

**Official Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**

Title: Interview of Joe Bynum

Docket Number: 50-390-CivP and 50-329-CivP

Location: (not provided)

Date: August 12, 1993

Work Order No.: NRC-215

Pages 1-113

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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OFFICE OF INVESTIGATIONS

INTERVIEW

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IN THE MATTER OF: :

INTERVIEW OF : Docket Nos.

JOE BYNUM : 50-390-CivP

(CLOSED) : 50-329-CivP

-----x

August 12, 1993

(Location unidentified)

The above-entitled interview was conducted  
at 11:10 a.m.

BEFORE:

Special Agent Beth Thomas

Special Agent Fred Vitrich

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

1  
2 SPECIAL AGENT VITRICH: -- as a supplement  
3 to our notes.

4 MR. BYNUM: No problem.

5 SPECIAL AGENT VITRICH: So we can  
6 definitely understand what you're saying.

7 MR. BYNUM: Okay.

8 SPECIAL AGENT VITRICH: Trying to convey,  
9 sometimes it gets -- our notes get a little bit drawn  
10 out. It's nice to have.

11 MR. BYNUM: Yeah, I have -- I have no  
12 problem with that.

13 SPECIAL AGENT THOMAS: Yeah, we're not  
14 transcribing it word for word.

15 SPECIAL AGENT VITRICH: No, it won't be  
16 done that way.

17 MR. BYNUM: I have no problem with that.

18 SPECIAL AGENT THOMAS: Okay, all right.  
19 Your current position now is?

20 MR. BYNUM: Vice President of Maintenance  
21 and Testing Services in fossil and hydro power.

22 SPECIAL AGENT THOMAS: Maintenance and  
23 Testing Services?

24 MR. BYNUM: Pardon?

25 SPECIAL AGENT THOMAS: Maintenance --

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1 MR. BYNUM: Maintenance and Testing  
2 Services.

3 SPECIAL AGENT THOMAS: Okay. And prior to  
4 this you were Vice President of Nuclear?

5 MR. BYNUM: Of Nuclear Operations.

6 SPECIAL AGENT THOMAS: Did Dan Keiter  
7 report to you?

8 MR. BYNUM: Yes. Dan Keiter was a direct  
9 report to me

10 SPECIAL AGENT THOMAS: Okay. All right.  
11 We understand that there was a meeting in March '93  
12 when Jocher was coming back from Sequoia to corporate  
13 and become a corporate chemistry manager, and there  
14 was a meeting between you and Keiter and McArthur  
15 about Jocher's performance.

16 MR. BYNUM: Okay. We -- yeah, I can't say  
17 that I specifically remember a meeting, but we had --  
18 Wilson and I had several discussions back -- Wilson  
19 McArthur and I, and Dan Keiter and I discussed it on  
20 at least a couple of occasions I know, and we very  
21 well could have had a meeting with all of them. I  
22 don't recall a specific meeting.

23 SPECIAL AGENT THOMAS: Okay.

24 MR. BYNUM: But there were several  
25 subjects going on at the same time that centered

1 around Jocher. One was we were -- we were decreasing  
2 the size of the corporate chemistry staff. And so  
3 Keiter and myself had several meetings and  
4 conversations with regard to that, and the subject of  
5 Jocher I know came up at least on occasion, you know,  
6 during those conversations.

7 SPECIAL AGENT THOMAS: About possibly  
8 decreasing --

9 MR. BYNUM: Yeah, we actually -- we, in  
10 fact, were -- had made a decision to decrease the  
11 staff, and I think the numbers -- we had around eight  
12 people, and I think we were going to four. That was  
13 a result of an overall direction, you know, to reduce  
14 the corporate staff.

15 And at the same time, we were -- Dan  
16 Keiter and Wilson, there was an individual from  
17 Portland General Electric who was available, who had  
18 been the corporate chemistry manager out there. His  
19 name was Rich.

20 SPECIAL AGENT VITRICH: Gordon.

21 MR. BYNUM: Gordon Rich, Gordon Rich.  
22 Gordon Rich, they were looking at Gordon Rich either  
23 for a potential replacement for the corporate -- I  
24 mean for the site chemistry manager at Sequoia or for  
25 the corporate chemistry manager's job downtown, and

1 they had discussions with me about -- about bringing  
2 Gordon Rich in.

3 SPECIAL AGENT THOMAS: Was this prior to  
4 when Jocher left or --

5 MR. BYNUM: Yes, and in fact, a part of  
6 the conversation, you know -- and that's the reason I  
7 can't recall, you know, a specific meeting, but the  
8 gist of it was we were reducing the staff size. They  
9 were interested in -- Sequoia apparently wasn't  
10 interested, to begin with was not interested in hiring  
11 Rich as the site chemistry manager. In fact, they  
12 wanted to reorganize and not have one.

13 And Wilson and Dan were interested in  
14 hiring a corporate chemistry, and you know, my -- my  
15 conclusion to them was it was decreasing the staff,  
16 the size of the staff. You want to bring another  
17 chemistry manager in. We have two chemistry managers  
18 at that same level right now, you know, that we're  
19 trying to deal with who have not been good performers.

20 SPECIAL AGENT THOMAS: They were Jocher  
21 and?

22 MR. BYNUM: Jocher was one and Gary Fiser  
23 was the other.

24 SPECIAL AGENT THOMAS: Okay.

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1 MR. BYNUM: And I basically told them, you  
2 know, we have to deal with the Jocher and the Fiser  
3 situation, and we can't just bring -- you know, we're  
4 decreasing staff. So we can't bring in another  
5 manager at that level. You know, we have -- before I  
6 can agree to do that, you know, we've got to deal with  
7 the Jocher and the Fiser situation.

8 SPECIAL AGENT THOMAS: Okay.

9 MR. BYNUM: And --

10 SPECIAL AGENT THOMAS: Did you recommend  
11 terminating Jocher?

12 MR. BYNUM: No. In fact, the way I  
13 remember it, Wilson -- I had actually talked to  
14 Wilson, and I said, you know, is Jocher aware, you  
15 know, that, you know, his performance -- we had a  
16 little bit of a problem when we first sent Jocher out  
17 to Sequoia. There was some, I think,  
18 misinterpretation by him as to why he was being sent,  
19 and I know Dan Keiter and I had at least one  
20 conversation about that.

21 And then Dan -- I think Jocher kind of had  
22 the impression you know we were -- you know, Sequoia  
23 was in such bad shape, we were sending him, you know,  
24 to kind of lead them out of the land of darkness. You  
25 know, they certainly were having problems that were



1 well identified and had been identified by INPO and  
2 some of our own.

3 We actually had an independent assessment,  
4 you know, by an independent group done also. So we  
5 actually sent Jocher out there, one, to demonstrate  
6 that -- he was very good at identifying problems.  
7 What we had not seen from him was his ability to  
8 actually go implement a solution. He was real good at  
9 saying, "This is wrong, this is wrong, and this is  
10 wrong, this is wrong, and this is wrong," but actually  
11 formulating, you know, a plan and actually getting it  
12 implemented was something we had not seen from him.

13 So really it was a test of his ability to  
14 implement a solution because Bill was -- technically  
15 Bill was very good. You know, he's the kind of person  
16 that could certainly look at a technical issue and  
17 tell you, you know, whether it was valid or not or  
18 what was wrong with it.

19 But what we had not seen from him was his  
20 ability to actually come up with a good plan, a  
21 workable plan and then actually implement that plan.

22 So Keiter at least relayed back to me that  
23 he had had a conversation with Jocher, and he made  
24 sure that Jocher understood that, you know, he was the  
25 -- you know, he was going to be scrutinized very

1 carefully, you know, for his performance, and his  
2 performance was really in question, of his ability to  
3 do that.

4 SPECIAL AGENT THOMAS: His ability to  
5 implement?

6 MR. BYNUM: To implement. And I think  
7 that, you know, just based on what I had seen of Bill,  
8 and Bill and I had very few conversations. In fact,  
9 I can really only think of, other than just passing in  
10 the hall or comments, I can only think of one or two  
11 conversations that Bill and I ever had directly.

12 SPECIAL AGENT THOMAS: Okay.

13 MR. BYNUM: I was in meetings with him and  
14 things like that, but individual conversations, I can  
15 really only for sure think of one that had to do with  
16 an organizational issue.

17 SPECIAL AGENT THOMAS: Did you ever have  
18 any counseling on --

19 MR. BYNUM: No, I never. I never --

20 SPECIAL AGENT THOMAS: Okay.

21 MR. BYNUM: -- really ever discussed, you  
22 know, his performance or lack of performance.

23 I did in this one particular issue  
24 regarding organization. It was really regarding  
25 organizational structure. I did express some concerns

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1 with him about the way he was approaching it and what  
2 he wanted to do and how he was trying to get it done.  
3 I had some serious reservations.

4 SPECIAL AGENT VITRICH: (Inaudible.)

5 MR. BYNUM: Yes. I had some serious  
6 reservations about it, and you know, explained that to  
7 him. It was an issue where I thought I had dealt with  
8 Wilson, and I had also talked to the other plants  
9 about it and thought we had put it to bed, and then it  
10 keeps surfacing and keeps surfacing.

11 And finally one day he stopped me in the  
12 cafeteria and basically said, "I understand you've got  
13 a problem with this."

14 And I said, "I really do." And I said,  
15 "Let me tell you what my problems are."

16 And we had about a -- I don't know -- five  
17 or ten minute discussion about it.

18 SPECIAL AGENT THOMAS: Okay.

19 MR. BYNUM: But I was not --

20 SPECIAL AGENT THOMAS: Why was he  
21 terminated? Why was Jocher terminated?

22 MR. BYNUM: Well, basically, like I said,  
23 we sent him out to Sequoia, and you know, he, in fact,  
24 did not show us that he could -- that he could  
25 implement, you know, a program. It was interesting.

1 I'll tell you, you know, from my own observations, and  
2 I spent a pretty good bit of time out there. So I do  
3 -- you know, while I didn't interface directly with  
4 him, I do know the results of some of, you know, what  
5 he did.

6 I think in some areas he probably did  
7 pretty good. I think training -- there was a training  
8 issue that came up, which was pretty misunderstood,  
9 and I think this comes out in his -- in his complaint.  
10 I don't remember. It's been -- I read it probably a  
11 couple of days after we got it and haven't really --  
12 have not really looked at it since, but there was a  
13 training issue that was a little bit misunderstood.

14 There was a training issue with regard to  
15 general knowledge, and when INPO came in, they  
16 interviewed. You're familiar with who INPO is, right?

17 SPECIAL AGENT THOMAS: Un-huh.

18 MR. BYNUM: Okay. INPO came in and they  
19 interviewed chemistry technicians, and they said that  
20 there was a lack of general knowledge.

21 Now, interestingly enough, INPO -- and I  
22 had a couple of discussions with the team leader about  
23 it -- they said that the people know how to do their  
24 specific jobs. You know, if they're going to do an

1 analysis or they're going to do this or that, they  
2 know how to do their specific task.

3 But they felt that they were really  
4 lacking in some general, you know, plant chemistry  
5 knowledge, and so basic, really basic things that they  
6 didn't see a problem in implementing of their specific  
7 duties, but which, you know, that's a valid comment,  
8 but they need to have that kind of additional  
9 training.

10 So I think Bill set up using some of the  
11 better people there and barring some of the corporate  
12 people. I think he did accomplish that.

13 A couple of other issues though. There  
14 were some procedural problems, and this was an  
15 interesting case. In fact, this was one of the ones  
16 that I know about myself.

17 We were in a -- we had a site meeting when  
18 we were talking about the chemistry program, and  
19 again, we sent Bill out there and said, "Okay. You  
20 know, we need to lay out, you know, exactly what's got  
21 to be done in the different areas, you know,"  
22 training, procedures, you know, making sure that the  
23 people had the right standards and that we had the  
24 right supervision, those kind --

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1                   SPECIAL AGENT THOMAS: This was out at  
2 corporate or was it --

3                   MR. BYNUM: This was at Sequoia.

4                   SPECIAL AGENT THOMAS: It was at Sequoia?

5                   MR. BYNUM: It was at Sequoia.

6                   SPECIAL AGENT THOMAS: Okay.

7                   MR. BYNUM: So I can remember vividly one  
8 meeting. Bill has a tendency to be sometimes overly  
9 dramatic and critical, and he talks about the  
10 procedures, and he said the chemistry procedures are  
11 all screwed up, and he said that they're a mess, and  
12 so, you know, we sat there and listened, and that was  
13 a little bit of a surprise.

14                   Everything in the chemistry program that  
15 we had heard and the problems that had been uncovered,  
16 you know, the general knowledge thing was something  
17 that INPO had brought out that we really hadn't  
18 focused on. But we had in line instrumentation  
19 problems. We knew that. Some of the stuff was  
20 obsolete, and some of it we hadn't put enough priority  
21 on and some things. We knew most of that stuff.

22                   But Bill comes up with this, and this was  
23 -- we knew that there were -- we had done some  
24 procedure upgrades, but it was a little bit surprising

1 to the degree to which Bill said we had these  
2 chemistry problems.

3 So we said -- procedure problems -- so we  
4 said, "Okay. What's the solution?"

5 So he said, "Well, we've got this program,  
6 and we're going to revise all of the procedures," and  
7 (inaudible) said revise them all.

8 And so we said, "What's the term of the  
9 program?"

10 Well, it was two and a half years, and I  
11 said, "Bill" -- you know, this was kind of in  
12 conversation with me, that if we've got a problem  
13 that's, you know, as acute as you say, and yet you  
14 tell me all of the procedures are messed up," I said,  
15 "one, I don't understand that, and, two, you know, two  
16 and a half years is not an acceptable answer, you  
17 know, to solve a problem like this."

18 So we said, you know, "You really need to  
19 go back and look, and you know, we've got to come up  
20 with a better answer."

21 So I talked to the site VP, and I said --  
22 Dan Wilson and his folks -- I said, "Hey, we've really  
23 got to get into this and find out what's going on."  
24 I said, "If we've got that kind of problem, we've got  
25 to get it solved."

1           The answer, the next answer that then came  
2 back from Bill was, "Well, you really didn't  
3 understand what I was saying. What I really meant was  
4 we've got ten or 11 procedures that, you know, have --  
5 that are the most critical, that need some work, and  
6 the rest of them are just, you know, kind of minor  
7 issues, minor problems, and we can do those as we, you  
8 know, revise the procedure or we implement them or  
9 something. You know, we can put that -- but we really  
10 need to get these ten or 11 done."

11           So I said to Wilson -- I again went up to  
12 Wilson. I said I didn't -- all of my conversations  
13 now are either with Wilson or Dan Keiter, and I said,  
14 well, you know, "Let's send the right people out  
15 there. Let's -- you know, when can we get those  
16 fixed?"

17           And so Jocher gave us a schedule, I think,  
18 to get them fixed by September. This was like -- this  
19 was like in June or something.

20           SPECIAL AGENT VITRICH: June of '82?

21           MR. BYNUM: Yeah, it was -- it was two or  
22 three months anyway. The time frame was two or three  
23 months.

24           SPECIAL AGENT VITRICH: Okay. He gave you  
25 a time line of completion.



1 MR. BYNUM: For the procedures.

2 SPECIAL AGENT VITRICH: Of the ten or 11  
3 major issues you're talking about?

4 MR. BYNUM: Yeah, for the ten or 11  
5 procedures, and I -- you know, again, I'm quizzing  
6 Wilson McArthur or somebody at the plant, Jack Wilson,  
7 who is the site VP, and I said, you know, "We need to"  
8 -- so we sent resource. You know, Wilson dedicated  
9 some resources from downtown to go out there.

10 And what I remember of that is, you know,  
11 I periodically check on the different things that  
12 we're working on, and we have a lot of improved  
13 program (inaudible), but my recollection is the last  
14 time I checked on that, which was like in October of  
15 that year, they were still not all finished? So it  
16 was kind of like

17 SPECIAL AGENT THOMAS: (Inaudible.)

18 MR. BYNUM: Pardon?

19 SPECIAL AGENT THOMAS: Were they getting  
20 complete support every time?

21 MR. BYNUM: Yeah, we had sent the people  
22 out there, and then again, we don't -- you know, I  
23 have to go, and part of this was site management  
24 issues, too. You know, I had an issue, and I really  
25 discussed this issue with the site VP, why it wasn't

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1 done. You know, he didn't really push it to  
2 completion either.

