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NUCLEAR REGULATORY COMMISSION

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Court Reporters and Transcribers
1323 Rhode Island Avenue, N.W.

Washington, D.C. 20005
(202) 234-4433

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

9 On behalf of Tennessee Valley Authority:

10 BRENT R. MARQUAND, Attorney

11 JOHN E. SLATER, Attorney

12 ED VIGLUICCI, Attorney

13 Tennessee Valley Authority

14 400 West Summit Hill Drive

15 Knoxville, Tennessee 37902-1499

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

1
2 MS. EUCHNER: This is in the matter of
3 Tennessee Valley Authority, and the deposition of
4 David Voeller.

5 My name is Jennifer Euchner. I'm the
6 attorney for the NRC staff. Would you please swear in
7 the witness. Whereupon,

8 DAVID VOELLER

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

EXAMINATION

11
12 BY MS. EUCHNER:

13 Q Okay. Mr. Voeller, I am going to ask you
14 a number of questions today. If at any time you
15 either can't hear me or don't understand the question,
16 please stop me and let me know.

17 A Okay.

18 Q I would like to start with your employment
19 history. First, where did you go to school?

20 A Where did I go to school?

21 Q Yes, school.

22 A I went to school in -- at Columbia College
23 in Columbia, Missouri. That was in conjunction with
24 my employment working at Callaway Nuclear Power Plant,
25 which was Union Electric, which is now Emron UE.

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1 I came out of the military. I was
2 enlisted. Didn't have a degree. And obtained my
3 degree while I was employed.

4 Q What was your degree in?

5 A Chemistry.

6 Q After you finished your chemistry degree,
7 did you go -- did you continue working at -- did you
8 say it was Callaway?

9 A Callaway. Yes, I did. I worked at
10 Callaway from about 1980 to about 1992. I got my
11 degree in the early '80s.

12 Q When you left Callaway, where did you go?

13 A Left Callaway, went to Watts Bar Nuclear
14 Power Plant January '92, and I've been there ever
15 since.

16 Q What was the first position you were hired
17 into at Watts Bar?

18 A As a chemistry -- what was my first
19 official title? Chemistry program manager. Or just
20 chemistry supervisor, I think was the official title.
21 I forget. Either, you know, one of those.

22 Q And did you compete for that position?
23 Were other people interviewed, or were you just hired?

24 MR. MARQUAND: He was selected from the
25 outside.

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1 A Was I competing for that position?

2 Q Yes.

3 A I don't know -- I don't know that I was
4 competing for the position. I was -- I was selected
5 from the outside. I -- I don't know. I came in and
6 interviewed for the position.

7 Q How long were you in that position?

8 A I was in that first position about --
9 about a year, and then I took over as the chemistry
10 superintendent; was in the position for about five
11 years.

12 Q Is that the position that you were in in
13 1996?

14 A Yes, I'm fairly certain I was in the
15 position in 1996. Yes. Yes, I was.

16 Q Now I'd like to go through a number of
17 individuals and ask you what your employment
18 relationship with them is.

19 A Okay.

20 Q Gary Fiser?

21 A Gary Fiser was a -- a program manager that
22 was responsible to Watts Bar at one point in time.
23 Gary had been in corporate chemistry, and he had also
24 been at Sequoyah. So I knew him in a working
25 relationship with all three nuclear plants in

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1 corporate, occasionally got together and interfaced,
2 had meetings together. So I knew Gary in that
3 capacity.

4 Q Sam Harvey?

5 A Sam Harvey was the same. He was in
6 corporate chemistry as well, and had many dealings
7 with Sam on and off on chemistry issues, in the same
8 way that I had a relationship with Gary, as well as
9 Chandra.

10 Q Okay. That was my next person. E. S.
11 Chandrasekaran, or Chandra for short.

12 A We'll call him Chandra, if you don't mind.

13 Q And he was the same as Harvey and Fiser?

14 A Correct.

15 Q He would be at the site occasionally
16 working on chemistry issues?

17 A Correct.

18 Q Wilson McArthur?

19 A Wilson McArthur was -- my relationship
20 with him was much more limited. He was, I think, in
21 charge of the rad chem department at -- at that time.
22 We did have occasion to -- to meet. He was on the
23 NSRB, so he would come to the plant occasionally in
24 that capacity and I would talk to him then. And
25 occasionally on the phone on issues, but -- but very

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1 infrequently, compared to the program managers.

