

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

- - - - - x
In the Matter of: :
INTERVIEW OF GARY FISER : OI Investigation No. 298-013
(CLOSED) :
- - - - - x

NRC Technical Training Center
5746 Marlin Road
Chattanooga, Tennessee

Thursday, August 6, 1998

The above-entitled matter came on for
interview, pursuant to notice, at 12:56 p.m.

BEFORE:

DIANE BENSON. Special Agent
DARRELL WHITE, Specal Agent

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

EXHIBIT 3
PAGE 1 OF 81 PAGE(S)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C O N T E N T S

WITNESS	EXAMINATION
GARY FISER	51

E X H I B I T S

NUMBER	IDENTIFIED
[NONE.]	

P R O C E E D I N G S

[12:56 p.m.]

MS. BENSON: For the record, today's date is August 6, 1998. The time now is approximately 12:56.

I am Special Agent Diana Benson of the NRC Office of Investigations, Region II, Atlanta, Georgia, and I'll be conducting this interview.

During this proceeding, which is being recorded for transcription, the NRC Office of Investigations will conduct an interview of Mr. Gary Fiser. This interview pertains to OI Investigation Number 298-013. The location of this interview is the NRC Technical Training Center, 5746 Marlin Road, Chattanooga, Tennessee.

Others in attendance at this interview with Mr. Fiser is Darrell White, Special Agent, Office of Investigations, Region II, Atlanta, Georgia.

Mr. Fiser, if you would raise your right hand, please?

Whereupon,

GARY FISER,

the interviewee, was called for examination by the Nuclear Regulatory Commission Office of Investigations and, having been first duly sworn, was examined and testified as follows:

EXAMINATION

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

1 BY MS. BENSON:

2 Q If you will, for the record, provide me with your
3 full name, spelling your middle and last name.

4 A Okay. It's Gary, G-a-r-y, Lynn -- that's L-y-n-n
5 -- Fiser, F-i-s-e-r.

6 Q Okay. And your date of birth?

7 A [REDACTED]

8 Q Okay. And your social security number.

9 A [REDACTED]

10 Q Okay. And your current address.

11 A [REDACTED]
12 [REDACTED]

13 Q Okay. And your home phone number, please?

14 A [REDACTED]

15 Q Okay. I provided you a copy of Section 1001 of
16 Title XVIII of the United States Criminal Code and asked you
17 to read this particular section. Do you understand it after
18 having read this Title?

19 A Yes, ma'am.

20 Q Okay. All right.

21 Prior to the interview, I explained to you that
22 what we would be talking about in this investigation is the
23 DOL and ERA complaint that you filed in 1996, and that
24 during the discussion, I would ask you to identify certain
25 people that you're working with at the plant.

1 But I guess first what I would like to do is have
2 you give me a little bit of background on your professional
3 career in the nuclear field prior to beginning here in the
4 Chattanooga area.

5 A Okay. I started to work in 1973 -- I think it was
6 September of 1973 -- at Arkansas Power and Light, Arkansas
7 Nuclear 1, as a chemist HP, and spent 14 years there, worked
8 up to the radiochemistry manager, and in approximately
9 September of '87, left Arkansas Power & Light to begin work
10 with TVA, Tennessee Valley Authority, as a corporate
11 chemistry and environmental manager, and my -- I was
12 assigned to basically help the chemistry program at Sequoyah
13 Nuclear Plant in Soddy-Daisy, Tennessee.

14 Q Can you tell me what level you were? Was that a
15 PG --

16 A Yes.

17 Q -- level?

18 A Actually, at that stage in '87, they referred to
19 it as an M6 position.

20 Q And what did M6 stand for?

21 A Management level 6 is what I'm guessing at.

22 Q All right.

23 A If I recall correctly. They later changed those
24 to PG something or other.

25 Q And excuse me for not having background, but what

1 does PG stand for?

2 A I'm going to guess again. Pay Group.

3 Q Okay.

4 A They just changed it from one designation to
5 another.

6 Q Is that a supervisory level?

7 A Yes, it is.

8 Q Okay.

9 A Management. As I said, the M stood for management
10 level 6.

11 Q Okay.

12 A So it was a supervisory position.

13 Q Okay. I'm sorry. I didn't mean to interrupt you.
14 And then after Soddy-Davis?

15 A I stayed at the corporate chemistry job until
16 approximately April of '88, at which point in time I became
17 the chemistry manager -- I think at the time, they called it
18 the chemistry superintendent -- at Sequoyah. I moved from
19 my corporate chemistry position in downtown, Chattanooga to
20 the site position as chemistry manager and remained
21 chemistry manager until approximately 1992, at which point,
22 in about March of '92, I think it was, I was rotated from
23 the chemistry manager position at Sequoyah to the corporate
24 chemistry manager, downtown Chattanooga, taking over for
25 Bill Jocker, and Bill moved to my position at Sequoyah as

1 the chemistry manager.

2 Now, that remained in effect for approximately a
3 year, and then in -- and these are approximate dates because
4 I don't have my notes in front of me, but in approximately
5 March of '93, I was told that my position at Sequoyah had
6 been determined to be surplus, and so I had no position, and
7 they rotated Bill Jocker from Sequoyah back to my position
8 downtown and I was placed in the employee transition
9 program, and I stayed there for roughly a year, at which
10 time -- that would have been in March, April of '94 -- I was
11 selected for a chemistry, let's see, chemistry specialist
12 position -- these titles changed all the time; I can't
13 remember exactly what it was -- specialist position back
14 downtown, corporate chemistry, and my plant that I was
15 responsible for in '94 was Watts Bar and helping them get
16 ready to start up.

17 At that time, I was working for Ron Grover, who
18 was the corporate chemistry manager, and that -- about three
19 months later, they changed that position from a chemistry
20 specialist to a chemistry and environmental specialist and
21 the title changed, nothing else changed.

22 Now, that -- I'm guessing again -- would have been
23 maybe June or July of '94.

24 Q You're saying the title changed there, but nothing
25 in your job function.

1 A Well, they added --

2 Q But did they --

3 A They added --

4 Q -- rewrite the job description?

5 A They added the environmental functions into the
6 job description, but we still had people that were there in
7 the environmental arena and they continued to do those
8 functions. So I never did the functions.

9 They did add them to our job description, but
10 there were others in the group that continued to do those
11 job functions. So, and this is a key point, I know, for the
12 record, we never did those. So essentially, it never
13 changed even though they did change the title. That was the
14 case until '96, so it had been two years later.

15 They decided to reorganize and get rid of some
16 positions, and that's when we had to interview for our jobs
17 again, which is basically the exact same job that I was
18 doing -- nothing changed -- and I was not selected for that
19 job.

20 So I was then -- we had the choice of either going
21 into another like in services organization for a period of
22 time and we could look for a job or go ahead and retire, and
23 I elected to retire, and that would have been in September
24 -- September the 30th of 1996.

25 So I think that's --

1 Q Yes, and I appreciate the fact that you identified
2 positions, basically what we're looking at right now, --

3 A Yeah.

4 Q -- instead of going into events.

5 Really, the next portion of the interview, what I
6 would like to do is indicate that what we're looking at is
7 your 1993 DOL complaint which affected your 1996 DOL
8 complaint, or led to, possibly led to.

9 A Okay.

10 Q And some of the individuals that we'll be going
11 over, discussing today, what I would like to do is go ahead
12 and identify them right now, go over the different positions
13 they held during the 1993 time frame, and then again during
14 the 1996 time frame, and have you identify those positions
15 as you remember them that they held during those time
16 frames, okay?

17 A Okay.

18 Q The first one -- individual I would like to
19 identify is Thomas McGrath, and the spelling, for the
20 record, last name is M-c-G-r-a-t-h.

21 What position did he hold during the '93-94 time
22 frame?

23 A If I remember correctly, he was the chairman of
24 the NSRB.

25 Q Okay. The NSRB standing for?

1 A Nuclear Safety Review Board.

2 Q Okay. Do you know whether that was his only job
3 function?

4 A I do not.

5 Q Okay. But you know that's a position that he held
6 at that time?

7 A Yes, I do.

8 Q Okay. And how about in July of '96? Do you
9 recall what he was doing then?

10 A In July of '96, he had -- some time previous to
11 that, he had taken over as -- and again, the exact title,
12 I'm not sure of, but -- let's see. Due to a death in the
13 organization, he was filling in for -- and a temporary
14 position, I think -- over the chemistry environmental health
15 physics --

16 Q Would that be called the Operations Support
17 Division?

18 A I think so, but again, --

19 Q Okay.

20 A -- I'm not absolutely sure.

21 Q Okay. And, okay, that was in July of '96, and
22 that's for Mr. Thomas McGrath.

23 In '93, it was the Nuclear Safety Review Board and
24 possibly in an acting position in '96 as the manager of the
25 Operations Support Division.

1 A Uh-huh.

2 Q And in '93, what -- were you underneath his
3 position at all --

4 A No.

5 Q -- as far as him being --

6 A No.

7 Q Okay. And what about in '96, when he became --

8 A Yes.

9 Q -- acting, were you -- what position did you hold
10 underneath him?

11 A Okay. In 1996, I was reporting directly to Ron
12 Grover, and Ron Grover reported directly to Tom McGrath.

13 Q Okay. That's some time in '96?

14 A That's correct.

15 Q Okay.

16 A Or possibly '95. I'm not sure exactly what time
17 that happened.

18 Q So he would be like a second-line supervisor. The
19 first line --

20 A Yes. He was in my direct line of supervision.

21 Q Okay. And the next person that we will look at in
22 '93-94 time frame is Wilson McArthur.

23 A Uh-huh.

24 Q Spelling of his last name is M-c-A-r-t-h-u-r.

25 Do you know what position he was holding during

1 the '93-94 time frame?

2 A In the '93-94 time frame, he was the corporate rad
3 protection manager.

4 Q Okay. And did he -- in '93-94, what connection
5 did he have under Mr. McGrath, if anything at all? Did they
6 work --

7 A Yes. Wilson was a member. Now, McGrath was the
8 chairman of the NSRB. Wilson McArthur was one of the
9 individual members of the NSRB. So they did work together
10 in that regard.

11 Q Okay. But he also held another position besides
12 being a member of the NSRB?

13 A Correct.

14 Q Okay. In July of '96, do you know what position
15 Mr. McArthur was holding?

16 A In July of '96. Sometime -- it may have been
17 subsequent to July; I'm not sure of the exact date again
18 --he once again became the chemistry -- the -- let's see,
19 what was I going to say. The rad-con chemistry manager.