3 But you know, it was certainly a case of  
4 where, you know, once it got focused on, once it got  
5 some attention, then you know, Bill kind of turned  
6 around and changed his plans and even redefined, you  
7 know, the problem and the issue.

8 And then once the spotlight got off it, it  
9 just kind of died again.

10 SPECIAL AGENT VITRICH: Mr. Bynum, can we  
11 be more specific about the time lines and what were  
12 these projects?

13 MR. BYNUM: I need --

14 SPECIAL AGENT VITRICH: Because he's  
15 identified them in his complaint. I need you to  
16 identify as best you can what you've learned that he  
17 didn't do.

18 MR. BYNUM: Yeah.

19 SPECIAL AGENT VITRICH: If I understand  
20 it, you gave him a -- you had a discussion with him  
21 about these issues some time around June of '92.

22 MR. BYNUM: That -- that -- that's not --

23 SPECIAL AGENT VITRICH: -- Wilson.

24 MR. BYNUM: Yeah, that's my best  
25 recollection. It was around June. Wilson can really,

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1 I think, give you the dates for the procedure  
2 upgrades.

3 SPECIAL AGENT VITRICH: And Wilson is one  
4 that told Jocher to provide the time line?

5 MR. BYNUM: That probably went -- that  
6 probably went through the site VP. It was really his  
7 -- his job. It was a site issue.

8 I told Wilson to provide whatever support  
9 they need to get them done as quickly as I could, and  
10 that was Wilson's job. It was really the site VP's  
11 job to provide the time line.

12 SPECIAL AGENT VITRICH: What would be the  
13 kind of support Wilson was going to give them?

14 MR. BYNUM: People to do it, people to  
15 review -- knowledgeable people to review it.

16 SPECIAL AGENT VITRICH: Do you know if he  
17 did?

18 MR. BYNUM: He did, and he told me he did.

19 SPECIAL AGENT VITRICH: You don't know who  
20 those people were and what they did?

21 MR. BYNUM: Really, no. I don't know who  
22 they were.

23 SPECIAL AGENT VITRICH: So what --

1 MR. BYNUM: Again, I did not discuss this  
2 directly with Jocher. I did not, other than in the  
3 open meeting.

4 SPECIAL AGENT VITRICH: (Inaudible.)  
5 Right?

6 MR. BYNUM: Well, --

7 SPECIAL AGENT VITRICH: Is that the same  
8 issue that you're talking about?

9 MR. BYNUM: No, that's an organizational  
10 issue.

11 SPECIAL AGENT VITRICH: That was an  
12 organizational.

13 MR. BYNUM: Totally different issue,  
14 totally different issue.

15 SPECIAL AGENT VITRICH: What was that  
16 about?

17 MR. BYNUM: Jocher wanted to make some  
18 organizational changes in the way that chemistry was  
19 organized, and I'm trying to remember how I first  
20 heard about it. And I actually can't. I can't tell  
21 you how it first came to my attention.

22 What ended up happening is I -- and I  
23 either got it from Wilson or I got it from the site.  
24 See, that's one of the -- a little bit one of the  
25 confusing issues. A lot of these things were site

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1 responsibilities, but I had Wilson, you know, heavily  
2 supporting what the sites were doing. So sometimes I  
3 would discuss the same issues.

4 SPECIAL AGENT VITRICH: When you say  
5 Wilson, you're talking about McArthur?

6 MR. BYNUM: McArthur.

7 SPECIAL AGENT VITRICH: The site VP?

8 MR. BYNUM: Well, Jack Wilson was the site  
9 VP at the time, and Wilson McArthur was, of course,  
10 the corporate, but when I was --

11 SPECIAL AGENT VITRICH: When you're  
12 talking about the support, is that Wilson McArthur?

13 MR. BYNUM: That's Wilson McArthur.

14 SPECIAL AGENT VITRICH: Okay.

15 MR. BYNUM: To support the issues, and I  
16 got an organizational chart that I guess was proposed  
17 to change the Sequoia organization, and there were  
18 several things about it that I was concerned about.  
19 One was it took supervisors off of each shift. We had  
20 implemented a couple of years ago a supervisor on each  
21 shift for chemistry so that it was clearly understood,  
22 you know, that there was one person that was the shift  
23 supervisor or maintenance. If you ever needed  
24 assistance from chemistry there was a shift supervisor  
25 who was a management level person on any shift.

1 He wanted to do away with that, and there  
2 were some other things in the way that the labs were  
3 organized.

4 Anyway, I saw it. Somebody brought it to  
5 my attention and said, "What do you think about this?"

6 And I said, "Well, you know, I've really  
7 got some problems with it." I said, "The other thing"  
8 -- the other question I asked was has this been  
9 coordinated with Brown's Ferry, and you know, the  
10 person that gave me the (inaudible) didn't really know  
11 the answer to that.

12 And I said, you know, one thing I have  
13 been insisting, even though there are different types  
14 of plants and by virtue of being different types of  
15 plants, there are some good reasons that organizations  
16 may be different, and that's okay, but I want them as  
17 consistent, you know as we can make them.

18 So I said, "Well, I'm not going to even  
19 look at anything until, you know, it's brought to me."  
20 I said, you know, we either -- the chemistry managers  
21 and the corporate chemistry manager recommend, you  
22 know, this kind of organization. I say, you know,  
23 it's got to be a consensus, you know, that this is  
24 what we want to do or it's got to be brought to me and  
25 said, "Hey, you know, we want to do this, and we've

1       tried to coordinate it with the other plants, and they  
2       don't agree, but you know, here are the options."

3               So I insisted. What I found out was that  
4       it had not been discussed with Brown's Ferry at all.

5               SPECIAL AGENT VITRICH: When you ran into  
6       each other in the cafeteria, I think was --

7               MR. BYNUM: Okay. This was -- we had gone  
8       through a couple of iterations, and Wilson had brought  
9       it to me, and I had said, you know -- Wilson basically  
10      came to me --

11              SPECIAL AGENT VITRICH: McArthur.

12              MR. BYNUM: Yeah, and said, you know,  
13      "Here's the chemistry organization, you know. Jocher  
14      wants to implement this. Brown's Ferry doesn't agree  
15      with it."

16              And I had already gotten that word from  
17      Brown's Ferry. The Brown's Ferry chemistry manager  
18      came to me and said, "Hey, you know, I've got real  
19      problems with this. Do you know what Sequoia is  
20      doing? They're telling me they're going to implement  
21      this and I'm going to have to do it," and dah, dah,  
22      dah, dah.

23              And I said, "Well, time out." And I told  
24      the guy, you know, I said, "I'm aware of what they're  
25      doing." I said, "I'm involved in it." I said, you

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1 know, "I'm not going to let them do anything dumb."  
2 I said, "I don't know the answer, but I'm not going to  
3 let them do anything dumb."

4 SPECIAL AGENT THOMAS: Sebatos?

5 MR. BYNUM: Sebatos, yeah. John Sebatos  
6 actually came -- he stopped me after one of the  
7 morning meetings, and in fact, later he actually  
8 stopped me a couple of times just to be sure that  
9 nothing was happening, you know, to change the  
10 organization.

11 SPECIAL AGENT THOMAS: So he stopped and  
12 told you that Brown's Ferry didn't want to implement?

13 MR. BYNUM: No, they did not, absolutely  
14 did not. They absolutely did not.

15 And so I told Wilson. I said, you know,  
16 Wilson brought that Jocher really wants to do this.  
17 I said, "Wilson, you know," I said, "now what do you  
18 think?" I said, "Look. Let's talk about, you know,  
19 where's the shift accountability? Who does the shift  
20 supervisor go to?"

21 And we had put the supervisor in. I think  
22 actually we did it right before Wilson got there, and  
23 I explained to Wilson that we had not had one for some  
24 years, and we had actually implemented that not too  
25 long after I came back from Arizona.



1           Anyway, I went through the whole story  
2 with Wilson, and Wilson agreed with me. He said,  
3 "It's not the right thing to do."

4           And I said, "Well, let's be done with it."  
5 You know, if he wants to propose something else, you  
6 know, I'm willing to look, but I said, -- and I told  
7 Wilson. I said, "Wilson, it's your job to make sure  
8 that he and Sebatos and Watts Bar and, you know,  
9 everybody is kind of together on this thing."

10           Even though I didn't have direct  
11 responsibility for Watts Bar, you know, I wanted them  
12 to be included in the loop.

13           It was after that conversation that Jocher  
14 stopped me in the cafeteria and said, you know, "I  
15 understand you're holding us up. You're not going to  
16 let this go."

17           And I explained to me. I said the first  
18 thing that concerned me is, you know, the need to be  
19 consistent. You know, if that -- even though Brown's  
20 Ferry and Sequoia are different kinds of plants,  
21 whether you have a supervisor or not, you know, that's  
22 not plant unique.

23           And I said one thing is I've got a problem  
24 with the philosophy in that this is not something that  
25 was worked the way I think it should be worked. And

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1 you have to get the chemistry managers together and  
2 the corporate chemistry managers together, you know,  
3 and try to come up with some options. I said, "All I  
4 see is this thing keeps surfacing. You know, you try  
5 it here; you try it there."

6 SPECIAL AGENT THOMAS: When did this  
7 happen? I know when he was still at Sequoia, but it  
8 was at what approximate time frame?

9 MR. BYNUM: Boy, I don't -- let's see. I  
10 would say it was probably -- I'm trying to think of  
11 when (inaudible) actually came on board. It was right  
12 when Finnick was coming on board. It was late '92,  
13 late '92.

14 Anyway, he stopped. So he and I had this  
15 conversation, and then I also explained to him what,  
16 you know -- where I had problems with a specific  
17 organization or the accountability, and then I never  
18 (inaudible) anymore.

19 SPECIAL AGENT THOMAS: Okay.

20 SPECIAL AGENT VITRICH: Mr. Bynum, let me  
21 bring you back just a second, if I could.

22 MR. BYNUM: Okay.

23 SPECIAL AGENT VITRICH: Beth had asked you  
24 whether or not you had counseled Jocher, and you said

1 you had never counseled Jocher except, and then you  
2 went into this story about the cafeteria and all.

3 MR. BYNUM: Yeah, I wouldn't call that a  
4 counseling.

5 SPECIAL AGENT VITRICH: You don't consider  
6 that counseling?

7 MR. BYNUM: No, absolutely not.

8 SPECIAL AGENT VITRICH: It was just a  
9 difference of opinion, and you're the boss, and it  
10 went your way.

11 MR. BYNUM: Yeah, basically that's  
12 correct.

13 SPECIAL AGENT VITRICH: All right. Thank  
14 you.

15 SPECIAL AGENT THOMAS: Getting back to the  
16 original question, who was it that actually  
17 recommended that Jocher be terminated?

18 MR. BYNUM: Pardon?

19 SPECIAL AGENT THOMAS: Who was it that  
20 recommended that Jocher be terminated?

21 MR. BYNUM: I think actually the way that  
22 happened when -- it wasn't really as clean as that to  
23 my recollection because that I recollect is when we  
24 were talking about the organization, and I made it  
25 clear to Keiter and to Wilson that, you know, before

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1 I would agree to bring anybody else on, that that  
2 situation had to be dealt with.

3 What I recollect is that Wilson  
4 actually -- Wilson said, "I believe Jocher will  
5 resign." You know, he had been talking, and I asked  
6 him. Before Jocher came back, I asked Wilson. I  
7 said, "Wilson, does Jocher know he needs to be looking  
8 for a job?"

9 SPECIAL AGENT THOMAS: When was this?

10 MR. BYNUM: This was before Jocher came  
11 back.

12 SPECIAL AGENT THOMAS: So before Jocher  
13 came back he told --

14 MR. BYNUM: Yeah, and Wilson said, "Yes,  
15 you know, I'm sure he does. He knows that, you  
16 know -- he knows that, you know -- he knows that we  
17 don't have the confidence in him that we have to --  
18 that he can do the corporate job."

19 And of course, that was the only position  
20 we had because we had talked about -- when we -- the  
21 reason I bring in the reduction, we had talked about  
22 at one time -- again, Jocher technically was pretty  
23 good. When we had a larger staff, we actually had  
24 some technical experts, and we had talked about  
25 Jocher. You know, would Jocher accept not being the

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1 corporate chemistry manager anymore and being, you  
2 know, a technical specialist.

3 I had asked that question. Wilson  
4 speculated that he did not think he would. You know,  
5 Jocher is a pretty prideful individual, and he just  
6 did not think Jocher would do that.

7 It actually became a moot point when we  
8 reduced the size of the organization. We didn't have  
9 any real -- the technical specialist per se went away,  
10 and each of the four people that we kept basically was  
11 a program that had to work with the site and develop  
12 programs and coordinate getting implemented and all of  
13 that.

14 So what I recollect is they came to me and  
15 they said --

16 SPECIAL AGENT THOMAS: "They" being?

17 MR. BYNUM: Wilson and Dan.

18 SPECIAL AGENT THOMAS: Okay.

19 MR. BYNUM: See, Dan brought -- the reason  
20 I'm a little bit fuzzy, I dealt mostly with Dan on the  
21 organization going from eight to four.

22 SPECIAL AGENT THOMAS: Okay.

23 MR. BYNUM: And we had some conversations  
24 then. I dealt mostly directly with Wilson because I  
25 was concerned that, you know, we were handling -- you

1 know, that Jocher was really getting the straight  
2 message.

3 You know, I'll be honest. I was a little  
4 bit concerned because of some past experience of  
5 Wilson. Wilson I would get the impression would feel  
6 like he had been clear or feel like he had been very  
7 strong when, in fact, he wasn't as clear, wasn't as  
8 strong maybe as he -- as he should have been.

9 SPECIAL AGENT THOMAS: So did you ask  
10 Wilson if he had given the message to Jocher?

11 MR. BYNUM: I asked Wilson if Jocher knew  
12 he needed to be -- what I recall, the way I recall, I  
13 said, "Does Jocher know he needs to be looking for a  
14 job?"

15 SPECIAL AGENT THOMAS: Had anybody told  
16 Jocher that he needed to be?

17 MR. BYNUM: Well, -- and I didn't ask it  
18 that way.

19 SPECIAL AGENT THOMAS: What made you  
20 assume that Jocher would realize he needed to look for  
21 another job?

22 MR. BYNUM: Well, according to Wilson  
23 there had been several conversations with Jocher, and  
24 Jocher had expressed some concern, you know, about the  
25 way he was viewed, some things he had done, you know,

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1 his -- his -- his letter talks about the meeting with  
2 the board, you know.

3 Jocher realized that he -- and to my  
4 knowledge, I never said anything to Jocher about it.  
5 I'm not sure anybody else did. Wilson may have, but  
6 you know, he made a statement in the board meeting  
7 that kind of embarrassed everybody.

8 SPECIAL AGENT THOMAS: This is made to the  
9 board of directors?

10 MR. BYNUM: Yeah.

11 SPECIAL AGENT THOMAS: When was that? Do  
12 you remember?

13 MR. BYNUM: No. I mean, you know, I'm  
14 really -- the dates --

15 SPECIAL AGENT THOMAS: Like was it a year  
16 ago or was it -- I mean just approximate.

17 MR. BYNUM: It was not too long after  
18 Jocher had gotten -- Jocher had not been there too  
19 long.

20 SPECIAL AGENT THOMAS: Not been at  
21 Sequoia?

22 MR. BYNUM: He was at Sequoia. He hadn't  
23 been there too long. And that was where some of the  
24 first concern came up about Jocher feeling like he was

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1 a knight in shining armor to go to lead these guys out  
2 of the land of darkness.

