
9 review board for that selection?

10 A Did I select the members?

11 Q Right.

12 A I, along with HR, I recommended who I
13 thought should be on the board, and myself, if I
14 remember correctly, myself, in combination with HR, we
15 went through the process. Again, you know, I don't
16 have the package, I don't remember.

17 If you've got it, you can show it to me,
18 and then refresh my memory.

19 ADMINISTRATIVE JUDGE COLE: We are talking
20 about 1994 now, is that correct?

21 MR. MARQUAND: Yes, Your Honor.

22 BY MR. MARQUAND:

23 Q I'm going to show you TVA exhibit 24, it
24 is in volume I of the TVA exhibits. Mr. Grover, page
25 HH5 of TVA exhibit 24.

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1 If you look at HH5 and 6, that is a two
2 page memorandum by you and Dr. McArthur to Ben Easley
3 requesting him to set up interviews as set forth
4 below. And on page 2 it identifies the board members.

5 Do you see that?

6 A Yes, page 2, yes.

7 Q Page 2. Under board members for 9-22-94,
8 I believe it shows that the interviews on 9-22-94 were
9 going to be for the PG8 chemistry environmental
10 specialist jobs, among others.

11 And that the board, on 9-22 was going to
12 be Gordon Rich/Dave Voeller, etcetera. When it says
13 Gordon Rich/Dave Voeller, does that mean the two of
14 them were going to share responsibilities for rating
15 the individuals?

16 A No, they were just putting a slash there
17 to try and save space, I think, to list all the people
18 under that date.

19 Q So you think that all of the people there,
20 John, Gordon Rich, Dave Voeller, John Sabados, Pat
21 Hughes, Wilson McArthur, Grover and Easley, were all
22 going to participate in all the 9-22-94 interviews?

23 A No, he was just listing, I think he was
24 listing because we didn't sit in on the radiological
25 controls specialist. I think he was just identifying

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1 all those board members who were going to be involved
2 on all the interviews on 9-22.

3 Q On 9-22?

4 A 9-22.

5 Q So with respect to chemistry and
6 environmental specialist selections on 9-22, who was
7 going to be participating on those?

8 A Well, it was probably the three chemistry
9 managers.

10 Q Rich, Voeller, and Sabados?

11 A Right. I would have to look at the
12 paperwork to make sure of that, but I'm sure that is,
13 you know, as you can see Mr. McArthur has submitted
14 the issue to memorandum.

15 Q Right.

16 A Okay. Which he was just listing the
17 people that needed to be confirmed, I guess, or lined
18 up, that he had lined up for interviews for that date.

19 Q Well, actually, if you will look, for
20 example, at page 143, I'm not sure you are right, but
21 I think we can look at that page real quick and
22 determine if something else has happened there. Page
23 HH143.

24 And you should see a score sheet for Joe
25 Pleva, for the chemistry environmental program

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1 specialist job.

2 A Okay.

3 Q Do you see the initials above the column
4 for scores? It has WCM?

5 A Right.

6 Q Now, Dr. McArthur has already testified
7 that he scored Joe Pleva. I believe he also testified
8 that he scored an individual by the name of Al Dyson.
9 So we know for a fact, at least, that he scored two of
10 the candidates.

11 A Okay.

12 Q And I think if you back up a little bit
13 you will see that Pat Hughes scored some of the other
14 candidates, for example at page 139.

15 A Well, I don't know who, I can't tell by
16 who scored this one.

17 Q If you look at page 134 it is Al Dyson
18 being scored, again, by Dr. McArthur.

19 A Okay.

20 Q And if you back up to page 108 you will
21 see that that portion of the book, in fact, had a tab
22 on it with PWH, that is Pat Hughes' initials, that
23 portion of the book, with those candidates, was his
24 portion of the book.

25 A Okay.

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1 Q Do you see that?

2 A Yes.

3 Q So my question is, if we assume that Pat
4 Hughes scored Sam Harvey and Gary Fiser, and Chandra,
5 and Sorrell, and that Dr. McArthur scored Pleva and
6 Dyson, at least with respect to the Pat Hughes/Wilson
7 McArthur, we know that they were scoring members of
8 the SRB for chemistry environmental specialist.

9 So my question is, if we knew that, and we
10 know that Pat Hughes and Wilson McArthur switched off
11 on scoring of those individuals, would it not be a
12 fair assumption to say that Gordon Rich and Dave
13 Voeller did the same thing with respect to the
14 candidates that they were assigned to look at?

15 A No. Every -- and again, I don't have --
16 this documentation is not complete. Everybody that
17 sat on the board had to do scoring. Now, again, I
18 didn't recall who all sat on this. They sat on it, if
19 that whole group sat on it, everybody had to do a
20 score sheet.

21 We didn't have certain individuals
22 interviewing certain candidates, and other
23 individuals, another set of individuals on different
24 candidates. All the candidates had to be interviewed
25 by the same set of individuals.

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1 Now, I don't -- you have other score
2 sheets? I don't see, you know, unless they are here
3 and I don't know where they are. But if they sat on
4 the board, they sat on the board.

5 Q So it would be your testimony, then, that
6 if Pat Hughes sat on the board, that he evaluated all
7 the candidates, and that if Wilson McArthur sat on the
8 board, he also evaluated all of the candidates?

9 A That is the process. They had to, whoever
10 sat on the board had to evaluate all the candidates.
11 I mean, how can you --

12 ADMINISTRATIVE JUDGE COLE: All the
13 candidates for a given position?

14 THE WITNESS: Yes, for a given position,
15 for that PG8 position, for chemistry, that is the way
16 we run boards, is everybody has to, you know, you have
17 the same set of evaluators for all of the candidates.

18 So we wouldn't run the board where they
19 only evaluate two, and then they leave, and then some
20 others come in. Again, I don't see all the paperwork
21 here.

22 BY MR. MARQUAND:

23 Q Well, I hate to belabor the point, but I'm
24 just trying to make sure we get this straight.
25 Because Dr. McArthur, after looking at this said that

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1 he thought that this particular process was that he
2 and Pat Hughes shared the responsibilities for
3 evaluating the slate of candidates.

