

DOCKETED  
USNRC



2003 MAR 11 AM 11:25

OFFICE OF THE SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

----- x  
In the Matter of: :  
INTERVIEW OF :  
JAMES E. BOYLES : Case No. 2-1998-013  
(CLOSED) :  
----- x

Tennessee Valley Authority  
Lookout Place Building  
1100 Market Street  
Chattanooga, Tennessee  
Thursday, October 22, 1998

The above-entitled matter came on for interview,  
pursuant to notice, at 11:02 a.m.

BEFORE:

DIANA S. BENSON, Investigator

APPEARANCES:

On behalf of the Interviewee:

BRENT R. MARQUAND, Esquire  
Tennessee Valley Authority  
Office of General Counsel  
400 W. Summit Hill Drive  
Knoxville, TN 37902-1499

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

EXHIBIT - 24

PAGE 1 OF 48 PAGE(S)

: 2-1998-013

Template=SECY-028

SECY-02

NUCLEAR REGULATORY COMMISSION

Case No. 50-390 Official Est. No. Staff 6

In the matter of TVA

Staff ✓ IDENTIFIED ✓

Applicant \_\_\_\_\_ RECEIVED ✓

Intervenor \_\_\_\_\_ REJECTED \_\_\_\_\_

Owner \_\_\_\_\_ WITHDRAWN \_\_\_\_\_

DATE 6/18/02 Witness \_\_\_\_\_

Clerk BHM

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

C O N T E N T S

WITNESS

EXAMINATION

JAMES E. BOYLES

BY MS. BENSON AND MR. MARQUAND

3

E X H I B I T S

NUMBER

IDENTIFIED

[NONE.]

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

[11:02 a.m.]

MS. BENSON: For the record, today's date is 23 October 1998, the time now is 11:02 a.m.

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

During this proceeding, which is being record for transcription, the NRC Office of Investigations will conduct an interview of Mr. James E. Boyles, and E is for Ed?

MR. BOYLES: That's correct.

MS. BENSON: This interview pertains to OI investigation number 2-1998-013. The location of this interview is TVA Nuclear, Lookout Place Building, 12th & Chestnut Street, Chattanooga, Tennessee.

Others in attendance in this interview are Mr. Brent Marquand, who is a TVA attorney representing both TVA and Mr. Boyles.

If you wouldn't mind, if you'll raise your right hand.

Whereupon,

JAMES EDWIN BOYLES,

the Interviewee, was called for examination and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

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

1 that time. I spent several years in the mid-'80s, from  
2 about '86 through '90 at Sequoyah Nuclear Plant. I did  
3 spend some time at our Watts Bar Nuclear Plant around 1990.  
4 In 1991 I came to work here in Chattanooga for our nuclear  
5 organization as a staff assistant to our Senior Vice  
6 President of Nuclear Power, worked several staff positions  
7 here in Chattanooga. In 1994, I moved to the Human Resource  
8 Manager of the corporate office and that's where I am today.  
9 My title today is Senior Human Resource  
10 Consultant-Corporate.

11 Q Okay. Who do you report to?

12 A I report to Phil Reynolds, who is the Vice  
13 President of Nuclear Support.

14 Q Okay. I know that you have been interviewed in  
15 the past probably numerous times concerning this  
16 investigation, but at least by DOL and I'm not sure about  
17 the IG's office.

18 A Yes, I have.

19 Q Okay. What we're looking at here is back during  
20 the 1996 time frame, the reorganization of the operations  
21 support group in which there was going to be some downsizing  
22 and elimination of certain positions, one of the positions  
23 being the chemistry position that Mr. Fiser was in at that  
24 time.

25 I think when I talked to Mr. Veagalucci prior to

1 arranging these interviews, I asked him if you could bring  
2 with you written policy in place in 1996 for posting of  
3 positions during reorganizations. Do you have anything like  
4 that with you?

5 A No, I wasn't aware of that. I'll have to do that.

6 MR. MARQUAND: Do you want to state it again so --

7 MS. BENSON: And I'll write it down too because  
8 there's a couple of other things from Human Resources, but  
9 it's during -- the policy in place in 1996 regarding posting  
10 of positions during downsizing, or reorganization.

11 THE INTERVIEWEE: Okay.

12 BY MS. BENSON:

13 Q Do you recall what that policy was, offhand?

14 A Yes, we -- and I don't know the exact time frames,  
15 but our responsibility in Human Resources during a  
16 reorganization like that is to assist the line organization  
17 with the changes, to review the organization structure and  
18 to look at the changes to each position description or job  
19 description and determine if they're different or if these  
20 are the same, if a transfer is proper or if we should post a  
21 position through TVA's vacant position announcement system.  
22 That's generally our policy.

23 Q Okay. And the written policy that you may have  
24 during that time frame, would it be specific about when you  
25 should transfer somebody or when the position should be

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

1 posted?

2 A I need to look at the policy that was in place at  
3 the time. I believe I'd like to review it, but it did  
4 require at that period of time I believe a posting of  
5 positions, new positions, PG-1, Pay Group 1 through either 8  
6 or through 11, if it was a new or changed position  
7 description.

8 MR. MARQUAND: Can I mention something for  
9 clarification here?

10 MS. BENSON: Sure.

11 MR. MARQUAND: Normally the issue that Ed is  
12 confronted with and I do too is if we have to post -- what  
13 types of jobs we have to post. And based on some of the  
14 remarks -- I mean just for instance, he was talking about  
15 the levels that have to be posted -- but you may be asking a  
16 different kind of question, you may be asking as to whether  
17 or not a new PD, a new position description, is sufficiently  
18 changed that it requires a rollover versus a posting. I  
19 don't know where you were going, but there are some laws  
20 with respect to that as well as policy. So if that's your  
21 question, I want to make sure so we can pull out the right  
22 thing.

23 MS. BENSON: Okay, that's fine. Well, you can  
24 clarify that in your responses actually, you know, with the  
25 paperwork that you do give me.

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

1 I know reading over some of his past responses  
2 during his deposition, like his DOL deposition, he indicated  
3 that there is federal law, guidelines concerning this.

4 THE INTERVIEWEE: OPM guidelines.

5 MS. BENSON: How TVA applies that, I guess, you  
6 know, is what I would be interested in finding out, such as  
7 you're talking about the rewriting of position descriptions.