3 SPECIAL AGENT VITRICH: Who did he  
4 embarrass?

5 MR. BYNUM: Well, I think everybody.  
6 Basically what he said, and --

7 SPECIAL AGENT VITRICH: Everybody --

8 MR. BYNUM: Well --

9 SPECIAL AGENT VITRICH: -- other than the  
10 board, I guess. The board was embarrassed that  
11 everybody else (inaudible)?

12 MR. BYNUM: Yeah, should have been. I  
13 mean, not that I ever discussed it with anybody  
14 saying, "Did this embarrass you?" It did me. It just  
15 -- you know, it was the kind of thing where Jocher  
16 basically said, you know, the way -- and he didn't say  
17 these words, and I cannot tell you the words he said,  
18 but the flavor of it that I got was you guys really  
19 are lucky to have me and you guys really don't pay me  
20 nearly enough money as you should, you know to do the  
21 great work that I'm doing. I mean that's essentially  
22 what he said.

23 SPECIAL AGENT THOMAS: He never said that  
24 comment to anyone?

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1 MR. BYNUM: I haven't -- I never -- you  
2 know, I never discussed it with him, and --

3 SPECIAL AGENT THOMAS: Did you ever  
4 discuss it with anybody? Did anybody ever come and  
5 tell you that they can't believe he said that?

6 MR. BYNUM: Did anybody ever -- I honestly  
7 can't remember. I cannot remember a specific  
8 conversation about it. I know what my own reaction  
9 was. I naturally assumed everybody basically had the  
10 same reaction I did, but I can't say that I ever  
11 really discussed it with anybody who specifically  
12 said, "Hey, that was the dumbest comment," or you  
13 know, an embarrassing comment. I don't --

14 SPECIAL AGENT THOMAS: Okay.

15 MR. BYNUM: Everybody just kind of hung  
16 their heads (inaudible). But I don't recall ever  
17 having any --

18 SPECIAL AGENT VITRICH: Did that have any  
19 influence on his (inaudible)?

20 MR. BYNUM: No. In my mind it didn't. I  
21 mean, it was just, you know, kind of a dumb thing to  
22 say.

23 SPECIAL AGENT THOMAS: So let me see if I  
24 understand this. You're saying Jocher was terminated

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1 because he didn't get the job as far as  
2 implementing --

3 MR. BYNUM: He basically didn't -- yeah,  
4 he basically didn't get the job. The other problem  
5 was he didn't get the job done, you know, as far as  
6 Sequoia. Sequoia didn't want to keep him. You know,  
7 they wanted him to come back, you know, to  
8 Chattanooga, and in coming back to Chattanooga, you  
9 know, it was clear from his past performance in  
10 Chattanooga that what we were asking that organization  
11 to do, you know, since we had -- you know, we really  
12 had reduced, you know, the number of technical  
13 experts; that what we were focusing on was, you know,  
14 corporate program ownership and coordination with the  
15 site.

16 You know, that's just something that  
17 Jocher had, in fact, demonstrated an inability to do  
18 because he could not get the site cooperation.

19 SPECIAL AGENT VITRICH: When did you get  
20 the feeling that Sequoia wanted him to go back to  
21 corporate rather than --

22 MR. BYNUM: Now, they were recruiting him.

23 SPECIAL AGENT VITRICH: That's mainly  
24 Rich.

1 MR. BYNUM: Yeah. Well, actually, no,  
2 they actually didn't recruit Rich, and I think -- and  
3 this all happened after I left -- but I think Rich  
4 actually went to work as a corporate. So I don't  
5 think they hired Rich. They --

6 SPECIAL AGENT VITRICH: Right.

7 MR. BYNUM: They were interviewing for a  
8 corporate chemistry manager though. I mean, they were  
9 interviewing and obviously they didn't want to keep  
10 him because they never said, "Hey, we want Jocher."

11 They started recruiting for a corp.  
12 chemistry manager not --

13 SPECIAL AGENT THOMAS: A site chemistry  
14 manager?

15 MR. BYNUM: Yeah, I'm sorry. Site  
16 chemistry.

17 SPECIAL AGENT THOMAS: Okay.

18 MR. BYNUM: And in fact, not long after  
19 that, and it really gets complicated; not long after  
20 that, they actually made a decision they did not want  
21 to have a site chemistry manager, which I had a  
22 problem with and said, "No. You know, that's really  
23 not the way I think we ought to do it."

24 But I turned that over to Atchison  
25 (phonetic). That was still an ongoing issue when I

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1 left, and I don't know what they eventually did with  
2 it.

3 SPECIAL AGENT THOMAS: Did you ever have  
4 any discussions with anyone out at the site, site  
5 management --

6 MR. BYNUM: Yeah, absolutely.

7 SPECIAL AGENT THOMAS: -- about Jocher?

8 MR. BYNUM: Yeah, absolutely.

9 SPECIAL AGENT THOMAS: Did they ever  
10 explain to you about Jocher?

11 MR. BYNUM: Rob, Rob had said that he  
12 really wanted to get -- Rob Beacon was plant manager.  
13 Rob had said to me that he wanted, you know, to get  
14 Jocher, you know back out at the site, and they wanted  
15 to get a site chemistry manager.

16 SPECIAL AGENT VITRICH: Did he tell you  
17 why?

18 MR. BYNUM: I guess I assumed I knew the  
19 reason, but he did not specifically say.

20 SPECIAL AGENT VITRICH: You don't recall  
21 the specifics of what he didn't like about it?

22 MR. BYNUM: No, he didn't. And again, I  
23 assumed, you know, based on what I knew of the  
24 situation.

1                   SPECIAL AGENT THOMAS: So (inaudible) he  
2 wanted to get Jocher away from the site.

3                   MR. BYNUM: Yeah, he wanted to go ahead,  
4 and Wilson, Wilson also indicated to me that the site  
5 wanted to get Jocher, you know, off the site.

6                   SPECIAL AGENT VITRICH: Wilson?

7                   MR. BYNUM: McArthur had indicated to me.

8                   So anyway, let me -- I think it's  
9 important that I go back to the -- so we had the  
10 situation we were reducing the number and they wanted  
11 to bring Rich in, and I said we've got to deal with,  
12 you know, Fisher and Jocher.

13                   And Wilson says, "Well, I think Jocher  
14 will resign."

15                   And I said, well, you know, that's fine  
16 with me. I don't have any problem with, you know,  
17 allowing the guy to resign.

18                   I said, "Now, what are we going to do if  
19 he won't resign." I said, "We can't go to Bill Jocher  
20 and say, 'Bill Jocher, would you like to resign?' and  
21 if he says no, we say, 'Oh, well, Okay.'"

22                   I said, you know, "We can't do that," and  
23 I said, "Are we ready to terminate Jocher?"

24                   And they said yes. They said, "We're  
25 prepared to do that."

1 SPECIAL AGENT THOMAS: Who was this --

2 MR. BYNUM: Wilson.

3 SPECIAL AGENT THOMAS: -- conversation  
4 held? Was it --

5 MR. BYNUM: It was basically with Wilson.

6 SPECIAL AGENT THOMAS: Was it prior to  
7 when Jocher had come back or had he already --

8 MR. BYNUM: It was -- I would say that he  
9 was already back. If he were not already back, he had  
10 the date to come back.

11 SPECIAL AGENT THOMAS: Okay.

12 MR. BYNUM: I think I would say he was  
13 already back.

14 SPECIAL AGENT THOMAS: So probably March?

15 MR. BYNUM: Yeah, because when he came  
16 back, you know, Wilson and I talked before he came  
17 back, and, you know, we talked about Wilson said, you  
18 know, "We've got to do something with Jocher."

19 And I said, you know, "I full well realize  
20 that," because we're bringing back into an  
21 organization now whose focus is on supporting the  
22 plants and supporting the programs and getting the  
23 plants to cooperate, and that's something, you know,  
24 he has demonstrated an inability to do.

1                   And you know, it was a -- in my mind, you  
2 know, it was already a foregone conclusion in both  
3 Wilson and Dan Keiter's minds, you know, that we were  
4 going to have to, you know, have to deal with that.

5                   SPECIAL AGENT THOMAS:    So as far as  
6 (inaudible) already decided by Keiter and Wilson that  
7 that was necessary?

8                   MR. BYNUM:    Yeah, yeah, that we were going  
9 to have to do that.

10                  SPECIAL AGENT THOMAS:    Okay.

11                  MR. BYNUM:    That he would not be  
12 successful in that job, that he could not be  
13 successful in that. He had not been successful in it  
14 before. We had sent him to Sequoia thinking that he  
15 might be successful there, you k now, as a site  
16 chemistry. He wasn't really successful there.

17                  So the conclusion was -- so I asked them.  
18 I said are we prepared, you know, to deal with Jocher,  
19 and they told me that we were, and I said, you know,  
20 we talked to him. You know, we counseled him. You  
21 know, he knows that his performance has not been  
22 acceptable, and the answer that I got was yes.

23                  SPECIAL AGENT THOMAS:    You asked that.  
24 You asked if they had counseled him.

1 MR. BYNUM: I asked Wilson if he had  
2 talked to Jocher about his performance.

3 SPECIAL AGENT THOMAS: And he said yes?

4 MR. BYNUM: And he told me yes. And I  
5 said specifically with regard, you know, to the  
6 corporate job because the -- as best I remember, we  
7 never actually transferred him out of the corporate  
8 chemistry manager's job. So that was the job he was  
9 actually in, I think.

10 SPECIAL AGENT THOMAS: You said something  
11 about his inability to gain support from the site.

12 MR. BYNUM: Yeah.

13 SPECIAL AGENT THOMAS: Can you name  
14 specifics, if you can recall?

15 MR. BYNUM: Boy, I know that -- I know  
16 that Sebatos had a couple. You know, the organization  
17 was one. There was another issue. I'm trying to  
18 think of what it was that Sebatos stopped me at  
19 Brown's Ferry about. I cannot remember what it was.  
20 I cannot remember what it was.

21 SPECIAL AGENT THOMAS: But you know he had  
22 problems with Sebatos?

23 MR. BYNUM: Oh, yeah.

24 SPECIAL AGENT THOMAS: That was --

25 MR. BYNUM: That was very --yeah.



1                   SPECIAL AGENT THOMAS: Did anybody ever,  
2 to your knowledge, talk to Sebatos and say, "Do you  
3 feel like you can't work with this guy?"

4                   MR. BYNUM: I don't know. I don't know  
5 whether -- it was common knowledge, you know, that  
6 Jocher and Sebatos did not -- there was -- it was  
7 common knowledge that there was -- that that was not  
8 a good relationship, and Sebatos -- obviously this is  
9 all personal opinion, but I think if you ask Wilson  
10 or -- Sebatos is a very -- and I probably of all the  
11 chemistry managers worked closer with Sebatos than  
12 any. He is a very, very accommodating individual, you  
13 know, very good at, you know, support and getting  
14 along with people and just, you know, very even  
15 tempered, very, very accommodating.

16                   That's the thing that surprised me the  
17 most, and I guess that was an indicate -- because I  
18 knew Sebatos fairly well, it was an indication to me  
19 that, you know, that --

20                   SPECIAL AGENT VITRICH: Do you recall --  
21 we're (inaudible) at the meeting shortly after Jocher  
22 got back to Chattanooga, between yourself, Keiter and  
23 Wilson where I guess you're discussing Jocher's future  
24 or whatever, and it was at that time, I think you came  
25 up with this performance goal, plan, or whatever you

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1 want to call it, but there was also a consensus to  
2 make --

3 MR. BYNUM: Performance goal plan.

4 SPECIAL AGENT VITRICH: Well, the thing is  
5 supposedly Wilson was going to give him guidance on.

6 SPECIAL AGENT THOMAS: Do you recall ever  
7 agreeing to give Jocher six months to improve?

8 MR. BYNUM: In fact, the first I remember  
9 hearing of the six months was after the fact. I don't  
10 ever -- I don't remember a six months. I remember --  
11 I remember initially before Jocher came back. I  
12 remember we talked about -- we talked about Jocher  
13 and, you know, putting him back in a corporate job.

14 You know, I don't remember ever discussing  
15 a specific, you know, get well plan or anything like  
16 that. I know we did discuss putting him back in the  
17 job, and we discussed, you know, watching his  
18 performance very carefully because -- and the big  
19 concern was, you know, kind of what chaos he would  
20 create when we put him back in there.

21 So we did talk about putting him back in  
22 there, and I expressed a concern about what he would  
23 do in that job, you know, while he was back in there.

24 We did talk about putting him back in  
25 there, but that was before we had to downsize the

1 group and they decided they wanted to hire Gordon  
2 Rich.

3 But the way I remembered it is the driver  
4 to go ahead and deal with Jocher, you know, on a --  
5 the thing I remember that drove that was bringing in  
6 Gordon Rich because I flat told them that, you know,  
7 I would not bring another manager in while we've got  
8 two sitting there at the same level; that I would not  
9 agree to do that.

10 SPECIAL AGENT THOMAS: So are you saying  
11 that Keiter and Wilson were the factors to get Jocher  
12 out and they could bring Rich in? Is that what you're  
13 saying?

14 MR. BYNUM: Well, I think it was -- okay.  
15 In my mind it was a foregone conclusion. You know,  
16 just before Jocher came back that he would not be  
17 successful in that job, and we would have to deal with  
18 it. Now I don't remember talking about it. when I  
19 say "deal with it," you know, that he would not be  
20 successful in that job and we were going to have to  
21 get him out of it. You know, that in my mind was a  
22 foregone conclusion. I'll just tell you before he  
23 ever left Sequoia,

24 And, yeah, I think it was in -- well, I  
25 know it was in Wilson's and Dan Keiter's, both, and we

1 all knew that he wasn't going to be successful in that  
2 job; that he --

3 SPECIAL AGENT VITRICH: The corporate  
4 chemistry manager?

5 MR. BYNUM: Yeah, that he had  
6 demonstrated, you know, that he was not going to be.  
7 And you know, as our usual method of dealing with  
8 things, I think to begin with we were going to put it  
9 off, and we were going to put him in there and then  
10 figure out how to do it, and we were going to watch  
11 him and be sure he didn't, you know, really much  
12 things up.

13 And that's probably the -- and there  
14 probably was some discussion about, you know, a get  
15 well plan or something. I never saw anything laid out  
16 as a plan. There may have been some discussion about  
17 if we bring him back, you know, because my concern  
18 was that we had to watch him very carefully to keep  
19 him from, you know, really getting everybody crossways  
20 and, you know, going in different directions.

21 So there probably was some discussion.  
22 You know, I did -- there probably was some discussion  
23 about how are we going to watch him and be sure, you  
24 know, while he's in there that he's going down the

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1 right road. There probably was some discussion, and  
2 then you might call that a get well plan.

3 There was never anything formal where  
4 they --

5 SPECIAL AGENT THOMAS: You don't recall  
6 him saying six months?

7 MR. BYNUM: I don't recall the six months,  
8 and I, you know, can't so long -- I can't sit here and  
9 tell you that. I was surprised. I'll tell you that  
10 I was surprised when after we got the Jocher thing in.  
11 I was surprised that the six months came up. I had --  
12 I do not recall six months.

13 That's not to say that it wasn't said, but  
14 I think -- and maybe there was some terms. The only  
15 thing I remember about six months is when Wilson --  
16 the day Wilson was going to talk to Jocher, he and  
17 Keiter -- he and Keiter -- I actually am not sure he  
18 talked to him. I think Wilson talked to him.

19 Anyway, Wilson came back to me and said,  
20 "Jocher will agree to resign at the end of six  
21 months."

22 And I said, "Well, you know, I think six  
23 months is excessive." So I think that's -- you know,  
24 I would be willing to try to accommodate him, but I  
25 said I think six months is too much.

1                   And he said, "Well, what do you think is  
2 acceptable?"

3                   And I said three months.

4                   So he went back with three months.

5                   SPECIAL AGENT THOMAS: Did you ever say 30  
6 days, that he had to be out after 30 days?

7                   MR. BYNUM: I don't -- no, I don't ever  
8 remember that. I don't ever remember 30 days. I do  
9 remember -- I do remember Wilson coming back to me and  
10 saying Jocher wanted six months, and I said I just --  
11 I can't go along with that.