20 Q Okay.

21 BY MR. WHITE:

22 Q Does that fall under McGrath?

23 A Yes.

24 BY MS. BENSON:

25 Q Okay. Is that next to Ron Grover or replacing Ron

1 Grover?

2 A Replacing.

3 Q Okay.

4 A Ron's job went away sometime in that time frame.

5 Q Okay. So Mr. McArthur became your first-line
6 supervisor at some point --

7 A That is correct.

8 Q -- during 1996? Okay.

9 And then we've already identified Mr. Grover, Ron
10 Grover, and Grover is G-r-o-v-e-r, and you were -- were you
11 working for him during the '93-'94 time frame?

12 A Yes, ma'am.

13 Q Okay.

14 A Well, not '93. '93, I was in employee transition.

15 Q Okay.

16 A But '94, '95 and a good portion of '96, I was
17 working for him, before Wilson took over his job functions.

18 Q Okay. And some of these may go outside, actually,
19 of the direct reporting chain here for a minute, but the
20 next one that I would like to identify is Mr. Philip
21 Reynolds, R-e-y-n-o-l-d-s.

22 What position did he have?

23 A He was the head of personnel.

24 Q Okay.

25 BY MR. WHITE:

1 Q So he would be in the same line -- or not same
2 line, but same --

3 A No. He was a direct report to the CEO or head of
4 nuclear power, which would be Oliver Kingsley.

5 Q Would he be equal with McGrath?

6 MS. BENSON: No, he would be up a level --

7 THE INTERVIEWEE: Let's see. I think McGrath was
8 also a direct report to Oliver Kingsley.

9 MS. BENSON: Oh, okay.

10 THE INTERVIEWEE: So Reynolds and McGrath would
11 have been on the same --

12 MS. BENSON: Line.

13 THE INTERVIEWEE: -- level, at least in the
14 reporting chain.

15 MS. BENSON: Okay.

16 BY MS. BENSON:

17 Q And Mr. Jack Cox, C-o-x, what position did he have
18 in 1996?

19 A In '96, Jack was the rad-chem manager at Watts Bar
20 Nuclear Plant.

21 Q Okay. Was that an equal position to yours that
22 you were holding at corporate?

23 A Oh, no. It would have been well above mine.

24 Q Okay. And how did you fall -- what relationship
25 did you have with him? I mean --

1 A At that point in time, as I have already stated, I
2 had responsibility to help get the Watts Bar chemistry
3 program ready for start-up, and I worked with Dave Voeller a
4 lot, who was the chemistry manager at Watts Bar.

5 Q Okay.

6 A Dave reported to Jack Cox.

7 Q Okay. Mr. Voeller is -- the spelling of his last
8 name is?

9 A V-o-e-l-l-e-r.

10 Q So you were in your position during the '96 time
11 frame -- correct me if I'm mistaken, but you were at a
12 corporate level --

13 A That's correct.

14 Q -- providing services to --

15 A That's correct.

16 Q -- the different plants, in particular, Watts Bar
17 --

18 A That's correct.

19 Q -- Nuclear Plant? Okay.

20 And Mr. Cox and Mr. Voeller were at the chemistry
21 sites at Watts Bar?

22 A That's correct.

23 Q Okay. John Corey, C-o-r-e-y?

24 A John was Jack's equivalent at Browns Ferry.

25 Q Okay. Charles Kent?

1 A Charles Kent was Jack's equivalent at Sequoyah.

2 Q Okay. So we've got all three of those plants
3 covered, the Watts Bar, Browns Ferry and Sequoyah, --

4 A Uh-huh.

5 Q -- with Mr. Voeller, Mr. Corey and Mr. Kent. And
6 the spelling of Kent's last name is K-e-n-t.

7 BY MR. WHITE:

8 Q Who was at Browns Ferry?

9 A John Corey, C-o-r-e-y.

10 Q And he was Mr. Cox's --

11 A Equivalent. That's correct.

12 Q And they were referred to as the rad-chem
13 managers?

14 A They were over rad protection and chemistry.

15 BY MS. BENSON:

16 Q Okay. All three of those individuals?

17 A Yes.

18 Q Rad-chem managers.

19 BY MR. WHITE:

20 Q And then Dave Voeller's would be --

21 A Chemistry manager.

22 Q Who would be his at Browns Ferry?

23 MS. BENSON: No, we won't even go into this --

24 BY MR. WHITE:

25 Q Okay. And then you had Sequoyah. Who was at

1 Sequoyah?

2 A Charles Kent.

3 Q And his position would be Cox, Corey and Kent?

4 A That's correct.

5 So these guys, Cox, Corey and Kent, were directly
6 responsible for the chemistry programs at the various sites
7 and key people.

8 BY MS. BENSON:

9 Q Sam Harvey, what position did he hold? And it's
10 H-a-r-v-e-y.

11 A Uh-huh. Sam was my equivalent from downtown, so
12 he was a chemistry and environmental specialist, as was I,
13 and his plant -- the plant that he was assigned to was
14 Sequoyah.

15 Q How many positions does chemistry and
16 environmental protection -- at the corporate level, how many
17 positions were there?

18 A It depends on what time again we're talking about.
19 Early in '96, I'm thinking there were five positions, not
20 including Ron Grover. His would make the sixth.

21 Q Okay.

22 BY MR. WHITE:

23 Q And Mr. Fiser, which one did you oversee, which
24 plant?

25 A Watts Bar.

1 Q All right. Watts, Sequoyah --

2 A And then the chemistry and environmental
3 specialist, that would have been over -- that was over
4 Browns Ferry, was Chendra, and his last name is
5 Chendrasekaran. I'll spell it: C-h-a-n-d-r --
6 C-h-e-n-d-r-a-s-e-k-a-r-a-n, I think.

7 BY MS. BENSON:

8 Q Okay. And he was over -- he provided -- he was at
9 the corporate level --

10 A Yes.

11 Q -- and he provided services to Browns Ferry?

12 A That's correct.

13 Q Okay.

14 A Now, we also had people that were dealing
15 specifically almost exclusively with environmental
16 protection, and that would be Diedra Nida, D-i-e-d-r-a
17 N-i-d-a, and Tresha Landers, T-r-e-s-h-a, Tresha, Landers,
18 L-a-n-d-e-r-s. These two people were pretty much
19 exclusively dealing with environmental issues. Their jobs
20 were subsequently either done away with or combined or
21 something in mid-'96.

22 Q Okay. So the environmental positions went away in
23 '96 that they were filling?

24 A Well, they both lost their jobs, I'll put it that
25 way.

1 Q Okay.

2 A There is a person that was on the rad protection,
3 radiation protection side of the house working directly for
4 Wilson McArthur, and I think he absorbed some of their
5 duties.

6 Q Okay.

7 A So I can't say it all went away, but --

8 Q The function didn't go away, but perhaps it was
9 taken up by other --

10 A Some of the functions were.

11 Q -- positions. Okay.

12 I don't see that we've gone over this name, but
13 how about David Goetcheus? It's G-o-e-t-c-h-e-u-s.

14 A Correct. David was over the steam generator
15 maintenance group -- totally separate from us.

16 Q Okay. Was he at the corporate level?

17 A Yes.

18 Q Okay.

19 A And he reported -- he was a direct report to Tom
20 McGrath, late -- in '96, anyway. I don't know how it
21 started out. Everything changes so much.

22 Q McGrath.

23 So Ron Grover and Wilson McArthur were also direct
24 reports to Mr. McGrath; is that correct?

25 A That's correct.

1 Q Okay.

2 A Now, very late on -- I'm talking in maybe July,
3 August, September time frame, somewhere in there, I think
4 Ron started kind of reporting to Wilson in a lot of
5 respects, although he still went directly to McGrath due to
6 this agreement that they had or letter that was written. So
7 for a very short time, depending on who you talk to, I'm
8 sure some people would say Ron reported to Wilson McArthur,
9 but if you talk to Ron, he would probably say, I reported
10 directly to Tom McGrath.

11 Q Okay.

12 BY MR. WHITE:

13 Q And where did Reynolds come in?

14 A Reynolds was a direct report to Oliver Kingsley,
15 the head of nuclear power.

16 Q And so would McGrath?

17 A Yes, that's correct.

18 BY MS. BENSON:

19 Q And what position did Haywood Rogers,
20 R-o-g-e-r-s, have? Do you recognize that name?

21 A Yes. I'm not absolutely certain. It seems like
22 -- I'm not sure -- I'm not sure I can answer that.

23 Q Okay.

24 A It's just been too long.

25 Q And James Boyles, B-o-y-l-e-s?

1 A Uh-huh. Was one of the personnel managers who
2 reported to Phil Reynolds.

3 Q Okay.

4 BY MR. WHITE:

5 Q And what was Mr. Reynolds' department?

6 MS. BENSON: Personnel.

7 THE INTERVIEWEE: He's the head of personnel.

8 Again, I'm not absolutely sure of the title.

9 BY MS. BENSON:

10 Q And Ben Easley, E-a-s-l-e-y?

11 A Uh-huh. Ben Easley reported to Ed Boyles, I
12 think. I'm not -- I'm pretty sure that's correct.

13 Q Was it James or Ed Boyles; do you recall?

14 A Ed.

15 Q Okay.

16 A Now, it may be James E. or something like that. I
17 don't know.

18 Q Okay. All right.

19 Basically, I think those are some of the people
20 that we'll be discussing today, and I just wanted basically
21 to get their names and positions out in the open now so we
22 can refer to this if we need to to understand what you might
23 be telling us.

24 If you can, I know that I provided you with a copy
25 of your sequence of events, and what I'm interested in

1 basically having you explain to us today is the results of
2 your 1993 DOL complaint, who all wa involved in that
3 complaint, and the events that subsequently happened after
4 that, the events leading to your 1996 DOL complaint.

5 A Okay.

6 Q That's a lot of information, but we're here to
7 listen.

8 A All right. Do you want me to refer to this or
9 just shoot from the hip?

10 Q Well, why don't you just take it off the top of
11 your head, and if you --

12 A Okay.

13 Q -- have difficulty remembering anything, you can
14 just refer back to that.

15 A Again, the general sequence, I pretty well
16 remember; the specific dates, I do not. It's just been too
17 long now since it all happened.

18 Basically in '93 -- actually, this would have been
19 '92 leading up to that -- and I think this is where I got
20 into serious trouble with TVA. My boss at that time was a
21 person by the name of Bill Lagergren, L-a-g-e-r-g-r-e-n. He
22 was the operations manager. He reported directly to the
23 plant manager, Rob Beacon.

