

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

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

+ + + + +

ATOMIC SAFETY AND LICENSING BOARD
DEPOSITION

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

The deposition of JOHN COREY, was taken by the Nuclear Regulatory Commission, pursuant to Notice, commencing at 9:30 a.m. on Wednesday, November 28, 2001 at the offices of Tennessee Valley Authority, Room 313, Mount Eagle Building, 11th and Market Streets, Chattanooga, Tennessee.

1 APPEARANCES OF COUNSEL:

2 On behalf of the Nuclear Regulatory Commission:

3 DENNIS C. DAMBLY, Attorney

4 JENNIFER M. EUCHNER, Attorney

5 U.S. Nuclear Regulatory Commission

6 Washington, D.C. 20555

7

8 On behalf of Tennessee Valley Authority:

9 BRENT R. MARQUAND, Attorney

10 ED VIGLUICCI, Attorney

11 Tennessee Valley Authority

12 400 West Summit Hill Drive

13 Knoxville, Tennessee 37902-1499

14

15

16

17

18

19

20

21

22

23

24

25

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

INDEX

EXAMINATION BY MS. EUCHNER 4
EXAMINATION BY MR. DAMBLY 65

EXHIBIT INDEX

EXHIBIT #1 - SRB interview package 31

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

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

MS. EUCHNER: This is a deposition on November 28th in the matter of Tennessee Valley Authority, Atomic Safety & Licensing Board Panel Number 01-791-01-CivP.

My name is Jennifer Euchner. I'm an attorney for the NRC staff, and this is a deposition of John Corey. Would you please swear in the witness.

Whereupon,

JOHN COREY

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

EXAMINATION

BY MS. EUCHNER:

Q Mr. Corey, I'm going to ask you a number of questions. If at any time you either don't understand what I'm saying, can't hear me, don't understand the question, please stop me and let me know. And if at any time you feel you need a break, also please let me know.

A Okay.

Q I'd like to start with your educational and professional background. First, your education.

A I graduated from the University of Tennessee at Chattanooga with a Bachelor of Science degree in physics, and a Bachelor of Arts degree in chemistry, with a minor in biology. I did graduate work at Texas A&M University; have a

1 Master of Science in nuclear engineering with a health
2 physics option.

3 Q When you finished your Master's degree, what was
4 your first job?

5 A I worked at the Oak Ridge National Laboratory, the
6 X10 facility. I worked as a health physicist in our
7 instrumentation calibration facility.

8 Q And how long were you there?

9 A Approximately 15 months.

10 Q Where did you go to work after Oak Ridge?

11 A I worked for the Tennessee Valley Authority in
12 their radiological hygiene branch located in Muscle Shoals,
13 Alabama. I was assigned to the radiological emergency
14 planning section.

15 Q Since you started with TVA, have you been with them
16 throughout, or did you start with TVA, leave, and then come
17 back?

18 A I've been with TVA throughout.

19 Q Okay. And when approximately did you start working
20 for TVA?

21 A January 12th, 1981.

22 Q Okay. How long were you in the job where you
23 worked on emergency planning?

24 A Approximately a year.

25 Q And then where did you go after that job?

1 A I took a promotion and I worked at the Eastern Area
2 Radiological Laboratory in Vonore, Tennessee in the dosimetry
3 section. And I was there for 39 weeks. They closed the
4 facility.

5 Q Where did you go after that?

6 A I left that facility and I went to work at Browns
7 Ferry Nuclear Plant. I reported there on February 23rd of
8 1983. And my title was manager of technical support for the
9 rad con -- or it was called the health physics department at
10 that time.

11 Q Was that a supervisory position?

12 A That's correct.

13 Q How many people did you supervise?

14 A Initially, four clerical and one health physicist,
15 to the best of my recollection.

16 Q Did you supervise any chemistry at that time?

17 A No.

18 Q How long did you hold that position?

19 A I held various positions within the health physics
20 department. Initially I was assigned to oversee the
21 dosimetry department. I was later assigned also the ALARA
22 department, and then the instrumentation and respiratory
23 protection departments as well. I then assumed the
24 superintendent position in May of 1989.

25 Q And what were your duties in that position?

1 A I oversaw the entire radiological control
2 department, which included field operations, dosimetry,
3 ALARA, instrumentation and respiratory protection.

4 Q At that time were you supervising chemistry?

5 A No.

6 Q How long were you in that position?

7 A I held that position until January of 1995, at
8 which time I was promoted to the manager of radiological and
9 chemical controls.

10 Q Okay. How long did you hold that position?

11 A I'm in that position presently.

12 Q And what do your duties include in that position?

13 A I oversee the chemistry department, the
14 radiological controls department, and the rad waste
15 environmental department. I manage all those departments.

16 Q Okay. For the position -- your first position at
17 Browns Ferry, which I think you said was manager of tech
18 support...

19 A Uh-huh (affirmative).

20 Q ...how did you get that position?

21 A The superintendent of radiological controls of the
22 health physics department at that time was Allen Sorrell.
23 And while I worked at the Eastern Area Radiological
24 Laboratory, he would call up and ask for technical support on
25 several occasions. And based on my support of Browns Ferry

1 at that time, they had an urgent need for a technical health
2 physicist. And I received a call from the plant manager's
3 office and was directed to report, which I did.

4 Q Did you have to compete for that position, or were
5 you placed in it?

6 A To the best of my recollection, I was placed in it.

7 Q You indicated that in 1989 you became a
8 superintendent. Was it a promotion to that position?

9 A Yes, it was. I do not know if there was a vacancy
10 announcement out or not. I just received the call and
11 reported.

12 Q Between 1983 and 1989, you indicated that you held
13 various positions within the health physics area. During
14 that time did you have to compete for any positions?

15 A What was occurring at that time, initially the
16 health physics departments at the plants were very limited in
17 scope. There were basically technicians, there was a health
18 physicist, and then there was a superintendent. As the first
19 technical health physicist, per se, based on my educational
20 background and my expertise in instrumentation, I just
21 basically was given more and more assignments. As the
22 department grew, I just continued to absorb more and more
23 responsibilities.

24 Q As you absorbed these responsibilities, was your
25 position description updated to reflect those

1 responsibilities?

2 A I would have to go back and look at the human
3 resource files. The organization was going through several
4 changes during this period of time, and I do not recall at
5 this time exactly how and how often there were changes, as
6 far as your job descriptions were concerned, or
7 reorganizations. It's not something that I was -- I keep in
8 the forefront of my mind, quite honestly. That was 20 years
9 ago.

10 Q As you received more responsibilities, did
11 promotions come along with those responsibilities, or were
12 they simply added to your prior position?

13 A I don't recall. We worked -- this was during the
14 recovery period for Browns Ferry, and we were working very
15 long hours, like seven days a week. And at this time I can't
16 recall how my grade levels were -- were changing during that
17 time.

18 Q Okay.

19 A I just -- as I said, I recall, you know, going from
20 the position that I was -- as a director reporting to the
21 superintendent, to being the superintendent in '89.

22 Q Just before you went to Browns Ferry, you indicated
23 that you spent 39 weeks at the lab, and then that the lab
24 closed. As a result of the lab closing, were you RIF'd?

25 A The laboratory closed after I left, but I knew that

1 it was going to close. And I was not subject to a RIF at
2 that time.

3 Q In 1989, when you became a superintendent and
4 oversaw the rad con area, was that a promotion?

5 A Yes, it was.

6 Q Did you have to compete for that promotion?

7 A Not to my recollection.

8 Q Do you recall who appointed you to that position?

9 A Plant manager.

10 Q Do you remember who that was at the time?

11 A I believe it was Guy Campbell.

12 Q And you held that position until 1995?

13 A That's correct.

14 Q Did you have any promotions within that time
15 period, or you held the same position?

16 A No, I did not.

17 Q When moving up to a manager of rad chem, was that a
18 promotion?

19 A Yes, it was.

20 Q Did you have to compete for that position?

21 A Not to the best of my recollection.

22 Q Do you recall who appointed you to that position?

23 A The plant manager.

24 Q Was it the same person?

25 A No, it was not.

1 Q Who was the plant manager in 1995?

2 A Gene Preston.

3 Q Okay. Let's talk a little bit about your work
4 relationship with a number of the people involved in this
5 case. First of all, what is your relationship to Charles
6 Kent?

7 A Charles Kent was my first supervisor in TVA. He
8 reported to John Engorson, who was the head of our
9 radiological emergency planning section. And his first
10 subordinate was Charles Kent, who was my supervisor.

11 I worked for a brief period of time with him during
12 my -- my tenure in the -- in that particular group. I then
13 worked with him later when he came to Browns Ferry Nuclear
14 Plant. I don't recall exactly the year. I worked with him
15 as a -- as a peer. He is the manager of radiological and
16 chemistry controls at -- at Sequoyah, as I am at Browns
17 Ferry. So I've known him 20 years.