12                   We had -- there were some senior managers  
13 in some situations where we had given six months, but  
14 in this case I just didn't feel like six months was  
15 warranted. So I just said I don't (pause) --

16                   SPECIAL AGENT THOMAS: (Inaudible) Sebatos  
17 that to support your statement that he didn't gain  
18 support for the fight?

19                   MR. BYNUM: No, other than I'll give you  
20 a -- you know, I met with Bill, you know, right after  
21 he came on, and you know, again, it was kind of  
22 typical. I was really impressed with him, you know.  
23 Technically like I said, he was very, very good, and  
24 he was talking about, you know, we don't have these

1 kind of things in place, these kind of things, these  
2 kind of things.

3 For instance, he talked about setting up  
4 a -- he said, "We need to set up a corrosion program,  
5 you know, raw water, a corrosion program for our raw  
6 water systems, and you know, we need to" -- and you  
7 know, that was great. I said, you know, that's  
8 exactly the kind of thing we need to do.

9 And corporate kind of needs to take the  
10 lead, and they can do with the plants, but they need  
11 to take the lead and see that each plant has a good  
12 raw water corrosion program.

13 And you know, that's another thing. It  
14 never happened. You know, there were all of these --  
15 you know, he was full of great ideas about, you know,  
16 we need to do this, this, this and this, and yet in  
17 his tenure down town -- and that's why we -- in his  
18 tenure downtown we never saw any of that come to  
19 fruition. There is not -- and I can remember raw  
20 water corrosion was one that I particularly remember  
21 because we had a raw -- our raw water out West was a  
22 lot different, but we had -- and I knew when I was at  
23 Brown's Ferry before that Brown's Ferry had a big  
24 problem in the fire protection system with raw water  
25 corrosion. I knew that was a problem.

1                   And so I remember raw water corrosion  
2 stuck in my mind because I was really familiar with  
3 the problem. I also know that when Sequoia -- we've  
4 got an erosion problem out there. There is no raw  
5 water program there.

6                   I know that Sebatos was setting something  
7 up, but Jocher, while saying we need to do this and  
8 this is a job that corporate can help do, nothing ever  
9 happened.

10                   SPECIAL AGENT THOMAS: What's that --

11                   MR. BYNUM: And I think that was -- the  
12 impression I got was that was very typical because I  
13 don't really know of anything that they did  
14 programmatically, you know, where they really --

15                   SPECIAL AGENT VITRICH: Well, what did  
16 Jocher do wrong, Mr. Bynum, that he could not  
17 accomplish what he had set out (inaudible) as the  
18 goals?

19                   MR. BYNUM: I don't know. You know, I  
20 can't really say that I dealt with him enough. Let me  
21 give you my impressions from seeing the results. I  
22 think, again, he was very good at dissecting an issue,  
23 and technically he knows chemistry. There's no  
24 question about that.

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1 I don't think he knows, you know, the  
2 people side and how to get things done. I was -- and  
3 I -- the example that I can give you and we've already  
4 talked about was the organization we proposed. You  
5 know, in my mind, and clearly the mind -- I didn't  
6 find anybody else that supported that organization.  
7 I mean, people basically said, "Well, that won't  
8 work."

9 You know, he -- I don't think he really --  
10 you know, my view of Bill is that he had a lot of  
11 great ideas. He was a good idea person, but he did  
12 not know how to make something happen.

13 And, again, procedures -- and I keep  
14 repeating the same things because, you know, I only  
15 had limited, you know, direct interface, you know,  
16 with he and what he did.

17 But the few interfaces that I had  
18 directly, you know, I left those interfaces with a  
19 clear feeling that, you know, the procedures thing.  
20 He would have -- he would have gone ahead and had --  
21 had this not come up at a site meeting and got so much  
22 attention, you know, he would have implemented a two  
23 year program and expended no telling how many  
24 resources to do what he wanted to do. I mean, he  
25 would have done that.

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1           And you know, through intervention, you  
2 know, we turned that around, and even at that when it  
3 got laid out for him, you know, he didn't seem to even  
4 get that included. So it wasn't apparent to me that -  
5 - or maybe it was. It was apparent to me from the  
6 limited, you know, interface that I had with him that  
7 he just didn't really know how to practically  
8 implement something and get people to support it.

9           He clearly didn't know how to get people  
10 to support. You know, the organization thing was  
11 interesting. You know, he tried to run it up through  
12 the plant side, and they didn't support it. So he  
13 tried to run it up through the Wilson McArthur side,  
14 and he didn't support it.

15           You know, through Wilson we forced him to  
16 go Brown's Ferry, which he didn't want to do anyway.  
17 They didn't support it. So then he tried to come  
18 straight to me. And you know, he wouldn't --

19           SPECIAL AGENT VITRICH: You're talking  
20 about the organization.

21           MR. BYNUM: Yeah, the organizational  
22 thing. That was typically the way he worked.

23           SPECIAL AGENT VITRICH: But yet you see,  
24 you keep telling us that he did not get jobs done that  
25 he was sent out there to do or he identified problems

1 that he couldn't get changes fixed or corrected or  
2 whatever, but he's saying the reason is he didn't have  
3 the proper support.

4 MR. BYNUM: No, no, no.

5 SPECIAL AGENT VITRICH: Well, why didn't  
6 he get them done?

7 MR. BYNUM: Because he didn't know how to  
8 do them.

9 SPECIAL AGENT VITRICH: Oh, you don't  
10 think he knew how to do them?

11 MR. BYNUM: I don't think he knew how to  
12 do them. I don't think he knew. I mean, he knew what  
13 needed to be.

14 SPECIAL AGENT VITRICH: But not how to get  
15 it done?

16 MR. BYNUM: He didn't know how to get it  
17 done. Oh, he got the support. We gave him the  
18 procedure support, you know, any support he needed.  
19 I am not aware of anything, other than the  
20 organization. You know, if you say that support,  
21 then, yeah, I didn't support his organization, clearly  
22 did not.

23 But other than that, I don't know of  
24 anything he really asked for. In fact, when we went  
25 to the procedures thing, you know, we actually -- I'm

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1 actually the one that said we need to support that.  
2 You know, once he relooked at that and redefined the  
3 scope of what that was, I'm the one that told Wilson  
4 McArthur -- I said, "Wilson, I want -- you go support  
5 that, you know. If we've got corporate people, I want  
6 corporate people there, you know, helping him do the  
7 procedures."

8 So, no, I think he just didn't know how  
9 to. He did not know how to accomplish things. He  
10 knew how to dissect and all, but he did not know how  
11 to get them done. He didn't know how to get people,  
12 you know, marshalled and get people in a supportive  
13 mode and get things done.

14 SPECIAL AGENT THOMAS: Do you believe any  
15 of Sequoia's present problems of being shut down could  
16 be attributed to Jocher?

17 MR. BYNUM: No, no. I really don't.

18 SPECIAL AGENT THOMAS: Did you ever here  
19 that Jocher tried to get the problems, specific  
20 problems, (inaudible) to INPO prior to INPO  
21 evaluating --

22 MR. BYNUM: No, no, and I would -- I would  
23 question that because I think the problems were fairly  
24 self-evident, and I don't think Jocher would have --  
25 you know, we knew what the problem was. You know,

1 what INPO told us I can't -- and I spent a pretty good  
2 bit of time, as I said, personally with the INPO guy,  
3 the team leader.

4 The only thing that INPO said that  
5 surprised me, and at first I didn't understand it, was  
6 the slant they had on the knowledge of technicians,  
7 and I was surprised that INPO team didn't know that  
8 technicians don't have, you know, good, fundamental  
9 knowledge.

10 I thought, gee, you know, that's the first  
11 time I've heard that one, but the rest of what they  
12 said didn't surprise me. I think we know, you know,  
13 most of it, but that surprised me.

14 Once he explained you know, what that was  
15 and that it was general knowledge, it wasn't job -- it  
16 wasn't task specific knowledge, but it was more  
17 general knowledge; then I understood that and that's  
18 something we just haven't (inaudible).

19 SPECIAL AGENT THOMAS: And you never heard  
20 about Jocher going to INPO (inaudible) INPO  
21 particularly with these problems?

22 MR. BYNUM: No. And I guess even if I  
23 had, that wouldn't be unusual, I guess, in my mind  
24 because when INPO comes in, I mean, I've done that.  
25 The INPO team leader would come in, you know, when I

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1 was plant manager, and he would say, "Is there  
2 anything that you want me to look at or that, you  
3 know, you have a particular concern about?"

4 And I would tell him something.

5 SPECIAL AGENT THOMAS: Do you think the  
6 result of findings against TVA?

7 MR. BYNUM: Yeah. Oh, yeah. I mean I --  
8 you know, they're really there to help us, and an INPO  
9 finding is not the worst thing in the world. A bad  
10 chemistry program is worse than an input finding. So  
11 if I can get a finding and get it fixed, you know --  
12 you don't like to get findings. You know, you'd  
13 rather find it yourself and fix it, but you know, you  
14 have a unique opportunity at INPO there. You've got  
15 experts.

16 You know, I guess to me I don't -- now if  
17 it were something that he was not trying to get fixed  
18 as a part of his job, but he thought he could go to  
19 INPO to make something happen that he couldn't make  
20 happen otherwise and he wasn't bringing it to my  
21 attention or someone else's attention, I would have a  
22 problem with that.

23 SPECIAL AGENT THOMAS: So if he went to  
24 INPO before his management chain to get --

1 MR. BYNUM: Yeah, yeah, but I can think of  
2 areas where, you know, we had some problems and we  
3 were spending a lot of effort on it. INPO was going  
4 to come in, and in that scenario we just didn't have  
5 a chance to thoroughly look at, and it was something  
6 we wanted to look at. I think it's perfectly  
7 appropriate to ask INPO to look at it.

8 And like I said, I've done that myself.  
9 So I don't have any problem with that. You know, if  
10 it were something, again, where he was using INPO as  
11 a lever because he wasn't getting support from his  
12 direct people and he hadn't come -- you know, Jocher  
13 never came to me and said, "Hey, you know, I'm not  
14 getting this or I'm not getting that or I'm not  
15 getting the other and I can't get my job done with the  
16 chemistry program and it's going to hell because, you  
17 know, I can't get something done or we're going in the  
18 wrong direction or I can't get support."

19 SPECIAL AGENT VITRICH: Wouldn't his  
20 normal (inaudible) be to get (inaudible)?

21 MR. BYNUM: Absolutely. You know, it  
22 would --

23 SPECIAL AGENT VITRICH: -- independently  
24 verify that he didn't do this? I mean, did you know  
25 that?

1 MR. BYNUM: Here's where it was -- here's  
2 where it was unique, and you know, he had the avenue,  
3 you know, riding (inaudible) and Jack Wilson, but he  
4 also had Wilson McArthur, Dan Keiter, and myself. I  
5 mean he had both of those opportunities.

6 And one of the things I do, you know, I  
7 spend a lot -- I spent a lot of time training. For  
8 instance, you know, he didn't hesitate to stop me in  
9 the cafeteria and ask to talk to me about the  
10 organization. That's not unusual.

11 Sebatos, you know, the chemistry manager  
12 at Brown's Ferry has stopped me on several occasions.  
13 So it's not unusual for people to stop me.

14 SPECIAL AGENT VITRICH: (Inaudible.)

15 (End of Tape 1, Side A.)

16 (Beginning of Tape 1, Side B.)

17 MR. BYNUM: You know, again, looking at it  
18 in hindsight we didn't sit down and say, "Okay. What  
19 are we going to do and what kind of time frame are we  
20 going to do it in?"

21 Because I think in everybody's mind it was  
22 a foregone conclusion.

23 SPECIAL AGENT THOMAS: He didn't ever  
24 formally sit down and discuss it?



1 MR. BYNUM: What -- you know, we discussed  
2 the fact, we discussed the fact that Jocher was coming  
3 back, and we knew that Jocher, you know, was not going  
4 to be able to perform that job, but we never formally  
5 sat down.

6 I guess I expected those guys to do it.

7 SPECIAL AGENT THOMAS: His position would  
8 have been -- I mean who could actually say  
9 (inaudible)?

10 MR. BYNUM: Wilson.

11 SPECIAL AGENT THOMAS: Wilson had that?

12 MR. BYNUM: Yeah. Keiter, myself. I mean  
13 any of us could have done it.

14 SPECIAL AGENT THOMAS: And you don't  
15 recall who actually came up and said this is going to  
16 happen?

17 MR. BYNUM: I, again -- I guess, you know,  
18 the way I would characterize it, and this is the best  
19 I remember; the way I would characterize it is I know  
20 Keiter and I met, and that's the reason I'm a little  
21 bit fuzzy as I said between Keiter and Wilson. Keiter  
22 and I met on going from eight -- I think it was eight  
23 -- to four people, and we discussed, you know, we  
24 don't --

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1                   SPECIAL AGENT VITRICH: (Inaudible) the  
2 microphone down.

3                   MR. BYNUM: That we don't have the luxury,  
4 you know, of keeping Jocher as a technical expert  
5 anymore.

6                   SPECIAL AGENT VITRICH: And Fiser?

7                   MR. BYNUM: Yeah, and Fiser. As an  
8 organization, we can't accommodate that. We've got to  
9 resolve that, and then I can remember, you know -- and  
10 again, in my mind it was a foregone conclusion that  
11 there -- I don't remember a time frame ever being  
12 laid out. They may have said, you know, X months. I  
13 just didn't recall it.

14                   SPECIAL AGENT VITRICH: What is your  
15 present staffing now in that group?

16                   MR. BYNUM: I don't know.

17                   SPECIAL AGENT VITRICH: After you -- just  
18 before he left?

19                   MR. BYNUM: I don't know.

20                   SPECIAL AGENT VITRICH: Were they ever  
21 down to four?

22                   MR. BYNUM: No, because -- well, my guess  
23 is it's down to four now, although where it gets a  
24 little bit confusing I took to Oliver four. He  
25 approved that organization. Now, that's one of the

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1 ones I think that I left when I moved over. That may  
2 have gotten caught up in the statements that, you  
3 know, Craven and Johnny Hayes made about not making  
4 any organizational reductions until after they came on  
5 board. I don't know whether that got tied up in that  
6 or not.

7 I don't think it did because Fiser went to  
8 ETP.

9 SPECIAL AGENT VITRICH: Have you discussed  
10 this matter with either Keiter or Wilson recently?

11 MR. BYNUM: We discussed it I guess -- I  
12 guess it was right after -- right after we got  
13 Jocher's letter. Keiter, myself, Wilson, and one of  
14 the HR folks sat down.

15 SPECIAL AGENT VITRICH: You haven't talked  
16 to Wilson or Keiter about this recently?

17 MR. BYNUM: Not since then, no.

18 SPECIAL AGENT VITRICH: Have they sought  
19 you out to talk to you?

20 MR. BYNUM: No.

21 SPECIAL AGENT VITRICH: Have they sent you  
22 any communications?

23 MR. BYNUM: I got a telecopy this morning  
24 from -- that Wilson apparently put together. To be

1 honest I haven't read it. I just got it a few minutes  
2 before.

3 SPECIAL AGENT VITRICH: (Inaudible.)

4 MR. BYNUM: Well, the first part of it was  
5 a Wilson letter back to Jocher, and then it was a  
6 little bit confusing because the pages were kind of  
7 mixed up.

8 SPECIAL AGENT VITRICH: Did you solicit  
9 that? Did you ask him to sign it?

10 MR. BYNUM: I asked yesterday when -- when  
11 -- when we schedule this meeting. We had asked that  
12 a time line be put together, and so I asked for that  
13 time line yesterday. The time line was --

14 SPECIAL AGENT VITRICH: -- what, Wilson?

15 MR. BYNUM: Actually I asked Phil Reynolds  
16 because they were the ones that were supposed to put  
17 it together. I asked Phil Reynolds for it.