24 Q And you were in what position?

25 A I was the chemistry manager. So in other words,

1 Bill Lagergren was over chemistry; he was over maintenance;
2 and he was over operations.

3 We were getting prepared for an INPO evaluation
4 and as part of that preparation, we were told to go out and
5 take the INPO criteria -- in other words, what are they
6 going to look at -- and do a self-evaluation, take that
7 criteria and go through it and do our own evaluation and see
8 if, in advance, we could pick up, oh, there are some areas
9 where we could improve or might not be as tidy as they
10 should be -- in other words, get ready.

11 Q Can I ask you one thing?

12 A Sure.

13 Q Can you explain for the record what INPO stands
14 for?

15 A I'm sorry. INPO is Institute of Nuclear Power
16 Operations, based out of Atlanta, and the various nuclear
17 plants belong to the Institute of Nuclear Power, and they
18 have very experienced personnel in all areas of the plant
19 which come and evaluation the plant to make sure that you're
20 not just meeting the basic requirements, but that you are a
21 top performer, basically.

22 They exceed the letter of the law. It's one thing
23 to do everything to satisfy NRC, but it's another thing to
24 satisfy INPO because they go way beyond the requirements
25 that you guys specify.

1 Okay. Does that --

2 Q Yes. Thank you.

3 A Okay. So we were told to get prepared and do a
4 self-evaluation. The entire site did this, every
5 department. My explicit instructions from Bill Lagergren
6 were as follows: Gary, take the criteria and do a
7 self-evaluation. You are to be extremely critical. If the
8 INPO guidelines say go from A to B using a certain path, and
9 you go from A to B using a different path but you arrive at
10 the same thing, write that down. I want to know everything
11 that's different. I want to be extremely self-critical so
12 that and then we can get together as a group and say, that's
13 ridiculous, just throw that out, or maybe we need to look at
14 at this area.

15 So we were extremely self-critical, and I think we
16 came up with, oh, gosh, 130 perhaps nitpicky areas where
17 they said do it one way and we did it another or something
18 like that, and we wrote ourselves up. And he was extremely
19 pleased with the job I did, and he said, you did exactly
20 what I wanted you to do and we'll look at these. And I
21 think out of all of those issues, there were only five or
22 six that we really needed to address and fix them before
23 INPO came in and evaluated us, so that we really had a
24 sharp-looking organization.

25 Well, when I submitted -- and what we were told at

1 that time was that this is going to be low-level, we'll just
2 keep this in our desk and we'll look at it and we'll check
3 these things off the list and, you know, there's not going
4 to be a huge report or anything like that that has to come
5 out of it.

6 Well, the plant vice president at that time was
7 John LaPoint, last name L-a-P-o-i-n-t. When he found out
8 that I had discovered that there 100-and-some-odd areas
9 where we were not in explicit compliance, even though I feel
10 like we were in compliance with INPO, he was livid. There
11 is no way to understate that.

12 He called me in on a Saturday and one of my direct
13 reports, Dr. Don Adams, a PhD in radiochemistry, and for
14 hours, he grilled us, and I am not underestimating, he
15 grilled us, he cussed us, he did everything but throw us out
16 of his office, and this can be independently verified
17 through Don, who still works at Sequoyah.

18 But at the end, after our lengthy chewing-out
19 session, he told me to put every one of those items 120- or
20 30-some-odd -- I don't recall how many -- into TROI. That's
21 the computerized tracking list where it takes an act of
22 Congress just about to get something entered and off that
23 list. It's --

24 Q Do you know what that stands for?

25 A TROI, Tracking and Recording Of --

1 Q Is it incidents?

2 A No. I can't tell you. It's been too long now.
3 It's just been too long. It's just a computerized
4 punch-list, tracking list.

5 What it is, you state the problem and then you
6 give the date that it was found and the date that you're
7 going to have -- where you're going to have the resolution
8 to it, the date you're going to have it completely done,
9 proceduralized, and everything is finished, and then you
10 have to state what you're going to do to fix it.

11 So we had 120 or 30 of these things in TROI.
12 Okay. I knew when he made that statement that I was in
13 trouble because TROI, this list of problems, is published
14 throughout basically the entire nuclear organization. Well,
15 the NSRB, Nuclear Safety Review Board, of which Tom McGrath
16 is a member and the chairman, found out that we suddenly
17 went from a few to 100-and-something, so his -- he was not
18 very happy, nor was John LaPointe, as I have already
19 mentioned.

20 So they came out and did a -- I think they were
21 basically --

22 Q Who -- I'm sorry --

23 A The NSRB --

24 Q Okay.

25 A -- came out after INPO came in and did their

1 evaluation. By the way, when INPO came in and evaluated me,
2 they found no problems, no concerns, and that was the second
3 evaluation period in a row in which I had been chemistry
4 manager in which they had found no problems, no concerns.

5 So what I'm telling you is yeah, we entered
6 100-some-odd items into TROI, but they were nitpicky things
7 and we fixed them. There were no problems, or if there
8 were, we fixed them.

9 Q And were those 130 problems brought to the
10 attention of INPO at all? Do you recall?

11 A I am sure that -- I am almost certain that they
12 knew about them.

13 Q Because it would be published in the TROI and it
14 would be --

15 A Yes. Yes. They would --

16 Q They would have access to --

17 A I am certain that they had access to that. I
18 would be shocked if they did not. I'm pretty certain that
19 they did.

20 So they came in no concerns at all in chemistry.
21 Okay. So my boss, Bill Lagergren, immediately after the
22 INPO evaluation, I think about my first assignment after
23 that was -- he was very pleased and he said, I'm going to go
24 manage the next outage, and he said, I would like for you to
25 come and help me, you've done extremely well, we're proud of

1 what you've done in chemistry, I want you to come and help
2 me manage the next outage. This will be a good opportunity
3 for you to show what you're really made of, and in an area
4 outside of chemistry. Yeah, everybody knows you can do
5 chemistry, but let's go do something else, and I think that
6 it will really enhance your career.

7 He said, of course, if you go and you screw up,
8 then you're just -- the worst thing that could happen is we
9 would throw you back into chemistry and you would rot there.
10 Now, he wasn't being mean, he was being honest. And I think
11 he was genuinely wanting to promote my career with TVA.

12 So I left the chemistry organization, not my
13 title, but just in job function, to go help manage this
14 outage for the better part of a year, nine or ten months,
15 something like that.

16 While I was away, of course, NSRB, Tom McGrath and
17 others, had this long list of problems, so they started
18 really looking hard at chemistry and saying, this place is
19 out of control. Why haven't they done anything, why do they
20 have this long list, when in fact, I had another list of
21 items that we were working on that was probably twice as
22 long as that one, but you have to prioritize it, you have to
23 -- you can't fix everything at once. You have to get the
24 critical items and work down it.

25 So it seems like while I was away, I got into all

1 kinds of trouble in chemistry, and when I rotated back into
2 my chemistry manager position after the outage, NSRB was
3 scheduled to come out in January -- that would have been of
4 '93 --

5 Q And when were you gone for the outage, do you
6 recall?

7 A I'll give you approximate dates. Following the
8 INPO evaluation in '92, and that was sort of in midyear,
9 July time frame, and I was gone -- maybe it was April -- and
10 I was gone until basically January. So that would have been
11 April or May of '93 until -- of '92 until January of '93.
12 So eight or nine months, something like that. I don't
13 recall.

14 But when I got back into my position, I was
15 getting phone calls from Wilson McArthur while I was up in
16 the control room helping manage the outage, you know, making
17 statements like, boy, you know, I'm getting reports that
18 chemistry is just out of control and there's no head on the
19 horse and -- I'm kind of paraphrasing here -- and, you know,
20 we've got some real issues to work out here.

21 I said, what the heck, INPO just came in, no
22 findings and no concerns. I'm not there right now, there
23 are some people filling in for me in my absence, and it just
24 appeared to me that things were really getting in disarray,
25 not as far as chemistry itself, but as the perception.

1 So I didn't really fully understand why, but it
2 seemed like after you come out of your second INPO
3 evaluation in a row with no findings and no concerns, people
4 should begin to believe that you're getting your act
5 together, but it sort of came apart.

6 Well, when I got back into my chemistry job in
7 January, NSRB came through, and it was Tom McGrath and a
8 fellow by the name of Peterson, Tom Peterson, who was a
9 consultant that NSRB had hired with, quote, experience in
10 chemistry or something, which I don't think he had much, but
11 that was what his -- or radioactive effluence or something
12 like that.

13 Well, they came to my office, and in front of my
14 staff, Tom McGrath, Wilson McArthur and Tom Peterson, and we
15 had discussions and it lasted for a long time -- I'm
16 thinking a couple of hours -- and there were issues that
17 they were raising and we were telling how we had handled it
18 or what we had done.

19 While I was away in outage management, one of the
20 things that I had instituted, although it wasn't really me
21 -- when I got on board, they were doing daily graphs of
22 various chemistry parameters, and I sort of took that over
23 and enhanced it quite a bit, and we were generating on the
24 order of 50-plus graphs a day for various chemistry
25 parameters. That's a lot of work, I'm not kidding you.

1 While I was away, they had computer problems and
2 that thing was shut down for a few weeks. I'm not sure
3 exactly how long. But one of the first things I did when I
4 got back into the chemistry position was get the computer
5 issues resolved, and we started generating the trends again.

6 McGrath and Peterson were very upset with the fact
7 that they were not generating these graphs, as was I. One
8 of the things that they had demanded that I do was put in
9 procedure that I would do these 50-some-odd graphs every day
10 and they meant every day, they meant Saturday, they meant
11 Sunday, they meant Christmas, they meant every day.

12 Q Is that an industry-wide program that everybody is
13 doing?

14 A I was generating at that time more graphs than any
15 nuclear plant in the world. Nobody -- and I even looked at
16 them, and I said, well, first of all, I can't do it, because
17 on Monday when we come in, we have to get all of that
18 information for Saturday and Sunday, and then Monday comes
19 in and you have a bunch of information to manually input
20 into the computer, because it was all manual at that time.
21 It may not be now, but at that time, it was a manual. And I
22 couldn't even get them out on a Monday, you know. It was
23 Tuesday before I could get them out.

24 But be that as it may, I was generating more than
25 any nuclear plant in the country, certainly and probably in

1 the world, and I said -- and they said, I don't care, I want
2 it in procedure, and I said, well, if I write that into a
3 procedure, I'm violating the procedure. I cannot do it. It
4 is a physical impossibility with the hardware and software
5 that I have in 1992, '3, to do that. It's impossible unless
6 you give me a lot more people.