18 Q In 1995, when you became the rad chemistry manager,
19 was he the rad chem manager at Sequoyah at that time?

20 A Yes, he was.

21 Q What about Jack Cox?

22 A I've known Jack Cox not as long as I've known
23 Charles Kent. I've worked with him as a peer since he is the
24 radiological and chemistry control manager at Watts Bar. He
25 is now the training manager at Watts Bar. I don't deal with

1 him nearly as frequently as I used to, but on occasion we do
2 need to discuss training issues.

3 Q Was he the rad chem manager at Watts Bar in 1995,
4 when you assumed the position at Browns Ferry?

5 A I don't recall when he was appointed.

6 Q Rick Rogers?

7 A I don't recall the first time I met Rick Rogers,
8 but I do recall that he sat on the selection board in 1996.

9 Q Throughout your years at TVA, did you have any work
10 interactions with him, other than the selection board?

11 A I can't recall specifically; no.

12 Q Let's see if I can get this name right. E. S.
13 Chandrasekaran.

14 A That's close. Chandra, for short.

15 MR. DAMBLY: Do you want to spell that for the
16 court reporter.

17 MS. EUCHNER: C-h-a-n-d-r-a-s-e-k-e-r-a-n.

18 MR. MARQUAND: A-r-a-n.

19 MS. EUCHNER: A-r-a-n. I was close. Only one
20 letter off.

21 BY THE WITNESS:

22 A I've known Chandra probably since about the early
23 to mid-'90s. He worked in the chemistry department, and then
24 later was -- filled the position of the manager of
25 radiological and chemistry controls for corporate.

1 Q Prior to the selection board in 1996, had Chandra
2 been providing chemistry support to the Browns Ferry site
3 from corporate?

4 A On occasion; yes.

5 Q How familiar were you with his work during that
6 time period?

7 A Chandra has a background in PWR and BWR chemistry.
8 And before I became manager of the radiological and chemistry
9 controls for Browns Ferry, I didn't have that much
10 interaction with him, since I was just in charge of
11 radiological controls at that time.

12 When I took over the department, he supported
13 Browns Ferry, as he supported Sequoyah. There are several
14 contracts and vendors which are coordinated through the
15 corporate office in support of the plants, and he supported
16 us. There was a period of time after our chemistry
17 superintendent left---and I can't recall the exact date, but
18 it was subsequent to this---he was the acting chemistry
19 superintendent of Browns Ferry. Like 1997.

20 Q About how often would you say that he was at the
21 site giving support?

22 A Other than his -- his acting superintendent...

23 MR. MARQUAND: What time frame, counsel?

24 Q In -- just prior to the '96 selection board.

25 A I can't specifically recall. It was on an as-

1 needed basis.

2 Q When he was there, was he doing chemistry work?

3 A Prior to 1996?

4 Q Yes.

5 A To the best of my recollection; yes.

6 Q Do you recall whether he ever did environmental
7 work at the site?

8 A I can't recall.

9 Q Okay. Do you know of anyone from corporate who did
10 provide environmental support to the site during the pre-1996
11 time frame?

12 A No, I do not.

13 Q Okay. Sam Harvey?

14 A Provided support on contracts of TVAN-wide,
15 chemistry support contracts. And saw him on -- just on a few
16 occasions. Most of Mr. Harvey's and Mr. Chandra's dealings
17 at the site were with the chemistry superintendents at the
18 time.

19 Q Gary Fiser?

20 A I don't recall the first time I met Mr. Fiser. I
21 think I saw him on a -- on a couple of occasions when I came
22 to corporate for business. I don't remember having any
23 direct dealings with him in support of Browns Ferry.

24 Q Wilson McArthur?

25 A Wilson McArthur, I'm thinking probably the early

1 '90s. We dealt with Mr. McArthur when I was the radiological
2 control superintendent on some issues. But primarily, most
3 of my dealings with him were in the time frame when I became
4 the radiological and chemistry control manager.

5 Q At the time of the selection board in 1996, what
6 was his position, do you recall?

7 A I believe he was the -- my peer for corporate.

8 Q Ron Grover?

9 A Geez. Early, mid-'90s. He worked in the chemistry
10 department in corporate. On occasion he would come to the
11 site in support of the chemistry program. He did an
12 evaluation for us of RLA---that's RLA---technician knowledge.
13 It was a follow-up corrective action after an IMPO evaluation
14 and assessment visit. He also came to the site to support an
15 effort to pull together all the set point information for the
16 effluent rad monitors into a single procedure.

17 Q Tom McGrath?

18 A Don't recall when I first met Tom McGrath, but
19 early '90s, possibly. I remember him sitting on the NSRB
20 committee for Browns Ferry Nuclear Plant, and that's
21 primarily where I remember my interface with him.

22 Q During the time frame of 1996, just prior to and
23 during the selection review board process, did you have an
24 interactions with Mr. McGrath?

25 A None more that I can recall. Primarily NSRB, as I

1 recall.

2 Q I'd like to talk now about selection review boards
3 in general, not specifically the 1996 selection review board.
4 How many selection review boards have you sat on as a member
5 during your time at TVA, approximately?

6 A About a half a dozen.

7 Q How typically does the selection review board work?
8 How many people are typically on the board?

9 A I don't think there's any set rules as far as the
10 numbers of people. To the best of my recollection, selection
11 review boards, as I referred to, initiated at Browns Ferry.
12 Our present chief nuclear officer, John Scalice, was the
13 Browns Ferry plant manager. And during his tenure at Browns
14 Ferry he requested that we do selections---for management
15 positions primarily, but some for the represented schedule as
16 well---in this general way. It was basically a memo or
17 something of that nature that -- that started out.

18 But the boards I've been on, you usually had an HR
19 officer; the supervisor -- selecting supervisor may or may
20 not be on the board; usually it's a peer of the supervisor;
21 may be a primary customer, as well. But you could have
22 whatever number that you could coordinate them. And I don't
23 think there was any restriction on the numbers of people that
24 you might want to have on your selection board.

25 Q Was it typical, in your experience, to have all

1 people from the sites on a selection board for a bunch of
2 corporate positions?

3 A I don't know that I could say how typical it would
4 be throughout TVAN as to how this has been implemented. To
5 the best of my recollection, this was the first board that I
6 sat on that was for corporate positions. The ones that I had
7 been involved in earlier had been at the sites.

8 Q Were they specifically at Browns Ferry, or were
9 they also at Sequoyah and Watts Bar, the other boards that
10 you sat on?

11 A To the best of my recollection, at Browns Ferry.

12 Q To your recollection, what information is typically
13 included in the selection packages that are provided to the
14 members of the selection review board?

15 A It depends upon whether you're selecting the
16 individual for a management position or a represented
17 schedule position. For a management position, usually the
18 individual's resume, the vacant position announcement or --
19 or job description associated with that, and then a list of
20 questions. That's usually about it.

21 Q Are service reviews generally included?

22 A For the represented schedule, usually the last
23 three; but for management positions, I don't recall that it
24 was a prerequisite.

25 Q Do the board members generally get the selection

1 packages in advance of the interviews, or do they get them
2 the day of the interviews?

3 A Usually the day of. I think it works most
4 efficiently -- it's hard enough to coordinate getting four or
5 five people from different departments, maybe even from a
6 different site, to come to your site. And then lining up all
7 of the candidates, usually you take the, you know, top five
8 or so candidates. And getting all that coordinated is -- is
9 a pretty significant effort. So they usually have the
10 packages for you when you get there in the morning, and
11 provide you lunch, because usually it's an all-day affair.

12 Q When you get the package, did you typically go
13 through it, review the resumes, look at who was applying for
14 what positions?

15 A Yes. A selection board may be for multiple
16 positions, so, you know, before the selection board would
17 bring in the first candidate everybody wanted to be prepared,
18 look at the information that was presented, and get familiar
19 with the questions that were going to be asked, and then who
20 was going to ask, and getting some order to the process.

21 They're not all exactly the same. I mean, like I
22 said, there's no -- to my knowledge, no hard rules as far as
23 the process. We've basically implemented the directive from
24 Mr. Scalice at that time, to the best of our ability, and
25 it's been somewhat consistent over time. It's a good

1 process.

2 Q You've indicated a little bit earlier that the
3 selecting supervisor either could or could not sit on the
4 selection review board. Is that his or her decision, whether
5 to sit on the board?

6 A I don't know specifically.

7 Q In the boards that you have sat on, has the
8 selecting supervisor participated?

9 A On the boards, no. They have on occasion sat in
10 just to listen.

11 Q Okay. But they haven't participated in the actual
12 rating of the interviewees?

13 A That's correct.

14 Q When rating the interviewees as you go along, are
15 you rating them solely on their responses to the questions,
16 or do you also look at your past experience with them, maybe,
17 if they've worked for you? Do you consider whether they did
18 a good job in the past or a not-so-good job in the past, or
19 do you strictly stick to what their responses to the
20 questions are?