4 Because Dr. McArthur said that he thought
5 he had to leave, and that he was only able to
6 participate for part of the day. I'm just trying to
7 make sure that we understand what happened.

8 A That is not my recollection. We always
9 require, that is part of HR procedure, it is required
10 that everybody evaluates all the candidates for
11 interview.

12 CHAIRMAN BECHHOEFER: All the candidates,
13 or for a particular position?

14 THE WITNESS: That is correct.

15 CHAIRMAN BECHHOEFER: Because we
16 understood the boards would sit on several, could sit
17 on several positions.

18 THE WITNESS: Yes, that is correct. But
19 if we are evaluating five people for this PG8
20 chemistry position, you want all the board members to
21 evaluate each candidate so it could be a fair
22 assessment.

23 BY MR. MARQUAND:

24 Q As I understood your answer just a minute
25 ago you said that is what we always do, and that that

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1 is HR procedure, for each person on the board to
2 evaluate each individual.

3 A That is the standard board procedure. I
4 mean, that makes common sense. I wouldn't ask you to
5 evaluate two people, and then I go and ask five other
6 people. I mean, how are you going to make an equal
7 and fair assessment?

8 Q Where is that procedure written down?

9 A You would have to talk to HR.

10 Q Have you seen it?

11 A No, this is what I was instructed that we
12 had to do.

13 Q And you said that we always do that. That
14 was the, in fact, TVA exhibit 24 is the first TVA
15 board you sat on, isn't it?

16 A Yes. Now, I said that, now as far as my
17 experience, that is what I always do.

18 Q That is what you always did, based on one
19 time, you are saying that is what you always did?

20 A No, I'm talking about three boards that I
21 participated on, okay? Based on my experience I'm
22 talking about three boards I participated on, I've
23 always been there for all the candidates.

24 Now, if you know something I don't, or if
25 there is some documentation to prove otherwise, I

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1 mean, my memory is not one hundred percent from eight
2 years ago. But, you know, I'm just going on the
3 recollection of what our standing practice was.

4 Q In September of '94 this was the first
5 board you sat on, wasn't it?

6 A That is correct.

7 Q And you hadn't seen the written procedure.
8 And my question is, to you, how can you be so emphatic
9 that this is what we always did --

10 A No, no, you are taking what I said out of
11 context.

12 Q -- HR procedure.

13 A I said this was standard procedure, that
14 is based on my experience. That is not based on just
15 that one board, I participated in three boards. And
16 the other --

17 Q In September --

18 A -- board I didn't participate on, that was
19 the procedure that they used.

20 Q In September of '94 that was the first
21 board you sat on.

22 A That is correct.

23 Q My question is, at that point in time you
24 didn't have any prior experience.

25 A You are not asking me that question based

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1 on September of '94, we are not hearing September of
2 '94. You asked me that question now, based on my past
3 experience.

4 Q And you are certain, as you sit here
5 today, that each of those board members evaluated each
6 of those candidates?

7 A To the best of my knowledge they did.

8 Q Could you be wrong?

9 A Everybody could be wrong. I'm going on
10 the best of my knowledge everybody did. I do not
11 recall us switching board evaluators in the middle of
12 an interview process, okay?

13 Q If Dr. McArthur testified --

14 A And I don't think I'm wrong.

15 Q If Dr. McArthur testified that he had to
16 leave, and he couldn't be there for the whole time,
17 and that he and Pat Hughes shared that responsibility,
18 could he be wrong?

19 A He could be wrong.

20 Q Could he be right?

21 A I don't think so. Now, you can solve that
22 question, produce the paperwork.

23 Q There is the paperwork.

24 A It is not complete, you don't have all the
25 evaluation sheets from all of the board members.

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1 Q If everybody was there for --

2 A You don't have all the evaluation sheets
3 for all the board members here.

4 Q If those are the ones that were done, we
5 do.

6 A No, but you have two -- no, we had to do
7 that. We filled out, I know personally I filled out
8 evaluation sheets for all these candidates.

9 Q You were a voting member of the board?

10 A I was a participating member of the board.

11 Q I thought you were the selecting official?

12 A I participate on the board as well. Now,
13 based on the recommendation, and I serve as a -- yes,
14 I'm the selecting manager. But I do participate, I
15 mean, you have that choice. If you don't want to
16 participate you don't have to, I guess, that is part
17 of it too.

18 But I participated on the board.

19 CHAIRMAN BECHHOEFER: Mr. Grover?

20 THE WITNESS: Yes, sir.

21 CHAIRMAN BECHHOEFER: Did you ever receive
22 any either written or oral instructions that, to the
23 effect that a board had to be set up in that way?

24 THE WITNESS: Yes, from HR. It was oral,
25 I never received a -- I don't recall receiving it in

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1 writing as far as the procedure, but it was oral. And
2 it was oral from the standpoint of an evaluation sheet
3 has to be filled out on each candidate.

4 You take those evaluation sheets, after
5 the interview process was complete, the board would go
6 in and they would add up all the scores, and we would
7 categorize, that is how we got these totals for all
8 the candidates. And then they would make their
9 recommendation to the hiring manager.

10 So I couldn't, you know, I would have to
11 have -- that was part, that was required as far as the
12 package. Then I had to take the package, you have to
13 take the package and turn it over to HR, because that
14 has to be complete.

15 What if somebody comes and contests, well,
16 I wasn't, you know, I was unfairly treated. There has
17 to be documentation there to back up what you did. I
18 mean, because that was -- people challenge the
19 selection process, and why wasn't I selected, I was
20 qualified.

21 Well, they have to have the documentation
22 to show, well, here is the process we went through,
23 here is the evaluation, and you weren't in the top one
24 or two, it was based on you didn't make the cut, you
25 know, your score wasn't high enough.

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1 But if you don't have that documentation,
2 HR has no way of justifying what happened.