2 Q Tom McGrath?

3 A Tom McGrath, not -- don't know Tom McGrath
4 very well. I understand he was on the NSRB. I had
5 acquaintance to see him, saw his name frequently,
6 but -- but didn't -- didn't have much of a working
7 relationship with Tom McGrath.

8 Q Ron Grover?

9 A Ron Grover, had a fairly high occurrence
10 of discussing issues with him as when -- as he was the
11 corporate chemistry superintendent or corporate
12 chemistry manager. And so he would be up at the plant
13 periodically with one of the program managers or just
14 by himself, or we'd meet at quarterly chemistry
15 meetings. So not quite as frequently as -- as Ron, or
16 excuse me, as Gary or Sam, but -- but fairly often.

17 Q And was Grover Fiser, Harvey, and
18 Chandra's boss; is that correct? Their supervisor?

19 A Correct.

20 Q In the 1995-1996 time frame, how familiar
21 were you with the work that Fiser, Harvey, and Chandra
22 were doing at the site?

23 A I was fairly familiar with the work they
24 were doing at Watts Bar site. I mean, I was one of
25 the primary interfaces with them. Not the sole

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1 interface. But -- but I was fairly familiar with what
2 they were doing at the site, what they were doing to
3 support the site efforts.

4 Q Were they working solely on chemistry
5 issues?

6 A Chemistry organization, chemistry
7 department responsibility issues. Yeah, to the best
8 of my knowledge, that's was (sic) 99%. I can't --
9 nothing comes to mind of non-chemistry program related
10 issues.

11 Q Was there someone from corporate who was
12 providing site support on environmental work in that
13 time frame?

14 A Site support? I'm sure there was. Trying
15 to think, let's see, the time frame there -- because
16 there'd been changes in the organizations. At one
17 time---and I think in '96---it was still an
18 environmental organization that -- that also provided
19 support to the sites and -- but who -- who that was
20 and who -- who had the environmental piece and when,
21 I -- I couldn't -- I couldn't recall.

22 Q I'd like to go back for a minute to when
23 you first became a chemistry superintendent. Was that
24 a promotion?

25 A Yes, from the position I was in, that was

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1 a -- it was a -- a promotion from the position I was
2 in. I was in a chemistry program manager position,
3 and I took responsibility for the entire department.

4 Q How did you get that position?

5 A I got the position by a situation where
6 the...

7 MR. MARQUAND: I think she means were
8 you -- were you appointed to it or did you -- did you
9 compete for it?

10 A I was -- I was initially appointed to it.
11 There was a issue (sic) where the current chemistry
12 superintendent had some issues where -- where I was
13 asked to step in and take over as the superintendent.
14 I did that. And I'm trying to recall, it was sometime
15 after that there were interviews that -- that took
16 place, but it was sometime afterwards. I was
17 initially appointed to it.

18 Q When you interviewed for that position
19 later, was it before a selection review board?

20 A I'm trying to remember how many -- who
21 that board was, when that was. I believe there was
22 more than one, so I believe it was, but I'm -- my
23 memory's failing me on exactly what that looked like,
24 who that was, and when that was.

25 Q Like to move now to the 1996 time frame,

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1 maybe spring, early summer.

2 A Okay.

3 Q Do you remember any conversations you had
4 with Sam Harvey about Harvey coming to work more
5 closely with Watts Bar?

6 A Yes, I do. I had a conversation with Sam
7 that he had -- he had called me early in June to let
8 me know that he was going to be working more closely
9 with Watts Bar. There were some organizational
10 changes going on at corporate and/or Sequoyah, and --
11 and exactly what was happening and when, I wasn't real
12 solid on what all was going on. But he had called and
13 let me know that he was going to be working more
14 closely with Watts Bar early June.

15 Q Do you recall taking any notes about your
16 conversations with Sam Harvey on this subject matter?

17 A Yes, I -- not about the initial
18 conversation with Sam, but shortly after Sam had this
19 conversation with me, I had a conversation on the same
20 subject with Gary sometime shortly thereafter, and
21 then again with Ron Grover within -- within the week
22 on the same subject. And -- and based on that third
23 telephone call with Ron on the conversation I had with
24 Sam, I took some notes on it.