21 A It's their responses to the questions.

22 Q All right. I'd like to now move on to the 1996
23 selection review board in particular. When did you first
24 find out that there might be a selection review board?

25 A Wilson McArthur called me in the summer of '96,

1 indicated that he needed a selection board. And I suggested
2 to him that the rad chem managers participate in that
3 selection board, because these fewer corporate positions had
4 to support all three sites and the different programmatic
5 areas for which we were responsible. So it was my suggestion
6 that the three rad chem managers participate, if possible, on
7 the board.

8 Q Was one of the reasons why you thought that the rad
9 chem managers should sit on the board was because they would
10 be familiar with the individuals applying for the position,
11 and would be familiar with their abilities?

12 A I felt that the rad chem managers needed to be on
13 the board because the people who were being selected were in
14 the radiological control area, the chemistry area, and the
15 environmental area, and we needed to select the very best of
16 what was available in corporate, since there were fewer
17 positions and these were new positions, and the people would
18 have to be able to respond to both BWR issues and PWR issues.
19 I just wanted to make sure that we had the highest caliber
20 personnel available. When there are fewer people, you have
21 to do so much more with less these days, and you have to pick
22 the very best people.

23 Q To your knowledge, did Dr. McArthur -- when did Dr.
24 McArthur decide to take your suggestion and use the rad chem
25 managers at the sites?

1 A I believe like a month or so before.

2 Q A month or so before the actual day of the
3 interviews, he informed you of this?

4 A Yes, ma'am.

5 Q Okay.

6 A Sometime in June, I believe.

7 Q When did you find out the actual date and time of
8 the interviews?

9 A I -- I don't recall.

10 Q Do you know if your peers at Sequoyah and Watts Bar
11 found out that they were going to be on the selection review
12 board at the same time that you found out?

13 A I -- I believe so.

14 Q When did you receive your selection notebook for
15 these interviews?

16 A Could you repeat the question.

17 Q When did you receive your selection notebook, the
18 package, for these particular interviews?

19 A When we -- we were in Chattanooga in July for a
20 peer team meeting, and that afternoon we did the selection.
21 So we convened, and they had the selection notebooks for us
22 at that time.

23 Q When you received it, did you go through each
24 individual's resume and their application for the positions?

25 A As I recall, in the notebook there was an interview

1 schedule, and it was tabbed by position. And then you could
2 see the vacant position announcement that was associated with
3 it. The resumes were there, and then there was a list of
4 questions, and we decided which questions to ask for each
5 position. And we decided as to who would ask which question,
6 so that the same person was asking the same question of all
7 the applicants for that position. And the idea was so that
8 the candidate wasn't constantly being asked questions by the
9 same member of the -- of the panel, that it would rotate it
10 and kind of -- kind of break the ice a little bit there.

11 Q Do you know who wrote the questions?

12 A No, I do not. Normally the selecting supervisor
13 works up the questions.

14 Q Do you recall if there were any service reviews in
15 the selection notebook for any of the applicants?

16 A To the best of my recollection, no. All I recall
17 was the -- the resume of the individual.

18 Q All right, the day of the interviews you indicated
19 that you had a peer team meeting that morning here in
20 Chattanooga.

21 A Yes.

22 Q When did your peer team meeting start,
23 approximately?

24 A Probably...

25 MR. MARQUAND: If you recall.

1 A ...8:00 or 9:00, best of my -- I mean, I -- I live
2 in Huntsville, Alabama. It takes two hours to get here, plus
3 you're losing an hour or whatever, the time change. So
4 around probably 9:00, I would think.

5 Q And how long does it last, approximately?

6 A Usually three -- three hours. Sometimes our peer
7 team meetings last all day. But as I recall, we -- we broke
8 up before noon.

9 Q Do you recall who attended this particular meeting?

10 A Oh, Wilson McArthur, Charles Kent, Jack Cox. And I
11 don't recall who else might have attended. We always try to
12 have the rad chem managers from the sites, as well as
13 corporate, to have a meeting.

14 Q Was Dr. McArthur always at your peer team meetings?

15 A Usually, to the best of my recollection; yes.

16 Q And does that include from the time you first
17 became the rad chem manager at Browns Ferry in 1995, was he
18 attending those meetings, if you can recall?

19 A I don't recall in 1995 the number of peer team
20 meetings we would have had, to be quite honest with you.

21 Q At the conclusion of the peer team meeting, did you
22 have any conversations with Jack Cox before he left?

23 A I just recall him indicating that he wasn't staying
24 for the selection board. We were having a cup of coffee and
25 getting ready for the selection board, per se. And he

1 basically said that he wasn't staying for the selection
2 board, and I just recall thinking, 'Boy, you're getting out
3 of a lot of work by not having to stay for this,' because I
4 knew it was going to go to 8:00. That's basically it.

5 Q Was that the first knowledge that you had that he
6 was going to be unable to attend the interviews?

7 A To the best of my recollection.

8 Q To your recollection, did Jack Cox ever make a
9 statement to you or to anyone else at the peer team meeting
10 that he favored Gary Fiser for the PWR chemistry position?

11 A Not at that peer team meeting, but I believe in a
12 prior one he had spoken in favor of -- of Gary, in the sense
13 that he said Gary had supported his program and did a good
14 job.

15 Q Did you perceive that statement as showing a bias
16 towards Gary Fiser?

17 A I just think he was stating his opinion. I've
18 known Jack a number of years, as I indicated earlier. He's a
19 very professional individual and I've never known him to be
20 biased about anything or be petty in any sort of way or hold
21 grudges. He's a very level-headed, professional guy.

22 Q If he had been able to serve on the selection
23 review board, do you think that he could have been fair and
24 impartial?

25 A Yes.

1 Q Do you recall -- when you indicated that Cox made
2 this statement in a prior meeting, do you recall who else was
3 present at that meeting and who may have heard that
4 statement?

5 A It would have been the normal representation at the
6 meeting. I don't know who else was there but, you know,
7 normally it's the rad chem managers.

8 Q So it would have been...

9 A I don't...

10 Q ...Kent and possibly McArthur?

11 A Could be. I don't know that Charlie was there or
12 not.

13 Q Okay. Once the interviews started, I understand
14 you had a schedule that you went on. Approximately how long
15 was each interview, if you can recall?

16 A I'd have to look at the -- at the notebook, but
17 like maybe 30 minutes or so, something like that.

18 Q Okay. And actually I have...

19 A I just remember that -- starting at noon, and it
20 was scheduled to end like at 8:00 p.m. We had five positions
21 and a number of candidates for each position, so it was quite
22 involved.

23 Q And I believe you indicated earlier that you
24 divided up the questions so that the same person wasn't
25 asking all of the questions. How exactly did you arrange

1 that? Did you do that so that you would ask one question,
2 followed by Mr. Kent, followed by Mr. Rogers; or did you ask
3 three questions and then Mr. Kent asked three questions? If
4 you can recall.

5 A I don't recall.

6 Q Did either the HR facilitator or Dr. McArthur say
7 anything during the interviews, themselves?

8 A I don't recall Dr. McArthur saying anything during
9 the interviews at all. I don't recall the HR individual
10 asking questions.

11 Q Who was the HR facilitator for these interviews?

12 A Melissa Westbrook, to the best of my recollection.

13 MR. MARQUAND: Now you're talking specifically
14 about the chemistry interviews; right?

15 MS. EUCHNER: I'm talking about for the entire
16 interview process.

17 BY MS. EUCHNER:

18 Q Was there more than one HR facilitator for the
19 entire process?

20 A There was another HR facilitator, and his name
21 escapes me at the moment.

22 Q Ben Easley?

23 A That's correct. And he -- during the process---
24 could have been at the beginning, I don't recall exactly
25 when---indicated that he wasn't going to be on the selection

1 review board, and he...

2 Q But he later joined the selection review board
3 after the interviews for the chemistry positions; is that
4 correct?

5 A I don't recall.

6 Q Did you take time in-between each individual
7 interview to discuss the candidate?

8 A After the individual left the room, the selection
9 board had a brief discussion, made some comments. We
10 individually critiqued the responses and provided a numerical
11 value associated with it. We did not discuss our ratings for
12 the individuals, they were done independently, and we turned
13 those sheets in to the HR person.

14 Q When did you turn in those sheets to the HR person?

15 A I believe after each candidate.

16 Q If you can recall, when you were scoring, did you
17 score as the candidate answered each individual question, or
18 did you simply take notes of their response, and then at the
19 end of their interview score their responses?

20 A I took notes as they gave the answers. And, to the
21 best of my ability, tried to put a number score associated
22 with it, so that I would try to score it immediately after
23 the person gave the answer, trying to keep it clear.