3 CHAIRMAN BECHHOEFER: Now, did you testify
4 that Mr. Rich and Mr. Voeller were each there at the
5 same time?

6 THE WITNESS: As far as I recall they were
7 there, because we wanted all the chemistry managers,
8 a representative from each side.

9 CHAIRMAN BECHHOEFER: So both of them were
10 for the --

11 THE WITNESS: All three chemistry
12 managers, yes, sir. As far as I can recall. You
13 know, unless somebody got sick, and I don't remember
14 or whatever, but if we had all the documentation, if
15 all the documentation was here, you would have all the
16 criteria, we could tell exactly who was there.

17 BY MR. MARQUAND:

18 Q Let me ask you to look at page 167. That
19 is the rating sheet for Sam Harvey?

20 A Yes.

21 Q And actually if you look at 166 you see
22 that that whole section following that is some other
23 board members section on each of the individuals. 167
24 is the selection sheet for Sam Harvey.

25 Do you recognize that handwriting?

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1 A Not really, no.

2 Q Look at page 172. Do you recognize that
3 handwriting?

4 A Yes, that looks like my handwriting.

5 Q On 172?

6 A Yes. Now, I filled out, that is my
7 handwriting, it looks like my handwriting in filling
8 out the top portion of the sheet.

9 Q Look at page 177, do you recognize that
10 handwriting?

11 A That looks like that could be mine, I'm
12 not sure.

13 Q Look at page 182. Do you recognize that?

14 A Okay.

15 Q Whose is that?

16 A I'm not sure.

17 Q It is not yours? Could it be yours?

18 A It could be.

19 Q Look at page 191. Is that your
20 handwriting, too?

21 A It could be.

22 Q So apparently -- and also 195, is that
23 your handwriting?

24 A That looks like it could be.

25 Q So beginning with page 166, this section

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1 through page 198, could be the section that you
2 evaluated candidates in?

3 A 168 to --

4 Q 166 to 195.

5 A Well, I would have to look at the overall
6 sheets, but yes, it could be.

7 CHAIRMAN BECHHOEFER: Mr. Marquand, at
8 some point we ought to take a break, you may want to
9 consider when you are getting close to the --

10 MR. MARQUAND: If the witness has answered
11 that question, that would be fine to take a break.

12 CHAIRMAN BECHHOEFER: Okay.

13 ADMINISTRATIVE JUDGE YOUNG: You may,
14 also, with regard to these questions, if you can
15 stipulate that, that would probably save us a lot of
16 time.

17 MR. MARQUAND: Well, I thought we had an
18 understanding the other day, but Mr. Grover apparently
19 has confused the issue for us somewhat.

20 ADMINISTRATIVE JUDGE YOUNG: Well, if you
21 can stipulate it to make it simpler, I think --

22 MR. MARQUAND: Well, we could talk about
23 that during the break.

24 ADMINISTRATIVE JUDGE YOUNG: Pardon?

25 MR. MARQUAND: I said we can talk about

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1 that during the break.

2 ADMINISTRATIVE JUDGE YOUNG: That is what
3 I was suggesting.

4 BY MR. MARQUAND:

5 Q Mr. Grover, did you answer my question,
6 that pages HHH166 to 198 is the section that you
7 filled in, isn't that right?

8 A Well, it looks that way. I haven't
9 reviewed all those pages, but --

10 Q Well, we looked at the pages that had
11 evaluation sheets for each of the candidates.

12 A But I know that is not my writing on 167,
13 I don't know whose sheet, unless someone else wrote it
14 in, and I filled it out --

15 Q Those numbers look an awful lot like the
16 numbers at 172, though?

17 A Well, all the numbers look alike on all
18 those pages.

19 Q I mean, they are done in the same fashion,
20 somebody has gone over them the same way, the 9s are
21 made the same way.

22 A Well, I don't understand your question.

23 Q I said, you said that you thought you had
24 written 172, I'm saying that it looks like you did the
25 numbers.

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1 A That is not my writing at the top of the
2 page.

3 Q But does it look like your writing on the
4 numbers on 167?

5 A I can't, you know --

6 Q Fold the pages over and compare 167 and
7 172. Do you see any significant difference between
8 the way you did the numbers in 172, and the way the
9 numbers are done in 167?

10 MS. EUCHNER: I don't think that we've
11 established that these are his numbers. He hasn't
12 said for a fact that this is handwriting. He said it
13 could be his handwriting.

14 MR. MARQUAND: I don't hear an objection.
15 It is not appropriate for Counsel to testify.

16 THE WITNESS: Well, all I'm saying is that
17 this particular sheet I did not fill in the top
18 portion. The others look like my handwriting, okay?
19 I don't know, I can't say for sure whether that is,
20 you know, I'm just going on the others, since it
21 looks like my handwriting at the top of the sheets.

22 BY MR. MARQUAND:

23 Q Well, on page 182, does that look like
24 your handwriting in the middle of the sheet?

25 A Well, that is what I said, I said it looks

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1 like my handwriting.

2 Q Okay. Well, other than the handwriting at
3 the top of page 167, the section 166 to 198 look like
4 the section that you --

5 A Well, it probably is.

6 MR. MARQUAND: That is fine. Your Honors,
7 we can take a break now.

8 ADMINISTRATIVE JUDGE YOUNG: Yes, let's
9 do. We will be back at five after four.

10 (Whereupon, the above-entitled matter
11 went off the record at 3:52 p.m. and
12 went back on the record at 4:05 p.m.)

13 CHAIRMAN BECHHOEFER: On the record.

14 ADMINISTRATIVE JUDGE YOUNG: Mr. Marquand,
15 I don't know whether you were planning to go through
16 the same thing that you went through with regard to
17 the apparent notes and scores of Mr. Grover, with each
18 of the board members to establish that Mr. Grover's
19 memory might not have been correct on what happened in
20 1994.

21 And we do not want to cut off your right
22 to cross examine. But I think we all get the point
23 that his memory, as he said, may not have been perfect
24 on what happened back then.