7 As I was saying, it would be impossible with the
8 number of people that I had and the technology at that time
9 to do that and to get it out everyday. So if I put that in
10 the procedure, I am guaranteeing that I'm going to be in
11 violation of procedure, so I said no, I can't do it.

12 Well, they were livid. I think, in looking back
13 on it now, that NSRB, Tom McGrath in particular, was on a
14 witch hunt. I mean, I don't know any other way to say it.
15 He was upset with the fact that I had entered all of this
16 information into TROI and that there were, quote, so many
17 problems out there and that I had documented them and put
18 them into TROI. And I think he was on a mission to remove
19 me. I truly honestly believe that.

20 As a matter of fact, after that, when I refused to
21 put it in procedure because it would have been an instant
22 violation, I could not have lived with it, they just kind of
23 stormed out of the room, and then next thing I heard, my
24 plant manager called me in and said these --

25 Q And who was that?

1 A That was Rob Beacon again. Called me in and said,
2 well, what the heck happened? He used a lot stronger
3 language than that. But he said, these guys came out saying
4 that you were uncooperative and you needed to be removed, I
5 needed to fire you, basically. I'm paraphrasing here
6 because it's been too long. And I told him exactly what had
7 happened and what I had said, that I could not put in
8 procedure what they had demanded.

9 I think that really sealed my doom for -- before
10 the NSRB and Tom McGrath in particular, and Tom McGrath,
11 remember, reports directly to Oliver Kingsley. So I'm sure
12 I didn't do myself any favors there.

13 Here's the problem. The problem is, it's one
14 thing to have issues and problems in a chemistry program.
15 Just get out there and fix them.

16 But if you use the corrective action process and
17 you document it, and you put it into TROI, like we are
18 required by law to do, then you get a lot of exposure, and
19 instead of somebody coming up like Bill Lagergren did and
20 saying, Gary, man, you did exactly what I wanted you to do,
21 I am proud of you, I want you to go help me manage the
22 outage and we're going to help your career, instead of that,
23 you get yourself in trouble. And I was in trouble. I
24 didn't realize it, but I was in trouble at that time because
25 I had done exactly what I was required to do by law -- put

1 it into TROI. And then you get a lot of publicity that you
2 don't want.

3 That, I think, sealed my doom. That is what would
4 have been -- would have come forward had the previous NRC OI
5 investigator, Jim Vorse, I think that was his name, if he
6 had done his job, you know, I had all this information, but
7 he never came back to me, never answered a phone call, never
8 answered a letter, never answered a fax. I don't know how
9 he arrived at his conclusion. But had he ever done what he
10 said he was going to do, this would have come to light. It
11 didn't.

12 So the rest sort of is history, and then the swap
13 was arranged, and then they got rid of me and then a day or
14 two later, they got rid of Bill.

15 Q Are we talking 1993 time frame right now?

16 A Yes, ma'am.

17 Q Okay. Where they got rid of you in 1993?

18 A Yeah, the first time.

19 Q Okay.

20 A The first time.

21 Q So when did -- at what point did you file your DOL
22 complaint?

23 A Well, let's see, it was in -- I think it was March
24 of '93 that I was placed in their employee transition
25 program. So it would have been in approximately April or

1 May that I filed my first complaint with the Department of
2 Labor.

3 Q Okay. And at that time, McGrath was with the
4 NSRB?

5 A Yes.

6 Q And McArthur was where he was when you went to
7 corporate, at the corporate level?

8 A At that time --

9 Q He was over with -- assisting on NSRB.

10 A He was assisting with NSRB. At that time, he may
11 have had both chemistry and environmental -- I'm sorry --
12 chemistry and rad protection. I'm not sure because he had
13 -- it was an on again, off again, on again type thing.

14 Q A simple explanation needed here.

15 A Okay.

16 Q As far as the NSRB, is he still TVA?

17 A Yes.

18 Q Okay. So McGrath in his position as the chairman
19 of NSRB is still an employee of TVA?

20 A Yes.

21 Q Okay. He had no control over you in your position
22 in '93 or '94 other than --

23 A Correct.

24 Q -- coming in for --

25 A That is correct.

1 Q -- the review? Okay. And then going and talking
2 to your supervisor regarding --

3 A Yes.

4 Q -- the incident in your office. And who else was
5 in the office at the time? Was it -- when he came in with
6 the NSRB, Mr. McGrath and Anderson, the consultant, who else
7 was with him?

8 A You mean Peterson.

9 Q Peterson, yes.

10 A At that time, when they got up and left rather
11 suddenly, it was -- at that time, it was only Tom Peterson
12 and Tom McGrath. Wilson McArthur had gone out to take a
13 phone call; he was not in --

14 Q Okay. But he was in there previous to that.

15 A Yes.

16 Q I mean, --

17 A That's correct.

18 Q -- he was during that review that they were --

19 A That's correct.

20 Q How did that ever resolve itself? I mean, what
21 they were asking you to do or what they wanted you to do?
22 Did you just not have to comply and write that procedure for
23 yourself?

24 A Well, it was shortly thereafter that I was rotated
25 out to the corporate chemistry position. So I was sort of

1 out of the loop as far as resolving it. But there's no way
2 anybody could write in a procedure that they were going to
3 do this every day --

4 Q Right.

5 A -- and comply with it --

6 Q Okay.

7 A -- because of personnel problems and -- not hiring
8 enough people to put it in and not having them there on the
9 weekends and not having essentially a back-up computer to
10 help them in case something went down.

11 Q And the first complaint, they settled -- filed
12 with DOL was settled by TVA.

13 A Yes, ma'am.

14 Q And how was that settled?

15 A It was settled because I -- they basically paid me
16 some money which covered expenses and finding a job and
17 attorney's fees and things like that, and also they offered
18 me a job working then for Ron Grover, out from under Wilson
19 McArthur or Tom McGrath. None of those players were there.
20 And basically making some compensation for a poor
21 performance review --

22 Q Okay.

23 A -- that was given to me by Wilson against his own
24 wishes and desires. He did not feel -- he felt like I had
25 deserved a good evaluation, but he was supposedly forced to

1 give me a marginal.

2 Q You're talking about Wilson McArthur?

3 A Uh-huh.

4 Q He was writing your evaluations?

5 A Uh-huh. When I rotated to the corporate position
6 back in '83, and I was then reporting directly to Wilson
7 McArthur.

8 Q Okay.

9 A And Bill Jocker of course came out to Sequoyah to
10 take my place.

11 Q Okay. So the subsequent position that they gave
12 you in the settlement, you went out from underneath Wilson
13 and started working for Ron Grover.

14 A That's correct.

15 Q Okay. Now I understand. Okay.

16 And from the date of that last settlement up until
17 the next complaint that you filed, can you just kind of give
18 us an overview, what was happening there?

19 A Yes. Of course, I was working for Ron Grover.
20 Shortly after I began working for Ron Grover, his boss took
21 another position and a person by the name of Don Moody took
22 over as the -- what would you call it? -- the operations
23 support manager. Don Moody -- Ron Grover was then reporting
24 to Don Moody, which was fine. There were no problems.
25 Everything went well, good relationship, good relationship

1 with the sites and good relationship with management and
2 with Ron.

3 Don had cancer and died, and after his -- well, as
4 a matter of fact, while he was going back and forth to the
5 hospital for radiation treatments, et cetera, they put Tom
6 McGrath in his position.

7 Q At the Operations Support?

8 A Yeah.

9 Q Okay.

10 A On an interim level or acting. And that got my
11 attention because I was concerned that, gosh, what if Don
12 didn't pull through and what if, what if, what if they put
13 him in that position permanently. I said, if they do, I'm
14 in trouble because he had already been actively involved in
15 my removal at Sequoyah because of finding and documenting
16 these problems and standing up to him on some ridiculous and
17 unfounded demand that we place in procedure something that
18 we could not comply with.

19 I knew that because I had stood up to this man,
20 that it would probably not go well for me. Well, that's
21 what happened. Unfortunately, Don passed away -- I'm not
22 for sure of the exact time -- and McGrath then I think
23 became a permanent manager. And he started right away, I
24 think, giving Ron Grover negative feedback on me, and Ron
25 would correct him -- no, that's not true, I can tell you.

1 exactly this guy's performance and everybody else in the
2 group.

3 Ron stood up to him and said, yeah, I've got to
4 know what's going on here, but I'm going to tell you, you
5 know, I'm going to write the evaluations as I see them and
6 this guy is doing an outstanding job.

7 So I think McGrath saw that he was not going to
8 get anywhere with Ron as far as getting rid of me, so -- and
9 I think this entire thing was orchestrated, as I mentioned
10 in my sequence of events.

11 We were then -- this was in ninety -- what are
12 these dates? I have to be careful here. This was in '96,
13 early '96 time frame, we were preparing the fiscal year '97
14 budget. The instructions were as follows, using my memory
15 here, so bear with me a moment: We are going to have to cut
16 our budget this year by 17 percent. I think that's what it
17 was. Okay, so we can handle that. That's no bit deal.
18 There were a few things that we were going to do that we
19 would not be able to do for the sites. But then by the year
20 2001, we want a 40 percent reduction. Okay, guys, what that
21 means is all the nice stuff, the fluff is gone.

22 Well, we figured in five years, there would be
23 attrition, and so we said, okay, we can live with that.
24 That's fine. So we had those marching orders, and Ron was
25 told to go out and prepare a budget that -- and a five-year

1 plan that encompassed those two directives, and he did.

2 He met with -- McGrath met with all of his direct
3 reports, of which Ron was one, and I guess they had a
4 round-robin discussion. You would have to talk to Ron to
5 find out the details. I was not present. But I did get
6 feedback from Ron, as did the rest of the group immediately
7 after this meeting.

8 McGrath basically said, that's not good enough,
9 that's not what I want, I want, basically, the 40 percent
10 reduction right now. So basically, the long and the short
11 of it is not only did I lose my job, but Ron lost his, and
12 now Wilson is reporting directly to McGrath and I'm sure
13 things are operating quite smoothly between the two of them,
14 if you get my drift.

15 That's the long and the short of it. A lot of
16 details which need to be filled in, which, quite frankly, I
17 know some things about, but I'm sort of a second party. You
18 know, I was not at the meetings between McGrath and Ron.
19 Ron was. You need to talk to Ron or you need to talk to Ron
20 to find out exactly what happened.

21 But that's sort of why -- I feel like why I am
22 where I am, and that's out of nuclear power and out of a
23 job, and that's why Ron is where he is, which is looking for
24 a job because he still doesn't have one.