24 Q You've indicated that after the interview you had a
25 brief discussion of your critiques of each candidate. What

1 specifically did you discuss? Did you go through each of the
2 individual questions that they responded to and discuss their
3 responses, or did you discuss them more generally?

4 A Best of my recollection, we just discussed their
5 responses, whether we thought it was complete or not. I
6 mean, you may be the subject matter expert for that question,
7 so you just let the rest of the group know what your opinion
8 was in relation to the -- to the answer, as well as complete
9 in relation to the question.

10 Q All right, you just stated that if you were the
11 subject matter expert for a particular question, you would
12 explain to the other members of the review board whether you
13 thought that the response was adequate, complete.

14 A You were -- I'm sorry.

15 Q Oh, I'm sorry. In the event that that occurred,
16 would the board have been able to change their scores based
17 on -- say you had said that -- you're the subject matter
18 expert for a particular question, and one of the candidates
19 gave a response to it, and you explained their response more
20 fully to the other board members. Would the other board
21 members have the opportunity to change their scores based on
22 what you said, if they wanted to?

23 A I -- that's their option. I mean, there's not a
24 hard, fast rule book about how you do this. You're
25 evaluating a person's response to a technical question, and

1 you're rating them as to how well they delivered that answer,
2 on the technical correctness of it. And you can take any
3 information and -- and helps you make the -- the right
4 decision and the most correct decision.

5 Q When determining what score to give the candidates,
6 did you take into consideration your personal knowledge of
7 that person's past performance?

8 A No, I tried to focus on just what the answer was.
9 If the individual got it wrong, they got no points.

10 Q Okay. You indicated earlier that you turned in
11 your score sheets at the end of each interview; correct?

12 A To the best of my recollection; yes.

13 Q Who did you turn them in to?

14 A The HR representative.

15 Q Okay.

16 A I recall us handing them individually, you know, to
17 the HR -- we didn't hand them down the table or something
18 like that. That was independent. There wasn't any
19 opportunity for someone to observe what you turned in.

20 Q Okay. So when you interviewed the second
21 candidate, you did not have the first candidate's scores in
22 your selection notebook anymore; is that correct?

23 A To the best of my recollection.

24 Q Either during or after the interviews did you
25 personally see any of the scores that the other board members

1 had given to the candidates?

2 A You talking about the day of?

3 Q The day of; yes. I'm not talking about through the
4 process after the complaint was filed.

5 A No, I didn't see anyone else's scores.

6 Q Do you know if any of the other board members would
7 have had the opportunity to see your scores?

8 A I don't know.

9 Q To your knowledge, would there have been any way
10 that you or any of the other board members would have had a
11 copy of the scores from all three selection review board
12 members in their selection notebook?

13 A During the day of the -- of the interview, no.

14 Q All right. Take a minute so I can take this
15 notebook out.

16 (Off the record.)

17 Q I'd like you to take a minute and flip through this
18 and tell me whether or not, to your recollection, this is
19 your notebook from the selection -- or a copy of your
20 notebook from the selection package. Take as much time as
21 you need.

22 MR. MARQUAND: If this was part of the inside front
23 cover, tell...

24 Counsel, so that the record is clear as to what
25 this is that you have shown the witness, can we mark it as an

1 exhibit, please.

2 MS. EUCHNER: Sure. Exhibit 1.

3 (The documents referred to were
4 marked for identification as Corey
5 Deposition Exhibit #1.)

6 BY THE WITNESS:

7 A Yes, this appears to be the package that I was
8 provided during the selection review board.

9 Q Okay. I'd also like you to flip through it, as
10 you're going through it, and let me know if it appears that
11 there is something that is missing that should be there, if
12 you can recall; and if there is something there that was not
13 there the day of the interview.

14 MR. MARQUAND: And you're talking from Page 1,
15 beginning with Page 1, not just at the part that he obviously
16 saw?

17 MS. EUCHNER: I'm talking from Page 1, including
18 what's in the folder in those first front pages.

19 (The witness reviews certain material.)

20 THE WITNESS: Can we take a break?

21 MS. EUCHNER: Of course we can.

22 (Recess.)

23 MS. EUCHNER: Back on the record.

24 BY MS. EUCHNER:

25 Q All right, did you have an opportunity to look

1 through the entire notebook?

2 A Yes, I did.

3 Q And did it appear to you whether anything was
4 missing from the notebook?

5 A I don't see anything that's missing, but there is
6 material that was apparently added after the interviews.

7 Q What material was added after the interviews?

8 A There's memos dated July 31st; and there's also
9 some spreadsheets here that immediately follow, prior to the
10 first tab; there's someone else's handwriting on the
11 interview schedule that's not my handwriting. This is the
12 interview schedule. That's not my handwriting, so...

13 Q Okay.

14 A And I don't recall this sheet as part of the
15 package.

16 Q Okay. If you'll just tell me what the top of the
17 sheet says, so we can identify it for the record.

18 A There's no signature or pagination on it. At --
19 the first sentence says, "Wilson C. McArthur was appointed
20 manager, technical programs, operation services from 12/20/90
21 to 8/10/94. Technical programs include the following," and
22 there's a listing.

23 Q Okay. That's adequate.

24 Have you ever seen this document before today, to
25 your knowledge?

1 A This is our document?

2 Q No, that document that we just identified.

3 A Not that I can recall.

4 Q Do you have any idea how it would have been placed
5 into your selection notebook?

6 A No.

7 Q And, for the record, I would like to note that this
8 selection notebook that we are providing you a copy of was
9 provided to us from -- by TVA.

10 All right, I would like you to flip to the tab for
11 Gary Fiser. And I would like you to go to the page
12 identified, "Questions for program manager." There is some
13 handwriting at the top of the page, and also a number of
14 questions circled. Is that your handwriting, and did you
15 circle those questions?

16 A I recall circling the questions. I don't recall
17 whether that's my handwriting or not. The handwriting on the
18 second page, the additional Question #17 is my handwriting.

19 Q Why are these particular questions circled?

20 A Those were the questions that were asked of the
21 candidate.

22 Q All right. And on the second page of questions
23 there is a #17 added. Who added that question? Do you
24 recall who wrote it?

25 A I wrote the question, but I don't recall as to who

1 initiated the conversation to have it put on as a question.

2 Q If you would go ahead another page or two, to the
3 document that is dated July 18th, 1996, and it is a score
4 sheet. Is this your handwriting throughout the entire page?

5 A Yes, it is.

6 Q All right. And these are the scores that you
7 provided on each question number?

8 A That is correct.

9 Q All right. I'd like to go through your notes that
10 you have for each question number, to make sure that I can
11 adequately read them. So if we could please start with
12 Question #1.

13 A I apologize for my handwriting. Would you like me
14 to read the comment?

15 Q Yes, please.

16 A Okay. "Incumbent must have good people skills."

17 Q And that was your note to the question, "What
18 strengths do you have that will benefit this position?"

19 A That's what I recall him saying.

20 Q Is that the only strength that he identified in
21 response to that question?

22 A That's the only one I recall to write down, so I
23 can't recall if he added something else to it. That's what
24 caught my ear at the time and I wrote it as quickly as I
25 could.

1 Q Okay. Question #2 was: "Indicate weaknesses that
2 you need to address if you fill this position." And your
3 comments say...

4 A "Tends to trust people too much. Needs to follow
5 up on commitments."

6 Q All right. And do you recall anything else that he
7 responded to in that question, other than your notes?

8 A It's just that he emphasized that -- that he tended
9 to trust people and that, you know, he apparently had a -- a
10 problem if he didn't follow up consciously on commitments
11 that folks had made to him, to make sure things got done.

12 Q The next question, #7, is that what that says?

13 A Yes.

14 Q All right, Question 7 was...

15 A "WBN" stands for Watts Bar Nuclear Plant.

16 Q All right.

17 A "Startup chemistry issues," slash, "plan, pre-IMPO
18 assessments and follow-ups." And he referred to several PERs
19 or...

20 Q Could you...

21 A "PERs" is an acronym for problem evaluation report.

22 Q Okay.

23 A "Watts Bar startup plan interfaces with tech
24 support."

25 Q All right. And those were the three projects that

1 he identified?

2 A To the best of my recollection.

3 Q Did he state specifically what he had to do for
4 each of those projects?

5 A I'm sure that he added something to it, but this is
6 what I wrote down as -- as being the general issues that he
7 was trying to convey to the -- to the board.

8 Q All right. And the next question is Question #9.

9 A "Direct correlation between the success of the site
10 and his personal success. Should stay in touch with site
11 down to the technician level. Find problems and provide
12 solutions."

13 Q Okay. The next question is #11, which is:
14 "Describe at least two chemistry concerns at TVAN."

15 A "Keeping up with technology, implementing molar
16 ratio control, and chemistry data management," that was what
17 CDM stands for, "without resources."