8 BY MS. BENSON:

9 Q Are we looking at the actual written job  
10 description, a change in that?

11 A Yes.

12 Q Or the actual function that somebody is performing  
13 in their job?

14 A What we do is compare the actual job description  
15 of record that the person is assigned, to the new or to the  
16 changed job description that's being proposed. And we do  
17 that comparison to make the determination, if it's a  
18 rollover or a transfer or if we should post the job.

19 Q Now your policy is if the job description has  
20 changed then, that it should be posted?

21 A Yes.

22 Q Is there any instances when you would not post or  
23 advertise that position?

24 A When we look at it to determine if it has changed,  
25 if it's different. In those cases we post those jobs. In

1 the cases where it's not changed, we transfer. And that is  
2 our policy.

3 Q So there's never any exceptions?

4 A There may be jobs where people are placed on loan,  
5 on rotational assignments or in some cases -- there are  
6 always exceptions. In some cases, we do settlement  
7 agreements either through grievances -- we have to have  
8 union agreement on that, we do DOL settlement agreements and  
9 we've had cases like that where people are placed in  
10 positions and the job is not posted. And we do have a  
11 process for waivers of posting requirements and we can apply  
12 for a waiver of posting if we choose to do that.

13 Q Okay. And this is what I'm having you here today  
14 for, is to educate me regarding your rules. But I am  
15 interested, now that you've mentioned about the waivers, is  
16 there something written about when you can grant these  
17 waivers?

18 A Yes, we're required to apply for or justify if we  
19 request a waiver and I believe currently it's approved by  
20 the Senior Vice President of TVA Human Resources.

21 Q Okay. And during this time frame of '96, this  
22 waiver policy would have been in effect then also?

23 A It may have changed some, but it would have been a  
24 similar policy.

25 Q Okay, so that's probably something else that I

1 would like to get ahold of.

2 A Okay.

3 Q So basically the determination is the actual  
4 written description versus the actual function of the job.  
5 I guess my next question, since I know this argument has  
6 been presented and argued and debated several times, but the  
7 position that Mr. Fiser was holding, in addition to other  
8 chemistry people at corporate, they were not fulfilling all  
9 the functions of their job, the environmental functions of  
10 their job, even though it was written in their description.  
11 So I guess my next question to TVA Human Resources would be  
12 if a person is not performing the functions described in his  
13 job description, should that job description be rewritten?

14 A If the person is not doing all the elements of the  
15 job description that they're working under, they should  
16 discuss it with their supervisor and ensure that they have  
17 an accurate job description. The supervisor can rewrite a  
18 job description and submit that to HR and changes can be  
19 made to it, yes.

20 Q If the supervisor is aware that these functions  
21 aren't being performed, whose responsibility is it to ensure  
22 that their functions meet their description?

23 A I think it's both the employee and the  
24 supervisor's responsibility to make sure that their position  
25 description or their job description is accurate.

1 Q Okay. And I guess in this specific instance what  
2 I'm trying to determine is a policy. We know just talking  
3 to the interviews that were done regarding the people in the  
4 chemistry department, they weren't -- for the majority part,  
5 they weren't performing the environmental function, maybe  
6 five percent of the environmental function they were  
7 supposed to be doing. They just hadn't gotten to that if  
8 they ever were going to. Should somebody have changed that  
9 job description before posting a new position is what I'm  
10 asking?

11 A It's hard to say without knowing how much of the  
12 environmental function they were performing versus how much  
13 of the chemistry function they were performing. We weren't,  
14 I guess, aware of the levels in each of those areas, from an  
15 HR standpoint, that they were performing. It was not a  
16 question, to my knowledge, that the employee or the  
17 supervisor raised during the '96 time frame when we were  
18 going through the changes.

19 If your question is should they have changed it  
20 prior to the posting. They should have changed it at any  
21 point in time that they felt that it was an inaccurate  
22 position description.

23 Q Okay.

24 A And again, I view it as each being responsible.  
25 The employee is very familiar with what they do, the

1 supervisor should be very familiar, but in job descriptions  
2 typically you may perform one function during one period of  
3 time and then another function at another period of time.  
4 So it's difficult from an HR standpoint to say when it  
5 should be changed. I think that's up to both the supervisor  
6 and that employee to determine that.

7 Q And we'll probably get into this a little bit  
8 further, but I think that this is probably a question that  
9 would need to be addressed by Human Resources as far as that  
10 particular position, because I know there was numerous  
11 interviews, questions asked of different people in other  
12 investigations too about the percentage -- I think based on  
13 if you reviewed the job description that was in place at  
14 that time, whatever percentage of the environmental function  
15 they were supposed to be performing, say 50 percent, when in  
16 fact they were maybe doing less than five percent all this  
17 time. If this was brought to the attention of Human  
18 Resources prior to the selection panel being held, you know,  
19 maybe we should give this issue a little bit further  
20 consideration.

21 A Okay.

22 Q And I'll ask you some other questions about that.  
23 Okay, in one of your depositions, one of the  
24 federal regulations that you mentioned was if the positions  
25 are substantially the same, the incumbent of the existing

1 position is entitled to transfer or roll over into a new  
2 position. Is this a correct regulation?

3 A If the job is the same job, yes, they should roll  
4 over.

5 Q Okay, looking at this a little bit closer, it says  
6 if the positions are substantially the same. How does Human  
7 Resources define substantial? Is there a certain percentage  
8 that you look at or how do you use that to determine?

9 A In the -- and I'd have to go back to the OPM  
10 regulations, I don't believe it indicates a 49 percent or 51  
11 percent, but in general if the majority of the job functions  
12 stay the same or a preponderance is a term I've heard and  
13 I've used, if the job is basically the same, we would look  
14 at transferring incumbents. But if there are questions  
15 about the functions and they have changed dramatically or to  
16 the point where we view it as a different job description,  
17 then we post those jobs.

18 Q So you're saying based on your knowledge,  
19 substantial, the way you view it and make your decisions  
20 would be based on more or less a preponderance, over 50  
21 percent.

22 A It's difficult when you -- Ben Easley did these  
23 for us and as we go through comparing job descriptions, it's  
24 often difficult to correlate the two job descriptions  
25 exactly, item for item, word for word. So we like to look

1 at the job from the standpoint of is this a -- is the  
2 preponderance of the activities, did they remain the same or  
3 did they change. So we determine do we view this as  
4 different enough that we should post it, to be fair to all  
5 of the incumbents. And that's the process that Mr. Easley  
6 used when he went through the position descriptions and he  
7 compared the two. And it's the same process that we use in  
8 all of the reorganizations that we go through.