25 Q A permanent position?

1 A Yeah. That's my understanding, and I haven't
2 talked to him in probably months.

3 Q Okay. Now, going back, now you're telling me you
4 don't have direct knowledge, but you may over some of the
5 information that was taking place. At what point in the
6 process after they told you they were going to post your
7 position --

8 A Uh-huh.

9 Q That's what you were told --

10 A Yes.

11 Q -- is that they were going to post the position.
12 Explain what positions went away and what they said they
13 were going to do.

14 A Well, they were going to -- remember they had
15 placed environmental responsibilities in our description
16 positions back in mid '94, although we never did those
17 functions because we still had Diedra and we still had
18 Tresha to do those.

19 They said, okay, we're going to get rid of
20 environmental, so we're taking all those out. Big deal.
21 we're not doing them anyway. Nothing changes because we
22 weren't doing those functions.

23 So they were going to post our positions because
24 they said this is, quote, a new position because we're doing
25 away with those functions.

1 So at that point, I smelled a rat and I went
2 directly to Ed Boyles and I said, Ed, they have told me that
3 they're going to post my position. Now, my position is the
4 one that was given to me in settlement to my previous
5 complaint. If they post it, I'm going to file with the
6 Department of Labor. But Gary, they're changing it. And I
7 said, Ed, we're not doing those functions; they haven't
8 changed anything. Basically what you are fixing to do is
9 post almost the identical exact position except for a title
10 change that you offered to me in settlement, and if you do,
11 I'm going to file with the Department of Labor because I
12 smell a rat. This is not right. Then I explained to him
13 what was going on with the budget reductions and what
14 McGrath had told Ron, et cetera.

15 So Ed said, I appreciate this information. Let me
16 check into it and I'll get back with you. And he did and he
17 talked to Phil, I'm certain he talked to Phil and to
18 probably McGrath and others and came back and said, well, it
19 looks to me like what they're doing is correct and they're
20 probably going to go ahead with it. I said, okay, but I'm
21 telling you it's wrong, and when you do it, I'm going to
22 file. And I did.

23 Now, did that answer your question?

24 Q Uh-huh.

25 A Okay.

1 Q Okay. So they were basically posting the position
2 that you had gained --

3 A Yes.

4 Q -- from the settlement?

5 A That's correct.

6 Q And even though the -- when that reorg. happened
7 or organization happened in 1994 and you had to bid on the
8 position again, did they make you interview?

9 A Oh, yes.

10 Q Okay. In '94?

11 A Yes, they did.

12 Q Okay. Were there any other applicants?

13 A Yes.

14 Q Okay. Do you know how many other applicants?

15 A No, ma'am, I do not recall. But at that time, you
16 know, I was under the impression that those job functions
17 were truly being added to our position description, so I did
18 not have a problem with it because it was indeed changing.

19 So I said, well, this looks legitimate and went
20 through the interview process. It was no problem. And I
21 was selected for it. I think we all were. I don't think
22 anybody was removed. It was a legitimate, bona fide
23 revision of the PD.

24 Now, as it turns out, we never did them, so in
25 essence, the job functions had never changed. So now they

1 come back with McGrath in charge and say, we're changing it
2 now, we're taking them out, and I said, no, you're not
3 changing it because we're not doing them. So nothing has
4 changed. If we had been doing those functions, then it
5 would have been different. We weren't.

6 So I kind of felt like that was a smoke screen to
7 --

8 Q So you weren't doing any of the environmental
9 work, basically?

10 A No.

11 Q Okay. But the first time, if I'm not mistaken,
12 there -- in '94, in the reorg., there was no downsizing. I
13 mean, there were no --

14 A No.

15 Q -- positions to be applied for, and in the
16 reorganization in '96, there was actually downsizing going
17 on --

18 A That's correct.

19 Q -- at the time?

20 A That's correct.

21 Q Okay. My understanding, reading over some of the
22 documents in this investigation, is the policy for
23 downsizing -- I don't know if you're aware of it, but I
24 think you had mentioned before and your complaint was that
25 the RIF rule should have applied as far as seniority.

1 A That's correct.

2 Q And you were the number one on the senior role?

3 A Oh, yeah. I would have been -- I had the most
4 time in nuclear power and the most time at TVA.

5 Q Okay.

6 A I would have been the highest on the retention
7 register.

8 Q Okay.

9 A So they elected not to go that route.

10 Q Okay.

11 A Even though I think -- I was told -- I cannot
12 verify this -- I was told that Ben Easley, who was one of
13 the personnel directors who reported to Ed, went to them and
14 said, this is wrong, the job's not changing; therefore, you
15 should not be posting and interviewing, you should go by the
16 retention register. And I think they -- I think he did not
17 get a warm reception.

18 Q Okay. Another -- some other information I read
19 over in the investigation was that there was a certain
20 percentage of the function in that position, when it had the
21 environmental section tagged onto it, that the environmental
22 portion occupied say 10 percent of the job, 50 percent of
23 the job, but from what you're telling me, it was zero
24 percent of the job. Okay.

25 A Zero.

1 Q Okay. So in fact, even though the job description
2 itself, the environmental function was dropped off of that
3 description, the job in itself remained the same?

4 A Yes, ma'am.

5 Q Okay. In your opinion, would there have been any
6 undue disruption for you to go from one position to the
7 other position?

8 A I'm not sure I understand that question.

9 Q Okay. Would there have been any problem or would
10 it have required additional training or disruption in the
11 unit for you to go with position -- from the position with
12 the environmental section on it to the other one?

13 A Absolutely not.

14 Q Okay. So anyway, they went ahead and posted.
15 There was also some information in the investigation that
16 you spoke to Sam Harvey --

17 A Uh-huh.

18 Q -- about him being preselected for this position.

19 A Yes. Yeah.

20 Q Can you tell me about the conversations you may
21 have had with anyone, including Sam Harvey, regarding that
22 preselection?

23 A Before we interviewed for our jobs, I had talked
24 to Sam -- so had Ron Grover talked to Sam, I think -- about
25 there was a position that was open at Sequoyah, and Sam

1 --you know, we all saw the handwriting on the wall, which
2 was we're going from three chemistry and environmental
3 specialists to two, so somebody was not going to have a job.

4 So Sam starts working with Charles Kent at
5 Sequoyah and tries to get a position out there, just put him
6 out there and report to the chemistry manager at Sequoyah.
7 It is my understanding that when McGrath got wind of that,
8 that he blocked it. He said, no, I'm not going to allow
9 anybody to be transferred out there, which basically sealed
10 someone's doom downtown. It happened to be mine, but again,
11 I think -- I think that was probably part of the
12 orchestration of this entire thing. You know, he wanted to
13 get rid of somebody that had basically stood up to him.

14 Q Okay. Did you ever talk to Sam Harvey regarding a
15 conversation he had with Mr. Voeller?

16 A Yes, I did.

17 Q Okay. Do you remember any of the details of that?

18 A I'm trying to think. I may have to pull some
19 notes here.

20 But I got a call from Dave Voeller, and this was
21 again before the interviews, and Dave Voeller, the chemistry
22 manager at Watts Bar, said basically -- I'm paraphrasing --
23 what the heck is going on? I said, what do you mean? Well,
24 I just got a call from Sam Harvey, who said in essence that
25 we would be working -- we, Sam and Dave Voeller would be .

1 working together a lot closer in the future because of this
2 reorganization. And Voeller says, what are you saying?
3 What are you saying, Sam? And he said, well, we'll be
4 working closer together. Are you saying that you've got the
5 job? And again here, I'm paraphrasing. I do have notes on
6 this because it was so critical, by the way. I would have
7 to refer to them. Sam said, well, basically, yeah, I've
8 been told I'm going to get the job, I'm going to get the
9 job.

10 So Voeller calls me and said, did you know this?
11 And I said, no, I didn't have a clue. I did have a clue,
12 but I led on that I did not have a clue but suspected that
13 something was going on between Wilson McArthur and Sam and
14 McGrath and Sam.

15 I said, Dave, -- Dave Voeller -- I said, you
16 better make sure you remember this, and Dave said, don't
17 worry because I took notes on the whole thing and it's in my
18 Day-Planner, you know, but I'm just telling you, this was a
19 strange conversation, I don't understand, you know, what's
20 going on here. I said, well, it looks to me like
21 preselection.

22 Now, I'm trying to recall, and I do not recall
23 whether I had a conversation with Sam. It seems like I did.
24 It seems like I did.

25 Q But you had that -- you remember the conversation

1 with Mr. Voeller?

2 A Oh, yes.

3 Q Okay. Regarding --

4 A And I did take notes on that as well.

5 Q And you are going to provide those notes to me?

6 A Yes, I will.

7 Q Okay. So you had the screening or they had the
8 interview, the screening board or the interview board. Who
9 was on that board?

10 A Wilson McArthur, Charles Kent, John Corey, Haywood
11 Rogers, and there was some other lady. Ben Easley was
12 supposed to have been on it, but he told me that due to the
13 fact that he had some involvement in the previous DOL
14 settlement, that they did not feel like it would be proper
15 for him to be on it, so he was replaced by some other lady.
16 I do not recall her name. Which is a little bit strange
17 because Charles Kent had involvement in the previous one and
18 he was on it. John Corey had involvement with the previous
19 one in a manner of speaking and he was on it. But Ben was
20 excluded.

21 Q Okay. Mr. Corey --

22 A And of course Wilson McArthur.

23 Q All right.

24 Mr. Corey, was he involved in your first complaint
25 at all?

1 A No. The reason I say, and that's why I said in a
2 manner of speaking, after I got the job back in '94 and I
3 was working for Ron, Ron was gone on a trip, and so there
4 was a rad chem managers meeting, which would be Kent, Corey
5 and Cox, along with Ron. Ron was out of town, so he asked
6 that I attend, and I did.

7 We had the meeting and I was representing Ron with
8 these three rad chem managers, and on into the meeting, I
9 was asked to leave because they had matters they wanted to
10 discuss and did not want me involved.

11 Q Who asked you to leave?

12 A Charles Kent. Possibly John Corey, but I'm not --
13 I can't state that for sure. One of those two.

14 So I reported to Ron when he got back all of the
15 events, you know, to bring him up to speed, and I said, and
16 you're going to have to talk to these guys because something
17 took place and they asked me to leave. Okay, he said, I'll
18 check on it.

19 He did, and later on, he says, well, they wanted
20 you to leave because they were going to be talking about
21 some sensitive areas and they knew that you had taped some
22 recordings during your previous case, and they didn't want
23 any possibility of that.

