

RAS 6012

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OFFICE OF THE SECRETARY
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ADJUDICATIONS STAFF

Name: Charles E. Kent, Jr.
Position: Manager
Radiological Control and Chemistry
Office: Sequoyah Nuclear Plant (SQN)
Work Tel.: (615) 843-8874
Residence: [REDACTED]
Home Tel.: [REDACTED]
SSN/DOB: [REDACTED]



Kent, who is aware of the identity of the interviewing agent, was interviewed at the OIG satellite office at SQN in connection with Gary Fiser's reduction-in-force and the subsequent attempt to re-hire Fiser as the SQN Chemistry Manager. Kent provided the following information.

Kent advised that on approximately January 27, 1993, he assumed responsibility as the manager of the combined Radiological Control and Chemistry programs. Since he was not happy with the way the old organizations were set up, Kent began creating a new organizational structure. On February 26, 1993 (after receiving approval from Rob Beecken, SQN Plant Manager, and Bob Fenech, SQN Vice President), Kent implemented the new organizational structure on an interim basis. The new structure eliminated the level of management which consisted of the Chemistry Manager and RadCon Manager positions.

As a condition to taking the RadCon/Chemistry Manager position, Beecken had promised Kent the freedom to make any changes he (Kent) felt were necessary.

Kent stated that it was his decision to do away with the positions. Kent cited the trend in the industry to do away with layers of management as one reason he decided to cut

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CLEAR REGULATORY COMMISSION

Licet No. 50-390 Official Exh. No. Joint 25

In the matter of TVA

Staff Joint IDENTIFIED

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Clerk BHM

the Chemistry Manager and RadCon Manager positions. Another reason was that Kent felt the programs would be better served by having two more technical people as opposed to managers. Kent felt that he could manage a large amount of direct reports, but needed more people with technical expertise.

Kent stated that no one told him to implement an organization without a Chemistry Manager. In addition, Kent denied that the organization was created and implemented in order to get rid of Fiser.

At the time the new organization was implemented, Kent believed Fiser had a permanent position downtown (at Corporate) and would not be impacted by the changes.

In the middle of March 1993, Kent finished writing the new position descriptions and sent them to the Hay Committee. Prior to proposing the new position descriptions, Kent had lobbied Wilson McArthur, the Manager of Operations Services and a member of the Hay Committee. However, with the exception of passing Kent's new position description and grade, the Hay Committee refused to pass the other position descriptions pending approval from other management (i.e. Corporate). Kent believes the Hay Committee received feedback (possibly from McArthur) that Joe Bynum, Vice President, Nuclear Operations, wanted the organizations to be standardized (i.e. that SQN's organization would have the same structure as the Browns Ferry Nuclear Plant's structure). According to Kent, no one "outside" of SQN knew the details of new organization prior to March 1993.

Until the end of April 1993, Fenech and Bynum were having discussions about whether or not SQN should eliminate the level of management. Because Fenech was backing Kent's proposed organization, he (Kent) proceeded on and continued to work under the new organizational structure. In addition, McArthur was in the process of coming up with a completely new organizational structure. At the end of April, Bynum approved McArthur's organization and it was implemented at SQN. This new organization contains a Chemistry Manager and a RadCon Manager.

Fiser's Reduction-in-Force

Kent has no knowledge of who made the decision to RIF Fiser. Kent stated that he was never contacted or advised about the decision to RIF Fiser.

Kent admitted that the chemistry organizational structure was "in limbo;" however, Kent felt confident that it would be implemented because the site was holding firm that it would be set up his (Kent's) way.

In regards to the new organizational structure, Kent felt that the Chemistry Technical Support Manager would be the key position in the chemistry program. Prior to Fiser's RIF, Kent had asked Fiser about taking the Technical Support Manager position. However, Fiser told Kent that he (Fiser) did not want the job because it would be a lower level position.

According to Kent, Fiser was aware that the Chemistry Manager position was being eliminated when he (Fiser) was asked to become the Technical Support Manager, but he (Fiser) felt that he was going to stay in Corporate. Likewise, Kent stated that he, Beecken and Fenech believed Fiser would stay downtown. About this same time, Kent and Al Black, Human Resource Officer, SQN, were working with the Corporate Human Resource personnel to get Fiser off of SQN's headcount and under the Corporate headcount.