9 Q And for the record, will you identify who Mr. Ben  
10 Easley is?

11 A Ben Easley was a human resource consultant that  
12 worked for me and he was the human resource consultant that  
13 served the RADCON chemistry organization at that time.

14 Q And how do you spell Mr. Easley's last name?

15 A E-a-s-l-e-y.

16 Q And he was located here in Chattanooga?

17 A Yes, he was.

18 Q And in 1996, basically then what you're telling me  
19 is that he was supporting the different chemistry sites or  
20 the service organizations?

21 A He was support for the organization here in  
22 Chattanooga that was going through the reorganization.

23 Q Okay. When did he depart TVA?

24 A I believe it was January '97.

25 Q Okay. And what was the reason for his departure,

1 was he retired, medical --

2 A He retired.

3 Q and how long had he been employed with TVA?

4 A I believe 30 years.

5 Q Okay. When was the last time you spoke with Mr.  
6 Easley?

7 A Probably a couple of weeks ago.

8 Q Did Mr. Easley contact you regarding copies of his  
9 IG or DOL interviews?

10 A Yes, he did.

11 Q And were those provided to him?

12 A Yes.

13 Q Did Mr. Easley come to you in 1966 regarding the  
14 posting of Mr. Fiser's position?

15 A Yes, he did.

16 Q And can you tell me what he initially informed you  
17 about that?

18 A In early '96 or I guess the spring of '96, we were  
19 going through the business planning process and there were  
20 several organizational changes occurring in the OPS support  
21 group and in the RADCON chemistry specifically. Ben Easley  
22 was managing and assisting the line organization in  
23 restructuring and reviewing position descriptions. At some  
24 point in time, Ben Easley had reviewed what had been turned  
25 in for the new position descriptions and he had determined

1 that we should post those chemistry RADCON jobs that we're  
2 talking about. And I had agreed with him. He talked to me  
3 about the environmental function removal and one of the  
4 issues that we discussed was that they would now focus on  
5 either BRW, boiling water reactor, or PWR, pressurized water  
6 reactor. And we talked about -- I don't remember the  
7 details, it's been awhile, but we discussed it. I agreed,  
8 we thought it was the fair thing to do, since there were  
9 more incumbents than we were going to have employees, to  
10 post the jobs. We viewed them as different and I agreed  
11 that we should the post the jobs. So we were moving to do  
12 that.

13 I don't remember the date, but at one point in  
14 time, Ben came to me while I was in my office and asked if I  
15 would talk to Gary Fiser. He indicated that Gary had come  
16 to him and was concerned about his position description and  
17 the fact that we were going to post these new descriptions.  
18 I told him I would, so he brought Gary Fiser to the office  
19 and we discussed it.

20 Q Okay.

21 A At that time, Gary told me that -- these are not  
22 quotes, but this is the gist of what he said -- he told me  
23 that as a part of a DOL settlement earlier, that he had been  
24 given a job in corporate RADCON chemistry and that he felt  
25 that this was his job and that we should not post it. I

1 told Gary that I wasn't aware of it and that I would check  
2 into it and that I would get back to him.

3 So at that point in time he left and I talked to  
4 Ben about what did he know about this and he was not  
5 familiar with the settlement agreement or how it affected  
6 the jobs and so forth. He had simply compared the two  
7 position descriptions.

8 So I talked to our -- I basically stopped things.  
9 I told Ben that we needed to check it out. I got with our  
10 labor relations organization, I got with OGC. I told them  
11 what Gary Fiser had told me and asked for some guidance on  
12 what this settlement agreement meant to us and what we  
13 should do. I knew at that time we faced a potential DOL  
14 case, so I talked to Ben Easley and asked Ben to go back and  
15 let's make sure of what we're doing. And we ended up  
16 talking to Kathy Welch who was in our labor relations  
17 organization and was involved in the DOL issues, and to  
18 Brent Marquand in OGC. They reviewed the settlement  
19 agreement and came back to us and basically told us that  
20 yes, there had been a settlement agreement, that he had been  
21 placed in a job, although I believe it was not the same job  
22 that he was currently in. But that he had been placed there  
23 as part of a DOL settlement agreement. But that as a part  
24 of that agreement, there was no guarantee for lifetime  
25 employment or anything like that and that we should

1 basically go forward and do what's right as far as the  
2 reorganization itself was concerned.

3 So I talked with Ben again and Ben confirmed to me  
4 that in his view the job descriptions were different and we  
5 should post them. We ultimately told Gary Fiser that and  
6 moved on with it.

7 Q At what point in time were you made aware of the  
8 issues involving the actual job functions that they were  
9 performing versus their job descriptions?

10 A I'm not sure I understand.

11 Q Okay. At what point in time and who discussed  
12 with you the fact that they were not performing the  
13 environmental part of their job?

14 A I don't remember discussing that with Ben or with  
15 management prior to the reorganization.

16 Q Okay. So you don't recall having this told to you  
17 prior to them posting and selecting somebody for that  
18 position?

19 A I don't remember that.

20 Q Okay. At any point in time, do you recall Mr.  
21 Easley objecting to you the posting of Mr. Fiser's position?

22 A No.

23 Q He never disagreed that it should not be posted?

24 A No.

25 Q Even after additional information was brought to

1 his attention?

2 A No. At the time that Ben brought Gary into my  
3 office, we talked about it again and Ben -- you know, that  
4 was the time if he did not believe we should have posted the  
5 job, that he would have told me. Ben had a great deal of  
6 experience in this area and I relied on his to make these  
7 decisions and he made the decision initially to post and he  
8 had the opportunity to re-review that because, like I said,  
9 we knew that we were probably going to have a DOL complaint  
10 and we wanted to make sure that we were doing the right  
11 thing.

12 Q Okay. Do you have -- Human Resources -- have  
13 possession of the job description that Mr. Fiser was holding  
14 as a part of his settlement? So I guess we're looking at  
15 his job description before it was -- the reorg where it was  
16 reposted in '95.