24 So I'm saying Corey and Kent had explicit
25 knowledge about my previous case.

1 Q Okay.

2 A And that's why I was asked to leave that meeting,
3 and that's what makes it a little bit strange that Ben
4 Easley was asked not to be on the committee when others who
5 had knowledge were allowed to be on it, all three of them

6 Q Okay. So Mr. Kent and Mr. Corey, who are
7 managers, rad chem managers at Sequoyah and Browns Ferry,
8 were on the board. Mr. McArthur -- did Mr. McArthur ask you
9 any questions during the --

10 A No, ma'am, he did not.

11 Q And then someone representing Human Resources was
12 also present.

13 A That's correct.

14 Q And the last person, there was Haywood Rogers.

15 A Uh-huh.

16 Q What is Mr. Haywood's -- Haywood's job?

17 A I'm only speculating here. I think he was
18 assigned to the steam generator group, but I'm not
19 absolutely sure of that. I just can't quite remember.

20 I was very dismayed at the fact that Jack Cox was
21 not on that review board because Jack was the one that I had
22 worked closely with for the previous two years, he knew my
23 performance, he knew what I had done. Due to a trip or
24 something, a day off, he could not attend, he could not be
25 present.

1 Q Did he explain that to you?

2 A No.

3 Q Who explained that to you?

4 A Ron Grover. Ron was extremely upset about the
5 fact that the selection board was then biased because you
6 had two very high-level managers, Jack Cox and John Corey,
7 that could -- Jack Cox -- I'm sorry -- Charles Kent and John
8 Corey. Charles Kent could speak very authoritatively on the
9 job Sam Harvey had done at Sequoyah in the past two years
10 because he's the rad chem manager. Jack Cox could speak
11 very authoritatively about the job Chendra had done at
12 Browns Ferry for the last two years.

13 BY MR. WHITE:

14 Q Mr. Corey --

15 A Yes.

16 Q -- not Mr. Cox.

17 A Did I -- I'm sorry. They start with a C. That's
18 a real problem.

19 John Corey could speak very authoritatively about
20 Chendra and the job he had done in the preceding two years
21 at Browns Ferry. Jack Cox was not present to represent me.
22 Haywood Rogers was, who had not a clue, nor was he -- did he
23 have the position or responsibility that these other two
24 did. They had very important positions at Browns Ferry and
25 at Sequoyah. I didn't have that. I think that that was

1 very unfortunate.

2 BY MS. BENSON:

3 Q During the course of the interview, the questions
4 that were presented to you, how do you feel -- you know, I'm
5 asking you something very subjective here.

6 A Sure.

7 Q But do you feel that the questions were slanted
8 towards any of the applicants or did they seem to be fairly
9 straightforward questions?

10 A They were slanted, in my opinion.

11 My expertise -- as I mentioned, I had spent 14
12 years at Arkansas and had grown up in the radiochemistry,
13 radioactive chemistry, radioactive effluence, evaluation of
14 radioactive coolant data, failed fuel reports, radioactive
15 releases. That was 14 years. Over half of my career was
16 devoted on the radiochemistry side of the house.

17 There was not one single question having to do
18 with the radiochemistry side of the house, not one, and that
19 is a very significant portion of the job, but there was not
20 one asked on that side of the house.

21 So you asked me if it was biased, and I say
22 without question, it was.

23 Q Are there other areas -- you indicated one area.
24 How would you say that the others were slanted, other
25 questions? Or that's lack of those kind of questions. What

1 about the other questions?

2 A There were -- there were questions on steam
3 generators and interpretation of steam generator data, which
4 would be Sam's area of expertise, and there were several
5 having to do with -- several questions having to do with his
6 area of expertise.

7 Q Sam's expertise?

8 A Uh-huh.

9 Q Okay.

10 A Why was nothing asked? What does it mean if
11 Argon-41 stays the same and Xenon-133 increases by 50
12 percent? What does that mean? I would like to hear his
13 response to that. What does it mean when they both decrease
14 by 30 percent, you know? I'm talking about interpretation
15 of data which could have a bearing on the performance of
16 your fuel. None of them, nothing. What's trapped uranium?
17 What is it? How do you know you have failed fuel? How do
18 you know if it's in first, second, thrice burned fuel? What
19 does the data look like? What's the cesium ratio? What
20 does that mean? Nothing, you see.

21 So -- and I subsequently discussed that with
22 Wilson McArthur, and he said, I can tell you, Gary, that I
23 am the one that selected the questions on that interview
24 process and I was not biased. And that's what he told me.

25 Q All right. Let's see. After the interview

1 process, Sam Harvey was selected for that position?

2 A Uh-huh.

3 Q And what happened then?

4 A Well, we were told to -- this was -- I don't know
5 exactly. That was in July time frame, I think. So we were
6 all -- I was losing my job in September and I was told to
7 continue business as usual and do not diminish one iota in
8 support to the sites and just continue working up until the
9 last day, which I did.

10 So I continued to go to Watts Bar and to support
11 them as they were a new plant just critical, hadn't been
12 critical that long, in evaluation of data, et cetera. So
13 nothing really changed as far as the way we functioned.

14 Now -- and I continued to report to Ron, but then
15 it got kind of grey because McArthur was wanting the
16 information and Ron was wanting the information, and so he
17 started stepping in more and more where I had to basically
18 provide him the information instead of --

19 Q That's McArthur?

20 A Yes.

21 Q Okay. At that point, had McArthur been selected
22 and --

23 A Yes.

24 Q -- Ron lost his position anyway?

25 A Yes.

1 Q Okay. So that had already happened by the time
2 you were --

3 A Yes.

4 Q Okay.

5 A As a matter of fact, that happened just before the
6 interviews took place.

7 Q Okay.

8 A And so basically, that -- that prevented Ron from
9 having a lot of input into the interview process. And one
10 thing that Ron wanted to do, one thing that Ben Easley
11 wanted to do was include in the interview package that was
12 sent to these people that were going to be evaluating us,
13 send our last couple of years -- our appraisals for the last
14 two years, and I don't think that was ever done because mine
15 looked better than Sam's.

16 And so it was -- and I think that's pretty
17 customary, to attach the last year or two of your reviews,
18 your personnel reviews, and that was not done, and that's
19 another thing Ben was not happy about, was the fact that
20 they didn't put those in.

21 Plus, there was a letter on sexual harassment that
22 was written to Sam, and that should have been included, too,
23 but that was mysteriously left out, because, you know, that
24 would have biased the group in favor of me rather than
25 McGrath's choice, McGrath and Wilson's choice, which was

1 Sam. So --

2 Q Okay. So subsequently, in September, you went
3 ahead and resigned or retired?

4 A Retired, uh-huh.

5 Q And waited for the complaint to take --

6 A Yes. It takes a long time for these things to --

7 Q Did they come back with any other offers following

8 --

9 A Yes, they did.

10 Q Can you explain that?

11 A In -- one of the things that Phil Reynolds had
12 asked me to do, because I had told him, you know, I was
13 upset, because after nine years with TVA, I was being
14 retired, cut loose, whatever you want to say, and now I have
15 no retirement, basically. I mean, I'm getting a little
16 retirement check which is not big enough to make a car
17 payment.

18 But nevertheless, I'm saying, you know, this is
19 wrong, you know it's wrong, I know it's wrong. I've got 14
20 years at Arkansas. Had I stayed there, you know, I would
21 have 20-something years with them and a retirement would
22 mean something.

23 Well, we discussed this for a while and Phil says,
24 well, Gary, why don't you just go out and do a calculation
25 and find out -- my words now -- what you've been screwed out

1 of and come back and tell me a sum that we would have to
2 invest in an interest-bearing account or something to give
3 you the retirement that you would have received had we not
4 screwed you out of what you have. My words, not his, of
5 course. So I said sure, you know, I'll do that, so I did.
6 I went to an investment broker and said, you know, how much
7 would we have to invest to get me the time that I have left,
8 and -- which I was screwed out of until I got my 80 points
9 of retirement, et cetera, et cetera, and it came out to be a
10 figure of 800 or 900 thousand dollars or something like
11 that.

12 Well, Phil had been doing the calculation himself
13 obviously because I came back and I met with him, and I
14 think I even sent him a letter stating, you know, I got with
15 an investment broker, such and such and so and so, and this
16 is what they calculated. And he basically says, yeah, well,
17 we did -- we put the pencil to it and that's just -- we just
18 can't -- that's just impossible. We can't do anything like
19 that.

20 So I had this figure in my mind in doing what the
21 personnel director to do, which basically was to come up
22 with an amount that I felt like I had been cheated out of,
23 and so that was my basis for starting negotiations, and, of
24 course, theirs was nothing or we'll give you your same job
25 working for the same people that have screwed you

1 repeatedly. Sure, go on back.

2 Q What was their final formal offer to you?

3 A Just one second, though. Your question was did
4 they make another offer, and they did. And this was in --
5 this must have been in the June time frame.

6 Q Well, let's see, the board was in July of '96 and
7 the interview --

8 A Uh-huh. July of '96. So I lost my job in
9 September. And this one came in early to mid '97, it seems
10 like, maybe the April to June time frame.

11 But it basically said, okay, Gary, we are willing
12 to give you a job working for TVA outside of -- I'll have to
13 get you this letter because it has been so long since I read
14 it -- outside of your direct management in nuclear power so
15 that, you know, you don't have to worry about this again, or
16 you can take \$100,000. I was -- call it quits, which
17 \$100,000, you've got to understand, at the level to which I
18 was being compensated or should have been had they not taken
19 their action against me that they did, even back in '93, I
20 would have been, including salary and benefits, vacation,
21 wages and retirement, all of that, making around \$120,000 a
22 year. That's rough. That's rough. So \$12,000 a month --
23 no, it would be \$10,000 a month.

24 So I'm looking at, you know, what the heck, you
25 come back after all of this and offer me basically ten

1 months, you know? I'm not going to put up with this. So I
2 rejected it.

3 Q Uh-huh.

4 A And then we got the notice from the Department of
5 Labor -- I got it -- that said that basically, they sided
6 with me and said, you know, this looks fishy, guys. And, of
7 course, you have a copy of that.

8 Q Uh-huh.

9 A And so I'm saying, well, that has certainly
10 strengthened my position. So at that point, I knew that it
11 was time to call an attorney, and I had resisted doing that
12 because of the expense, but at that point, I did get in
13 contact with an attorney and started formal negotiations
14 with them, which subsequently culminated -- first of all, it
15 was odd. They had offered me \$100,000, and yet when we
16 started entering formal negotiations, they came in at 50,
17 half of what they had offered before.

18 So I spent an inordinate amount of money with my
19 attorney just to get them up to what they had agreed to
20 before because these people try to bleed you dry. They try
21 to bankrupt you.

