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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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In the Matter of: :
INTERVIEW OF: :
CHARLES E. KENT, JR. : 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 1:44 p.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

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2-1998-013

EXHIBIT 12
PAGE 1 OF 38 PAGE(S)

Template = SECY-028

SECY-02

CLEAR REGULATORY COMMISSION

Licent No. 50-390 Official Exh. No. Staff 73

In the matter of TVA

Staff IDENTIFIED

Applicant _____ RECEIVED

Intervenor _____ REJECTED

Other _____ WITHDRAWN

DATE 6/13/62 WITNESSED _____

Clerk BHM

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WITNESS

EXAMINATION

CHARLES E. KENT, JR.

BY MS. BENSON AND MR. MARQUAND

4

E X H I B I T S

NUMBER

IDENTIFIED

[NONE.]

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P R O C E E D I N G S

[1:44 p.m.]

MS. BENSON: For the record, today's date is 22 October 1998. The time now is 1:44 p.m.

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

I did not show you my credentials, so I'll do that now just to identify myself.

MS. BENSON: And if you can acknowledge that I have identified myself.

MR. KENT: Yes, you have, thank you.

MS. BENSON: During this proceeding, which is being recorded for transcription, the NRC Office of Investigation will conduct an interview of Mr. Charles E. Kent, Jr. This interview pertains to OI Investigation Number 2-1998-013. The location of this interview is TVA Nuclear, 1101 Market Street, Chattanooga, Tennessee.

Others in attendance at this interview, in addition to the court reporter are Mr. Brent R. Marquand, M-a-r-q-u-a-n-d. And Mr. Marquand is here representing TVA and Mr. Kent.

If you would raise your right hand.

Whereupon,

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

3 DIRECT EXAMINATION

4 BY MS. BENSON:

5 Q And if you can, if you would state your full name
6 and your middle name.

7 A My name is Charles Edward Kent, Jr.

8 Q And your date of birth?

9 A [REDACTED]

10 Q And your social security number?

11 A [REDACTED]

12 Q Mr. Kent, prior to the beginning of this
13 interview, I asked you to read over Section 1001 of Title 18
14 of the United States Code. Did you read over that and do
15 you understand it?

16 A Yes, I did read over it and I do understand it.

17 Q Okay, thank you very much. And I also indicated
18 to you that you're not a target of the investigation, but
19 instead are being interviewed as a witness in the case of
20 Mr. Gary Fiser in his 1996 DOL discrimination complaint
21 against TVA concerning the posting of his corporate
22 chemistry position here in Chattanooga, Tennessee and his
23 subsequent non-selection for that position.

24 Can you just basically give me a history of your
25 employment here with TVA?

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1 A Well, I joined TVA in 1979, November of '79. I've
2 been -- served in various positions within the company since
3 then. Starting in about 1981, I guess, I was a manager and
4 have served in various management positions since that time.
5 I have served in the corporate office for a period of about
6 '79 to '85 and then I worked at Watts Bar Nuclear Plant from
7 -- let's see, then I moved to Chattanooga in '85 in the
8 corporate office. In '86, I transferred to Watts Bar and
9 was at Watts Bar Nuclear Plant for a period of about two
10 years. And in '88, I went to Browns Ferry and was a manager
11 in the radiological chemistry control program at Browns
12 Ferry -- in the RADCOM program then, they weren't combined
13 -- for approximately a year, year and a half. Then
14 transferred to Sequoyah Nuclear Plant. That was in 1989.
15 At Sequoyah Nuclear Plant, I was a radiological protection
16 manager initially. In 1990, I assumed the position of the
17 radiological control manager and in 1993, I assumed the
18 position of the radiological and chemistry control manager,
19 which I continue to serve in to this date.

20 Q Okay. So the position you're in today is the same
21 position you were in in 1996 during the time frame of this
22 complaint?

23 A Yes.

24 Q And it's also the same position you were in in
25 1993?

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1 A Yes.

2 Q Okay. And can you tell me -- give me background
3 on your past association with Mr. Fiser, as far as the first
4 time you started working with him? Do you recall that?

5 A Well, the first time I really remember working
6 with Mr. Fiser was during the 1989 time frame when I
7 transferred to Sequoyah full time. I began to interface
8 with him in my role there as the rad protection manager, and
9 his as the chemistry manager. And then as I became the
10 RADCOM manager, our interfaces became more frequent because
11 I was at a different level in the organization then -- our
12 interfaces became more frequent until he left the site.

13 Q Okay. And if I'm not mistaken -- and you can
14 correct me if I'm wrong -- he was transferred from Sequoyah
15 during the 1993 time frame?

16 A That's correct, I believe he left Sequoyah in
17 probably early '93 -- actually '92, he left the site in '92
18 and went downtown.

19 Q Okay. So you basically had a lot of working
20 experience with him from 1989 to at least late 1992?

21 A Right.

22 Q Okay. And what about Mr. Harvey, how long have
23 you associated with him as far as work goes?

24 A Mr. Harvey, I don't remember exactly when he came
25 to TVA, but I really had very little association with him

1 before I became responsible for the chemistry program in
2 1993.