17 A I believe we have access to that.

18 Q Okay, if I can also get a copy of that, his 1994--

19 A This is the job description that he was placed in  
20 as a part of the DOL settlement.

21 Q Yes.

22 MR. MARQUAND: It did change too though.

23 MS. BENSON: Pardon me?

24 MR. MARQUAND: Let me tell you -- my understanding  
25 is he was placed in a job, he got a job description. The

1 next year they had a reorganization and they combined --

2 MS. BENSON: Before the reorg is what I'm looking  
3 for.

4 MR. MARQUAND: You want the one he got in as a  
5 result of the settlement.

6 MS. BENSON: Settlement, right.

7 THE INTERVIEWEE: Are you going to make a note of  
8 that?

9 MR. MARQUAND: Yes. Do you not have a copy of his  
10 entire personnel record?

11 MS. BENSON: I don't have a copy of it, no.

12 BY MS. BENSON:

13 Q What I would like to discuss with you now involves  
14 the position that Mr. McArthur was holding prior to this  
15 organization or reorganization, and the position he was  
16 rolled over to or into as part of this reorganization, and  
17 how that was decided, that he would actually be allowed to  
18 roll over into that new position.

19 Was the position he was holding before the reorg  
20 different than the one he rolled over into? The job  
21 descriptions?

22 A Yes.

23 Q And I'll probably need copies of those job  
24 descriptions too for Mr. McArthur; during the '96 time  
25 frame, his position, and I've forgotten exact titles that he

1 was holding, and then the new position he was rolled over  
2 into.

3 A Okay.

4 Q Who made that decision that he would be allowed to  
5 roll over into that position?

6 A I did.

7 Q Can you explain your decision to me?

8 A Yes. I came into the organization in '94, prior  
9 to -- probably November '94, if I remember correctly. In  
10 '96, when we were going through this organizational change,  
11 we had recombined -- and I don't remember the exact job  
12 title, I'd have to look at the position description, but we  
13 had recombined the groups that Mr. McArthur had previously  
14 supervised. We had actually done that and an individual had  
15 been put on assignment here in Chattanooga for a period of  
16 time, so we had combined it in '95. This individual had  
17 retired or had left TVA and the position was combined and  
18 very similar to the one that Wilson McArthur had had  
19 previously.

20 I didn't know the history, but I did talk to Ben  
21 Easley and he walked me through the steps that had occurred  
22 and how that had evolved. In addition, this was a senior  
23 level position and I have more leeway under our policy as to  
24 whether we even post that position or not. I talked to my  
25 supervisor at the time, who is now Mea Lindsey. I talked to

1 our labor relations organization to get some guidance and I  
2 factored all of those issues in. I also talked to line  
3 management and made the determination that it was basically  
4 his previous position and that he could be placed in there  
5 without posting the job.

6 Q Okay. But the two descriptions were different?

7 A I'd have to go back and look at them again. In my  
8 view, I guess in the '94 time frame, the organization had  
9 been split. Shortly thereafter it had been put back  
10 together and the individual placed in a rotational  
11 assignment in there for a period of time, and that job was  
12 remaining in the organization. And in my view, and from  
13 what I gathered in discussions with those people that I  
14 talked -- just listed -- it was very similar to the job he  
15 had been doing before they split the group.

16 And as I said, it's a senior level position.  
17 Those are not positions I necessarily post. A lot of time,  
18 succession planning candidates or key leadership people are  
19 placed in those jobs rather than posting the jobs.

20 Q Okay. And I'm just trying to understand.

21 A Our pay grade system divides our management  
22 organization into PG-1 through PG-11 and currently our  
23 policy says I'll post those. But at that time, I had leeway  
24 whether even to post that job or not.

25 Q Okay. At what level were you allowed to make this

1 independent determination?

2 A At that point, PG-1 through PG-11, I believe.

3 Q You could determine yourself?

4 A Well, management would be --

5 MR. MARQUAND: I'm not sure that question or the  
6 answer is clear.

7 THE INTERVIEWEE: Maybe I don't understand the  
8 question.

9 MS. BENSON: Okay.

10 MR. MARQUAND: Diana, I think that he didn't make  
11 it clear when he was talking in terms of senior manager, I  
12 think you heard him with the small "s" and small "m", and he  
13 made a distinction but he didn't carry it out and explain  
14 fully the management structure.

15 THE INTERVIEWEE: We're basically talking PG-1  
16 through PG-11, they're our line management organization and  
17 then we get into our executive management organization. So  
18 there is a dividing line in both policy and compensation.

19 BY MS. BENSON:

20 Q And where was this division, was it executive?

21 A His was PG-Senior, in the executive side of the  
22 management schedule. So there is a division between those  
23 in the PG-11 through PG-1 side of management and then the  
24 senior level or the executive level.

25 Q Okay. So Mr. McArthur is a senior level.

1 A Yes.

2 Q The position he was in previously was senior  
3 level, but the position Mr. Fiser was in was not senior  
4 level management.

5 A No, it was not.

6 Q Okay, that's what I was trying to understand.

7 A And there are differences in those two and in what  
8 I do from a policy standpoint.

9 Q Okay.

10 A I need to make that clear.

11 Q Is that written policy, that you're authorized to  
12 make these decisions on the different -- based on senior  
13 executive or --

14 A I believe that I can --

15 MR. MARQUAND: I think we can produce something on  
16 that, in fact it's governed by OPM regulations.

17 MS. BENSON: That would probably be very helpful  
18 if I had a copy of that.

19 BY MS. BENSON:

20 Q Okay. Do you recall at any time Mr. Easley  
21 objecting to the fact that you were going to roll -- or you  
22 authorized McArthur to roll over into that new position  
23 without posting that position?

24 A Now I did not know he disagreed with me until I  
25 read in one of the reports that he did, some months or years

1 later.

2 Q So he's never discussed that with you?

3 A He didn't -- we had hours of discussions during  
4 the '96 time frame because we had many organizations going  
5 through changes, but I don't remember him objecting. I did  
6 make the decision, but I don't remember Ben telling me that  
7 he did not agree or that I should not.

8 Q Okay. Now this review that you conducted of the  
9 past position that Mr. McArthur had held in relation to the  
10 position he was going to roll over into, did you ever do  
11 that kind of review of the past position Mr. Fiser held in  
12 relation to the position that was being posted?

13 A In Mr. Fiser's case, again, Ben Easley did all of  
14 the reviews, I did not review those position descriptions at  
15 all.