22 So it took forever, and so then we finally get up
23 where it's reasonable and they file a motion for summary
24 dismissal, which then kicks you into high gear with the
25 attorney because you only have a certain amount of time to

1 get the information together and to file it with the
2 administrative law judge to get him to rule on the case,
3 which cost another ton of money because then you're into
4 depositions and things like that. And if you don't make it,
5 you know, the judge will dismiss it. So you get into that.

6 Well, finally, after we filed our answer to the
7 motion for summary dismissal, the judge ruled very
8 substantially in our favor, and they then entered
9 negotiations a little more deliberately, and we ended up at
10 \$193,000, of which a large portion of that is attorney's.

11 Q Okay. Before the actual settlement and soon after
12 you -- I just want to make sure I've got all the offers
13 straight here. But after you were not selected, the first
14 offer to you was for that position you had bid for.

15 A Yeah.

16 Q Okay.

17 A That was strange.

18 Q And then the second one, you're saying, a year
19 later, --

20 A Or thereabouts.

21 Q -- they came to you and offered you \$100,000.

22 A Or a job outside of the -- I can't remember the
23 exact wording, I'm sorry, but you can refer to it -- outside
24 of that chain of command because they knew I would have no
25 part of these guys.

1 Q Okay.

2 A And they were --

3 Q I think you had indicated that in your letters,
4 too.

5 A Oh, I have. I have.

6 Q Well, how about if we take a short break, and
7 we've gotten through the summary or chronology of events,
8 and then I just have some specific questions I wanted to ask
9 about that.

10 A Sure.

11 MS. BENSON: So we'll go off the record at 2:30.

12 [Off the record.]

13 MS. BENSON: Okay. We're back on the record at
14 2:45 p.m.

15 I'll just remind you, Mr. Fiser, that you're still
16 under oath.

17 THE INTERVIEWEE: Okay.

18 BY MS. BENSON:

19 Q Just continuing on here, I wanted to ask you a
20 couple of additional questions as far as what kind of
21 personal knowledge do you have that either Mr. McGrath or
22 Mr. McArthur were aware of your previous DOL complaint
23 during the '93-94 time frame, if you can be specific as far
24 as how you know they were aware?

25 A To speak specifically of McArthur, after I started

1 working for Ron Grover again in '94, shortly thereafter, TVA
2 was in a Department of Labor complaint with Bill Jocker, who
3 was the former chemistry manager, corporate chemistry
4 manager.

5 I was told by the general counsel, Phil Pfeiffer,
6 that they may need to use some of my notes and some of my
7 taped conversations in preparation for going to trial
8 against Bill Jocker.

9 I was very concerned about that because I had
10 provided this information to TVA's IG back in '93, and I did
11 not really want it known that I had this information.

12 Well, the people they gave it to -- I was sitting
13 in an office with Wilson McArthur, who was reviewing all of
14 my notes, taped conversations that I had transcribed, some
15 of -- a lot of these conversations, I had taped from him
16 personally with the general counsel, Phil Pfeiffer, and we
17 were sitting there and he was reviewing my notes in a
18 notebook.

19 I figured at that time that this was probably not
20 going to do me a lot of good in the future with this
21 company, so I know that he knew about it.

22 Q Now, he knew about your --

23 A Previous --

24 Q -- taped transcripts.

25 A -- conversations.

1 Q Right.

2 A Transcripts, everything. As a matter of fact, he
3 personally, after -- after he had selected Sam, we had a
4 conversation where he said, I know you think that this
5 selection process was biased and there's not a whole lot I
6 can say to you because I know in the past you have taped me,
7 so I'm just not willing to talk about it except to say that
8 he was unbiased and was fair.

9 So I don't think that did me a whole lot of
10 favors. So I know he know about it. And of course, McGrath
11 was his boss at that time, so he too knew about it. Unless
12 the two never talked, you know, he had to have known what
13 was going on.

14 Q Now, were either one of those individuals, McGrath
15 or McArthur, interviewed by anyone regarding your complaint
16 in '93 or '94, the '93 complaint at DOL?

17 A Oh, yes.

18 Q Okay. They were involved specifically with your
19 case?

20 A Yes.

21 Q McGrath?

22 A I know McArthur was. I do not have explicit
23 knowledge that McGrath was. I'm not sure about that.

24 Q And I think you mentioned earlier, Mr. Corey was
25 involved in your DOL complaint?

1 A That's correct.

2 Q And Mr. --

3 A Kent.

4 Q -- Kent was involved in that.

5 A That's correct.

6 Q Okay.

7 A As a matter of fact, after I lost my job in 1993
8 and went into the employee transition program, on
9 approximately July the 2nd, 3rd, 4th, somewhere in that time
10 frame, I got a call from Charles Kent asking me to come out
11 to Sequoyah and talk to him.

12 Now, I had lost my job, my position at Sequoyah
13 had been determined to be surplus by Joe Binam, and he gave
14 me a letter certifying that just -- the same day they put me
15 into the employee transition program.

16 So he wants to talk to me, so I go out to meet
17 with Charles Kent and basically he said to me, Gary, I know
18 the facts, I know you got screwed, and I'm going to set this
19 straight. This was on a Tuesday following the July the 4th
20 holiday, I think it was. So here's what I want you to do.
21 I want you to interview with the plant manager here. And he
22 wasn't there long. I've forgotten his name. Oh, gosh.

23 But anyway, and he called the plant manager in and
24 the plant manager and Charles Kent talked to me for about
25 ten, 15 minutes, at which time -- I'm going to think of this

1 guy's name in a second -- at which time the plant manager
2 got up to walk out of Kent's office and looked back and
3 said, I am satisfied, I agree with this, make it happen, and
4 turned and walked out the door.

5 Then Charles looked at me and he said, all right,
6 I'm going to pay you a salary. I know that they offered
7 another fellow the chemistry manager's job out there or
8 something, and they offered it to him at a PGTN which I
9 think was in the neighborhood of \$82,000 a year.

10 He says, I am going to find out exactly what they
11 offered him and I'm going to offer you the same thing,
12 because we're going to straighten this mess out because what
13 they did was wrong. And I want you to show up out here for
14 work, you just show up on about like Thursday morning, I
15 want you out here with a tie on, and it's just going to
16 happen and we're going to do it so fast that these guys
17 downtown won't have time to do anything.

18 BY MR. WHITE:

19 Q Mr. Fiser, did you say this was after the '93-94
20 or after the '96 incident?

21 A This was after the '93 incident.

22 Q Okay.

23 A While you were in employee transition?

24 Q That's correct.

25 A And so I said, man, this is wonderful how this is

1 all working out. So basically what happened, Wilson
2 McArthur found out about it and Wilson McArthur called Joe
3 Binam and the two of them blocked this move on Kent's part
4 and on the plant manager's part to get me out there.

5 BY MS. BENSON:

6 Q Now, how do you know that McArthur and Binam did
7 this?

8 A Because after this happened, I was livid, and I
9 slipped a tape recorder in my pocket and I went out and I
10 stood in front of Wilson McArthur's desk and I said, what
11 happened? You know, we had all this worked out. And I
12 said, did you know it? Well, yeah, I knew about it. And
13 all this is documented and I have transcribed these tapes.

14 And I said, well, what happened? Well, when I
15 found out about it, he says, I called Joe Binam -- I'm
16 paraphrasing here, guys, because it's been years -- I called
17 Joe Binam. And I said, well, why in the world would you
18 call him? Why would anybody call Binam? Well, because he
19 was involved in the previous deal and, you know, and it just
20 wasn't right. He needed to know.

21 So I got it straight from Wilson McArthur's mouth
22 that he is the one that blocked this move in 1993 to not
23 only pull me back in this, quote, surplus position -- that
24 was a lie -- but not only was there still a position, it had
25 been upgraded from a PG9 to a PG10.

1 So that's how I know. It's straight from his
2 mouth, it is on tape, and it has been transcribed.
3 Unfortunately, after I started working for Ron Grover in
4 '94, I got a letter from TVA's general counsel that said
5 they had to prepare for their case against Bill Jocker, and
6 as part of that preparation, they had decided that it was
7 necessary to provide my tapes and the transcripts to various
8 people that were having to prepare for this trial, of which
9 Wilson McArthur was one. I thought, this isn't going to
10 help Gary Fiser's career.

11 Is that clear?

12 Q Yes.

13 A Okay.

14 Q Okay. Reading over your previous transcripts with
15 TVA IG or Department of Labor, one or the other, in that,
16 you were talking about a letter that you had sent to NRC
17 while McGrath was the head of the Nuclear Safety and Review
18 Board? Do you know anything about that? Do you recall
19 anything about that letter?

20 A Yes. Let's see. After I got my job back working
21 for Ron Grover in '94, they were doing an investigation into
22 some of the problems that had been brought to their
23 attention at Sequoyah, and there was a chemistry upgrade
24 project -- CUP is what it was referred to as -- and we were
25 having a terrible time getting this thing funded, and it had

1 been going on for years.

2 As a matter of fact, it was called something else,
3 but even before I took over in '88, people had already
4 investigated the various problems and put in writing what it
5 was going to take and what equipment we were going to need
6 to upgrade the -- and protect the steam generators at
7 Sequoyah.

8 Well, this investigation that was performed by Tom
9 Overlid, I think is the guy's name, who was sort of working
10 for McGrath in some respect -- it might have just been NSRB
11 oversight into this subcommittee -- he had written a report
12 and he had called me in and did all of this investigation
13 and talked to all of these people, and they just really,
14 quote, in-depth reviewed the problems at Sequoyah chemistry.

15 He called me, he says, Gary, I'm fixing to put my
16 report out. I said, great. What did you find? Well, what
17 I found is that this was such a huge, voluminous project,
18 millions of dollars to fix things, and protracted over
19 years, that this thing was just too big, and the problem is
20 that you guys should have broke this thing down into phase
21 1, phase 2, phase 3, something like that, so that it would
22 be a little bit more palatable to management.

23 I said, I can't believe you said that. When Jack
24 Wilson took over as the vice president of Sequoyah in 1990
25 -- I'm sorry -- nineteen-eighty -- we've got to check this

1 date -- nine, something like that, he looked at our project,
2 and one of the very first things he did was break that down
3 into phase 1, phase 2 and phase 3. So how in the world
4 could you state that the problem with it was that it was too
5 voluminous, that you should have broken it down, because we
6 did that. And as a matter of fact, you can talk to Donna
7 Wilson, who was on -- the special projects group manager,
8 that was responsible for breaking it down. So what you have
9 found is totally in error.