25 Q Can you tell me if those are the notes

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1 that you wrote?

2 A Well, I can't read it very well, so it
3 must be my handwriting. So yeah, I'm sure these are
4 my notes.

5 Q Okay. Have you recently had the
6 opportunity to review these notes?

7 A Yes.

8 Q Okay. I would like you to first read the
9 notes from the conversation dated 6/7.

10 A Okay. "Discussed with Ron the discussion
11 I had with Gary, the discussion I had with Sam the
12 week of June 3rd, '96. Sam called to let me know he
13 would be working more closely with Watts Bar in the
14 future in the PWR corporate chemistry position. He
15 was sure that he would be in that capacity, by his
16 inference, from corporate management not releasing him
17 for a job at Sequoyah, which he would greatly prefer
18 the job at Sequoyah. Said he felt sorry for Gary as
19 odd man out. Discussed that interviews would still be
20 conducted when I asked, as it sounded like it was a
21 done deal. Commented about interviews to be done to
22 keep it legal."

23 Q Okay. In your June 3rd conversation with
24 Harvey, do you recall whether he called you or you
25 called him?

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1 A He had called me.

2 Q One moment. Would you please identify who
3 Ron is, for the record.

4 A "Ron" is Ron Grover.

5 Q Okay. All right. And, I'm sorry, did you
6 say that Sam Harvey had called you...

7 A That's correct.

8 Q ...for the June 3rd conversation? What
9 was the purpose of the conversation?

10 A My understanding of what the purpose was,
11 was for him to let me know that he was going to be
12 working more closely with Watts Bar. That that was
13 the purpose of the conversation.

14 Q Okay. Other than what you have in your
15 notes here, did he provide any more details about the
16 position at Sequoyah that they had refused to let him
17 transfer into?

18 A No more detail than -- than what I have
19 here. It was not a real lengthy conversation, if I
20 recall. And, you know, as I stated here, the -- the
21 inference that because he wasn't going to go there,
22 that he believed he was going to be working more
23 closely with Watts Bar as the -- as the secondary
24 chemist.

25 Q Did he mention whether any particular

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1 person at corporate had denied him the opportunity to
2 go to Sequoyah?

3 A Not that I recall in that conversation.

4 Q Do you recall in another conversation him
5 saying anything about the position at Sequoyah?

6 A Say that again.

7 Q Do you recall any other conversations with
8 Sam Harvey in which he mentioned the position at
9 Sequoyah?

10 A No, I don't remember that. However, I had
11 a previous deposition and previous interviews of which
12 I've written notes, and -- and do recall that being
13 written. But I don't recall exactly when that was
14 stated, if it was this conversation or when that was
15 stated. I don't believe that was discussed on June
16 7th.

17 Q Other than what it says in your notes, do
18 you recall anything else that Harvey said about
19 posting the chemistry position?

20 A No.

21 Q At the time of your conversation with
22 Harvey, what was your reaction to the conversation?

23 A My reaction? It was -- I was wondering
24 why it was that he had -- had called. And it was --
25 you know, what -- because the intent of the

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1 conversation appeared to me to be just to let me know
2 that he -- he thought he would be working more closely
3 with Watts Bar. And -- and I was just somewhat
4 curious why he decided to -- to call and let me know
5 that. It was -- you know, I was curious as to why he
6 was calling to let me know that.

7 And, like I stated here and like is
8 written in here, my impression was that he was telling
9 me that he was going to be in that position, so that's
10 what prompted me to ask if this -- you know, sounded
11 like it was a done deal. And so I asked him, and he
12 said -- he said no, there was -- that there were going
13 to be interviews, but that was -- I mean, my
14 impression was, okay, I knew there were changes being
15 made and I knew there was a possibility of him at some
16 time going to Sequoyah. That had been discussed on
17 and off. He had made mention to that previous to
18 that. And -- and...

19 Q Prior to your June 3rd conversation with
20 Harvey, did you know that there was going to be a
21 reorganization at corporate?