25 We view that in light of the fairly

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1 consistent testimony from several witnesses that the
2 preference was to use the same members throughout, if
3 possible.

4 And so if we can sort of cut short
5 evidence that is, to some extent, apparently
6 cumulative on something that we do get the point that
7 you are trying to make, at least as we understand it,
8 that might move us along.

9 If we are missing something, please fill
10 us in.

11 MR. MARQUAND: Well, during the break
12 counsel and I went through the document, and we are
13 prepared to stipulate who prepared various parts, and
14 who did the various ratings of individuals.

15 ADMINISTRATIVE JUDGE YOUNG: Right, which
16 would --

17 MR. MARQUAND: And I think that would
18 address everybody's concern about moving this along.

19 ADMINISTRATIVE JUDGE COLE: You are
20 prepared to stipulate that now?

21 MR. MARQUAND: I think so, yes.

22 ADMINISTRATIVE JUDGE COLE: Terrific.

23 MR. MARQUAND: Surprise, surprise.

24 ADMINISTRATIVE JUDGE COLE: You can call
25 the witness back now.

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1 ADMINISTRATIVE JUDGE YOUNG: You can do it
2 before or after, I mean, I don't --

3 MR. MARQUAND: Well, why don't we do that
4 right now, then we can call him back and move on.

5 ADMINISTRATIVE JUDGE YOUNG: Okay.

6 MR. MARQUAND: Are we back on the record?

7 ADMINISTRATIVE JUDGE YOUNG: We have been
8 on the record.

9 MR. MARQUAND: Okay, I didn't realize
10 that.

11 We are prepared to stipulate with Staff,
12 with respect to Joint Exhibit 24, that beginning with
13 page --

14 I'm sorry, TVA is prepared to stipulate
15 with the Staff that TVA exhibit 24, with respect to
16 exhibit 24, that is the selection package for VPA6621.

17 CHAIRMAN BECHHOEFER: I'm sorry, could you
18 repeat that? I can't --

19 MR. MARQUAND: Vacant position
20 announcement, VPA6621 for the chemistry and
21 environmental protection specialist, PG8.

22 ADMINISTRATIVE JUDGE YOUNG: In 1994?

23 MR. MARQUAND: In 1994. That page 3
24 through 36 is the portion that was provided to Gordon
25 Rich, and which he evaluated the candidates, all the

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1 candidates who came before him, who were Sam Harvey,
2 Dr. Chandrasekaran, David Sorrell, Alfred Dyson, Gary
3 Fiser, and Joseph Pleva, who doesn't show up on the
4 memo, which is at page 4 and 5, 5 and 6, but who
5 apparently was a candidate.

6 Pages 36 to 72 are, likewise, the package
7 provided by John Sabados, and his evaluation of all of
8 those candidates. Those were six candidates.

9 Page 73 through 107 is another package
10 with respect to those six candidates, but it wasn't
11 filled out, and there is no indication as to who that
12 section might have been provided to.

13 Page 108 to 146 is the package that was
14 provided to, jointly, Pat Hughes and Dr. McArthur.
15 And page 134 and 143 were filled out by Dr. McArthur,
16 and the other four candidates in that section were
17 evaluated by Pat Hughes.

18 So they apparently shared responsibilities
19 for evaluating candidates.

20 CHAIRMAN BECHHOEFER: 132 through?

21 MR. MARQUAND: That is page 108 to 146.
22 And page 134 and 142 were Dr. McArthur's evaluations.
23 And then the evaluations of Fiser, Chandra, Harvey and
24 Sorrell, appear a little bit earlier in that
25 particular section of pages.

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1 For instance, Harvey's at 117, Chandra is
2 at 123, 129 is Sorrell, and 139 is Fiser. Then the
3 pages 147 and 58 are miscellaneous pages. They are
4 the spreadsheets provided to the selecting official,
5 in that case Ron Grover.

6 And, lastly, section 159 to 198 is the
7 section provided to Mr. Grover, and was evaluated,
8 those were his evaluations, but with the exception on
9 page 167, the name of the candidate, Sam Harvey, was,
10 that page was a xerox of page 45 done by Sabados, but
11 the evaluations were, in fact, done by Grover.

12 ADMINISTRATIVE JUDGE YOUNG: All right.

13 MR. MARQUAND: Is that correct?

14 MS. EUCHNER: That is correct.

15 ADMINISTRATIVE JUDGE YOUNG: Very good.

16 CHAIRMAN BECHHOEFER: That is fine. Are
17 we now prepared to resume?

18 MR. MARQUAND: Yes, Your Honor.

19 (Witness returns to the stand.)

20 BY MR. MARQUAND:

21 Q Mr. Grover let's turn our attention to
22 this conversation that initially occurred between Dave
23 Voeller and Sam Harvey, which you were informed of by
24 Gary Fiser.

25 Now, you didn't hear the conversation

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1 yourself, right?

2 A That is correct, between who, between Sam
3 and --

4 Q Between Voeller and Sam Harvey.

5 A That is correct.

6 Q First you are informed of the conversation
7 by Gary Fiser, right?

8 A That is correct.

9 Q And his information about the conversation
10 was what he was told by Dave Voeller, right?

11 A That is correct.

12 Q So you have a view of the conversation
13 secondhand through Gary Fiser. And then you turn
14 around and you talk to Dave Voeller, is that right?

15 A That is correct.

16 Q And so you got Dave Voeller's view of this
17 conversation, which he didn't hear, either.

18 A That is correct.

19 Q And lastly you talk to Sam Harvey, and you
20 got his view of this conversation, right? So you got
21 all three individuals' view of the conversation,
22 Voeller, Harvey, and Fiser's second-hand view of the
23 conversation, right?

24 A Okay.

25 Q And what I understand is that Gary Fiser

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1 came to you and he was very upset about this, right?

2 A That is correct.

3 Q And what you told Gary was that he didn't
4 have any hard facts, and as far as you knew they were
5 still going to go through with the posting of the job,
6 and selection review board?