16 Q Well, that answers that question then. Do you  
17 know whether he did that type of review?

18 A No, I don't.

19 Q Now you said that Mr. Easley reviewed these  
20 position descriptions relating to Mr. Fiser.

21 A Yes.

22 Q And that he made the determination. Who makes the  
23 final determination?

24 A Ultimately I agree or disagree with him on a  
25 decision like that. Ben Easley was probably one of the more

1 experienced people in Human Resources. As I said, by the  
2 time he retired in '96, he had almost 30 years experience,  
3 more than me, in doing something like that. And I often  
4 used him to do that type of evaluation for me. And while I  
5 ultimately made the decision for HR, I relied on Ben to do  
6 that work and make that recommendation to me.

7 Q Well, that's delegating authority, but in the  
8 chain, you know, the ultimate responsibility lies with you.

9 A I have the ultimate responsibility.

10 Q Okay. Going into the personnel packages that were  
11 compiled for the interviewees for the positions that were  
12 paneled back in July of '96, including Fiser's. Who put  
13 those packages together for the individual members on the  
14 panel?

15 A The Human Resource consultant that worked for me  
16 put together the packages. If I could explain the process  
17 just very briefly.

18 Q Sure.

19 A We advertise jobs through the VPA, the vacant  
20 position announcement system, and in this case these are  
21 management positions so we advertise TVA-wide. The  
22 applications come in to HR. We do some initial screening,  
23 we ensure that those who are applying meet the minimum  
24 qualifications and for management selections we utilize what  
25 we call management selection boards for the vast -- for any

1 of the management positions that we're making these  
2 selections on. We do the initial screenings, we identify  
3 the employees that meet minimum qualifications. Then we put  
4 the packages together in booklet form for the managers to  
5 review and identify those candidates -- they have input into  
6 that too -- those candidates that meet those qualifications  
7 and should be interviewed.

8 Then we handle setting up the interviews. Human  
9 Resources facilitates the management selection board process  
10 although they're not what I'll call a voting member of the  
11 selection board, and they compile the results of those  
12 selection boards and give those results and recommendations  
13 to the selecting managers.

14 Q So your job really is to screen the applicants and  
15 provide packages to the managers. And in this case when  
16 we're looking at the chemistry positions, who would that  
17 manager have been?

18 A At that time, as we discussed, Wilson McArthur had  
19 been placed, prior to the reorganization, over the group,  
20 and he was the selecting manager for those positions.

21 Q Once the individuals to be interviewed had been  
22 selected -- I'm assuming by Mr. McArthur after the packages  
23 were presented to him -- is that correct?

24 A Yes.

25 Q Who's responsible for preparing packages on

1 individual candidates that's presented to people on the  
2 panel?

3 A The Human Resource consultant. In this case, I  
4 had two consultants, Ben Easley and Melissa Westbrook. They  
5 prepared those packages and they facilitated the selection  
6 boards.

7 Q Okay. Were these packages given to each one of  
8 the board members?

9 A Yes.

10 Q Okay. And can you tell me, from your own personal  
11 knowledge, what was inside these packages, what was  
12 contained in these packages?

13 A The applications, a copy of the job description or  
14 position description. In many cases a set of -- or  
15 information related to the job, specific things related to  
16 the job, competencies. And often they're listed on the  
17 position description itself -- teamwork, leadership, those  
18 kind of behavioral competencies. A set of questions,  
19 oftentimes, that would be asked to each of the candidates.  
20 And an evaluation process or an evaluation sheet may be  
21 included.

22 Q Okay. What is the policy of TVA Human Resources,  
23 or call it guidelines that you follow, regarding presenting  
24 past evaluations or anything from the applicant's personnel  
25 record?

1           A     The PHR, the personnel history record, is  
2 available to the selecting manager. In our salary policy  
3 organization, which is our union-represented employees, in  
4 our contract, we are required to review the PHR, the  
5 personnel history record. In the management arena, it is  
6 available to the selecting manager, but we ask that --  
7 normally it works that the candidate or the applicant  
8 provides information too, but in the human resource  
9 screening process, we have printouts for all of the  
10 applicants that identify education, experience, those types  
11 of things that we can use to -- training -- that we can use  
12 to identify those candidates that meet the minimum  
13 qualifications. So a lot of that screening is done for the  
14 managers so that they can identify the top candidates, those  
15 that meet all the qualifications for the job, and determine  
16 who needs to be interviewed for the job.

17           Q     Okay. So what you've told me -- and you can  
18 answer --

19           MR. MARQUAND: He didn't answer your question  
20 though.

21           MS. BENSON: And I'm going to repeat it to him.

22           BY MS. BENSON:

23           Q     First of all, do you know whether the service  
24 reviews or anything else from the personnel records of the  
25 applicants were included in these packages, including Mr.

1 Fiser's or Mr. Harvey's or Chandra's, and given to the  
2 screening panels?

3 A No, I don't. I have not reviewed the package.

4 Q Who makes -- and I think I know the answer, but  
5 I'll ask this question, you know, just with a one-word  
6 answer you can give it to me -- who makes the determination  
7 of whether service reviews would have been included in these  
8 packages for this position?

9 A The HR consultant and the manager --

10 Q Okay.

11 A -- basically come to agreement as to what will --  
12 what the package will look like.

13 Q If the manager decides -- selecting official,  
14 which would have been Mr. McArthur -- decided not to include  
15 service or past evaluations, did they have to be included in  
16 that package?

17 A I'm not aware of any requirement that would  
18 require them to be placed in there, no.

19 Q Would that decision have ultimately been left with  
20 him or the HR representative you had working with him?

21 A The selecting manager could make that decision. I  
22 would expect that the HR consultant would have some input  
23 into it.

24 Q But ultimately -- and we'll get back to that  
25 authority of decisionmaking -- whose ultimate decision is

1 that?

2 A The selecting manager has a great deal of input  
3 into what the package is going to look like.

4 Q As far as the candidates for these positions that  
5 we're looking at today and the packages that were prepared  
6 and provided to the panel, do we have full and complete  
7 copies of those packages?

8 A To my knowledge, you have a complete copy.

9 Q Is that what these notebooks are here?

10 MR. MARQUAND: I don't know if he knows.

11 A I don't know.

12 Q Okay. Do you know where those are for these  
13 individuals that were --

14 A We retain the selection packages in the Human  
15 Resource office here in Chattanooga.

16 Q So that's what we'll look at here, is whether --  
17 also get copies of those. That might be what those  
18 notebooks are.