Kent has no knowledge of Beecken or Fenech being involved in the decision to RIF Fiser.

According to Kent, Fiser was the only individual RIF'ed when the new organization was implemented. Kent explained that the new organization only called for the elimination of the Chemistry Manager position and the RadCon Manager position. Prior to being named the RadCon/Chemistry Manager (in January 1993), Kent was the RadCon Manager. Since the RadCon Manager position had not been filled since Kent was promoted, there was no one to RIF from that position.

Fiser's Performance

~~Kent has no personal knowledge of Fiser's performance; however, he is aware that Beecken did not consider Fiser to be a good manager.~~

According to Kent, the SQN chemistry program had technician training problems when Fiser was the Chemistry Manager. However, the extent of the problems did not become evident until after Bill Jocher, the Corporate Chemistry Manager, became the SQN Chemistry Manager on a temporary rotational assignment. Kent stated that the training program was far from where it should have been and it was reasonable to hold Fiser accountable. Kent further stated that the Institute of Nuclear Power Operations

(INPO) had a finding against Chemistry in 1991 and from that point on, Fiser should have been more aggressive at finding and fixing the problems.

Kent also believes that it was reasonable to hold Fiser accountable for not finding out there was a problem with the rad-monitor setpoints.

Jocher's Position in the New Organizational Structure

When Kent became the RadCon/Chemistry Manager in January 1993, Jocher was still on loan to SQN as the Chemistry Manager. Kent believed it was Jocher's wish to return to his permanent position of Corporate Chemistry Manager at the end of his rotational assignment (on March 8, 1993).

Kent explained that eliminating the Chemistry Manager position did not affect Jocher because the new organization (without a Chemistry Manager) was implemented on February 25, 1993, and Jocher went back to Corporate on March 8, 1993. Therefore, Jocher spent the week in a "transition" period of turning over documents and getting ready to return to Corporate.

The Decision to Upgrade the Chemistry Manager Position

Once it became apparent that SQN would have a Chemistry Manager position, Kent decided to make some changes to the position. Kent stated that the new Chemistry Manager position description has more stringent experience and educational requirements than the old Chemistry Manager position. In addition, the accountability and technical knowledge/skills increased with the new position. However, Kent acknowledged that the new Chemistry Manager position lacks some of the responsibility of the old Chemistry Manager position because the environmental program was removed from under Chemistry.

Kent stated that he felt the new required levels of education, experience and accountability justified the position being reclassified to a PG10.

Kent stated that John Sabados, the current Chemistry Manager at Browns Ferry Nuclear Plant, was a PG9 until "maybe days ago." Kent explained that BFN is just now beginning to implement the new organizational structure. According to Kent, it was always intended that SQN would be the first plant to implement the new structure because there was an immediate need.

The Attempt to Re-hire Fiser as the SQN Chemistry Manager

Kent stated that after an attempt to hire Gordon Rich (who became the Corporate Chemistry Manager) as the SQN Technical Support Manager failed, he (Kent) put out "feelers" in the industry for someone qualified to handle that position. Once it was determined that he would have a Chemistry Manager, Kent continued to look in the industry for a Chemistry Manager.

Kent stated that he did not initially feel comfortable about hiring Fiser as the site Chemistry Manager because he wanted someone who could come in and handle the problems. In addition, Kent did not want to hire Rich as the SQN Chemistry Manager because not only did he feel like Rich was not a "driver," but Kent also felt like Rich was being pushed on him by Dan Keuter, Vice President, Operations Services. Therefore, Kent continued to look around the industry until approximately July 1993.

By July 1993, Kent was becoming "desperate" so Kent talked to his staff about the possibility of bringing Fiser back as the SQN Chemistry Manager. Since his staff seemed supportive of the idea, Kent contacted Fiser and set up a meeting for July 6, 1993. Kent stated that another reason why Fiser was not considered until July 1993 was because Beecken had such a low opinion of him and Powers, the new SQN Plant Manager, did not take over until approximately July 5, 1993.