10 Well, we believe that's the problem. I said, no,
11 that's not the problem. The problem is that Oliver Kingsley
12 and the others would not appropriate the money that we
13 needed to fix the problem. So what you have said is not
14 true because we have done exactly what you're saying in your
15 letter that we should have done. Well, that's what I'm
16 going to write. I said, if you do, I intend to take that
17 document and send it to NRC and say, here is an example of
18 the way we cover things up at TVA, and we don't address the
19 real issue.

20 The real issue, guys, is not that we didn't know
21 what the problem was, the real issue is not that we didn't
22 have it broken down into manageable chunks in phase 1, phase
23 2 and phase 3; the real issue is that nobody would
24 appropriate the funds to fix it. And if you send that in,
25 I'm going to send it to NRC with a cover letter saying these

1 guys are tap dancing and this is not the truth.

2 Well, they submitted the letter and I sent it to
3 Mr. Vorse with a cover letter saying this is the way we
4 circumnavigate the real problem -- I'm paraphrasing here
5 --but I never heard from the guy. I don't even know if he
6 got it.

7 Q Okay. And when was that?

8 A Well, this would have been in mid '94 to the fall
9 of '94.

10 Q Okay.

11 A Something like that.

12 Q Okay. All right. That's what I was just
13 wondering, was what that letter was about to the NRC.

14 A Yeah. It was the way that, well, we can lie, we
15 can say one thing when it is -- and I pointed out to Mr.
16 Overlid, I said, what you're saying is not the truth, so
17 you're recording something that is wrong and you're not
18 willing -- you don't have the courage to state the truth,
19 which is we wouldn't fund it.

20 Q Okay.

21 A We lied.

22 Q Okay. Now going back to the interview that you
23 had to undergo for the second position in '96.

24 A Yes.

25 Q Do you recall when you were told you were going to

1 have to be interviewed, the date? Like did you have a
2 couple weeks to prepare or was it a week in between the time
3 you were notified, or do you recall?

4 A I do not.

5 Q Okay.

6 A I would just have to check the --

7 Q Okay. That's fine. If you don't recall, that's
8 fine.

9 Now, really like the last thing I have, unless
10 Darrell has some more, is going to be a statement on your
11 transcript here with the TVA IG interview, on page 45. You
12 were interviewed by David Van Bockren, July 17th, 1996, and
13 this is a transcript of that interview.

14 On page 45 of the transcript, you indicated --
15 well, let's go off the record for just a minute and I'll let
16 him review this.

17 [Off the record.]

18 MS. BENSON: Okay. The time right now is 3:09 and
19 I will remind you again, Mr. Fiser, you are still under
20 oath.

21 THE INTERVIEWEE: Uh-huh.

22 BY MS. BENSON:

23 Q What we're looking at is page 45 of your
24 transcript interview with TVA IG. In here, you said, as a
25 matter of fact, I tried even when I found out that they were

1 thinking about busing me and was trying to go into INPO and
2 things were working out well there, and then Wilson
3 McArthur, the same guy who they left me working for, or
4 something to that effect, promised me a job in his group and
5 said that this is wrong, so document it.

6 A Uh-huh. Yeah.

7 Q I don't like what they're doing to you even though
8 he was doing it, and I'm telling you that you have a job in
9 my group.

10 Can you explain what this information concerns?

11 A Yes. Early on in 1993, Wilson McArthur appeared
12 to be solidly behind me and could not understand and stated
13 many times to me, I don't understand how this could be
14 happening, I don't understand how you could be in trouble
15 because of all the wonderful things that you've done in
16 Sequoyah and the job you did in the outage management. I
17 just can't believe this is going on.

18 So he began to help me find something else to do,
19 and the first thing that came to my mind was possibly going
20 to the Institute of Nuclear Power for Operations, INPO, on a
21 reverse loan type situation where I was down there for a
22 year or two and then come back. And he was willing, he
23 said, to help me do that.

24 But then he also stated, you know, you're not -- I
25 have some openings in the group downtown. I have -- you .

1 know, it's not the chemistry manager's job, because that
2 belongs to Bill Jocker and he is going to come back and take
3 it, but, you know, there's a job in my group where you would
4 be working essentially for Bill, and I'm telling you, you've
5 got that job. If you want it, it's yours, it's no problem,
6 because, Gary, what's going on here is wrong and what
7 they're doing to you is wrong, and I don't understand it,
8 and I'm telling you you have that job if you want it.

9 Q So this concerned your '93 and --

10 A Yes.

11 Q -- or '94 incident or the '96?

12 A No, '93.

13 Q Okay. Okay.

14 MS. BENSON: Can you think of any other questions,
15 Darrell?

16 MR. WHITE: No.

17 BY MS. BENSON:

18 Q Do you have any additional information regarding
19 the '96 incident that -- a direction we could go, stuff,
20 information we have not covered at this point?

21 MR. WHITE: I take that back. I did ask a question
22 when we were off the record about Cox, and you wanted to
23 address that.

24 MS. BENSON: Go ahead.

25 BY MR. WHITE:

1 Q I was just interested in Mr. Cox, the rad
2 chemistry at Watts Bar, one individual that I guess you have
3 been working directly for and that was not able to make the
4 board for whatever reason.

5 Did he later discuss that with you?

6 A Yes.

7 Q And what was his --

8 A Basically, it was a very short conversation in his
9 office, and this was after the selections had been made and
10 I was headed out the door, essentially, or in other words
11 had not been selected for the job.

12 He just quietly and privately expressed remorse
13 for the fact that he had taken that day off, and in light of
14 how things turned out, you know, he felt really badly, I
15 think, about it, and obviously felt that had he been there,
16 maybe he could have done a better job representing me or the
17 job that I had done, or at least be able to answer those
18 questions.

19 So I think he was very saddened by the fact that
20 things turned out the way they did.

21 Q Did he give you any indication that he had spoken
22 to other members after -- other members of the board
23 afterwards and they may have provided him information?

24 A It was implicit, not explicit, you know, but I
25 really could not speculate further about that.

1 Q Okay.

2 BY MS. BENSON:

3 Q Anyone else that would have any kind of direct
4 knowledge or information that would help us in this
5 investigation?

6 A Oh, absolutely. Of course, Ron Grover; Ben Easley
7 would as well in personnel; the others that we have already
8 mentioned. On the sexual harassment issue, that would be
9 Ron Grover again and possibly Tresh Landers. You've got
10 Dave Voeller. You know, Joe Binam, but that would have been
11 on the previous issue. He has been, of course, as you guys
12 already know, banned from nuclear power for five years
13 because of his role in the Bill Jocker issue and, I submit,
14 in my issue too, because they used me to get to Jocker.

15 But I think, you know, when Wilson was making the
16 statements, "I can't understand this, you know, you've done
17 a good job and we need to find you something and you have a
18 place to work in my group," and all of this, I think Binam
19 was the one pulling those strings even when they did my 1993
20 personnel evaluation, and Wilson McArthur is the one that
21 did that evaluation, and he and Ben Easley told me that I
22 was rated very high.

23 What does that mean? The top two or three people
24 of the direct reports for Wilson McArthur. In other words,
25 I was going to get a decent raise, until one of the vice .

1 presidents walked in the room as they were evaluating and
2 saw the names on the board and where mine was, and he
3 immediately said, take him off, he's not going to get an
4 increase, put him down here.

5 Both Wilson and Ben were just flabbergasted by
6 this. Why? He's done a great job, he's done all this, he
7 had no INPO findings, he's gone to outage management, he has
8 done a wonderful job of managing the outage and he comes
9 back -- you know, he has done everything we've asked him.
10 Why? I won't discuss it; just put him down here.

11 I am convinced that Joe Binam was pulling those
12 strings. But again, that was the previous case, which, in
13 my opinion, led to this present one.

14 But that's about the only others that I can think
15 of that might have a direct bearing on it.

16 Q And in '96, where did -- where was Binam at that
17 time?

18 A In '96, he had been removed from nuclear power and
19 was placed over -- as a vice president over one of the
20 non-nuclear branches of TVA. He is over the operations at
21 Chicamaga Dam, the laboratory there and things like that.
22 So he has really no direct involvement with nuclear power
23 except that some of the people at the dam do metallurgical
24 tests and chemistry tests that support nuclear power. But
25 technically, I guess he has been removed from nuclear power.

1 Q So he wasn't involved with operations support at
2 the time in '96?

3 A In '96, he was not.

4 Q Okay. And over the last -- during the last
5 incident.

6 A Then, of course, I can only -- well, I can more
7 than speculate. I can say Oliver Kingsley, who was the head
8 of nuclear power here for years, had direct input into it,
9 and I say that because of information I got directly from my
10 attorney, which came directly from the Office of General
11 Counsel, Brent Markalon, which said Kingsley's -- the reason
12 they offered me the \$100,000 was because of his comment:
13 this guy is trouble and we need to get rid of him. So I
14 know that he had involvement in it.

15 Then I can also state I took a contracting job
16 with Commonwealth Edison at Byron Nuclear Station for six
17 months starting in July of last year, ending in
18 December/January time frame, and then for several months at
19 the Braidwood Nuclear Station in Chicago.

20 During that time, in about November, Oliver
21 Kingsley left TVA and became the chief nuclear officer for
22 Commonwealth Edison, and I was then summarily discharged
23 from my contracting position from Braidwood and was told
24 that there was a list of contractors that Kingsley requested
25 be submitted to him, and in his own handwriting, beside my

1 name or position, in his handwriting was IT, and I was told
2 that that stood for immediate termination. So I was
3 terminated that very day without due cause or anything, left
4 the site the same day.

5 So, you know, I think he had something to do with
6 it. Did he intentionally put this IT by my name? Obviously
7 he did. It's in his handwriting.

8 So that's just something I submit to you as
9 firsthand information, information from my attorney, and
10 then firsthand information, and we could get that list, I'm
11 sure, from ConEd which had his handwriting beside my name
12 and/or position. I'm sure if you call, you could get it.

13 Q Have you filed a Department of Labor complaint?

14 A No. I am giving it consideration.

15 Q You would have to file another DOL complaint
16 because that's a separate action.

17 A Okay.

18 Q So you would be starting over again.

19 A Boy, I look forward to that again.

20 Q Okay.

21 MS. BENSON: Do you have any questions?

22 All right. That concludes the interview. It is
23 3:22 p.m.

24 [Whereupon, at 3:22 p.m., the interview
25 concluded.]

REPORTER'S CERTIFICATE

81

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

NAME OF PROCEEDING: INTERVIEW OF GARY FISER
(CLOSED)

DOCKET NUMBER: OI Investigation 298-013

PLACE OF PROCEEDING: 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 direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.



Steve Anderson

Official Reporter

Ann Riley & Associates, Ltd.