18 Q Question #12.

19 A "Will occur with the buildup of sludge and tube
20 sheet affects I," slash, "O to O," slash, "A ratios of the
21 tubes." Has to do with the dimensions of the tubes.

22 "Denting was problem at Sequoyah. Iron is primary
23 constituent of sludge."

24 Q All right. And I'd like to stop on this question
25 for a minute. The question itself was: "Define the term

1 'denting,' and where and how does it occur?" And I'd first
2 like you to briefly explain that to me.

3 A It's the buildup of iron oxide that causes
4 localized corrosion. You're changing the physical structure
5 of the heat transfer medium, which is the tube, and it
6 adversely affects the performance of the steam generator from
7 taking heat from the reactor, converting it to steam to
8 provide force to the turbine and -- and to the generator to
9 make electricity. So it's an adverse condition.

10 Q And my next question is: Is that particular
11 question relevant to both PWR and BWR reactors?

12 A No, it's relevant to PWRs.

13 Q Okay. Question #15, the IMPO chemistry index.

14 A "Several versions based on industry averages, and
15 will show you -- will show how you -- your plant stacks up."

16 Q #16.

17 A "Twenty-four (24) years of management experience,
18 Sequoyah chemistry manager for four years. You have to know
19 how to compete to succeed."

20 Q And the last question, #17?

21 A "Concentration of sodium," slash, "chloride. Get
22 sodium down, add ammonium chloride. Watts Bar limit 0.5."

23 Q And that is another technical question, so I'll ask
24 you again to briefly explain what molar ratio is.

25 A That has to do with the chemical concentration of

1 these two particular elements. And there is a performance
2 limit that you want to maintain, and it happens to be 25.

3 Q And again, was that for both PWRs and BWRs, or only
4 for PWRs?

5 A PWR.

6 Q Okay. All right, now, on your score sheet, after
7 your response reading there are some -- it looks like
8 letters. It looks like maybe a "W," a "W," a "W," slash,
9 "A." Do you see where I'm talking?

10 A Yes, ma'am.

11 Q Can you explain to me what those are.

12 A Just a general notation on my part. If I thought
13 it was a weak answer, or "A" of being adequate.

14 Q Okay. And down at the very last question, #17?

15 A Meant that it was better than -- than adequate, it
16 was towards superior, I guess. I just -- just a little
17 notation that I had there to give me a general gist.

18 Q You took these notes and did the rating scores as
19 Mr. Fiser answered the questions?

20 A Yes. I was writing them down, the comments, as
21 quickly as I could. As you can see, my shorthand is -- is
22 not real legible, but it's the best I could do at the time.
23 I was trying not to interfere with the person's discussion
24 about a question. So I was writing down the notes, and then
25 putting down the scores as I was going.

1 Q During the interviews, whether it was Mr. Fiser or
2 any of the candidates, you indicated that you asked the same
3 questions of each candidate for that particular position, and
4 that you rotated who asked the questions. What is the
5 purpose of discussing the candidates after the interviews, if
6 you have scored them already during the interviews?

7 A As I think I indicated earlier, if you had a -- if
8 you were a subject matter expert or you had a particularly
9 strong feeling about it, you might want to just make a
10 comment to the board. There's, as far as I know, no rules
11 that say that you can't. You're trying to make sure that --
12 that the panel has the best information possible to make the
13 decision. We didn't necessarily discuss every single
14 question, the responses to them, as I recall.

15 Q Would that mean, for example, if -- let's take a
16 look at the questions that you asked. If, for example, one
17 of the candidates for a PWR had worked on a project involving
18 molar ratio, and one of the board members knew that, and knew
19 that they had done an excellent job, would they -- would it
20 be appropriate for them to express that after the interview
21 to the other board members?

22 A As I recall, we just talked about their responses
23 and whether it -- they were complete or accurate. I don't
24 recall anybody going back and talking about how someone had
25 done in relation to that question at their site. Comments

1 really would just be an opinion on my part, I mean, as far as
2 whether it's appropriate or not to do that. I don't -- I
3 don't recall that being done during this interview process.
4 I can't say that it hasn't been done on other selection
5 boards that I've sat on, but I don't recall it happening on
6 this one.

7 Q All right. What is the basis for your scores? You
8 have a list of scores here. How did you determine what score
9 to give for each one of these questions?

10 A The response rating at the top indicated you could
11 choose one to ten. And it just kind of drops back to your
12 academic years when you had, you know, 70s were "C's," 80s
13 were "B's," and 90s were "A's". And if you came from an old
14 school and you had to make 94 or better to make an "A," so...

15 It was just a -- my general rating that I used, and
16 I came to the numeric value independently. I don't remember
17 any discussion at all about 70 as being -- or seven being a
18 certain standard of merit, as it were. I just picked seven
19 as being kind of average or under the middle there.

20 Q You told me earlier that the little initials here,
21 "W" and "A" stand for "weak" or "adequate."

22 A To the best of my recollection; yes.

23 Q I'd like to go through the questions and have you
24 explain what you felt was missing from the answer that would
25 have made it an adequate or maybe even an excellent answer to

1 the question. So why don't we start with Question #1, which
2 was: "What strengths do you have that will benefit this
3 position?"

4 A I would have...

5 MR. MARQUAND: I'm going to object to that
6 question. He's explained to you already what his comments
7 were that he remembers. You haven't asked him if he -- as I
8 recall, his answers were he didn't recall any of the comments
9 specifically that the candidate made. So it's not a very
10 fair question to ask him, "What else would have been included
11 that the individual could have said?" if he doesn't recall
12 what in fact the full context was said.

13 MS. EUCHNER: Well, he indicated...

14 MR. MARQUAND: It's not fair.

15 MS. EUCHNER: ...here that he felt that the answers
16 were weak. If you'd like, I could limit it to the technical
17 questions, the molar ratio or...

18 MR. MARQUAND: Well, it's the same objection. I
19 mean, if he -- if you -- you can ask him. If he can answer
20 it, that's fine. But I don't think it's a fair question.

21 MS. EUCHNER: I'd like you to answer the question,
22 Mr. Corey. And why don't we stick to the technical
23 questions.

24 BY MS. EUCHNER:

25 Q Let's start with Question #11: "Describe at least

1 two chemistry concerns of TVAN." And your notes say,
2 "Keeping up with technology, implementing molar ratio
3 control," I don't remember what CDM stands for, "without..."

4 A Chemistry data management system.

5 Q "...without resources."

6 A Without resources.

7 Q Why did you rate that as a weak response?

8 A Part of it had to do with Mr. Fiser's presentation
9 to the board. As I recall, he was very relaxed to the point
10 of being laid back. He didn't seem to be assertive or
11 aggressive in his responses.

12 There are several chemistry issues TVAN-wide that
13 are very important. Maintaining the integrity of our steam
14 generators is very important. The chemistry control programs
15 that we need to institute in our secondary piping systems to
16 prevent corrosion, erosion, loss of integrity. Chemistry has
17 a very big part to play in that. Whether you automated the
18 entire laboratory to do all the various analyses, or whether
19 it was better, from a cost benefit standpoint, to go out
20 and -- and rely on sampling by the technicians.

21 The state of our laboratory instrumentation would
22 have been a good topic. What his thoughts regarding future
23 chemistry program development in an age when you have fewer
24 and fewer people and you're having to rely on them to do more
25 and more. Looking at the skill set as a function of the

1 demographics of the population. That would have been a good
2 topic. There are several issues associated with chemistry
3 that could have -- have to do with environmental impacts,
4 choices of chemicals. Those could have been, as well.

5 In general, of all the applicants for all the
6 positions that we had that day, he stood out in a sense that
7 very, very laid back. I mean, it was almost as if he wasn't
8 wanting to compete. I mean, that's just an opinion from
9 observation, from just the body language and -- and the tone.
10 And that's why I put down the ratings that I did.

11 Q I'd like to go back to Question #9: "Describe the
12 level of responsibility this position should have in
13 contributing to the success of the site chemistry program."
14 And on that question you wrote "adequate" for his answer.
15 What about that response made it better than his responses to
16 the earlier questions on which you rated him as weak?

17 A I rate him as 7.8, which was above some of the
18 others that were rated as seven. He acknowledged the fact
19 that there was a direct correlation between the success of
20 the chemistry program and its support of the plant in
21 relation to his own personal success.

22 If he is a chemist -- you know, chemistry program
23 manager, wasn't tied into the issues at the site, wasn't
24 actively involved, wasn't supporting the site, and if the
25 site failed, then -- then he would fail. I thought it was

1 good that he put down the fact that -- that you had to stay
2 in touch with -- all the way down to the technician level.