18 The time line is in there, but I have not  
19 looked at it.

20 SPECIAL AGENT VITRICH: How about notes  
21 that Wilson --

22 MR. BYNUM: There were some notes in  
23 there, but I did not look at them. They're in that.  
24 In fact, you're welcome to telecopy it if you want.

1 SPECIAL AGENT VITRICH: You just listed  
2 the --

3 MR. BYNUM: No. All I asked for, I asked  
4 Bill Reynolds -- the only conversation I had, I asked  
5 Bill Reynolds for the time line because as you see,  
6 I'm really poor with dates.

7 SPECIAL AGENT THOMAS: Did you ever  
8 discuss Jocher with Kingsley?

9 MR. BYNUM: Just when -- and, again, it  
10 was in the same context that I discussed it with  
11 Keiter. Basically I had to take the corporate  
12 organization to Oliver and get him to approve it, and  
13 in those conversations, I told him that -- you know,  
14 that in implementing this organization, that we would  
15 be -- you know, we would be letting Fiser and Jocher  
16 both go.

17 SPECIAL AGENT VITRICH: (Inaudible)  
18 comment to you one way or the other?

19 MR. BYNUM: He was not -- this is when I  
20 was really surprised to see the reference to him in  
21 the letter because he was not involved in this other  
22 than I kept him informed of it, you know.

23 SPECIAL AGENT VITRICH: Can you remember  
24 the letter where he basically paraphrases the comments  
25 of John Waters and Kingsley concerning Waters saying

1 to Kingsley, "I thought you told me this was  
2 corrected," and he said basically, "Yeah, I'm  
3 embarrassed," or something like that?

4 It was in Jocher's letter, and I don't  
5 have the exact words.

6 MR. BYNUM: I remember that, but --

7 SPECIAL AGENT VITRICH: How would  
8 Jocher -- how would Jocher know that as a direct  
9 quote?

10 MR. BYNUM: I don't know.

11 SPECIAL AGENT VITRICH: Would he have been  
12 privy to a meeting like this?

13 MR. BYNUM: No, and in fact, I -- to my  
14 knowledge, I don't know that those comments were ever  
15 made, and in fact, I don't think they ever would have  
16 been made because there was nothing in that letter to  
17 be embarrassed about.

18 SPECIAL AGENT VITRICH: Well, see, we're  
19 at a disadvantage. We can't talk to Jocher.

20 MR. BYNUM: Yeah.

21 SPECIAL AGENT VITRICH: So we're coming  
22 back to management and saying, "Would you please tell  
23 us why you screwed up?"

24 MR. BYNUM: Yeah.

1 SPECIAL AGENT VITRICH: That's what we're  
2 saying, and that makes it --

3 MR. BYNUM: Yeah.

4 SPECIAL AGENT VITRICH: -- very difficult,  
5 but he does quote these men saying that, and --

6 MR. BYNUM: Well, I don't --

7 SPECIAL AGENT VITRICH: -- my feeling is  
8 what would have prompted him. Is there notice of this  
9 type of meeting if there was a meeting?

10 MR. BYNUM: Well --

11 SPECIAL AGENT VITRICH: Could this have  
12 been a board presentation from Sequoia to Waters?

13 MR. BYNUM: No. All we did is we sent him  
14 -- we sent him just a summary of where we were with  
15 the chemistry programs in all the plants because, you  
16 know, INPO -- essentially all of this, INPO was very,  
17 very concerned about chemistry, and you know, when I  
18 made the comment that I wasn't surprised at anything  
19 INPO had in their findings, we knew they were going to  
20 -- they hammered everybody in chemistry. We knew we  
21 were going to get hammered. We knew what -- we knew  
22 what areas we were going to get hammered.

23 SPECIAL AGENT VITRICH: Why?

24 MR. BYNUM: Because they had hammered  
25 everybody else in the same areas we did.

1 SPECIAL AGENT VITRICH: At other sites?

2 MR. BYNUM: Other sites, other sites. So  
3 we knew we were going to get that, and we knew we had  
4 some of the same problems. I'm not saying they  
5 weren't legitimate problems. We had some legitimate  
6 problems.

7 SPECIAL AGENT THOMAS: After their  
8 evaluation, they have an exit presentation if they  
9 don't have an exit meeting.

10 MR. BYNUM: Un-huh.

11 SPECIAL AGENT THOMAS: Were you at that  
12 meeting?

13 MR. BYNUM: Yes.

14 SPECIAL AGENT THOMAS: Okay. Then after  
15 that did they have a more formal meeting? I'm not  
16 real positive about the process on how that works.

17 MR. BYNUM: They have -- you're talking  
18 about INPO?

19 SPECIAL AGENT THOMAS: INPO.

20 MR. BYNUM: They have a form exit with the  
21 board of directors and the senior managers, which I  
22 attend.

23 SPECIAL AGENT THOMAS: So a formal exit  
24 with the board --



1 MR. BYNUM: With the board, that's  
2 correct.

3 SPECIAL AGENT THOMAS: So Waters and  
4 Kingsley would have been both at that meeting?

5 MR. BYNUM: That's correct.

6 SPECIAL AGENT THOMAS: Okay. And you were  
7 there?

8 MR. BYNUM: Yes.

9 SPECIAL AGENT THOMAS: Okay. You don't  
10 recall any discussions between Waters and Kingsley  
11 about problems with the chemistry program?

12 MR. BYNUM: Other than, you know, there  
13 were several findings, and I mean, yes, there was  
14 discussion about it.

15 SPECIAL AGENT THOMAS: But nothing related  
16 to what Jocher had in his complaint?

17 MR. BYNUM: I don't recall. It's  
18 possible, and Oliver -- Oliver in that context may  
19 have said something. I just don't recall.

20 SPECIAL AGENT THOMAS: Okay.

21 MR. BYNUM: You know, he may have said,  
22 you know, it's -- it would not be untypical of Oliver  
23 because I think we did have three findings in  
24 chemistry for him to say, you know, "We know INPO is

1 looking at chemistry hard, and we've got some  
2 problems, and I'm embarrassed we haven't fixed."

3 In that context it would not be -- I  
4 thought, and again, you know, I haven't read the  
5 letter since it first came in -- I thought the context  
6 of the Kingsley to Waters was based on our response  
7 that we sent Waters and if you read that, it says that  
8 we've got instrumentation problems. We've got these  
9 problems.

10 I thought Jocher was saying that  
11 Kingsley's comments were we sent this telling  
12 everything was okay. Everything that wasn't okay, and  
13 I'm embarrassed that we sent you a letter saying that  
14 everything was okay.

15 It certainly is, you know, completely  
16 disassociated from the letter. It certainly would be  
17 something that Oliver might say. How Jocher would  
18 ever know about it I don't know.

19 SPECIAL AGENT THOMAS: So you're saying  
20 that Kingsley might have said there's still problems?

21 MR. BYNUM: Yeah, I'm embarrassed we've  
22 still got problems or we've got problems.

23 SPECIAL AGENT THOMAS: But not because I  
24 lied to you in a letter.

1                   SPECIAL AGENT THOMAS: Not because -- no,  
2 no. I just can't -- I just can't imagine he would  
3 ever have said that; have absolutely no reason.

4                   SPECIAL AGENT VITRICH: Are you somewhat  
5 familiar with Fiser's performance while he was chem.  
6 manager at Sequoia?

7                   MR. BYNUM: Yeah. You know, I am in that,  
8 you know, the reason we sent Jocher out there is Fiser  
9 wasn't getting the problems corrected. You know, Gary  
10 was just a very -- you know, from a different  
11 perspective, you know, Gary was just a very, very weak  
12 manager. I mean he just -- he -- you know -- you  
13 know, Jocher was not hesitant, you know, to point out  
14 problems and issues. You know, Fiser -- I don't know  
15 -- never seemed to really get involved, never seemed  
16 to raise issues or make decisions, or he was just a  
17 very weak manager.

18                   The reason Jocher went out there is  
19 because Fiser was not -- we were not getting problems  
20 corrected.

21                   SPECIAL AGENT VITRICH: Was Jocher asked  
22 (inaudible) or told he was going out?

23                   MR. BYNUM: I can't really answer that.  
24 The impression I get, that I would have from that is  
25 that it was discussed with him as an -- I think it was

1 discussed with him as an opportunity for him to show  
2 what he could do, and that's why I think some of the  
3 interpretation came about that he was a knight in  
4 shining armor as opposed to, you know, Fisher wasn't  
5 getting it done. You obviously know what the problems  
6 are. Can you go?

7 SPECIAL AGENT VITRICH: Fiser didn't know  
8 what the problems were?

9 MR. BYNUM: I don't even know. I'm not  
10 even convinced that Fiser knew what they were.

11 SPECIAL AGENT VITRICH: Though we do have  
12 pretty much a general statement that Jocher is back at  
13 the corporate level throwing stones at the work at lot  
14 of people are doing, at Fiser and the chemistry  
15 program.

16 MR. BYNUM: Yeah.

17 SPECIAL AGENT VITRICH: You say, "You go  
18 out there and fix it now."

19 MR. BYNUM: That's right.

20 SPECIAL AGENT VITRICH: My question is you  
21 told us earlier that Keiter had told you that he was  
22 going to send Jocher out there (inaudible) at Sequoia  
23 because nobody had trusted his management ability.  
24 How would have tested his management ability at the  
25 corporate level to make a statement like this?

1 MR. BYNUM: Well, you know, and I guess I  
2 would go back to -- you know, I use the corrosion  
3 program as an example. Jocher tells me, "Hey, we  
4 don't have a nuclear power corrosion program, you  
5 know, in chemistry."

6 If I'm the corporate chemistry manager and  
7 I know we don't, you know, what I expect Jocher to do  
8 was to go outline, you know, from a corporate point of  
9 view, hey, you know, this is the nuclear power  
10 corrosion program and each plant should implement, you  
11 know, some specifics to look at: fire protection  
12 system, ERCWRHR service water, and you know, those --  
13 those looks should look at doing an analysis, you  
14 know, evaluating what kind of chemical treatment.

15 And actually from a corporate point of  
16 view it should develop some generic, you know,  
17 treatments for zebra muscles and --

18 SPECIAL AGENT VITRICH: Even though it was  
19 on the oversight?

20 MR. BYNUM: It's -- at that time, you  
21 know, that -- that's an interesting point because at  
22 that time it was on much more than oversight. It was  
23 direct support.

24 That was a fairly large organization. I  
25 think it had -- I don't know -- 12 -- I want to say it

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1 had 12 people or so. At the time Jocher came in it  
2 was a fairly good size organization, and they did much  
3 more than just oversight, absolutely.

4 SPECIAL AGENT THOMAS: The organization  
5 was ultimately changed before you left to come to your  
6 present job such that the chemistry group was put  
7 under RADCON. So you're aware of that?

8 MR. BYNUM: Yes, at the sites.

9 SPECIAL AGENT VITRICH: At the site.

10 MR. BYNUM: That's correct.

11 SPECIAL AGENT VITRICH: Why?

12 MR. BYNUM: Basically, it -- it didn't fit  
13 real well with operations from a technical point of  
14 view. You know, they, like RADCON, are a support to  
15 operations, you know, as far as, you know, operations  
16 needs, you know, chemical samples done. They need,  
17 you know, analysis to be taken. So they call  
18 chemistry.

19 But technically it's not aligned with what  
20 operators do, and I think to manage an operations  
21 group and a chemistry group just from a technical  
22 point of view doesn't make sense to me. Personally I  
23 never liked it the way it was anyway, and in most  
24 organizations, more so than operations, you see it  
25 aligned with RADCON because it is a very technical,

1 but they do some of the same analytical type work. So  
2 it really just falls more logically with RADCON.

3 It also, you know -- it also suited people  
4 better because we had -- you know, at Sequoia,  
5 operations was, you know -- while chemistry wasn't a  
6 shining star, operations was in the ditch and, you  
7 know, there was just no way.

8 One, I wanted to take that -- that was  
9 almost a diversion for the operations manager. We had  
10 a real strong RADCON manager.

11 SPECIAL AGENT VITRICH: What was a  
12 diversion?

13 MR. BYNUM: The chemistry. You know,  
14 having to manage that when, like I said, operations  
15 was absolutely in the ditch.

16 Also, at the other two plants it lined up  
17 very well with personnel that we had. We had Allen  
18 Sorrel (phonetic) at Brown's Ferry. We had -- oh,  
19 what's the guy at Watts Bar? Anyway, the ops. manager  
20 at Watts Bar really had a RADCON chemistry background.

21 SPECIAL AGENT VITRICH: Well, let me  
22 interrupt you if I can, Mr. Bynum. How can you  
23 explain that Jocher had a chance to correct that when  
24 he's got a chemistry program under operations and  
25 operations is in the ditch? Chemistry was a diversion

1 for the ops. manager. How was (inaudible) supposed to  
2 get the support he needed to implement the program at  
3 the site level?

4 MR. BYNUM: I mean, again, he clearly --  
5 you know, the ops. manager, you know -- even though,  
6 you know, when I said it was a diversion, he could  
7 clearly still -- he had a perfect avenue with Wilson  
8 also, Wilson McArthur, and, you know, he had the site  
9 Vice President, the plant manager, and there was  
10 enough attention on chemistry, you know, because of  
11 the INPO findings. If he wanted something and needed  
12 something, you know, he put the program together, you  
13 know. We looked at it. You know, we provided -- it  
14 had -- it had the visibility. It didn't need the ops.  
15 manager for visibility. You know, it had -- boy, it  
16 had all of the visibility in the world.

17 SPECIAL AGENT VITRICH: Have you already  
18 checked with Beacon whether he was satisfied with  
19 Jocher's performance?

20 MR. BYNUM: Well, other than the  
21 conversation that Beacon and I had where, you know, he  
22 wanted to go ahead and get him a permanent chemistry  
23 manager and have Jocher come back downtown, I mean, I  
24 didn't ask him specifically why, but other than that.



1 SPECIAL AGENT VITRICH: You're fairly  
2 confident that Wilson was not real satisfied?  
3 McArthur.

4 MR. BYNUM: Was not satisfied with Jocher?

5 SPECIAL AGENT VITRICH: Right.

6 MR. BYNUM: Oh, absolutely.

7 SPECIAL AGENT VITRICH: Are you aware that  
8 Wilson wrote him a letter of recommendation?

9 MR. BYNUM: Yes.

10 SPECIAL AGENT VITRICH: Did you read that  
11 letter of recommendation?

12 MR. BYNUM: Yes.

13 SPECIAL AGENT VITRICH: Do you have any  
14 problem with it?

15 MR. BYNUM: Yes. I didn't know he wrote  
16 it until after the fact.

17 SPECIAL AGENT VITRICH: When did you find  
18 that out?

19 MR. BYNUM: When I saw the package.

20 SPECIAL AGENT VITRICH: From Jocher's  
21 complaint?

22 MR. BYNUM: Yes, I could not believe --

23 SPECIAL AGENT VITRICH: You have a man,  
24 and he's firing a man and recommending him for the  
25 same job.

1 MR. BYNUM: Could not believe it. In  
2 fact, to tell you, you know, I absolutely -- had I  
3 known about that, I would have stopped it personally  
4 because -- and I had the very same situation happen  
5 almost a year ago -- would have personally stopped  
6 that.

7 SPECIAL AGENT VITRICH: I think it's only  
8 fair, Mr. Bynum, to tell you that, you know, as a  
9 result of the interviews we've done, everybody is  
10 pointing fingers as you can imagine.

11 MR. BYNUM: Absolutely.

12 SPECIAL AGENT VITRICH: And the fingers  
13 have been all pointed at you as making the decision to  
14 terminate Jocher on your own, and that's kind of what  
15 we have.

16 I'm giving you a chance to point your  
17 fingers back. That's why I'm telling you because I  
18 don't want to blind side you, but it's all come to  
19 you. That's why you were the last person we've  
20 interviewed.

21 The other managers, senior managers  
22 basically said they wanted to give him a chance to  
23 show himself, prove himself.

24 MR. BYNUM: The only -- you know, again,  
25 I think the issue with the timing was that I said I

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1 was -- you know, we had -- you know, we had made --  
2 when we made an agreement with Oliver, I made  
3 agreement with Oliver that we would downsize from  
4 eight to four.