On July 6, 1993, Kent met with Fiser in his (Kent's) office at SQN. Kent stated that the meeting was not a formal interview because the job had not yet been posted. Kent also denied that Powers was in on this meeting. Kent explained that Powers happened to walk by his (Kent's) office and Kent introduced him to Fiser. Kent stated that the three of them chatted for about 10 minutes. Kent advised that Powers "certainly didn't" interview Fiser.

Also during the July 6, 1993 meeting, Fiser told Kent that hiring him (Fiser) could be a liability.

After Fiser left, Kent went in to talk to Powers. Powers stated that Fiser was a nice person, but seemed meek. However, Powers then stated that some of the best Chemistry personnel are meek. Powers told Kent that he would support any decision Kent made regarding filling the Chemistry Manager position. Kent denied that Powers told him to hire Fiser.

Kent then talked with Fiser about the possibility of Fiser coming out to help Kent on loan from ETP. Kent explained that he was hoping Fiser could come out to SQN immediately while he (Kent) went about seeing if he could hire Fiser as the Chemistry Manager. Kent asked Fiser "if we can work it out, either on loan or permanent if we can do that, when could you come?" Fiser stated that he could come the next Thursday.

Kent denied ever telling Fiser that he was going to hire him. Kent stated he originally interviewed Fiser to find out if he had a negative attitude toward TVA, SQN or the Chemistry Program. In addition, Kent was attempting to find out if Fiser would be a desirable candidate as far as interest, availability, salary requirements etc. Kent denied quoting Fiser a salary. Furthermore, Kent stated it was not accurate to say that Fiser had an offer and/or a report date.

Kent stated that he would not have checked with Corporate about hiring Fiser if Fiser had not raised the concern that he was a liability. On the afternoon of July 6, 1993, Kent contacted Wilson McArthur, Manager, Operations Services. After Kent told McArthur of his (Kent's) intentions of hiring Fiser, McArthur stated that he would support Kent, but would also check around to see if there was a problem in bringing Fiser back to SQN as the Chemistry Manager. Kent has no knowledge of who McArthur talked to. However, when McArthur called Kent back (July 7, 1993), he (McArthur) said that his inquiries had shown that although Fiser was considered pretty good technically, management (names unknown) did not believe that Fiser had the managerial ability for the Chemistry Manager position.

On approximately July 8, 1993, Kent told Fiser that he had McArthur check around and the word was that management did not have much confidence in his ability.

Kent cannot recall Fenech ever telling him not to hire Fiser. Kent explained that Fenech was supportive of him hiring whoever he (Kent) wanted.

Kent had told Fenech prior to his July 6, 1993 meeting with Fiser that he was going to talk to Fiser about the Chemistry Manager position. ~~Fenech told him to check with~~ McArthur first. McArthur told Kent that he was supportive of Kent considering Fiser for the Chemistry Manager position. Kent had then relayed McArthur's message to Fenech. However, Fenech later talked to McArthur (after the decision had been made not to hire Fiser) and McArthur told Fenech that it (hiring Fiser) would have been a bad idea. According to Kent, Fenech felt like Kent had lied to him and they had to make a conference call to McArthur to get things straightened out. During the conference call, McArthur explained that he would have been supportive, but that he did not think it was a good idea. Kent believes that McArthur talked to someone who made him change his

story between the time he (Kent) first talked to McArthur and when Fenech talked to McArthur.

Kent denied ever telling Fiser that he (Fiser) had a "target on his back." Instead, Kent feels like Fiser may have used that term when he (Fiser) was talking about being a liability.

On July 15, 1993, Kent contacted Rich about becoming the SQN Chemistry Manager. The position closed on August 19, 1993 and Rich was selected. Kent advised that Fiser did not apply on the posted Chemistry Manager position and that if he had applied, Fiser would have been given fair consideration.

According to Kent, Fiser met the minimum qualifications of the new site Chemistry Manager position description.

Miscellaneous

Kent does not believe Fiser was RIF'ed because of filing safety concerns. Instead, Kent believes Fiser was RIF'ed because he was not the right person for the chemistry program and had numerous performance problems.

According to Kent, SQN management has stressed the importance of reporting problems so the plant can get better. Therefore, Fiser's belief that he was being held accountable for reporting problems is inconsistent with the way SQN management really acts.