19 MR. MARQUAND: He hasn't looked at these things so  
20 he wouldn't know.

21 MS. BENSON: Yeah.

22 MR. MARQUAND: I mean, you can ask him if that's  
23 what these are.

24 THE INTERVIEWEE: I didn't pull these today. If  
25 these came from us, this is it.

1 MR. MARQUAND: I brought these from downstairs.

2 THE INTERVIEWEE: Okay. Yeah, this looks like --  
3 it has Ben Easley and Melissa Westbrook's name -- this  
4 appears to be the selection package.

5 MS. BENSON: That's great. And I think that about  
6 answers it. What I will need also, and we'll go over this  
7 after the interview, you know, just a list of things that I  
8 think mainly are going to involve Human Resources.

9 THE INTERVIEWEE: Okay.

10 MS. BENSON: Did you have any follow up questions.

11 MR. MARQUAND: I don't know if you ever put things  
12 as exhibits or anything. If I give them to you, would you  
13 like to designate them ahead of time as Exhibit A, B and C  
14 so that when I say here's what the document is, I can just  
15 shorthand and call it Exhibit A, B and C?

16 MS. BENSON: That's fine. The only other I think  
17 exhibit that we've looked at so far in interviews has been  
18 the schedule.

19 MR. MARQUAND: Right.

20 MS. BENSON: Except for the one notebook over  
21 there, but that's fine.

22 MR. MARQUAND: So you want the policy in place  
23 regarding the posting of positions during -- well, regarding  
24 the posting of positions. I think it's the same probably  
25 whether it's reorganization or downsizing. If you want to

1 call that Exhibit A to Mr. Boyles' interview, whatever you  
2 want to call it.

3 MS. BENSON: That's fine. But I want to make sure  
4 that we're talking about the policy for both executive and  
5 --

6 MR. MARQUAND: Right, and I'm going to clarify  
7 that with some questions.

8 MS. BENSON: Okay. So there might be two  
9 policies.

10 MR. MARQUAND: Well, there's probably one policy,  
11 but it's applied differently to different people, different  
12 grades.

13 MS. BENSON: Well --

14 MR. MARQUAND: We'll provide that.

15 Secondly, you wanted a copy of the position  
16 description that Gary Fiser received as a result of the  
17 earlier settlement.

18 MS. BENSON: From 1994.

19 MR. MARQUAND: I'll call that Exhibit B when I  
20 send it to you.

21 MS. BENSON: Okay.

22 MR. MARQUAND: And thirdly, you wanted a copy of  
23 Mr. McArthur -- Dr. McArthur's position description before  
24 and a copy of his position description after he was placed  
25 in there and I'll call both of those together collectively

1 as Exhibit C.

2 MS. BENSON: Let me clarify on Mr. McArthur. The  
3 position description I'm looking for, the first one is going  
4 to be the one you compared with the one he was rolled over  
5 to, which might not have been the one he was holding at the  
6 time.

7 MR. MARQUAND: Historical, some historical --

8 MS. BENSON: Yeah, whatever one he used to do the  
9 comparison.

10 THE INTERVIEWEE: And I think I have those job  
11 titles, I'll have to go back and look.

12 MR. MARQUAND: I'll ask some questions about that  
13 because I'm not sure I understand what you said.

14 THE INTERVIEWEE: I think I understand what you  
15 want.

16 MS. BENSON: Yeah, and I think I understand what  
17 you said.

18 MR. MARQUAND: We'll look for those. And I've got  
19 your card, so I can mail them to you.

20 MS. BENSON: Well, there was -- let's see, we were  
21 also looking at -- you had indicated there was some kind of  
22 waiver policy, is that going to be put in --

23 THE INTERVIEWEE: I think that will be in A.

24 MS. BENSON: The posting policy, okay.

25 MR. MARQUAND: If it's not, we'll include it.

1 THE INTERVIEWEE: If it's not, we'll do that.

2 MS. BENSON: Okay.

3 THE INTERVIEWEE: But I think it will be part of  
4 A.

5 MS. BENSON: And do you have any kind of written  
6 policy concerning the making of the personnel packages or  
7 what goes into a personnel package?

8 THE INTERVIEWEE: I don't think we do there. I'll  
9 look to see what we have on selection boards, but it's  
10 really not a legal requirement, it's a practice that TVA  
11 Nuclear uses because we think it helps us make better  
12 selections. So it's not driven by OPM regulations or  
13 anything, it's just a process that we use to put together a  
14 good package and pull together a good selection board to  
15 make good selections.

16 MR. MARQUAND: Can I ask a few questions?

17 BY MR. MARQUAND:

18 Q I'd like to return to this question about asking  
19 you whether position descriptions should be changed to  
20 reflect what employees are actually doing. I want to talk  
21 some specifics, I think. In the case of the chemistry  
22 program managers -- I'm going to go back in time to '93 when  
23 they were just chemistry program managers, before they were  
24 -- those jobs were combined with environmental and became  
25 chemistry and environmental protection program managers.

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

1           Would it have been allowable for the manager of  
2 that organization to create a new job called chemistry and  
3 environmental program manager and place in it people who he  
4 knew were doing chemistry jobs, with the idea that  
5 eventually over time that they would grow into and develop  
6 some expertise in environmental protection as well?

7           A     Yes.

8           Q     And with the understanding that initially they'd  
9 be doing 100 percent chemistry and as time grew that they  
10 would be picking up some environmental expertise and more  
11 environmental responsibilities. Would that be allowable?

12          A     Yes.

13          Q     Now if in fact at the point in time -- some point  
14 in time -- you've got a reorganization that comes up after  
15 you've put people in these chemistry/environmental program  
16 managers, would you have to go back and change those job  
17 descriptions to reflect what those people had been  
18 previously doing with their chemistry program manager jobs  
19 or just look at the jobs, these chemistry/environmental --  
20 do you understand my question?

21          A     Yes, and the answer is no. We look at the job  
22 description of record at the time that this is occurring,  
23 recognizing that in -- and I thought I tried to address it,  
24 that at any point there may be many functions under a job.  
25 During that period of time, the incumbent may not be

1 performing all of those functions, there may be, as in this  
2 case the environmental function, that they've combined and  
3 they are developing and expanding those incumbents into that  
4 area.