3 When you work in the corporate office, there's a
4 tendency just to reach out to your peers or above, and you
5 look at the reports, and you don't get real intrusive about
6 what's really happening down there on shift. And part of
7 your corporate job is to make sure that you know what's
8 really happening on the shift, and what the technicians are
9 having difficulty with.

10 The technicians are your first line of response to
11 a problem, and if they have a knowledge deficiency or their
12 equipment is not up to what it needs to be, and you as a
13 technical person in corporate get wind of that, then you have
14 an obligation to go do something about it. So I thought that
15 part of his response was -- was stronger.

16 And the fact that he was saying not only do you
17 find problems, but I thought it was good when he said you
18 also have to provide solutions. And years ago we used to
19 have a corporate staff basically that would find problems and
20 then just leave you the problem, you'd have to go figure out
21 the solution. And I gave him some more points, because at
22 least he was saying, "I will help you find a solution," which
23 I thought was better. So I gave him a 7.8.

24 Q Question #12, we've already talked about this one a
25 little bit, that has to do with denting. And on that

1 question, again, you gave him an adequate response.

2 A He didn't elaborate a great deal on it. This is
3 one of the main issues in regards to the steam generator
4 integrity, and I thought maybe he could talk some more about
5 it, the complications from it, maybe some of the diagnostic
6 techniques, the corrective actions for it. I just expected
7 more than what I was hearing.

8 Q Okay. Question #15: "Discuss the IMPO chemistry
9 index. What is its significance?" On that, again, you rated
10 him as weak.

11 A It's just a brief statement. He didn't go into the
12 equations for it or the key elements associated with it; why
13 it was important to maintain the CPI numbers as close as you
14 could to unity; what he saw that the plants could do
15 differently to improve their CPI performance. It was kind of
16 like, you know, it's -- as I -- there's various versions of
17 it and, you know, shows you how you stack up in the industry.
18 And I was kind of like: Okay, take me a little further.
19 Show me that you're intimately aware to all the -- the
20 different parts of it and what we could do to improve.

21 Q #16: "Discuss your specific management experience
22 and training."

23 A Time is not necessarily always a good indicator of
24 your management experience. You can serve time and not be
25 productive. And I was looking for him to talk more about the

1 things that he did during his tenure in his management
2 experience, and why that made him the best candidate for the
3 position. Here was an opportunity to tell the board, and use
4 all the time you wanted, why you were the best person based
5 upon your previous experience, and why they shouldn't
6 consider anybody else but just you. And it was somewhat, I
7 thought, brief. And, as I said, his body position really
8 didn't change. He stayed completely laid back. That's why I
9 rated him that way.

10 Q Okay. And the last question, which is: "Define
11 molar ratio and primary factors affecting it." And that one
12 you gave him an adequate plus.

13 A Yes, I gave him an eight. Once again, I thought
14 that he might want to go into a little bit more discussion as
15 far as the impact of it and what could be done to minimize
16 it, maybe give us some industry information as far as where
17 plants had not provided that kind of information or something
18 of that nature.

19 Q I want to go back to Question #16 for a minute and
20 talk about it more generically, rather than specifically as
21 to Mr. Fiser. And again, for the record, the question is:
22 "Discuss your specific management experience and training."

23 A Uh-huh (affirmative).

24 Q When you were looking at the candidates, did you
25 review their resumes?

1 A Yes, I did.

2 Q Did you take into consideration any stellar past
3 experience, stellar educational experience when making your
4 ratings? Not necessarily specifically for Mr. Fiser, but for
5 all of the candidates?

6 A I basically graded them on the verbal response that
7 he gave us.

8 Q Does that mean that if someone with stellar
9 experience, excellent educational background, terrific
10 managerial experience could have been rated poorly if they
11 were having a bad day, and not been selected for the
12 position, even if the board members knew that they would be
13 an exceptional person to have in that position?

14 A Yes, they could. You could be the -- the very best
15 candidate for the job and have all the right qualifications,
16 and your presentation and the content of your response may
17 leave the board wanting. And it could make the difference in
18 a couple of points. I mean, it has a lot to do with how you
19 present yourself and how you sell yourself, just as it would
20 be for any application for a job that you compete for.

21 Q All right, I'd like to move on now to the tabs that
22 say "Harvey." I have one initial question for you about the
23 resumes. What is the purpose of providing the resume to the
24 selection review board so that you can see what sort of
25 experience that the candidates have, if it doesn't count when

1 you are rating the candidates?

2 A It can provide a basis. You ask the person a
3 question, and it may help you understand some of their
4 answers. But if you don't elaborate a lot, it may not draw
5 your attention back to the resume.

6 Q When you were writing down your -- your grades, so
7 to speak, your scores, did you ever refer back to the resume,
8 or did you simply write the scores as you were -- as the
9 interviewee was providing their responses?

10 A I may have; I don't recall.

11 Q All right. All right, I would like you to go ahead
12 to the pages marked, "Questions for program manager,
13 chemistry."

14 A For Harvey?

15 Q Yes, for Harvey. I believe in the Harvey section,
16 there are two sets of questions: PWR and BWR. And there are
17 questions circled on both pages. And I suppose my first
18 question would be which of these questions were actually
19 asked? All of the circled questions? Or on BWR-1 you have
20 little checkmarks and an arrow next to some of them. Were
21 those the ones that were asked?

22 A When you look down my score sheet, you can see that
23 I asked -- or the questions that were asked were 1, 2, 7, 9,
24 11, 12, which is a PWR; 13, which was a BWR; 15, 16, 17. And
25 there were two numeric scores associated with -- on that line

1 for 12 and 13, there was a nine and an eight. So the
2 individual got an eight for #13, which was a BWR question,
3 and got a nine for #12, which was a PWR question.

4 Q And you said earlier that #17, the molar ratio
5 question, was a PWR question; correct?

6 A That's correct.

7 Q Okay. So essentially, Mr. Harvey was asked one
8 additional question for a BWR question, #13, and all of the
9 other questions were the same?

10 A Best of my recollection.

11 MR. MARQUAND: Well, would you -- what was the
12 question you just asked him?

13 MS. EUCHNER: The question is: Was Mr. Harvey
14 asked simply one additional question, Question #13? And
15 other than that, the questions he was asked were the same as
16 asked to Mr. Fiser?

17 A That's what's indicated.

18 Q All right. And again, just for the record, is all
19 the handwriting on this page your handwriting?

20 A Yes, it is.

21 Q All right. I'd like to do the same thing that we
22 did for Mr. Fiser, and go through the questions and your
23 response rating and the comments. So why don't we start with
24 Question #1. Would you just please read your comment.

25 A "Experience in both PWR and BWR chemistry plants.

1 Good communication skill, and confident."

2 Q And I noticed on this page you do not have the
3 little "W," "A" markings next to those. Is there some reason
4 why you didn't do those for Mr. Harvey?

5 A I do not recall, and I don't know whether or not I
6 did it for the rest of them or not.

7 Q All right, Question #2. And also, if you could
8 please explain to me what those abbreviations mean.

9 A "HWC" stands for hydro and water chemistry; and
10 "DZO" stands for depleted zinc oxide. And "BWR" stands for
11 boiling water reactor experience; PWR stands for pressurized
12 water reactor. Area counting room.

13 Q Question #7, the three projects that he identified.

14 A "Calgon partnership area; ecol chem for TVAN and
15 fossil."

16 Q Did he simply state that those were the three
17 projects, or did he explain in more detail what he did on
18 these three projects?

19 A As I recall, he was pretty -- he was pretty
20 confident and he spoke somewhat at length. He appeared to be
21 very proud, as I recall, of his Calgon efforts and the work
22 that they had done for the ecol chem for TVAN and fossil. It
23 was much more difficult to coordinate the activities of not
24 only TVAN, but also the fossil plants. Because the fossil
25 plants used one vendor, and we were using a different vendor,

1 and trying to get these two large organizations to agree.
2 And I recall he -- he was -- spent quite a bit of time, as
3 best I can recall.

4 Q All right. Question #9.

5 A "Program oversight and technical assistance,
6 getting over barrier in finding resources. Used personal
7 contacts in industry."

8 Q All right, #11?

9 A "Steam generator degradation at PWR; HWC and DZO at
10 BWR."

11 Q All right, I guess the next line we have two
12 different questions on there, so let's start with Question
13 #12, which was the denting question; is that correct? Yes,
14 denting.

15 A "Tube support, plate interface, deposit and
16 material. Puts pressure on -- on site. May cause leak and
17 adversely affect chemistry."

18 Q All right. And #13, you said, was a BWR question.
19 So this is specifically what the question is: "What is
20 hydrogen water chemistry? How would hydrogen water chemistry
21 benefit..." I assume BFN is Browns Ferry Nuclear; is that
22 correct?

23 A Yes. He provided the basic information regarding
24 HWC.

25 Q Okay.

1 A He discussed it at length, and from his discussion
2 it was apparent to me that he was conversant in it and
3 understood it.