22 A I knew there was reorganization ongoing at
23 corporate, and that -- and that -- and at Sequoyah
24 there had been discussions about organizations, maybe
25 not even specifically chemistry, but in the steam

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1 generator group that would involve a chemistry person.
2 I knew that was going on at both Sequoyah and
3 corporate. What exactly it was going to look like,
4 what shape it was going to take, you know, I wasn't
5 following it that -- that closely.

6 Q Did you know that corporate was planning
7 to go from three chemistry managers to two chemistry
8 managers?

9 A I -- I did know that, or I learned that
10 was coming about this time. Exactly when I learned
11 that, whether it was before this or that week, I'm
12 not -- I'm not sure. But yeah, I understood there
13 would be one less position.

14 Q You indicated in this note that you had a
15 discussion with Gary Fiser...

16 A Yes.

17 Q ...about your conversation with Sam
18 Harvey.

19 A Yes.

20 Q How did you come to discuss this with him?

21 A I don't know. I honestly don't remember
22 that. Gary was the -- that conversation was not on
23 the phone. Gary was up, you know, and -- that week,
24 as he frequently was up there to talk about issues.
25 I don't recall, you know, him coming in to ask me

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1 questions about reorganization or anything, and I
2 didn't -- don't recall bringing it up specifically, or
3 I didn't seek out Gary to have this conversation.

4 But it came up in -- in conversation
5 that -- that Sam had -- had called, and that comment
6 was made. But I honestly don't remember why -- why it
7 came up. He asked something that initiated me to
8 think about the conversation and -- and bring it up,
9 or I -- I honestly don't remember.

10 Q What did Gary say in response to your
11 conversation?

12 A I don't know. I wish I would have wrote
13 it down, but I -- I don't recall us having a lengthy
14 conversation about it. But I -- I know I would be --
15 I'd be guessing to try to characterize what that
16 conversation sounded like, honestly.

17 Q Do you know whether you told him that
18 Harvey had said that he was blocked from going to
19 Sequoyah because someone at corporate wanted to keep
20 his expertise at Sequoyah?

21 A I don't remember if I said that.

22 Q Do you remember whether you told him that
23 Harvey said the position would be posted to keep it
24 legal, and that interviews would be done to keep it
25 legal?

1 A I -- I don't remember what Gary and my
2 conversation -- the details of that conversation.

3 Q You also indicated in your note that you
4 discussed this with Ron Grover.

5 A Correct.

6 Q How did you come to discuss it with him?

7 A Again, this was a phone conversation, and
8 whether I had called Ron about an issue, or Ron had
9 called me about an issue, or Ron had called me to ask
10 me questions about positions or not, I -- I don't
11 recall. I do not think that the initial phone call
12 was on this subject.

13 I -- I'm pretty certain it -- Ron called
14 about something. We talk several times a week
15 routinely. And, but based on -- based on the
16 conversations that I had had, and I said I can't
17 remember exactly what Gary and I discussed, but the
18 flavor of Ron's -- or these conversations, I let Ron
19 know this was ongoing, that I had these
20 communications, and I just felt I needed to do that.
21 These were two guys that, you know, worked for him
22 and -- and so I just shared with Ron what the
23 conversations were.

24 Q Why did you decide to take notes on this
25 on June 7th rather than on June 3rd?

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1 A I guess it didn't strike me as something
2 I needed to take -- I mean, record on the 3rd, and/or
3 really on the 7th. But it -- but -- or on the --
4 whenever I talked to Gary. But when I talked to Ron,
5 it -- in relaying the conversations, Ron asked me
6 if -- or asked me a question if I'd be willing to
7 relay this -- the conversation that I just had had
8 with him, if need be, or in the future. And when --
9 when he made that comment, I -- I don't know exactly
10 how I answered. I said, "Sure," or, "Yeah, I have no
11 reason not to," and -- but based on that comment, I
12 thought I better write the essence of what I said
13 down.

14 Q What was Grover's reaction when you told
15 him of your conversations with Harvey and Fiser?

16 A His reaction? I'm -- I don't recall any
17 specific...

18 Q What did he say, other than asking you
19 whether you'd be willing to repeat your -- your
20 statements?

21 A I -- I don't recall.

22 Q After speaking with Ron, did he ask you to
23 come and repeat your statement to anybody in human
24 resources, IG, anybody like that?

25 A No, not that I recall. I...

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1 Q Did you ever speak to either Wilson
2 McArthur or Tom McGrath about these statements that
3 Harvey had made to you?