5 Now, Keiter actually brought me that.  
6 That was his. You know, I gave Keiter the general --  
7 you know, general guidelines of here's where we wanted  
8 to go. He brought me back an organization that went  
9 from eight to four, and you know, I took that and I  
10 said, you know, we've got to do this. You know, we've  
11 got to make this happen.

12 I told Oliver Kingsley, you know, "This is  
13 what we're going to do."

14 SPECIAL AGENT VITRICH: Now, when would  
15 that have been approximately? Would that be around  
16 early March or early April?

17 MR. BYNUM: I don't -- it was -- it was  
18 about the same time that Jocher was coming back, yeah.

19 SPECIAL AGENT VITRICH: He came back in  
20 March some time.

21 MR. BYNUM: Yeah. So I -- we did that,  
22 and we can get you -- I mean, the dates are available  
23 on the work charts and all of that stuff.

24 At the same time, they came to me and  
25 said, "Hey, we want to hire Gordon Rich."

1                   SPECIAL AGENT THOMAS: Do you recall  
2 getting a memo from Keiter saying that -- giving you  
3 Rich's resume and saying that he --

4                   MR. BYNUM: Yeah, yeah.

5                   SPECIAL AGENT THOMAS: -- recommended Rich  
6 for the Sequoia chemistry manager position?

7                   MR. BYNUM: Yeah, yeah.

8                   SPECIAL AGENT THOMAS: Are you saying you  
9 wrote that down, but on the other hand, he was telling  
10 you that he wanted to hire --

11                   MR. BYNUM: Well, what happened -- you  
12 know, what happened was this. He recommended him for  
13 the Sequoia chemistry manager, and Sequoia basically  
14 didn't want to hire him as a chemistry manager. They  
15 did not want to hire him for the chemistry manager.

16                   SPECIAL AGENT THOMAS: Because they didn't  
17 want him or because they didn't want a chemistry  
18 manager?

19                   MR. BYNUM: Well, it was some of both. It  
20 actually was some of both. They didn't want him  
21 because they felt like, you know, he -- I think in  
22 some aspects they felt like he was kind of being  
23 shoved down their throat, but they -- the other reason  
24 was they didn't want to fill the chemistry manager's  
25 job.

1                   And so, you know, we said okay. And in  
2 fact, Wilson was the one -- Wilson and Keiter both  
3 told me that Gordon, you know, would really be a  
4 better corporate guy because, you know, he knew how to  
5 get along with people. He knew how to coordinate  
6 those kind of things, and that he -- and in fact, I  
7 can remember, you know, Keiter. You know, Keiter  
8 wanted to hire him, and Keiter came to me and said,  
9 "Hey, you know, here's this guy. He's got all of the  
10 tools. You know, he's just what we need. We need to  
11 bring him in."

12                   I said, "I don't disagree with that. I  
13 don't disagree with that at all." But I said, "We're  
14 not going to bring him in as long as we've still got  
15 two chemistry managers of that same grade."

16                   SPECIAL AGENT VITRICH: That probably came  
17 after he interviewed Sequoia. Do you have any  
18 recollection?

19                   MR. BYNUM: It did. Yeah, it did come  
20 after.

21                   SPECIAL AGENT VITRICH: Because he went  
22 out to the Sequoia interview and they said, "We don't  
23 have a chemistry manager position for you."

24                   MR. BYNUM: Right.

1                   SPECIAL AGENT VITRICH: "Well, give you  
2 tech. support."

3                   MR. BYNUM: That's right, in chemistry.

4                   SPECIAL AGENT VITRICH: In chemistry.

5                   MR. BYNUM: That's correct. That is  
6 correct.

7                   SPECIAL AGENT VITRICH: That's as good as  
8 we can do.

9                   MR. BYNUM: Absolutely. I remember that  
10 very plainly.

11                   SPECIAL AGENT VITRICH: And so there is a  
12 dilemma of what to do with Mr. Rich. They made a  
13 money offer to him that was equal to what he would  
14 have got as a corporate chem. manager or a site chem.  
15 manager. So from a financial standpoint he could take  
16 them.

17                   However, when they interview him for the  
18 job in the first place or when they first propose,  
19 Keiter or Wilson or both, what job were they proposing  
20 him for that was not vacant or was vacant? Was there  
21 any vacant?

22                   MR. BYNUM: I never interviewed him. I  
23 don't know.

1                   SPECIAL AGENT VITRICH:     Well, when  
2                   (inaudible) was bringing him in, where were they going  
3                   to put him?

4                   MR. BYNUM:     At Sequoia?

5                   SPECIAL AGENT VITRICH:     This is at  
6                   Sequoia, chemistry.

7                   MR. BYNUM:     At Sequoia was where they were  
8                   going to put him.

9                   SPECIAL AGENT VITRICH:     And yet Fiser by  
10                  technical reasons, I guess, was scheduled to go back  
11                  there, was he not?

12                  MR. BYNUM:     I didn't think Fiser was, no.  
13                  I -- to my recollection, Fiser was never going back to  
14                  Sequoia.

15                  SPECIAL AGENT VITRICH:     So the swap was a  
16                  one way swap as far as Fiser was concerned?

17                  MR. BYNUM:     Yeah, that's the way I  
18                  remember that it was done, yeah.

19                  SPECIAL AGENT VITRICH:     But the problem is  
20                  the corporate chemistry manager is nine months when he  
21                  did the swap initially.

22                  MR. BYNUM:     Yes.

23                  SPECIAL AGENT VITRICH:     Fisher was the  
24                  corporate --

25                  MR. BYNUM:     That's exactly right, yes.

1 SPECIAL AGENT THOMAS: If I could get back  
2 to the INPO stuff again, you said there's one formal  
3 exit meeting --

4 MR. BYNUM: Exit, right.

5 SPECIAL AGENT THOMAS: -- between board of  
6 directors --

7 MR. BYNUM: Right.

8 SPECIAL AGENT THOMAS: -- and (inaudible)  
9 managers. When did their report come out? When was  
10 that final report -- when did it come out?

11 MR. BYNUM: It usually comes out, I guess  
12 it's about four weeks or so after the exit.

13 SPECIAL AGENT THOMAS: Okay, and the exit  
14 was fall of '93 or -- excuse me -- fall of '92?

15 MR. BYNUM: Yeah.

16 SPECIAL AGENT THOMAS: Do you recall ever  
17 sitting in a meeting with INPO evaluators or I'm not  
18 really sure about the people that were in the meeting,  
19 but and Jocher standing up and saying, "I can't -- I  
20 can't" -- something to the effect of, "You're going to  
21 have to talk to these people," saying you and Beacon  
22 and upper level management, that he couldn't get these  
23 problems done; that it was now out of his hands?

24 Do you recall ever -- him ever saying  
25 that?



1 MR. BYNUM: No. In fact, Jocher never --  
2 I never got any indication from Jocher that he had any  
3 problems that he needed to solve that he couldn't get  
4 solved other than the organizational thing that he  
5 brought to me and said, "I understand you don't like  
6 this." Other than that, he never brought me anything.

7 SPECIAL AGENT THOMAS: He never  
8 embarrassed you in a meeting about INPO?

9 MR. BYNUM: No.

10 SPECIAL AGENT THOMAS: Were you ever in  
11 meetings with him with INPO evaluators there?

12 SPECIAL AGENT VITRICH: Do you believe he  
13 should have brought them to you if he was not getting  
14 them done?

15 MR. BYNUM: If they were -- yeah, if they  
16 were -- if he had legitimate issues.

17 SPECIAL AGENT VITRICH: How many chains of  
18 command to get to you? How many people does he have  
19 to jump over to get to you and how would that be  
20 perceived?

21 MR. BYNUM: It depends on which --

22 SPECIAL AGENT VITRICH: That's my problem.  
23 You've got these damned dotted lines.

24 MR. BYNUM: It depends on which way you  
25 want to --

1                   SPECIAL AGENT VITRICH: But if he went by  
2 corporate, it's Wilson and Keiter.

3                   MR. BYNUM: Wilson and Keiter.

4                   SPECIAL AGENT VITRICH: If he went the  
5 other way, it's Lyden and whoever his replacement  
6 would be.

7                   MR. BYNUM: Beacon.

8                   SPECIAL AGENT VITRICH: Beacon, Wilson and  
9 you.

10                  MR. BYNUM: That's correct. I probably --  
11 you know, I don't -- I don't think there's any  
12 question that I probably forced the issue. If I had  
13 not forced the issue, you know, on the Rich thing and  
14 the organization, it probably would have gone on  
15 longer. I probably forced the issue.

16                  SPECIAL AGENT VITRICH: Well, let me give  
17 it to you this way. If you are the boss and the two  
18 subordinates, Wilson and Keiter, are underneath you,  
19 you're having a meeting, and regardless of who's  
20 pushing for what avenue, but it's agreed to terminate  
21 him, who's the guy to terminate him? Who do you think  
22 would be the guy that's going to terminate him?

23                  MR. BYNUM: Well, the direct supervisor  
24 terminates him.

1                   SPECIAL AGENT VITRICH: Yeah, but if they  
2 push the button and now you say that because you  
3 okayed it because --

4                   MR. BYNUM: I have no question I okayed  
5 it. There's no question about that. You know, I  
6 approved. In fact, when Wilson -- when they were  
7 talking about him resigning, you know, I said, you  
8 know, we've got to be ready to terminate him.

9                   If we ask him to resign -- you know, if  
10 you ask the guy to resign, then you've got to be in a  
11 position to be ready to terminate him also. I mean,  
12 you can't ask him to resign and he said, "No, thank  
13 you. I don't believe I will," and you say, "Oh, well,  
14 I just thought I'd ask.

15                   I mean, you know, you can't do that.  
16 So --

17                   SPECIAL AGENT THOMAS: So Keiter and  
18 Wilson brought it to you and said basically, "We want  
19 to bring Rich in."

20                   And you said, "Well, you can't bring Rich  
21 in unless you have -- unless you do something with  
22 Jocher and Fiser."

23                   MR. BYNUM: Right.

24                   SPECIAL AGENT THOMAS: And they said,  
25 "Okay. Well, then" --

1                   MR. BYNUM: I said, "We don't have a  
2 position here. We've got a four person organization  
3 here. You know, you want to bring another manager in.  
4 You've got two managers at that level already, and I  
5 think from -- and I don't remember -- I don't remember  
6 exactly the Fiser -- I thought Fiser was actually in  
7 one of the corporate positions and got RIFed. That's  
8 the only way you could get into ETP. So --

9                   SPECIAL AGENT VITRICH: Yes, but the  
10 corporate position wasn't RIFed. It was the Sequoia  
11 position; that he was scheduled to go back, and that's  
12 what we're being told.

13                   MR. BYNUM: That surprises me because I  
14 don't see how we could do -- then you can't fill that  
15 position.

16                   SPECIAL AGENT VITRICH: They didn't fill  
17 it until you, quote, are the one that forced it down  
18 Sequoia's throat that there would be a chemistry  
19 manager. That's the way it's told to us.

20                   MR. BYNUM: Okay. Well, and I did. I told  
21 them that. It was still up in the air when I left,  
22 but I said --

23                   SPECIAL AGENT VITRICH: Right.

1 MR. BYNUM: I said, "It's my position that  
2 there ought to be -- there ought to be a chemistry  
3 manager at the site."

4 SPECIAL AGENT VITRICH: Yeah.

5 MR. BYNUM: But I did not realize that  
6 Fiser had been RIFed as a -- I mean I could not have  
7 said that with the knowledge that Fiser was RIFed as  
8 a Sequoia chemistry -- I mean you can't -- you cannot  
9 fill a position that you've RIFed. You can't do that.

10 SPECIAL AGENT VITRICH: Well, that --  
11 whether you know it or not, but I believe Fiser is  
12 going to file a complaint basically on some of those  
13 same issues. The position that I understand that he  
14 was RIFed from was the Sequoia site chemistry manager,  
15 which he was targeted to go back to.

16 MR. BYNUM: Then, in fact, they can't.  
17 There's no question.

18 SPECIAL AGENT VITRICH: Well, there's some  
19 politicking that's been going on in that area. I  
20 think site did not want a manager. They wanted to cut  
21 low level management. Now, whatever the motive was,  
22 it would be he told -- the motive was because Kent  
23 thought he could sue (inaudible).

24 MR. BYNUM: That's exactly right.

1                   SPECIAL AGENT VITRICH: The other motive  
2 could be that if you didn't do that, you had to bring  
3 Fiser back, and that was the agreement before he left.

4                   So there maybe is a reason to do it the  
5 way they did, but the way it comes down at the bottom  
6 line is "I was convinced" -- that's a quote -- "I was  
7 convinced that I was wrong to disband the site  
8 security or site chemistry manager."

9                   Who convinced you ultimately? That's the  
10 way it's come to us.

11                   Now, I'm not saying that that's wrong  
12 necessarily.

13                   MR. BYNUM: Huh-un, and I -- you're saying  
14 that who -- I'm -- I'm convinced and was until the day  
15 I left that doing away with the site chemistry manager  
16 was wrong, was the wrong decision, yes. I was  
17 convinced that that was not the thing to do

18                   SPECIAL AGENT VITRICH: But that wouldn't  
19 be a bad way for the site management to keep Fiser  
20 from coming back.

21                   MR. BYNUM: And I --

22                   SPECIAL AGENT VITRICH: That can be played  
23 against --

24                   MR. BYNUM: I had not tie -- okay. I had  
25 no tie between, you know, the Fiser RIF and filling

1 that position, and maybe I should have asked more  
2 about, you know, the conditions and what he was RIFed  
3 from, but I mean, I clearly know the rules well enough  
4 to know that you can't RIF an individual in --

5 SPECIAL AGENT VITRICH: Yeah.

6 MR. BYNUM: -- position.

7 SPECIAL AGENT VITRICH: You know, that's  
8 where the dilemma comes from with us. We're all here  
9 because everybody is pointing their finger at you, and  
10 in order to defend yourself -- and we can get a bottom  
11 line, and I want to tell you what you're looking at.

12 MR. BYNUM: No, I understand.

13 SPECIAL AGENT VITRICH: And what you're  
14 looking at is that neither Wilson nor Keiter have told  
15 us that they did anything to Jocher or Fiser so that  
16 Rich could come in. We have been told that you had a  
17 meeting with those two individuals where you discussed  
18 possibly a six month -- "probation" is a better word  
19 for it -- probation of Jocher when he came back. Get  
20 his act together or we may have to deal with it down  
21 the road.

22 Less than a month later a meeting is again  
23 called supposedly by you, and this meeting comes up to  
24 we can't handle Jocher no more. He's got to go,  
25 period.

1           The people who are at that meeting is  
2 Wilson and Keiter, and they both tell us they still  
3 would have liked to have kept him in that position for  
4 a longer period of time.

5           Now, you don't have a dog in the race  
6 concerning Rich, but they do.

7           MR. BYNUM: Well, you know, the only thing  
8 I can say, that it is we -- we -- you know, we  
9 probably had a meeting where we discussed, you know,  
10 Jocher coming back, and, yeah, we were going to bring  
11 him back, and I was concerned about, you know, how we  
12 were going to monitor his performance and, you know,  
13 how we were going to be sure --

14           SPECIAL AGENT VITRICH: What did you do  
15 independently to verify how you would monitor his  
16 performance? Did you rely on Wilson to do that?

17           MR. BYNUM: Yeah, absolutely.

18           SPECIAL AGENT VITRICH: And as far as you  
19 know, Wilson told you he did monitor his performance?

20           MR. BYNUM: That he was going to do that.

21           SPECIAL AGENT VITRICH: Okay. Now, did he  
22 come back with something negative about his  
23 performance that ultimately caused you--

24           MR. BYNUM: No, no.



1                   SPECIAL AGENT VITRICH:  -- to terminate  
2                   him?

3                   MR. BYNUM:  Then we came in with the  
4                   organizational reduction from eight down to four, and  
5                   you know, that --

6                   SPECIAL AGENT VITRICH:  Now you had a real  
7                   dilemma.

8                   MR. BYNUM:  Yeah, that put us in a  
9                   position where, you know, we didn't have extra  
10                  positions.  That's the bottom line.  We did not have  
11                  the extra positions.