7 A I didn't say he didn't have any hard
8 facts. I just told -- Gary asked me was the selection
9 already made? And I told him, as far as my
10 understanding, nothing has been made, and the process
11 is supposed to proceed on with the selection board.

12 Q As far as you knew, you didn't know
13 anything different about whether or not -- as far as
14 you knew they, in fact, were going on with the
15 selection, the posting and the selection, the
16 selection review board?

17 A I hadn't heard, I did not hear otherwise.

18 Q Did you enquire of human resources about
19 it?

20 A No.

21 Q You didn't ask Ben Easley whether or not
22 they were going to go ahead with the selection review
23 board?

24 A I didn't specifically, it may have come
25 up, I may have asked him that in passing, or something

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1 like that. But I hadn't heard anything different.

2 Q In fact --

3 A Unless I did make that statement somewhere
4 in one of the depositions.

5 Q In fact when Gary first called you and
6 talked to you, didn't you tell him, don't worry about
7 it, I will talk to Ben Easley and make sure we are
8 still on track?

9 A I told him to not worry about it, and as
10 far as I was concerned we were still on track. I may
11 have made that statement. If it is in a deposition,
12 then I must have said it, then.

13 Q Not necessarily. I mean, just because it
14 is in a deposition doesn't mean you said it. My
15 question is, didn't you tell Gary Fiser?

16 A Well, I don't -- I told him not to worry
17 about it, I will do some checking, but I'm -- and
18 follow-up on the matter. That is basically how we left
19 it.

20 Now, I don't remember the exact words that
21 I used, but that is basically, in essence, what I told
22 him. As far as I know, I hadn't heard that a
23 preselection has already occurred, or that there was
24 not going to be a selection board.

25 I told him let's proceed, I think you

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1 should proceed forward and I will check into it and
2 find out what I can find out, and try to get to the
3 bottom of it.

4 Q Let me read to you --

5 A In so many words that is what I said.

6 Q Do you recall being interviewed by Dianne
7 Benson on December 18th, 1998, in this matter?

8 A Yes.

9 Q And referring to page 30 of the transcript
10 of that interview, do you recall telling her that Gary
11 was very upset and I told him, don't worry about it,
12 don't blow up, just hold your peace and we are going
13 to -- you know, I will talk to HR and make sure that
14 we are still on track.

15 I will talk to Ben and make sure that
16 follow the process, that is what we have to, we want
17 to do what we are supposed to do, based on the
18 process.

19 Does that refresh your recollection that
20 you told Gary Fiser that you were going to call HR and
21 talk to Ben Easley, and make sure that they were still
22 on track to follow the process?

23 A Yes.

24 Q Did you do that?

25 A As far as I remember I may have discussed

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1 it with him, I probably did.

2 Q And did he assure you that, yes, they were
3 still going to go ahead and post the jobs, and conduct
4 interviews, and have an SRB?

5 A Yes, I did not hear otherwise, that we
6 weren't going to do that.

7 Q Now, you talked to Dave Voeller about it,
8 and Dave Voeller -- you told Dave Voeller, didn't you,
9 that -- let's see.

10 First of all, when you talked to Dave he
11 had taken Sam's comments, as -- he had been taken
12 aback, right? He had been taken aback by Sam Harvey's
13 comments?

14 A Dave Voeller was taken back by --

15 Q Yes, isn't that right?

16 A Yes.

17 Q And he had sort of understood Sam's
18 comment to mean that the decision had already been
19 made, that Sam was going to be filling that position?

20 A Yes, that is what he indicated to me.

21 Q And did you, in fact, tell Dave Voeller
22 that no, as far as you knew, that they had to go
23 through a selection process, and it has to be posted?

24 A Well, as far as I know that was what was
25 laid out to be done. Now, I hadn't heard anything

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1 different.

2 Q And did you ever learn anything different?

3 A Did I ever learn anything different?

4 Q Did you ever learn anything different, did
5 you ever learn that there was not going to be a
6 posting and selection process?

7 A No, I never said I did.

8 Q Okay. Now, and then you talked to Sam
9 Harvey, correct?

10 A That is correct.

11 Q He was the third person you talked to.
12 Did Sam tell you that he thought that Dave had
13 misunderstood what he was saying, and that he had
14 meant to say that if he got the position that he would
15 be working more closely with Dave?

16 A He may have said it in that context. I
17 don't recall his specific words. But I wanted to
18 impress upon him the point that I was trying to get
19 across to him.

20 Q And what was the point that you were
21 trying to get across to him?

22 A That here is what Dave Voeller told me,
23 and you need to go and talk with him to get it
24 straightened out, because that is the impression you
25 left with him.

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1 And he would not call me being concerned,
2 because he knows specifically what you told him.

3 Q Now, do you recall when all of these
4 conversations took place?

5 A I don't know the exact time frame, it was
6 some time during this reorganization process. It is
7 probably in a deposition somewhere, the date that it
8 happened, or occurred.

9 Q I'm going to show you Joint Exhibit 36.
10 ADMINISTRATIVE JUDGE COLE: Joint Exhibit
11 36?

12 MR. MARQUAND: Yes.

13 ADMINISTRATIVE JUDGE YOUNG: Let's keep
14 them in order. There, that is right. We are going to
15 have to recreate something here, the notebook fell
16 open.

17 CHAIRMAN BECHHOEFER: This affects the
18 gravity of the situation.

19 (Whereupon, the above-entitled matter
20 went off the record at 4:24 p.m. and
21 went back on the record at 4:25 p.m.)

22 CHAIRMAN BECHHOEFER: Back on the record.

23 BY MR. MARQUAND:

24 Q Mr. Grover, I'm going to represent to you,
25 and I will represent to the Court, that Joint Exhibit

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1 36 are notes David Voeller took, and placed in his
2 Franklin planner, and they will be introduced into
3 evidence through him.

4 But assuming, for the moment Mr. Grover,
5 that those are his notes, if you will look on there on
6 the left-hand side it says, 6-7, discussed with Ron,
7 the discussion I had with Gary, the discussion I had
8 with Sam the week of 6-3-96.