4 A I spoke to Wilson and -- and -- about
5 these statements. I don't -- I talked to those two
6 individual on the -- individuals on the phone at one
7 point in time back in this five or six years ago. But
8 whether it was specifically on this -- this
9 conversation or -- or not, I don't recall that -- I
10 don't recall that it was specifically on this
11 discussion about Sam getting a position or not a
12 position, or Gary, or that it was on reorg; no.

13 Q I'd like you now to read for the record
14 the notes dated 6/10.

15 A 6/10. "Discussed several issues with Sam.
16 Discussed..." Let me -- that says, "several issues
17 with Sam. Sam made reference to the possibility that
18 he may be the odd man out, and may desire my help in
19 looking for other employment, if so."

20 Q When did you take these notes?

21 A The six -- on -- I'm fairly certain I --
22 on 6/7 -- on June the 7th is when I -- when I took
23 those notes. And on -- on June 10th is the day I took
24 that note.

25 Q Do you remember whether Harvey called you

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1 or whether you called him?

2 A Sam called me.

3 Q And do you recall what you discussed first
4 when he called?

5 A No, I don't. And I was -- but I obviously
6 talked to him about things before this. I don't
7 remember what they were, but we had some discussion
8 and -- about this -- this issue or his comment came up
9 as part of our discussion. And I don't remember the
10 other parts of the conversation.

11 Q Other than the statement that you have
12 here about him referring to possibly being the odd man
13 out and may need help looking for other employment, do
14 you recall whether he said anything else during that
15 conversation about him competing for a position, the
16 transfer to Sequoyah that didn't work out?

17 A Not any -- any details on -- I believe
18 that -- that the reason he was making that -- that
19 comment was that -- that he might not be the one to
20 get -- to get the job. There would be -- he may not
21 pan out in the interviews and he may not be the guy,
22 and -- and that's why he might be the odd man out.

23 Q What was your reaction to that -- that
24 conversation?

25 A Well, I -- you know, having had the

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1 conversation the week before, my reaction was that
2 something changed, that he had called to let me know
3 the week before he was pretty sure that he was going
4 to be the man for this position that was going to be
5 filled, and that something happened that he felt like
6 he overstated his confidence level, and so he was
7 calling to let me know that it wasn't as solid in his
8 mind on Monday as it was the previous week.

9 Q Other than this deposition here today, can
10 you tell me who you've been interviewed by to discuss
11 these statements.

12 A I was interviewed by TVA IG, and I had one
13 other interview by somebody from the Department of
14 Labor.

15 Q Prior to the reorganization, did -- first
16 of all, was Jack Cox your boss, your supervisor at
17 that time?

18 A Correct. Correct, Jack Cox was my
19 supervisor.

20 Q Okay. Did he ever come to you to discuss
21 either Fiser or Harvey's performance at Watts Bar?

22 A I'm sure Jack had -- I recall discussing
23 with Jack both of their performances at -- at times.
24 And so I'm sure I gave Jack input as to what my
25 impressions were of -- of their performance.

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1 Q Okay. What were your impressions of
2 Fiser's performance?

3 A As far as -- as far as providing support
4 to the chemistry organization, Gary was -- was a good
5 communicator. He followed up on issues that would
6 come up. He was responsive to -- you know, to the
7 needs of the chemistry department. He -- his role was
8 to, you know, help the site organizations, and he
9 was -- he was fairly effective in trying to fulfill
10 that -- that role.

11 Q What were your impressions of Harvey's
12 performance?

13 A Sam was -- he was about -- I guess about
14 as equally as effective in -- in fulfilling that role
15 of communicator between the sites and corporates --
16 between corporate and the site. He was more
17 technically competent when it came to PWR secondary
18 chemistry issues, which Gary was stronger in other
19 areas than -- than Sam. But as far as them fulfilling
20 the role of communicating with the site, I -- I put
21 them on about an equal, nearly equal performance base
22 there.

23 They -- both of them were somewhat -- as
24 far as performance of just staying focused on issues,
25 program procedures, people necessary to run the -- the

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1 program, they were both a little bit "wandery" when it
2 would come to discussing other issues and what's going
3 on and -- and reorganization, whatever, discussing
4 things not directly germane, things that were
5 impacting them and their issues in Sequoyah or
6 corporate. But from a standpoint of -- of
7 communicating back and forth to the site, they were
8 about on an equal plane.