4 Q And again, because this is a technical question,
5 could you briefly explain what hydrogen water chemistry is.

6 A In boiling water reactors you have a condition
7 known as intergraining or stress corrosion cracking due to
8 the operation of the nuclear reactor on the vessel internals
9 and associated piping. Cracks are not a good thing in
10 pressure vessels or associated piping.

11 We mitigate that by the introduction of hydrogen
12 into the feed water system. This changes the electrochemical
13 potential, and minimizes crack growth. The problem
14 associated with it is not only the cost of the hydrogen and
15 the amount of the hydrogen you have to inject. Hydrogen is
16 an explosive material. It also causes the generation of high
17 radiation fields association -- associated with N16 gamma
18 radiation.

19 Your turbine building radiation levels go up by as
20 much as a factor of five, and there's a phenomenon known as
21 sky shine where the radiation goes up, scatters off the
22 surrounding air, and comes down. And it provides an exposure
23 potential for not only the rad workers who entered the plant
24 to do the work, but also associated people in the office
25 buildings adjacent to the plant.

1 MR. DAMBLY: Is that as opposed to moonshine, which
2 is a whole different thing?

3 THE WITNESS: Yes, sir.

4 MR. MARQUAND: We don't have that problem in the
5 South.

6 MR. DAMBLY: Yeah.

7 BY MS. EUCHNER:

8 Q All right, #15, if you could please read your
9 comments.

10 A "Keep parameters associated cracking, industry
11 experience with impurities and common comparison."

12 Q #16?

13 A "Experience over the last six years, program area."
14 Can't make out -- it has something to do with manager.
15 "Program -- program..." Let me repeat this.

16 "Area -- experience over the last six years, area
17 program manager." Sorry.

18 Q Did Mr. Harvey go into any greater detail about his
19 experience?

20 A I don't recall. As I said earlier, he was a very
21 confident candidate, and he expounded at length, and I just
22 wrote this down.

23 Q And last, Question 17.

24 A Let's see. "Covered by Westinghouse nine years
25 ago. Major elements of sodium and chloride in ratio."

1 Q What about that response made you grade it a nine?

2 A He talked somewhat at length about Westinghouse and
3 the history of it. Talked about the -- the major elements of
4 it being associated with those two elements, sodium and
5 chloride, and -- and the ratio of the two. And I guess his
6 presentation was -- was strong, and I rated him a nine.

7 Q Like to go back to Question #9 for a moment. Just
8 for the record, let's reread it. "Describe the level of
9 responsibility this position should have in contributing to
10 the success of the site chemistry programs." And I'd like
11 you to quickly reread the comments just to yourself that you
12 wrote for Mr. Harvey, and then go back and read the comments
13 that you wrote for Mr. Fiser.

14 (The witness reviews certain material.)

15 A And your question?

16 Q My question is: What about Mr. Harvey's response
17 rated a nine versus Mr. Fiser's response, rating a 7.8?

18 A Mr. Harvey was aggressive in the sense that he
19 was -- he said basically, "I don't care what the barriers
20 are, I'll overcome them." He indicated that he had that
21 personal drive so that he wasn't going to be a victim from
22 the standpoint of, you know, when you're in corporate you
23 don't have any resources.

24 You have to be aggressive and you identify the
25 problem, you work on the solution, and then you actually have

1 to go sell the solution to plant management. And his
2 response came across that, you know, "I realize that I can't
3 just use my own personal checkbook, or my boss's, because we
4 don't have those kind of resources. I'm going to come out
5 there, I'm going to find those problems, I'm going to give
6 you the solution to it, and then I'm going to go sell the
7 solution and help you implement it." And that kind of
8 deliverance and that kind of message is the kind of thing we
9 needed to hear.

10 Because in the past, as I indicated earlier, our
11 experience had been corporate would indicate there was a
12 problem, walk off and leave you with it. And it's always
13 difficult at a site, when you're -- you're handling day-to-
14 day production issues, and then you have a programmatic issue
15 that needs to be fixed, it's very hard for you to disengage
16 your people from the day-to-day efforts, take critical
17 resources, and come over here and fix a programmatic
18 deficiency. But Mr. Harvey indicated, as I recall, that, you
19 know, he wasn't going to let those kind of barriers prevent
20 him from being successful and making us successful, to the
21 best of my recollection.

22 Q You mentioned, when we were discussing the
23 interview with Mr. Fiser, he was very laid back, very
24 relaxed. And that Mr. Harvey was very self-confident, a
25 little more assertive. Did that affect how you graded them

1 in terms of the substance of their answers?

2 A I tried to listen to the words that they said. But
3 Mr. Harvey expounded more and appeared to be a lot more
4 aggressive. I can't tell you that -- that the way someone
5 presents themselves doesn't have an influence as to how you
6 receive an answer. I mean, it's human nature. But to a
7 large extent it was what they said, and the enthusiasm with
8 which they said it.

9 Q All right. All of the notes that appear here and
10 on Mr. Fiser's sheet, you took them as the interview was
11 going on; correct?

12 A To the best of my recollection.

13 Q Do you know whether you took any notes that are not
14 in the notebook, on say a piece of scrap paper?

15 A No, everything that's -- best I can recollect, we
16 put on the -- the sheets and turned in. I didn't keep any of
17 the notebooks or notes.

18 Q Are all of the notes in here reflective of what you
19 perceived during the interview, as opposed to comments that
20 you may have gotten from other members of the selection
21 review board during the discussions after the interviews?

22 A Ask your question one more time.

23 Q Are all the notes that appear -- and we'll -- we'll
24 limit ourselves at this point to specifically Mr. Fiser and
25 Mr. Harvey.

1 A Okay.

2 Q Are all the notes indicative of your perceptions of
3 their responses, or are they also reflective of comments made
4 by the other two members of the selection review board during
5 your discussions of the candidates after the interviews?

6 A As best I can recollect, they reflect what I
7 thought I heard the person say during the interview process.
8 I don't recall changing a score based upon something that I
9 heard from another panel member, per se. I don't necessarily
10 take a whole lot of feedback. I -- I listen to what people
11 tell me, and I try to make a decision and go. And it's part
12 of my personality, I guess. I'm the directing, controlling
13 type. So I listen to the -- to the information and I made my
14 assessment. And I can't recall changing a score based upon
15 something that someone else said.

16 Q All right.

17 A I don't see my -- I don't see scribbling out a
18 number or something like that, that would indicate that I
19 changed something.

20 Q Was there any discussion, either prior to the day
21 of the interviews, or the day of the interviews, about the
22 selection of a particular candidate for any of the positions?

23 A Ask your question again.

24 Q Was there any discussion about the selection of a
25 particular candidate for one of the positions?

1 A Not that I recall.

2 Q Did anyone ever tell you that -- say a party was
3 favored for the PWR chemistry manager position?

4 A I don't recall specifically. There may have been
5 some shop talk, people talking. Whenever you've got a
6 reorganization going on or a combination, people may have
7 some small talk, that type of stuff, about who -- who might
8 be, you know, thinking about the positions and that sort of
9 thing. But I don't recall it specifically; no.

10 Q By the time the interviews started, were you aware
11 that Charles Kent had requested to have Sam Harvey
12 transferred out to Sequoyah?

13 A Before the interviews?

14 Q Yes, before the interviews.

15 A I don't recall.

16 Q All right, I would like to move on, now, to talk
17 about Gary Fiser's DOL activities. And, for the record,
18 that's Department of Labor.

19 Prior to the day of the interviews, were you aware
20 that Gary Fiser had filed a Department of Labor complaint in
21 1993, or thereabouts?

22 A I had heard that he had a complaint. I don't
23 recall what the content of it was or how it was resolved.

24 Q Do you know how you heard about the complaint?

25 A I don't -- I don't recall where or when, to be

1 quite honest with you. I didn't have that much dealings with
2 Gary prior to the selection board, as I indicated earlier.
3 Just met him a few times. It really wasn't in my -- my
4 sphere of activities, to be quite honest with you.

5 Q Was your knowledge limited to the fact that there
6 had been a complaint, or did you have knowledge of the
7 substance of that complaint?

8 A I did not know the substance of the complaint. I
9 knew that there had been a complaint. And I didn't know how
10 it was resolved.

11 Q Did you know who the other people at TVA were who
12 were involved in that complaint, either because he alleged
13 that they had retaliated against him, or they were
14 interviewed for the complaint?

15 A I don't recall.

16 Q Prior to the day of the interviews, were you aware
17 that Mr. Fiser had filed a 1996 complaint?

18 A No, I did not know.

19 Q Okay. When did you find out that he had filed a
20 complaint in 1996?

21 A It was after the selection boards and in the
22 ensuing process.

23 Q The day of the interviews, during the morning
24 session, during the peer meeting or afterwards when you
25 indicated you were having coffee, did anyone mention Mr.