12                  SPECIAL AGENT VITRICH:  But you couldn't  
13                  just RIF him, Jocher.

14                  MR. BYNUM:  No, he was a chemistry  
15                  manager.

16                  SPECIAL AGENT VITRICH:  Because you've got  
17                  to fill that slot again.

18                  MR. BYNUM:  Yeah, we had to fill it.  
19                  That's why I'm surprised that Fiser was still in the  
20                  site chemistry manager's job.

21                  SPECIAL AGENT VITRICH:  I don't know that  
22                  for a fact.  Please understand that.

23                  MR. BYNUM:  Yeah.

1                   SPECIAL AGENT VITRICH: I don't know  
2 that's exactly what it was. That's kind of what we've  
3 been led to believe, and because of the push --

4                   MR. BYNUM: And that would make sense.  
5 That would make sense then. That would explain the  
6 Sequoia -- that would -- that's a better explanation  
7 for Sequoia's reluctance to want to fill that job if  
8 it's true.

9                   SPECIAL AGENT VITRICH: We believe it goes  
10 further than that, too, but that's another issue.

11                  MR. BYNUM: Yeah.

12                  SPECIAL AGENT VITRICH: We're concerned  
13 with the reason Jocher was terminated, and like I say,  
14 it all comes up to Bynum pulled the trigger. That's  
15 the way it's used, and that means --

16                  MR. BYNUM: Well, they -- they never said  
17 to me, "We don't want to do this." I'll tell you they  
18 never said to me, "We don't want to do this. We don't  
19 think this is the right thing to do. We want to" --  
20 boy, I'll tell you. Nobody ever said that.

21                  SPECIAL AGENT VITRICH: Okay. Well --

22                  SPECIAL AGENT THOMAS: (Inaudible) wanted  
23 to?

24                  MR. BYNUM: No. That was never said.

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1                   SPECIAL AGENT THOMAS: I mean, did they  
2 say -- did they come to you saying, "We want to get  
3 rid of him. We're ready to ask him to leave"?

4                   What I want to know is where did this come  
5 from specifically. I mean --

6                   MR. BYNUM: It basically -- I'll tell you  
7 the way -- the way I recall it is we were -- you know,  
8 and again, maybe there was one meeting with Wilson and  
9 Keiter and I, but the way I remember, the way I  
10 remember it was we said, "Okay. We're going from  
11 eight down to four. You know, we've got two guys  
12 here that we have to deal with. What are we going to  
13 do with that?"

14                   What I remember is Wilson saying, "I think  
15 you know, we can RIF Fisher. I think Jocher will  
16 resign."

17                   SPECIAL AGENT THOMAS: Okay.

18                   MR. BYNUM: And I said, "Fine. If he'll  
19 resign, we'll accept that." You know, that's a good  
20 way out. I said, "I have no problem with that."

21                   And I --

22                   SPECIAL AGENT THOMAS: Just to get it on  
23 record, you did not order --

24                   MR. BYNUM: Absolutely not.

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1                   SPECIAL AGENT THOMAS:  -- Keiter and  --  
2 or excuse me  -- Keiter and  --

3                   MR. BYNUM:  No.

4                   SPECIAL AGENT THOMAS:  -- McArthur?

5                   MR. BYNUM:  I didn't have to order them  
6 to.  I mean, there was never any  -- never any  
7 indication of any reluctance on either one of their  
8 parts that either we shouldn't do it or there were no  
9 grounds to do it.

10                   SPECIAL AGENT VITRICH:  Yeah, I see that  
11 Wilson had conveyed to you that he expected Jocher  
12 probably to resign.

13                   MR. BYNUM:  Yes.

14                   SPECIAL AGENT VITRICH:  And you had  
15 conveyed back to to caution, "What if he doesn't?"

16                   MR. BYNUM:  Yes.

17                   SPECIAL AGENT VITRICH:  As a result of  
18 that caution, is it fair to assume that that's why the  
19 termination was written, in case he didn't?

20                   MR. BYNUM:  Yes.  Yeah, I mean, you know,  
21 again, you know, I felt like you cannot go to a man  
22 and say, "Would you like to resign?"  And if he says,  
23 "No, thank you," then you say, "Well, gee."

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1                   SPECIAL AGENT THOMAS: So he said that he  
2 thought that -- excuse me -- McArthur said that he  
3 thought that Jocher was going to resign?

4                   MR. BYNUM: Yeah, he thought that he would  
5 resign. That's what he told me.

6                   SPECIAL AGENT THOMAS: Who came up with  
7 the idea of what -- that -- to ask him to resign, to  
8 even come up with the idea of asking him to?

9                   MR. BYNUM: You know, and I can't say that  
10 I -- you know, it definitely, you know, in my mind  
11 when we sat there, it was a consensus among the group  
12 that, you know, we had to go ahead and get rid of  
13 Jocher and Fiser. Now, that to me was a --

14                   SPECIAL AGENT VITRICH: Because of the  
15 downsizing?

16                   MR. BYNUM: Yeah, the downsizing and them  
17 wanting to bring Rich in. I mean, there was -- in my  
18 mind there was a clear consensus of the group, and I  
19 never heard that there was never anybody that said,  
20 "No, we don't want to do this. We don't think it's  
21 the right thing," or, "we don't think" -- you know,  
22 and in fact, you know, when we met after Jocher's  
23 letter came in and we talked about it and Wilson said,  
24 "Yeah, you know, we had a basis to do it," you know,

1 I had talked to him. You know, it wasn't a surprise  
2 to him, you know.

3 Wilson still maintained that when we  
4 met -- Keiter and Wilson and I met after we got  
5 Jocher's letter.

6 SPECIAL AGENT THOMAS: You had never asked  
7 -- did you ever ask for any documentation to back it  
8 up because of --

9 MR. BYNUM: No. I --

10 SPECIAL AGENT VITRICH: You know what's  
11 really strange about this?

12 MR. BYNUM: What's that?

13 SPECIAL AGENT VITRICH: -- another little  
14 twist.

15 MR. BYNUM: Okay.

16 SPECIAL AGENT VITRICH: Here's a guy that  
17 gets a \$4,000 IIP award, has no negative input on his  
18 performance rating. He gets the Nuclear Excellence  
19 Award, and then he comes back home and they fire him.

20 MR. BYNUM: yeah. Now, Nuclear Excellence  
21 Award, you really understand what that is. That's not  
22 a -- I mean, that's a -- that's a coffee cup that's  
23 for --

24 SPECIAL AGENT VITRICH: Do we just give it  
25 to anybody?

1 MR. BYNUM: Yeah. There are hundreds of  
2 people that got them. I mean, the list -- in fact, if  
3 you look at Jocher's own submittal, if you look at the  
4 -- he included in that the list of names. There are  
5 hundreds of people on that, and it's for a specific  
6 thing, you know. So -- and the only person that's got  
7 to approve that is a guy's individual supervisor can  
8 give it to him. A supervisor of another group can  
9 give it to him. Almost anybody can actually.

10 SPECIAL AGENT VITRICH: So you're saying  
11 it's not really an important award.

12 MR. BYNUM: Oh, no, and it is not  
13 indication of sustained performance. There's  
14 absolutely no indication of sustained performance.

15 I wouldn't have -- I mean I didn't have  
16 that much direct contact with Jocher. I would have  
17 had no reason to want Jocher to go. I mean, I had  
18 absolutely -- I mean, the contact I had with him was  
19 absolutely minimal.

20 Now, granted I obviously didn't have a  
21 high, you know -- high impression of him, of the man,  
22 but, boy, I absolutely had no reason to dictate  
23 over -- over their, you know, objections that he be --  
24 that he be fired. I had no reason to do that.

1                   SPECIAL AGENT VITRICH: Okay. That's a  
2 fair statement. From what you observed, there was not  
3 enough to fire him. It's from basically input and the  
4 downsizing that caused the action to happen.

5                   MR. BYNUM: That's right.

6                   SPECIAL AGENT VITRICH: Okay.

7                   MR. BYNUM: I mean I had no real --

8                   SPECIAL AGENT VITRICH: You relied on your  
9 subordinate managers to give you the input as --

10                  MR. BYNUM: Yeah, and would have expected  
11 that if they believe that, that they would have said,  
12 "Hey, Joe, you know. We've got to wait this out. You  
13 know, we've got to give this guy a chance. We don't  
14 have the documentation. You know, we've got to give  
15 this guy a chance."

16                  Boy, I'll tell you there was never any  
17 word of that.

18                  SPECIAL AGENT VITRICH: That's probably  
19 the reason, was that there wasn't any.

20                  MR. BYNUM: Yeah, but I mean -- but I mean  
21 they didn't tell me that. They didn't --

22                  SPECIAL AGENT VITRICH: Yeah.

23                  MR. BYNUM: I mean I would have -- if  
24 that's the case, I would have expected them to say,  
25 "Hey, Joe, you know, we can't do this. You know, this

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1 is not right. You know, we don't have the  
2 documentation."

3 SPECIAL AGENT VITRICH: Yeah.

4 MR. BYNUM: I would have expected them to  
5 tell me that. Again, you know, it -- you know, when  
6 you asked me the question, you know, who said let's  
7 fire Jocher, you know, I can't really give you a clear  
8 answer, but what is clear in my mind, that it was the  
9 consensus of those guys that that's what had to -- it  
10 was the consensus of that group before he came back  
11 that's what we had to do.

12 And you know, my concern was what I could  
13 see, is that they would stay there. As long as we had  
14 the head count, they'd stay there forever and we'd  
15 never deal with it.

16 SPECIAL AGENT VITRICH: Did -- well  
17 (inaudible).

18 SPECIAL AGENT THOMAS: Even if you hadn't  
19 changed the organization, if you hadn't downsized,  
20 they still would have probably moved Jocher out of  
21 that position to the technical?

22 MR. BYNUM: We would have had to,  
23 absolutely had to.

24 SPECIAL AGENT THOMAS: So the actual  
25 organization change --

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1                   SPECIAL AGENT VITRICH: Forced it a little  
2 quicker maybe?

3                   MR. BYNUM: Yeah.

4                   SPECIAL AGENT THOMAS: Or forced the  
5 termination.

6                   MR. BYNUM: Yeah.

7                   SPECIAL AGENT THOMAS: Instead of just a  
8 demotion or a final move.

9                   MR. BYNUM: Yeah. Well, and when I talked  
10 -- when I talked to Wilson about the demotion, I got  
11 the clear impression from Wilson that Jocher would  
12 never accept that; that that would not be a -- you  
13 know, because I discussed that with Wilson, and I felt  
14 like here was a guy who did really have a lot of  
15 technical expertise, and used in the right kind of a  
16 position could have been very valuable.

17                   You know, had -- you know, if we had  
18 maintained, you know, a staff of, you know, technical  
19 experts, you know, under a good supervisor, you know,  
20 Jocher would be a very valuable asset under, you  
21 know, a decent supervisor.

22                   SPECIAL AGENT THOMAS: Okay.

23                   MR. BYNUM: And I would have had no  
24 problem with that at all.

1                   SPECIAL AGENT VITRICH: Well, you're all  
2 very uniform in that analysis of the technical  
3 (inaudible). Management still comes across as being  
4 one person's interpretation of what's good and what's  
5 bad.

6                   You know, he makes an argument that "I was  
7 fired because there were safety concerns."

8                   MR. BYNUM: Yeah, that's not -- you know,  
9 he never once raised anything to me or anybody else to  
10 my knowledge.

11                   SPECIAL AGENT VITRICH: But some of the  
12 things he's talking about were protected activities  
13 though.

14                   MR. BYNUM: But --

15                   SPECIAL AGENT VITRICH: CATR, the  
16 (inaudible), and a few other things that were not  
17 unique to Jocher, but they have been identified  
18 before, and he just resurfaced.

19                   MR. BYNUM: Oh, yeah, and, well, I would  
20 even say he resurfaced them. I don't know in what  
21 forum he resurfaced them.

22                   SPECIAL AGENT THOMAS: Even his  
23 discussions with INPO are considered protected  
24 activity.

25                   MR. BYNUM: Yeah.

1                   SPECIAL AGENT THOMAS:  And his job, it  
2  seems like -- his job was to identify problem and --

3                   MR. BYNUM:  Yeah, you couldn't avoid it,  
4  yeah, and that's true, but certainly, you know, there  
5  was no -- in fact, if anything, it's kind of  
6  interesting.  In fact, if anything, you know, one of  
7  the things that -- you know, that -- that I mentioned,  
8  you know, to Wilson and Keiter both is, you know, a  
9  part of Jocher's position, you know -- again, for  
10 instance, the general technical knowledge -- he should  
11 have uncovered that.  I mean, his job was to do that,  
12 and in fact, if anything, the fact that there was some  
13 -- some little bit of surprise on that arena.  You  
14 know, he -- there wasn't anything else that came up  
15 that we were surprised about.

16                   But, yeah, his job was to find that out.

17                   SPECIAL AGENT VITRICH:  So most of the  
18 negative input, except for the one organizational  
19 SNAFU the two of you had, most of your input about  
20 anything negative with Jocher came from Wilson and  
21 maybe Keiter?

22                   MR. BYNUM:  Well, yeah, that's basically  
23 true.  The only other thing I would say is the  
24 procedure thing that happened, you know I was at least  
25 cognizant of.  You know, it just -- but that was just

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1 another data point to me that I guess corroborated the  
2 fact that, you know, he couldn't really -- he was not  
3 really implementing. You know, that was just a data  
4 point.

5 What few data points I had, you know,  
6 direct contact with him, you know, that and the  
7 organizational one, both were data points which were  
8 consistent with what I was being told by Wilson and  
9 Dan.

10 SPECIAL AGENT THOMAS: So you discussed it  
11 with Wilson, Keiter, and talked to Beacon about not  
12 wanting him at the site?

13 MR. BYNUM: Yeah, Beacon talked about, you  
14 know, get a chemistry manager.

15 SPECIAL AGENT THOMAS: But did anyone else  
16 say not very --

17 MR. BYNUM: Well, it was a way of saying  
18 it. It was obvious that Sebatos did not trust him,  
19 did not get along with him, and that was very  
20 (pause) --

21 SPECIAL AGENT THOMAS: Okay.

22 SPECIAL AGENT VITRICH: What happened to  
23 Lyden? Why did he get (inaudible)?

24 MR. BYNUM: It was somewhat a similar  
25 issue with Lyden. You know, he -- Lyden had some good

1 ideas, you know, but you know, if you -- you know, to  
2 actually get him to implement those things and make --  
3 of course, Lyden was probably in a more difficult  
4 situation in some ways than Jocher was. He was really  
5 -- he was in a much more difficult situation to  
6 correct than what Jocher was.

7 SPECIAL AGENT VITRICH: To correct the  
8 problem in the office?

9 MR. BYNUM: Yeah.

10 SPECIAL AGENT VITRICH: Again, I go back  
11 to the same old question. Jocher says, "I didn't get  
12 support." With all of these things that's going on in  
13 operations, how could he not be doomed to failure?

14 MR. BYNUM: I still -- I guess my counter  
15 there would be the chemistry problems were such an  
16 issue, we had even -- even the board, you know, was  
17 asking about chemistry. I just think the sheer  
18 visibility of that, man, if he had come and said,  
19 "Hey, you know, we're not getting instruments fixed,"  
20 or, "we're not getting instruments replaced," or, you  
21 know, "we're not getting this done," you know the  
22 sheer high profile visibility of that I think.

23 You know, we had -- you know, you --  
24 obviously we've had a lot of turnover out there.

1                   SPECIAL AGENT VITRICH: With ROIs, period.  
2                   Why removed (inaudible)? Were you part of the whole  
3                   group removed, Beacon and Wilson and everything else?

4                   MR. BYNUM: Yes.

5                   SPECIAL AGENT VITRICH: Obviously somebody  
6                   thought -- somebody had a hang for what happened out  
7                   there and got (inaudible).