9 Q Did Jack Cox ever indicate to you that he
10 had been asked to serve on the selection review board
11 that was going to select the two corporate chemistry
12 positions?

13 A Did he communicate that he had been asked
14 to serve on...

15 Q Or that he was going to serve?

16 A I was under the impression that he was
17 going to serve on -- on the review board. I don't
18 know if that's just because it made sense that he
19 would, as the rad chem manager, or that he actually
20 was going to. I believe he was going to. I don't
21 know if he told me he was going to, he had been asked
22 to and he was preparing to or not, but I assumed he
23 would be sitting on the board.

24 Q In preparing to serve on the board, did he
25 ever ask you who you would select as the chemistry

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1 manager, or for your opinion as to who would be a more
2 effective manager at Watts Bar?

3 A Well, I believe he asked me for my
4 impressions of -- of both Sam and -- and Gary. And I
5 gave him my -- my impressions as to how well I thought
6 they did for the sites, what their strong point was,
7 what their weak point was. I don't believe he asked
8 me specifically who I'd vote for, so to speak.

9 Q Did there come a point when you found out
10 that Cox was going to be unable to sit on the
11 selection review board?

12 A Yes, I did become aware that he wasn't
13 going to be on the board.

14 Q Did anyone ask you to sit on the board in
15 his place?

16 A No.

17 Q Did you ever have any conversations with
18 Wilson McArthur about Harvey's performance and/or
19 behavior?

20 A Yes. That conversation I referred to
21 earlier. We discussed Sam's performance to some
22 degree. I know that was part of our conversation.

23 Q Did you discuss his behavior as opposed to
24 his performance? And by "behavior," I mean his
25 demeanor, how he interacted with other people at the

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1 site as opposed to his technical abilities.

2 A I don't recall if I talked with Wilson on
3 Sam's behavior.

4 Q Were you aware of any behavioral problems
5 or complaints that people had raised about Harvey's
6 behavior?

7 A Repeat that question.

8 Q Were you aware that anybody had raised a
9 complaint or an issue about Harvey's behavior, their
10 treatment of them?

11 A I had, on occasion, people in the Watts
12 Bar chemistry organization raise issues that they
13 weren't real fond of the way Sam came across to them
14 at times.

15 Q Anything more specific than that, or
16 they -- they just weren't fond of the way he treated
17 them?

18 A Just his interaction with some of the
19 folks in the department was -- was not a relationship
20 or a interface (sic) that they cared for. When Sam
21 would come in and -- you know, he had an interface
22 with most of the organization. He might be doing a
23 self-assessment, which puts one in a position of, you
24 know, watching what you're doing and then documenting
25 how well you're performing your job. And that -- that

1 is a, you know, role that Sam was in, and you can --
2 the feedback that I got was that at times Sam's
3 interface with them was just -- I don't know what --
4 I'm searching for the right word.

5 MR. MARQUAND: Lacking?

6 A Lacking. It was -- it was -- he was
7 gruff, his demeanor wasn't, you know, a cooperative
8 sense as well as they would have cared it to be.

9 Q Did anyone raise similar issues about Gary
10 Fiser?

11 A Not that I recall.

12 Q How did you prepare for this deposition
13 today?

14 A How did I prepare for this deposition?

15 Q Yes.

16 A Basically, I reviewed my notes that I --
17 that -- I have seen this before. I wrote this. And
18 I re-reviewed this, and I reviewed my previous
19 deposition.

20 Q Did you talk to or meet with anybody to
21 prepare for this deposition?

22 A With Ed and Brent.

23 MS. EUCHNER: Do you have any questions?

24 MR. DAMBLY: No.

25 MS. EUCHNER: I'm done.

1 MR. DAMBLY: Do you have any questions?

2 MR. MARQUAND: I have no questions.

3 MS. EUCHNER: Okay.

4 Please mark the document Voeller Exhibit
5 1, and bind it to the transcripts.

6 (The documents referred to were
7 marked for identification as
8 Voeller Deposition Exhibit #1.)

9 (Whereupon, the deposition was concluded
10 at 5:05 p.m.)

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