1 Fiser's DOL activities?

2 A The only comment that I can recall is Charles Kent
3 indicated that Gary had -- and it was sort of just an
4 offhanded comment about had a DOL complaint. And I was
5 sitting there drinking my coffee and said, "Well, you know, I
6 knew he had one in '93 and -- and that's years ago. So
7 what?" I mean, when you sit on a selection board you're
8 trying to be as impartial as you possibly can. You're trying
9 to pick somebody for a position for the benefit of the
10 company and for the individual, and try to be fair to
11 everybody.

12 And so, from my standpoint, I was -- when he made
13 that comment it really didn't register as being -- well, I
14 know I have to be very impartial, and this was something that
15 happened, you know, years ago. And it was kind of like,
16 well, you know, so what? Only -- the only thing I can convey
17 to you is that it really didn't register and didn't affect
18 the way I proceeded during the selection board.

19 Q At the time that he made the comment, did you think
20 he was referring to the 1993 complaint?

21 A That's the only one that I knew of.

22 Q Okay. Do you recall whether anyone else was
23 present when he made that statement?

24 A Best of my recollection, Jack Cox was there and
25 Wilson McArthur and myself.

1 Q Did either of them make any reply to Kent, to that
2 statement?

3 A I don't remember much more conversation other than,
4 you know, we just need to be impartial, you know. And that
5 was about it.

6 Q Okay. Did you know that Gary Fiser had tape
7 recorded people in the past?

8 A I had heard that comment in the -- I don't recall
9 who made it to me or when, but I'd -- I'd heard that comment.
10 I thought it was kind of strange that people would be tape
11 recording folks. But, you know, when you're here working at
12 TVA, what you say and do is all about company business. And
13 I didn't know why he was doing it or what it was in relation
14 to. I just had heard that he had done it, and I was just
15 kind of -- it was just kind of strange.

16 Q Had you heard that prior to the day of the
17 interviews?

18 A Yes.

19 Q Have you ever managed a RIF?

20 A Yes, I have.

21 Q When?

22 A In my 20 years with TVA, we did reductions in force
23 when I was assigned at Browns Ferry Nuclear Plant. I'm
24 trying to recall over the last 18 years, one or two possibly.

25 Q What process did you use in doing the RIF? Was it

1 a reorganization of the organization at Browns Ferry that led
2 to the RIF?

3 A I really don't recall what was the driving force,
4 other than the economics that we had to reduce the number of
5 people. When there's a reduction in force, it's a very
6 formal process, and it involves HR -- human resources
7 personnel. And basically they guide you through the entire
8 process. I couldn't recite to you as to how it's done or
9 what document drives it. We have to rely on our HR experts
10 to help us do it.

11 Q Who...

12 A It's not a pleasant experience. I don't like doing
13 it, and I hope I don't have to do another one.

14 Q Who in HR assisted you when you conducted RIFs?

15 A Oh, gosh. I can't recall, because I've changed HR
16 officers over -- over time. But the HR department manager
17 was Steve Moss, and it would have been personnel that worked
18 for him. He has -- he has retired now.

19 Q When you conducted these RIFs, did it involve the
20 pure elimination of positions, or did it involve the
21 recreation of new positions, such that you had to post vacant
22 positions and people had to compete for them?

23 A I believe I had one or more reductions in force,
24 and best of my recollection, on occasion it would be because
25 you were reorganizing to make the department more efficient.

1 And personnel would be RIF'd, and there would be a selection
2 process for the fewer number of new positions.

3 In this industry we're having to compete very hard
4 to stay in business. And one of the processes that, you
5 know, happens is that you look at everything you do and you
6 try to find more efficient, economical ways of doing it. So
7 you may have a person that does one activity, and you find
8 out that you -- based upon the demand for that service, you
9 could actually use one person to do two or three activities.
10 So that whole position goes away, and you have a new
11 positions that has all these different responsibilities.

12 And we have downsized in TVA over time. We used to
13 be around 50,000, and I think we're down to like 13,000 now.
14 So part of it was through retirements and people leaving and
15 death, unfortunately; but some of those were reduction in
16 force.

17 Q You just said that sometimes you find out that one
18 person can do the duties of what had prior been done by three
19 different positions. When that occurred, did you draft a new
20 position description, and was an individual required to
21 compete for that position, or was someone simply placed in
22 that position?

23 A We would be doing industry surveys and finding out
24 how our competitors were doing work. And when we would find
25 out that they could do these different groups of work more

1 efficiently with fewer number of people, then we would see
2 that from an industry perspective that that's possible. You
3 would have to sell the reorganization to upper management.
4 They'd have to approve it. Job descriptions would have to be
5 developed, factored, and done in advance.

6 You'd have a reduction in force, and you would post
7 the new positions. The people would have the opportunity to
8 apply in those positions, to the best of my recollection, and
9 selections would be made. And then those people would still
10 be employed, and the other folks would be reduced in force.

11 TVA, several years back, came up with another
12 program whereby they went into a reinvestment group as
13 opposed to going home, and that was after we'd had, I guess,
14 a couple of RIFS. And they looked at it from the standpoint
15 of employee morale and reutilization of resources, giving
16 people a greater opportunity to apply someplace else.

17 Q Have a few more questions about the selection
18 review board. You indicated earlier that prior to the start
19 of all of the interviews, the board sat down and looked over
20 the questions and discussed the questions. In the case of
21 the PWR chemistry position, added the question on molar
22 ratio.

23 Did you have a discussion about what responses you
24 were looking for to those questions, what would be an
25 adequate response, an excellent response, a weak response?

1 A Not that I recall.

2 Q All right, almost done. How did you prepare for
3 this deposition?

4 A Just looked over prior transcripts. The meeting
5 that we had in Atlanta with the NRC, I was provided a
6 transcript of that deposition. The deposition with Ms.
7 Spencer, the OIG report and interview with me, as well as the
8 interview -- interview -- the telephone interview by the
9 Department of Labor investigator. I believe his name is Mr.
10 Strickland. And that's basically all I did.

11 Q Did you talk to or meet with anyone to discuss this
12 deposition?

13 A The only opportunities I've had was with legal
14 counsel as far as, you know, we're going to have this session
15 and here is information that's pertinent to this case, that
16 you've made prior. We don't -- I never had books in our
17 possession. Once we left the review board that day, we
18 turned in the books. And I was provided the copies of my
19 previous depositions in this regard, and that's basically it.

20 Q Who did you turn the books in to at the end of the
21 selection process?

22 A I was thinking it was the HR representative. I
23 believe it was Melissa.

24 EXAMINATION

25 BY MR. DAMBLY:

1 Q Mind if I ask this, because listening today, when
2 you're on the SRB, is there any attempt made to verify
3 responses that you -- you ask a question, and, you know, Mr.
4 Harvey or Mr. Fiser say, "I'm the world's foremost authority,
5 and I did this, and I did that, and I got outstanding
6 performance awards, and I wrote articles on this." Or, "In
7 the past I've been responsible for putting these programs in
8 place." If they're lying about it, the whole thing, they're
9 making it up, but they sound good, do you do anything to
10 verify whether you've got a good BS'er there, or somebody
11 that actually did what he's talking about?

12 A There was no follow-up investigation on the
13 responses; no. We listened to the response and the technical
14 adequacy of it, and based upon our prior experience in the
15 industry, I think we could have sniffed out whether or not
16 someone was lying to us. I mean, just...

17 Q But, I mean, you indicated Mr. Harvey said, you
18 know, "Not only will I come in and look and find the
19 problems, but then I'll get you the -- somehow the resources
20 and all to support it and fix them." I mean, it's a nice
21 answer, but do you have any basis on which to say that's more
22 than talk?

23 A No, sir. I just had to take what he said, and that
24 was the kind of response I was looking for. I was looking
25 for a proactive corporate representative that would come to

1 the site, find, fix, sell the problems. And just -- he had
2 the right response, and it clicked.

3 Q Well, he may have -- I mean, if he -- this is what
4 they want to hear, so I'm going to tell them that. That's
5 basically what you scored on?

6 A Well, it -- yes, sir. And follow-up to that would
7 be if -- if he was selected for the position and then didn't
8 carry through, then we would remember what he said, and say,
9 "You told me you would do this, and you're not doing it. So
10 you're not meeting expectations." And I would expect his
11 service reviews to reflect that.

12 Q Well, as a friend once said, when all is said and
13 done, much more is usually said than done. But...

14 A I look for more done than said, but...

15 Q That's all. Thank you.

16 MS. EUCHNER: Do you have any?

17 MR. MARQUAND: I have no questions.

18 MS. EUCHNER: All right, the deposition is
19 concluded.

20 (Whereupon, the deposition was concluded at 11:30
21 a.m.)

22

23

24

25