9 Do you see that?

10 A Uh hum.

11 Q Does that date correspond with your memory
12 that you had a discussion with Dave Voeller on 6-7
13 about --

14 A Yes, it was in that time frame, yes.

15 Q Okay.

16 A It seems close.

17 Q And, do you see further down there, in
18 line -- in the fourth line, do you see where it says,
19 Sam called to let me know he would be working more
20 closely with Watts Bar in the future, in the PWR
21 corporate chemistry position.

22 He was sure he would be in that capacity
23 by his inference from corporate management not
24 releasing him for a job at Sequoyah.

25 A Yes, I see that.

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1 Q He wouldn't be getting -- he would get
2 preference.

3 In other words, he is saying he wasn't
4 told that, but he just inferred that he might get that
5 job. Do you see that?

6 A Yes.

7 Q Did Sam ever tell you that?

8 A No.

9 Q Do you see, further on down, where it says
10 discussed that interviews would still be conducted.
11 When I asked, as it sounded like it was a done deal.
12 Do you see that?

13 A Uh hum.

14 Q Does that sound like, does that correspond
15 with your recollection of the conversation as it was
16 related to you by Voeller and Fiser?

17 A Yes, he verbalized it. He didn't send me
18 a copy of his planner, what he had written down.

19 Q And you see the next note, on June 10th,
20 discussed several issues with Sam. Sam made reference
21 to the possibility that he may be the odd man out, and
22 may desire my help in looking for other employment if
23 so.

24 Do you see that?

25 A Yes, I see that.

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1 Q Does that correspond with your knowledge
2 that there was going to be a selection process, and
3 that no one knew at that point in time who might or
4 might not be selected?

5 A No, it just sounds like Sam being in hot
6 water, what he typically does, he goes up and tries to
7 clean up something.

8 Q During the '96 reorganization, I'm not
9 sure I understood what you said your role was in the
10 rewriting of the job descriptions for the PWR and the
11 BWR program manager positions.

12 What was your role?

13 A I just provided a support function to help
14 facilitate getting the job description inputs from the
15 chemistry standpoint, from the people in the
16 organization. I just tried to coordinate the
17 comments, help them do the corrections, and --

18 Q For whom?

19 A For Wilson.

20 Q So who was writing the position
21 description?

22 A Well, Wilson had the ultimate
23 responsibility for producing the job descriptions.

24 ADMINISTRATIVE JUDGE COLE: Wilson
25 McArthur?

1 THE WITNESS: Wilson McArthur, yes. And
2 so he had to get input, he asked me to work with him
3 in getting those together. So I worked with our
4 chemistry folks, Gary Fiser, Chandra, and Sam Harvey,
5 to get their inputs, and to rework as we needed to.

6 BY MR. MARQUAND:

7 Q Why did Dr. McArthur have that ultimate
8 responsibility?

9 A He was the manager of the group.

10 Q He was already the RADCHEM manager?

11 A Yes.

12 Q Okay. And when did you learn that he was
13 going to be made the -- or was made the RADCHEM
14 manager?

15 A It was, I believe it was June 15th,
16 thereabouts, June 5th, somewhere in that time frame
17 when Tom McGrath made the announcement.

18 Q You mean at the all-hands meeting?

19 A That is correct.

20 Q Where he made the formal announcement?

21 A He informed me right before the meeting.

22 Q Same day?

23 A Yes.

24 Q I'm going to show you Staff exhibit 132.

25 ADMINISTRATIVE JUDGE YOUNG: 132?

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1 MS. EUCHNER: Book 7.

2 ADMINISTRATIVE JUDGE YOUNG: Do you think
3 you are finished with the last volume you were in, or
4 not?

5 MR. MARQUAND: Yes, we are done looking at
6 that.

7 BY MR. MARQUAND:

8 Q Mr. Grover, this is -- this has been
9 admitted into the record, and it is testimony that
10 this is the slide presentation that Mr. McGrath used
11 at the all-hands meeting where he announced the
12 reorganization, and also announced Dr. McArthur's
13 assuming the role of RADCHEM manager.

14 Does this refresh your recollection that
15 that meeting was on June 17th, 1996?

16 A It is dated the 17th. I imagine it is, it
17 was on June 17th. I don't remember the exact date.

18 Q And your testimony is that prior to that
19 date you did not know that Dr. McArthur would be
20 filling the role of RADCHEM manager?

21 A No, I did not.

22 Q So prior to that did you have any role in
23 drafting, or helping to put together the new PDs for
24 the program managers, chemistry program managers?

25 A As far as I recall, I didn't. Now that

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1 process may have started before this announcement, I
2 can't -- I don't specifically recall. But once the
3 announcement was made, and he was the manager, then
4 everything rolled up under Wilson McArthur.

5 Now, we may have started some rewrites
6 beforehand.

7 Q Now, if you would, so your testimony is
8 that after June 17th you began providing assistance to
9 Dr. McArthur to prepare these new position
10 descriptions for the PG8 chemistry program manager
11 position? And that prior to that you did not?

12 A Well, no, I said as far as I can recall,
13 we may have started that before, we may have initiated
14 it, it may have been initiated before him. But as far
15 as I recall the main thrust, you know, once he got in
16 place, then everything rolled up under him.

17 Q So before that you weren't working for
18 him, right?

19 A That is correct.

20 Q All right. And what was your role in
21 working on those position descriptions before you
22 began working for Dr. McArthur?

23 A I don't remember when we started that
24 process, that is what I'm trying -- we may have
25 started, it is possible we started.

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1 I just know, you know, once he took over
2 the organization that process was still in progress,
3 the rewriting was still in progress, and I know what
4 I did, you know, how we interfaced, interacted once he
5 was selected as the manager of the group.

6 Q I'm going to show you, we are going to go
7 back to Joint Exhibit 22, it is in the black book.

8 A I just gave it back to you.

9 Q If you would turn to page GG563, I believe
10 that has already been, the whole thing is in evidence,
11 and this has already been identified as the
12 computerized posting of the vacant position
13 announcement for that job.