8                   MR. BYNUM: Yes.

9                   SPECIAL AGENT VITRICH: Even though they  
10                  don't necessarily say that. (Inaudible.) That's the  
11                  gamble you take up there, right?

12                  MR. BYNUM: Well, you know, I mean, you  
13                  know, it's interesting if you look at this particular  
14                  thing. You know, from my perspective I was told I  
15                  wasn't tough enough, that I didn't have high enough  
16                  expectations, and I did not hold people accountable  
17                  enough and I let people get off too easy. That's what  
18                  I was told.

19                  SPECIAL AGENT VITRICH: I'll tell you  
20                  those dotted lines causae problems. You know, I don't  
21                  know from your standpoint. Obviously it's much  
22                  different from ours, but I can tell you with the clear  
23                  image that comes to us is I don't give a damn what  
24                  corporate says in chemistry. I have to answer to the

1 site people, and that's where all of my support is or  
2 is not.

3 Wilson can't do nothing for me because  
4 he's got to go backwards and back down again, and it  
5 just doesn't work.

6 SPECIAL AGENT THOMAS: (Inaudible) going  
7 outside the site manager to bring up that sheet.

8 MR. BYNUM: You know, and I'm not -- and  
9 I don't know what Wilson or Keiter said. I'm not  
10 aware of them doing it other than this organizational  
11 thing. He tried to run around everybody to do that.  
12 That's the only one I'm aware of. I'm not aware of  
13 any other issues that he -- Jocher was very stubborn,  
14 you know. He had in his own mind, you know, he was  
15 stubborn. He had his way of what he wanted to do, and  
16 he was going to do it.

17 SPECIAL AGENT VITRICH: (Inaudible.)

18 MR. BYNUM: Yeah, he really was.

19 SPECIAL AGENT VITRICH: Pontificate, in a  
20 word.

21 MR. BYNUM: Yeah.

22 SPECIAL AGENT VITRICH: Ever heard that  
23 one before?

24 MR. BYNUM: Yeah.



1 SPECIAL AGENT VITRICH: I believe his  
2 favorite.

3 MR. BYNUM: Yeah.

4 SPECIAL AGENT VITRICH: And when you  
5 realize he was an actor on the Chattanooga local  
6 acting group, I can understand that personality coming  
7 forth.

8 I have one more question, and then I think  
9 we're almost done, but was there any discussion with  
10 you concerning who got the RADCON chemistry control  
11 manager position which you can't often get. Do you  
12 know whether or not Jocher ever applied for that or  
13 was considered?

14 MR. BYNUM: I have no -- I guess again it  
15 was a foregone conclusion in my mind that Kent would  
16 get it. I don't know of any discussion that took  
17 place. I was not aware of any.

18 SPECIAL AGENT VITRICH: When Jocher was  
19 terminated here, was his position posted, the vacancy?

20 MR. BYNUM: I don't know. See,  
21 actually --

22 SPECIAL AGENT VITRICH: By the time you  
23 left.

24 MR. BYNUM: See, yeah, Rich was not on  
25 board when I left.

1 SPECIAL AGENT THOMAS: When did you leave?

2 MR. BYNUM: May.

3 SPECIAL AGENT THOMAS: In May?

4 MR. BYNUM: I actually started over in  
5 March, and I actually started to work over in March.

6 SPECIAL AGENT VITRICH: He was made an  
7 offer while you were still in business though. He was  
8 made an offer around the 13th or 14th of April. Of  
9 course, you probably had your hands full with all the  
10 other stuff going on and wouldn't be aware of it, but  
11 we were wondering whether it was a normal procedure  
12 that that job would have been posted.

13 MR. BYNUM: Yes, normally it would have  
14 been posted.

15 SPECIAL AGENT VITRICH: And how about  
16 Sequoia? Do you know if (inaudible)?

17 MR. BYNUM: And what you just told me  
18 maybe may explain that. That clearly -- you know,  
19 like I said, there's no way. If, in fact, Fiser is  
20 still the -- they can't post it. They can't fill it.  
21 There'd be no way.

22 SPECIAL AGENT VITRICH: Okay.

23 SPECIAL AGENT THOMAS: I don't have any  
24 questions.

1 MR. BYNUM: You know, and I ran into that,  
2 and the reason I know that and the reason that I never  
3 would have -- have, you know, agreed is because I had  
4 an individual that came to me, Mike Harding, worked  
5 directly for me, and we RIFed Mike's position actually  
6 at his request. He came to me and said, "I don't  
7 think this" -- again, part of corporate downsizing.  
8 He said, "I don't think this is the usual position."  
9 He said, "I'm going to get me something else."

10 And so I had to think very seriously, you  
11 know. It was a good chance to release the position,  
12 but I had to consider do I want to fill the position  
13 or not and finally decided I really didn't need to  
14 (inaudible).

15 Clearly, if that's the case, they can't  
16 fill it.

17 SPECIAL AGENT VITRICH: Well, like I say,  
18 we don't have all the facts.

19 MR. BYNUM: But that would be -- that  
20 would be the reason if, in fact, that's true.

21 SPECIAL AGENT VITRICH: I think Mr. Fiser  
22 will probably -- we'll probably all be looking at it  
23 again. (Inaudible.)

24 Do you have any questions of us? Is there  
25 anything we should have asked you about this that you

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1 haven't told us or we haven't asked that you think  
2 you'd like to put on the record?

3 MR. BYNUM: I really can't think of  
4 anything. I guess I am -- it's interesting. I am  
5 surprised that Wilson and Keiter -- I mean, do they  
6 say that they told me, "We don't think this is the  
7 thing to do," that they made that plain to me?

8 SPECIAL AGENT VITRICH: They said there  
9 was enough -- that they didn't open their mouth. It  
10 was a thing that you had already made your decision,  
11 and it was not an option.

12 Is that the way it was?

13 SPECIAL AGENT THOMAS: That's my  
14 understanding.

15 MR. BYNUM: Well, and you know, from --  
16 you know, if they were going to bring Rich in, I mean,  
17 that was clearly the case. You know, I flat said,  
18 "We're not going to do that while we've got two  
19 managers at the same level." I said, "Were not going  
20 to do that." That's what was not an option. That was  
21 clearly not an option.

22 SPECIAL AGENT VITRICH: Well, in all  
23 honesty to those people, that was not ever addressed  
24 to us -- I don't know -- maybe intentionally, but that  
25 was never brought up in our discussions with them

1 about Rich's (inaudible) decision to fire Jocher. We  
2 get the distinct impression that you wanted to get rid  
3 of Jocher in the beginning. They convinced you to  
4 give him a trial period of time. I'm saying  
5 collective "they." Let him go for six months and  
6 he'll straightened back up.

7 Less than a month later, approximately  
8 three weeks (inaudible), you called him back up, and  
9 at this time you said, "Jocher has got to go," and we  
10 have asked what happened in that three weeks time that  
11 would change your opinion.

12 Nobody can tell us anything. It was  
13 purely in your head, whatever happened.

14 MR. BYNUM: Keiter didn't -- Keiter didn't  
15 talk about the reduction from eight to four?

16 SPECIAL AGENT VITRICH: No.

17 MR. BYNUM: I mean that was -- that's what  
18 the whole conver -- that's where the whole  
19 conversation started.

20 SPECIAL AGENT VITRICH: No, didn't talk  
21 about that at all. They said it was a done deal. You  
22 had made up your mind, and I can appreciate -- if  
23 they're telling the truth, I can appreciate it.  
24 You've got your mind made up and you're my boss.

25 MR. BYNUM: Yeah.

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1                   SPECIAL AGENT VITRICH: And we've already  
2 discussed it once before. I ain't going to beat my  
3 head against the wall. I know that --

4                   MR. BYNUM: Well, clearly, you know, the  
5 thing that surprised -- the one thing I did not -- and  
6 we had talked about Jocher coming there. We clearly  
7 had talked about it, but again, when we talked about  
8 it, it was -- it was clear to me because I even  
9 remember Wilson and I talking and saying, you know,  
10 he's going to come back, and you know he -- you know  
11 he can't do that job, and Wilson said, "I know he  
12 can't do it."

13                   And it was almost like you know, we'll set  
14 this thing up and then we'll go through the motions  
15 and then we'll do something, and you know, it was a  
16 foregone conclusion before he came back that he could  
17 not do that job, and it was a foregone conclusion from  
18 Wilson. It was a foregone conclusion from Keiter and  
19 myself

20                   We did talk about him coming back. We  
21 clearly did, and my concern, again, was focused on,  
22 you know, let's be sure he doesn't wreck things while  
23 he's in that job.

24                   And so we talked about him coming back.  
25 I do not remember a six month. I just don't remember

1 six months being tied to it. You know, in my mind it  
2 was never clear what that period of time was going to  
3 be. The driver in my mind was the reduction.

4 SPECIAL AGENT VITRICH: Let me ask you  
5 something else real quick, Joe, if I can. Do you feel  
6 Jocher's position, rank, whatever you want to call it,  
7 as corporate chemistry manager is a position where he  
8 is serving purely at the discretion of senior  
9 management?

10 MR. BYNUM: No, no, no. In fact, only  
11 senior managers, I guess, are in that category, and  
12 he's not a senior manager.

13 SPECIAL AGENT VITRICH: Well, he  
14 (inaudible). I realize that.

15 MR. BYNUM: No. Clearly that's not the  
16 case.

17 SPECIAL AGENT VITRICH: Okay. Really what  
18 you need is a little bit more justification.

19 MR. BYNUM: Absolutely. Well, and that's  
20 why, again, you know, when -- when Wilson brought up  
21 that he thinks Jocher will resign and I said, "Are we  
22 prepared to terminate him?"

23 SPECIAL AGENT VITRICH: By that you're  
24 asking do we have ourselves covered.

1 MR. BYNUM: You know, I said, "Are we  
2 prepared to terminate him?"

3 SPECIAL AGENT VITRICH: All right.

4 MR. BYNUM: And also I can remember asking  
5 before Jocher came back. I asked Wilson. I said,  
6 "Does Jocher know that he needs to be looking for a  
7 job?"

8 I mean, you know, again, it was a foregone  
9 conclusion in my mind, and I wanted to be sure that  
10 Jocher knew because I'll tell you how I have handled  
11 some of these others, and maybe this is something I  
12 want to tell you.

13 Jack Wilson -- I told Jack Wilson, you  
14 know. I said, "Jack" -- I told him I'll say eight or  
15 nine months. I said, "Jack, it's a done deal." I  
16 said, "You are a dead duck, you know, and I owe you  
17 that, and you need to know that."

18 I would never surprise anybody, you know,  
19 by having them walk in and saying -- you know, and I  
20 had -- I'll take that back. I had to do that on one  
21 occasion just because I was forced to, but I did on  
22 one occasion.

23 But where I know that that's the  
24 situation, I would never surprise anybody like that.



1                   SPECIAL AGENT VITRICH: That's your own  
2 personality trade. Jack Wilson had no expectation of  
3 -- he was serving as senior management.

4                   MR. BYNUM: Oh, yeah, yeah.

5                   SPECIAL AGENT VITRICH: That's not the  
6 case with Jocher.

7                   MR. BYNUM: That's right.

8                   SPECIAL AGENT VITRICH: You would have  
9 wanted --

10                  MR. BYNUM: Well, yeah. The thing about  
11 Jocher though, knowing that he was coming back and  
12 knowing that he could not do that job, you know, I  
13 said, "Wilson, you know, does Jocher know he needs to  
14 be looking for a job?"

15                  And Wilson said, "Yes, he knows, and he's  
16 going to look for a job." And that --

17                  SPECIAL AGENT VITRICH: -- do you think  
18 Wilson handled it?

19                  MR. BYNUM: No, and let me tell you. You  
20 know, I feel -- I had some suspicions about Wilson,  
21 you know, because of a previous one, and you know, I  
22 probably did not in all -- you know, in hindsight  
23 probably did not follow up as much on that.

24                  And one of the things is, on the one hand,  
25 I did because I dealt with Keiter and Wilson both, and

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1 I was dealing one down with Wilson even as it was, but  
2 felt like I at least -- because Wilson was the guy  
3 that was talking to him -- that I at least needed to  
4 know from him and couldn't really rely on Keiter.

5 SPECIAL AGENT VITRICH: So and Wilson  
6 really was his direct supervisor, too. So would have  
7 probably the most good information, I guess.

8 MR. BYNUM: Well, and Wilson said, "I've  
9 talked to him. I've counseled him. You know, he  
10 knows he's not, you know, doing what we expect him to  
11 do."

12 You know, that's (inaudible), again, I  
13 think it would be fair to say, you know, that I  
14 certainly pressed the issue, you know, to deal with  
15 him, but I certainly would not have pressed the issue  
16 to deal with him in an inappropriate way if, in fact,  
17 we didn't have a case, if they hadn't been talked to,  
18 if they didn't know what was going on.

19 SPECIAL AGENT VITRICH: Okay. Well, Mr.  
20 Bynum, what we will ultimately do is prepare a report  
21 of interview which will become part of our file, and  
22 there will be various excerpts from yours and other  
23 people's in there to make up basically the report  
24 which ultimately will go to Kingsley to use in his  
25 reply to DOL, if it ever gets to that point.

1 MR. BYNUM: Is this handled like a  
2 standard on where, you know, I'll get the copy to  
3 review and comment on and all of that?

4 SPECIAL AGENT VITRICH: If you're judged  
5 to be the bad guy, but I'm not really sure that's  
6 going to be the case. We haven't got it all together  
7 yet because we've got other people doing leads, and we  
8 don't know if -- what (inaudible) we're going to get  
9 from them.

10 But if you were the accused, so to  
11 speak --

12 MR. BYNUM: Right.

13 SPECIAL AGENT VITRICH: -- if the finding  
14 was --

15 MR. BYNUM: Which it sounds like I am.

16 SPECIAL AGENT VITRICH: Well, people are  
17 pointing fingers. That's why I gave you a chance to  
18 point back. That's why I'm telling you that.

19 But if you were, yeah, you probably would  
20 get a copy and get a chance to make a reply to our  
21 report. The primary purpose of the report is to serve  
22 Kingsley's needs so that he can reply to DOL when they  
23 say you did good, bad, or indifferent, and also to  
24 address possible misconduct, which DOL doesn't really  
25 (inaudible), but that's where it really --

1 MR. BYNUM: Okay.

2 SPECIAL AGENT VITRICH: And if you have  
3 any other questions, I don't know if Beth did give you  
4 a card, but this is her case. She's the lucky one.  
5 I'm just carrying the luggage.

6 SPECIAL AGENT THOMAS: (Inaudible.)

7 SPECIAL AGENT VITRICH: We appreciate your  
8 taking the time because I know you've been busy as  
9 hell, but we're being pushed time-wise.

10 MR. BYNUM: And I did not actually  
11 understand at the time that there was, I guess, a  
12 Friday deadline for -- what I heard, what Hinshaw told  
13 me, I guess, there was a Friday report to the Board  
14 is what he actually said.

15 SPECIAL AGENT VITRICH: (Inaudible) the  
16 board. I think it's -- I don't.

17 MR. BYNUM: That's actually what he told  
18 me on the phone.

19 SPECIAL AGENT THOMAS: That I as  
20 (inaudible).

21 MR. BYNUM: Isn't that what he said?

22 SPECIAL AGENT THOMAS: He's got to make a  
23 report to OGC --

24 MR. BYNUM: Okay.

1                   SPECIAL AGENT THOMAS: -- Friday. He said  
2 that I think, but --

3                   MR. BYNUM: That is what he said, isn't  
4 it?

5                   SPECIAL AGENT THOMAS: Yeah, but --

6                   SPECIAL AGENT VITRICH: I don't think it's  
7 going to the board.

8                   SPECIAL AGENT THOMAS: It's not going to  
9 the Board. It's --

10                  MR. BYNUM: When he said that, you know,  
11 then, you know, I said okay.

12                  (Whereupon, the interview of Joe Bynum was  
13 concluded.)

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