5 Q Why might a manager want to combine chemistry  
6 program manager job description with an environmental  
7 protection program manager job description so that you come  
8 up with chemistry/environmental, knowing that the guy who's  
9 going to get that job initially doesn't have that  
10 environmental experience and isn't going to be initially  
11 performing those functions? Why might a manager  
12 legitimately want to do that?

13 A From a business standpoint, you know, it appears  
14 that they're trying to develop an incumbent who has the  
15 ability to perform a wider range of functions. In HR, we  
16 call them HR generalists. We've gone from having all of  
17 these specialized areas to an individual that can do a lot  
18 of different things because as we've downsized, we've  
19 continued to get smaller, we've had to rely on people who  
20 could do a wider range of activities. And that's what has  
21 happened in HR and it's what has happened in a lot of the  
22 areas. Does that answer the question?

23 Q I think that answers my question. But I want to  
24 make sure that I'm real clear though. If in fact Mr. Fiser,  
25 as a result of his DOL settlement -- in fact he was placed

1 in a chemistry program manager job -- and bear with me while  
2 I use -- suppose some facts, which I think the record bears  
3 out -- the next year or somewhere 18 months down the road,  
4 that job, the program chemistry job was combined with the  
5 environmental job to become chemistry/environmental program  
6 manager.

7 A Uh-huh.

8 Q And the idea was that all these guys who were  
9 chemistry/environmental program managers would develop an  
10 expertise -- become more generalists.

11 A Uh-huh.

12 Q Subsequent with that, you come up with the '96  
13 reorganization with the desire to create chemistry PWR and  
14 chemistry BWR specialists. Would it be necessary to rewrite  
15 those or to put Mr. Fiser back to his '93 chemistry program  
16 manager job before conducting the reorganization?

17 A No, it wouldn't be necessary, and if I understand  
18 it correctly, I don't think it would be the proper thing to  
19 do.

20 Q Well, explain it then.

21 A Well, from what you've described, they changed the  
22 job description at some point in time, '93 or '4, and at  
23 that time they made a determination that the job  
24 descriptions were different and that the job descriptions,  
25 the new job description had to be posted.

1           We went through a very similar effort in '96 and  
2 the changes in some respects were similar to the '93 or '94  
3 time frame, and again, those changes required the posting of  
4 those jobs. It wouldn't be proper, in my view, to go back  
5 to the '93 position description as the comparison for any of  
6 the incumbents. And I don't even know what the other  
7 incumbents were under at that time. But I think according  
8 to the law and to our policy, we compare the current job  
9 description to the proposed job description, and that's what  
10 we use as the basis for the decision. And that's what we  
11 use not only in this organizational change, we were doing  
12 five major organizational changes during this '96 time  
13 frame, and it's the same process.

14           MS. BENSON: I think the thing that has really  
15 kind of captured, you know, my curiosity -- and I'm trying  
16 to get an understanding on this -- is that I understand what  
17 you're saying in that you wouldn't go back and look at Mr.  
18 Fiser's '94 and compare that with the new reorg, but isn't  
19 that in fact what you did with Mr. McArthur?

20           MR. MARQUAND: I'm going to ask some questions  
21 about that to clarify it.

22           MS. BENSON: Okay.

23           BY MR. MARQUAND:

24           Q     Answer that question. Is that what you did with  
25 Mr. McArthur?

1           A     Again, we had put the job back together fairly  
2 soon. I came in in November of '94, that had occurred  
3 prior, but in my discussions with Mr. Easley and labor  
4 relations and my supervisor, there was some concern on our  
5 part that shortly after Mr. McArthur had been -- his  
6 position had changed previously, that in fact a very similar  
7 job was put in place, an individual was put in a rotational  
8 assignment there. And after that individual left and  
9 retired, that job, which in my view Mr. McArthur had held  
10 before was still there and in my view it was the right thing  
11 to do.

12                     I'll describe the discussions I had with my  
13 supervisor. It's not cut and dried often, it's not  
14 something you can calculate, you have to factor in what you  
15 know has happened, you have to look at what you think is  
16 right and make the decision based on that. Oftentimes in  
17 these decisions, they are somewhat subjective and that's why  
18 we have processes -- that's why we have a basic process to  
19 go through and look at these, to help us come to a good  
20 decision. But ultimately, you have to determine what's  
21 right, what do you think is right and what do you think is  
22 the wrong thing to do. In this case, I had to basically do  
23 that, and that's what she told me eventually, you're going  
24 to have to go back to your office and just sit down and  
25 figure out what's the right thing to do here. And again, in

1 my view, I had the ability to do that because this is an  
2 executive level position and not a mid-level management  
3 position.

4 MS. BENSON: And I'm not trying to be  
5 confrontational with you at all, because this is something  
6 that really kind of sticks out in the investigation when  
7 you're reviewing it. But you know, in my own assessment,  
8 and based on what you're telling me, you were looking for  
9 reasons to be able to do it for -- be able to roll it over,  
10 looking for reasons to be able to do it, but when the review  
11 came up for Mr. Fiser's, you were looking for reasons not to  
12 compare. That's based on my assessment. You know, I  
13 appreciate your explanation, you know, and I am trying to  
14 understand why you were making the decision. Only you know  
15 in your mind and that's what I was asking you for, was just  
16 an explanation of how you made that determination.

17 THE INTERVIEWEE: As I said when I was describing  
18 my background in TVA, I came to TVA as an engineer and was  
19 very used to having guidelines that specifically tell me --  
20 I'm pretty good at balancing equations and things like that.  
21 What I found in Human Resources, it's not like that. You're  
22 not going to have a piece of paper that tells you what to do  
23 in all cases, you have to use your judgment a lot. I think  
24 my supervisor was on target, you've got to weigh all the  
25 factors, you're going to have to sit down in your office and

1 you're going to have to try to decide what's right. And  
2 that's what I did.

3 MS. BENSON: And based on what you said, when you  
4 got to the point where you're having to make this decision,  
5 sometimes that is subjective.

6 THE INTERVIEWEE: It is. And this was prior to  
7 the reorganization. At that time, I did not -- I had no  
8 vision of what was going to occur in this reorganization,  
9 and wouldn't have considered -- you know, that -- those were  
10 not factors that I was considering. I was trying to make a  
11 decision early in the process involving Wilson McArthur and  
12 that job. And again, I did use judgment.