14 Do you see that page?

15 A Yes.

16 Q And that shows a posting date of June 13th
17 of '96, doesn't it?

18 A Yes.

19 Q All right. So that job had been posted
20 for four days before this all-hands meeting on June
21 17th, where you said you learned that Dr. McArthur was
22 going to be the RADCHEM manager, isn't that right?

23 A Yes, according to these dates.

24 Q So the position was not only already
25 written, but it was already written and posted for

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1 competition prior to the date you said McArthur
2 assumed the managerial position.

3 A Okay.

4 Q So after he assumed that position you
5 didn't help him write that position description, it
6 was already written, right?

7 A If these dates are accurate, then that is
8 the case.

9 Q Do you have any reason to think these
10 aren't accurate?

11 A No. But I mean we worked together. If my
12 dates don't totally, you know, aren't sequenced
13 properly. We worked, now maybe it was a situation
14 where we worked together, because we had the task of
15 working together on the PDs, okay?

16 Maybe this occurred before the selection
17 process or not, I don't have my deposition, I don't
18 recall the specific dates I mentioned. These are the
19 dates you show me, okay.

20 Q Isn't it likely that you knew that Dr.
21 McArthur was going to be the RADCHEM manager, long
22 before this June 17th '96 all-hands meeting?

23 A How was I to know that?

24 Q You hadn't been told that?

25 A No. I said how was I to know that?

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1 Q You had not been told that?

2 A No. If I was told that I would have made
3 an issue long before I did.

4 Q Is that something you were really
5 interested in, competing for and being selected for
6 the RADCHEM manager position?

7 A Yes.

8 Q Did you really think that you had a chance
9 to be selected for it?

10 A Yes.

11 Q Now, if you had --

12 A Let me back up now. I, when Tom McGrath
13 announced that that was what he wanted to do, shortly
14 thereafter I had a meeting with him and told him I was
15 interested in that position. Interested in
16 interviewing for that position.

17 Q And you can't tell us when that happened?

18 A No, it may be in my deposition, I don't
19 know, I don't have a copy of that.

20 Q I'm going to refer you to TVA exhibit 31.
21 TVA exhibit 31 is a series of documents relating to an
22 assignment to send you to the Institute of Nuclear
23 Power Operations. In fact you did go on a long
24 assignment to INPO beginning in September of '96,
25 right?

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1 A That is correct.

2 Q All right. If you will look at the last
3 page of TVA exhibit 31, I think it is the fifth page,
4 that is a written request by you to Mr. McGrath, and
5 with a copy to Phil Reynolds, requesting to be -- have
6 your name submitted for the INPO loanee program,
7 correct?

8 A That is correct.

9 Q And it is dated April 22, '96, right?

10 A That is correct.

11 Q That is after you knew that the
12 reorganization of operations support was going to take
13 place, right?

14 A That is correct, it was during that time
15 frame.

16 Q And in the same time frame very early on
17 you knew that the chemistry manager position was going
18 to go away?

19 A I don't know when the time frame occurred.

20 Q I mean, that was early on in the
21 reorganization?

22 A Yes, but you have to understand, this
23 notification went out to all employees that they were
24 looking for individuals who would be interested in
25 going through the INPO loanee program, okay?

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1 And this isn't a permanent position.

2 Q Correct.

3 A This is a temporary position. People who
4 have permanent positions go and participate in the
5 program for 15 months, 18 months, or whatever, and
6 come back to a permanent position.

7 Q Right.

8 A So it had nothing to do with --

9 Q People are loaned out of their permanent
10 positions to INPO, and then they come back to TVA in
11 their former positions?

12 A If that position, or another position is
13 created. But it is not a permanent position.

14 Q Now, my question is, if you were
15 interested, and thought you had a chance to be
16 selected for a senior manager position as a RADCHEM
17 manager, why would you, in April 22 of 1996, have
18 asked Tom McGrath to submit your name to be loaned to
19 INPO?

20 I can only conclude, and correct me if I'm
21 wrong --

22 MS. EUCHNER: Objection, we don't even
23 know what Mr. Marquand's conclusion is. Let the
24 witness answer the question.

25 MR. MARQUAND: Let me rephrase my

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1 question.

2 BY MR. MARQUAND:

3 Q Mr. Grover, isn't it true that the reason
4 that you asked to have your name submitted to INPO, at
5 this point in time, was because you knew your position
6 as chemistry manager was going away, and you knew that
7 Wilson McArthur was already being installed as the
8 RADCHEM manager?

9 A No, I didn't know that.

10 ADMINISTRATIVE JUDGE YOUNG: Did you have
11 any idea that that might be a possibility?

12 THE WITNESS: Well, there is a possibility
13 he could have --

14 ADMINISTRATIVE JUDGE YOUNG: Did you have
15 some sense that that was a possibility?

16 THE WITNESS: What, that he was going to
17 be --

18 ADMINISTRATIVE JUDGE YOUNG: That Mr.
19 McArthur was going to get that job?

20 THE WITNESS: It was possible for him to
21 get it, yes. I mean, it was possible that he would
22 get it. But, again, if the process is followed, and -
23 -

24 ADMINISTRATIVE JUDGE YOUNG: You didn't
25 know for certain?

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1 THE WITNESS: Well, that is right, that is
2 why I went -- if I knew that, there was no need for me
3 to have the meeting with Tom McGrath and asking him to
4 specifically consider me, and I wanted to interview
5 for that position.

6 ADMINISTRATIVE JUDGE YOUNG: You knew that
7 it was a possibility sufficient for you to become
8 concerned about it?

9 THE WITNESS: Oh, we were all concerned.
10 Yes, the job was going away, so you are concerned
11 that your position is -- you have two people, and you
12 only have one job left. So, I mean, there is a
13 possibility, 50/50 possibly he could get it, possibly
14 I could get it.