13 MS. BENSON: I'm sorry, I didn't mean to interrupt  
14 you, but I just needed him to clarify, because you know, it  
15 is something that kind of sticks out in the investigation.

16 MR. MARQUAND: That's fine. Let me see if I can  
17 help a little bit.

18 BY MR. MARQUAND:

19 Q I'd like for you to state in a short answer,  
20 without a whole lot of explanation, so that we've got it in  
21 one place, what levels there are in management and  
22 specialists, from the very bottom, start at the bottom, all  
23 the way to the top.

24 A All the way through?

25 Q What's the most bottom level?

1 A Pay Group 1.

2 Q Okay, and it goes up through?

3 A Pay Group 11 for management specialists.

4 Q Is there a management level above Pay Group 11?

5 A Yes.

6 Q What is that?

7 A That's the senior level, PGSR, senior management.

8 Q And what does that include, what does that  
9 encompass?

10 A That encompasses all senior level managers, VPs,  
11 general managers, officers -- those folks.

12 Q And what level was Mr. Fiser, if you remember, as  
13 a chemistry and environmental protection program manager?

14 A I believe that was a PG-8.

15 Q And what level was Mr. McArthur -- Dr. McArthur?

16 A I believe Mr. McArthur was a PG-Senior.

17 Q Senior manager. And do you know whether he'd even  
18 been a VP at one point in time?

19 A No, I don't.

20 Q I think that'll probably be reflected in the job  
21 description. Do you know what the consequences are if an  
22 employee -- under the federal regulations, if an employee  
23 who happens to be in PG-1 through PG-11, do you know what  
24 the consequences is to that employee if his -- the need for  
25 his job goes away? What legal consequences does he have?

1 A Well, they have MSPB appeal rights.

2 Q Appeal of what?

3 A For the reduction in force.

4 Q All right.

5 A They have EEO.

6 Q Let's focus on the OPM part, the MSPB.

7 A Okay.

8 Q Does a senior manager have a right to appeal to  
9 the MSPB, say a vice president or a general manager like Dr.  
10 McArthur?

11 A I'm not as familiar in this area, but it's my  
12 understanding that these managers serve -- how is it stated  
13 -- at the discretion of the Board.

14 Q At the pleasure or discretion --

15 A At the pleasure or discretion of the Board and  
16 that they don't have these appeal rights.

17 Q And --

18 A There may be some exceptions.

19 Q In '96, you -- we're going to provide a copy of  
20 this, but just to help out -- in '96, what level of  
21 management positions had to be posted for employees to bid  
22 on?

23 A It changed late in '96, but I believe it was PG-1  
24 through 11.

25 Q All right. And were senior manager positions

1 required to be posted?

2 A No.

3 Q And as you said, they serve at the pleasure or  
4 discretion of the TVA Board.

5 A Yes. Let me see if I can say something that might  
6 help clarify this.

7 If I had not done a comparison, if management had  
8 simply said we choose to place Wilson McArthur in this  
9 position, that would have been okay. That was within the  
10 scope of our ability to do that.

11 MS. BENSON: Did -- because I know many of these  
12 managers are not HR specialists -- did anyone come to you  
13 asking for your advice regarding that with Mr. McArthur?

14 THE INTERVIEWEE: Yes.

15 MS. BENSON: And who was that?

16 THE INTERVIEWEE: Tom McGrath had talked to me and  
17 asked me to think about that, to determine what should we  
18 do.

19 MS. BENSON: So basically you were making a  
20 determination in response to him coming to you?

21 THE INTERVIEWEE: Yes.

22 BY MR. MARQUAND:

23 Q What was the nature of the question he asked?

24 A We were in the early discussions on how the  
25 organization was going to be structured and he asked me --

1 again, this is not a quote, but basically this position,  
2 would we need -- should we post this job, how should we fill  
3 this job. It was probably in that general a terms. I hope  
4 that helped clarify it.

5 MS. BENSON: Did Mr. McArthur ever ask you whether  
6 it would be acceptable just to roll McArthur over?

7 THE INTERVIEWEE: Mr. McGrath?

8 MS. BENSON: Did Mr. McGrath ask you whether that  
9 would be within the guidelines to just place or roll over,  
10 roll him over into that position?

11 THE INTERVIEWEE: We may have had those  
12 discussions. I believe he would have been aware that at a  
13 senior level, you could place an individual in the position.  
14 I don't remember if he asked me that specifically or not.  
15 Mr. McGrath was a general manager at the time, and may have  
16 been aware of our flexibility there.

17 MR. MARQUAND: I don't have anything else.

18 MS. BENSON: Do you have any questions that you  
19 want to ask?

20 THE INTERVIEWEE: Will I have an opportunity to  
21 review the transcript?

22 MS. BENSON: You sure will. Once we get the  
23 transcripts back, it can take 10 days to two weeks to get  
24 them back, if you're not able to come to me in Atlanta, the  
25 next trip that I have out here and I will be doing some

1 additional interviews, you know, we can work out a time  
2 where you can stop by and review them. You're allowed to  
3 review the transcripts for grammatical errors, things like  
4 that, you can make those type of corrections. But you are  
5 -- once I've gotten those back and I've arranged for my --  
6 if I have them back before my next interviews, I will let  
7 Mr. Marquand know and bring those with me. Are you telling  
8 me you'd like to review them?

9 THE INTERVIEWEE: Yes, I would.

10 MS. BENSON: Okay, that's fine.

11 THE INTERVIEWEE: Thanks.

12 MS. BENSON: Do you have anything additional?

13 [No response.]

14 MS. BENSON: Has the information you provided  
15 today been provided voluntarily?

16 THE INTERVIEWEE: Yes, it has.

17 MS. BENSON: Has any employee of the NRC  
18 threatened you or coerced you in any way?

19 THE INTERVIEWEE: No.

20 MS. BENSON: Okay, that's it, thank you for your  
21 time.

22 [Whereupon, at 12:11 p.m., the interview was  
23 concluded.]

C E R T I F I C A T E

This is to certify that the attached proceedings before the U. S. Nuclear Regulatory Commission in the matter of:

Name of Proceeding: Interview of James E. Boyles

Docket Number: 2-1998-013

Place of Proceeding: Chattanooga, TN

Date: October 23, 1998

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.

*William L. Warren*

\_\_\_\_\_  
WILLIAM L. WARREN  
Official Reporter

ANN RILEY & ASSOCIATES