15 But I wanted to make sure that my direct
16 report knew that I was interested in that position.
17 Individuals all the time, if they submit their names,
18 there was no guarantee that I would be selected for
19 the INPO position. That was a temporary position.
20 People do that, that is a continual -- we have two
21 permanent positions with INPO on a continuous basis.

22 ADMINISTRATIVE JUDGE YOUNG: I think all
23 he is asking is, if you had an idea that Dr. McArthur
24 might get the one job, that it might have made sense
25 to --

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1 THE WITNESS: Nothing --

2 ADMINISTRATIVE JUDGE YOUNG: But it might
3 have made sense to see if there were other options out
4 there.

5 THE WITNESS: I was always pursuing other
6 options. I mean, I saw job postings in other
7 positions, that I thought I could possibly qualify
8 for. I submitted my name for that. I mean, it wasn't
9 -- this was just kind of a formality thing.

10 It wasn't, I didn't do this because I was
11 told, or knew that Wilson McArthur was going to get
12 the job. If I knew that back in April 22nd, I
13 wouldn't have waited until July to voice a compliant.

14 I would have done it shortly thereafter.
15 I found out that he got the position, which I did.

16 CHAIRMAN BECHHOEFER: And you said the
17 loan to INPO was a temporary type position?

18 THE WITNESS: That is right, it is just a
19 temporary, it is a temporary assignment.

20 CHAIRMAN BECHHOEFER: Was there a time
21 limit, or --

22 THE WITNESS: Minimum 15 months, and you
23 could stay longer if both parties decide to extend you
24 up to 2 years, up to 24 months. But you had to return
25 to your parent company.

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1 BY MR. MARQUAND:

2 Q How long did you stay?

3 A For 15 months.

4 Q The minimum?

5 A Yes.

6 Q Did INPO ask for you to stay longer?

7 A Not that I'm aware of that they did.

8 Q In this vein, did you ever have any
9 conversations with anyone about whether or not --
10 wasn't Wilson McArthur ready to retire?

11 A Wasn't he ready to retire?

12 Q Did, at the time period, about the time of
13 the announcement of the reorganization, did you have
14 conversations with anybody in which you told them, in
15 which you asked them, isn't Wilson McArthur about
16 ready to retire?

17 A Not specifically. He talked about
18 retiring, you know, for four or five years. So I
19 didn't have any specific, I didn't know, he never
20 voiced to me that I'm going to retire on a specific
21 date and time.

22 He has mentioned in conversation I'm going
23 to retire, or I'm going to stay six more months. So
24 the --

25 Q If Dr. McArthur had retired in this time

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1 frame, wouldn't that have left it easier for you to
2 have been selected if they chose to post the RADCHEM
3 manager position?

4 A I can't answer that.

5 Q I mean --

6 A I wasn't the hiring manager, I don't know.

7 Q He certainly would have been your
8 competition for that job if they had posted it.

9 A If it is posted it is open, you have
10 RADCHEM manager, you have the chemistry managers, you
11 have the chemistry RADCON managers there, you had an
12 ample pool of people that could have possibly applied
13 for it.

14 Q Did you ever ask -- you knew Sam Harvey
15 talked frequently with Wilson McArthur, didn't you?

16 A Yes.

17 Q Did you ever ask Sam Harvey if Wilson
18 McArthur wasn't about ready to retire?

19 A Did I ask who?

20 Q Sam Harvey.

21 A No. I mean, what was the purpose of that?

22 Q Did you ever have a meeting with Wilson
23 McArthur in which it was suggested, someone suggested
24 that maybe he should retire so that you could have
25 that job?

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1 A No.

2 Q You deny that?

3 A No. I mean, we talked all the time about
4 -- he mentioned all the time, well, I'm about ready to
5 retire, I think I'm going to retire, and then I'm not
6 going to retire. And that was just general
7 conversation.

8 I didn't have any conversations
9 specifically to ask him to retire, or infer that he
10 should retire for me to have the position.

11 Q Do you ever recall a meeting in your
12 office in which Ben Easley and Terry Woods were
13 present, and you asked Wilson McArthur to step in, and
14 Ben Easley asked Wilson, aren't you about ready to
15 retire so that Ron Grover could be selected for the
16 RADCHEM manager position?

17 A I don't remember that taking place, no.

18 Q Do you deny that it took place?

19 A I don't remember it taking place. And I
20 didn't initiate any discussion asking Wilson McArthur
21 to retire.

22 Q I didn't say you did. I said, did Ben
23 Easley ask him to.

24 A He may have mentioned, he may have been
25 joking, I don't recall. To me it wasn't even an

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1 issue.

2 Q Now --

3 CHAIRMAN BECHHOEFER: When you get to the
4 next good breaking point --

5 MR. MARQUAND: That was the end of that
6 subject.

7 CHAIRMAN BECHHOEFER: And I take it you
8 aren't going to finish in the next five minutes?

9 MR. MARQUAND: No. We may not even get
10 the exhibits back together in five minutes.

11 CHAIRMAN BECHHOEFER: I think we should
12 adjourn now, and resume again at 9 tomorrow morning.

13 MR. MARQUAND: I think Mr. Grover is going
14 to take a while tomorrow morning. If we want to start
15 him a little bit later and begin with Tresha Landers,
16 whatever counsel --

17 MS. EUCHNER: Can we go off the record to
18 discuss this --

19 CHAIRMAN BECHHOEFER: Off the record for
20 the moment.

21 (Whereupon, the above-entitled matter
22 went off the record at 4:51 p.m. and
23 went back on the record at 4:54 p.m.)

24 CHAIRMAN BECHHOEFER: Back on the record.
25 I guess just to reflect that we are adjourned until

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1 tomorrow at 9:00 a.m.

2 (Whereupon, at 4:54 p.m., the above
3 entitled matter was adjourned, to be resumed May 7th
4 at 9:00 a.m.)
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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, Brown
ferry Nuclear Plat, 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
original transcript thereof for the file of the United
States Nuclear Regulatory Commission taken by me and,
thereafter reduced to typewriting by me or under the
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15/ Ed Johns
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