3 Q Okay. And what was your association with him from
4 '93 until '96 then?

5 A From '93 until '96, during part of that time
6 period, and I can't really recall the exact date, but he was
7 assigned to be a corporate chemistry -- he was in corporate
8 chemistry and he was assigned to be a support person for the
9 Sequoyah Nuclear Plant from the corporate office, and he
10 supported us in a lot of different ways; technical issues,
11 assisting in the development and implementation of generic
12 contracts for the company for vendor services and things
13 like that, procurement of materials and things like that.
14 And so I became pretty familiar with him during that time
15 period.

16 Q Okay. Now if you can just bear with me for a
17 minute, I know we're looking at the 1996 complaint, but I
18 just want to establish your knowledge of the 1993 DOL
19 complaint involving Mr. Fiser. Were you involved with that
20 complaint?

21 A I'm aware of it and I was interviewed as a result
22 of it.

23 Q Okay. And can you also explain to me, if you
24 would, for the record, whether you had assisted in trying to
25 -- attempting to get him a position there at Sequoyah after

1 he was moved out of Sequoyah into chemistry --

2 A To the corporate office?

3 Q Uh-huh.

4 A If I could, I'd like to give you a little
5 background --

6 Q That's fine.

7 A -- on the organizational changes that took place
8 at that time, so you can understand the interface, what we
9 were going through.

10 Q That's fine.

11 A In 1992, Mr. Fiser left and went downtown and Mr.
12 Jocher, Bill Jocher, from corporate was rotated to the site.
13 Mr. Jocher assumed the role of the chemistry manager at the
14 site.

15 In 1993, management made the decision, site
16 management made the decision that they wanted to combine the
17 radiological and chemistry control organizations. And Mr.
18 Jocher was to go back downtown and assume his old position
19 as sort of the lead person over the chemistry group downtown
20 in the corporate office. They asked me if I would take
21 responsibility for that group and I agreed to, somewhat
22 reluctantly because I had a lot of stuff to do anyway, I was
23 busy to begin with. The chemistry program at that time
24 wasn't in very good condition, it wasn't a good, solid
25 foundation program, and so I knew it was going to require an

1 awful lot of time. So I reluctantly agreed to take the
2 group.

3 One of the things I wanted to do if I took the
4 group was to have it organized the way I wanted it
5 organized, the new organization. I'm a hands-on type
6 person, I like to have -- like to be involved in the
7 activities that are going on and be involved with people
8 working on decisions that are made, especially important
9 issues. So at first I was not going to have a chemistry
10 superintendent level position in the organization, I wasn't
11 going to have a RADCON superintendent level position in the
12 organization. The organization that I drew up and got my
13 management's support for was -- had me and five direct
14 reports, essentially my old direct reports from RADCON would
15 continue to report to me and the level below, the chemistry
16 superintendent position in chemistry would begin to report
17 to me. Basically that's the way I wanted to run it and we
18 started out that way.

19 After a period of about, I don't know, six months
20 or so, initiatives from corporate management to standardize
21 the way the sites are structured and standardize the way we
22 do business across the company became very significant and
23 important and we were asked to reconsider -- I'll put it
24 that way -- the organization that we wanted to implement and
25 add a chemistry manager and a RADCON manager back to the

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1 organization. We did agree to do that and at that time --
2 this was probably -- I can't remember the date now, it was
3 fairly late in '93 or early '94 -- at that time we began
4 recruiting for a chemistry manager. One of the persons that
5 I considered for that was Gary Fiser, because he had been
6 involved in the chemistry program at Sequoyah before.

7 Q Okay. Now if you can go back again during that
8 time frame, what was your professional assessment of Mr.
9 Fiser during your experience with him from '89 to '92?

10 A Well, based on my knowledge from '89 to '92 again,
11 I was an outsider looking in to the chemistry program. I
12 observed the results of what they did, not necessarily the
13 details of how they had accomplished things or whatever, but
14 Gary is a very easy-going person, he's soft-spoken, he's the
15 kind of person I think with appropriate management support
16 could accomplish a great deal, but if it comes down to
17 having to make a position known and really driving the
18 position home, I didn't think he was very strong in that
19 area.

20 Q But you were still considering him for that one
21 position?

22 A Right, because I could make up where he lacked..

23 Q Okay. Did you ever remember having any discussion
24 with Mr. Fiser wherein you indicated to him during this time
25 frame, after he went into I guess the employee transition

1 program where he was at the time that you were considering
2 him for that position at Sequoyah -- did you ever indicate
3 to him that you didn't understand why they were doing this
4 to him? They being TVA -- and that you had a position for
5 him at Sequoyah that you wanted -- were interested in
6 getting for him?

7 A Not exactly. Let me explain. Gary was in what I
8 think was called the transition program and I was having a
9 great deal of difficulty staffing the vacancy that I had,
10 and so I approached my manager at that time --

11 Q Can you tell me who he was, please?

12 A Rob Beecken.

13 Q Okay.

14 A Mr. Rob Beecken. And I believe I told Rob that,
15 you know, I thought Gary could do the job, that I could fill
16 in where he, you know, lacked maybe in some of his
17 aggressiveness and that I thought if we were going to have
18 to staff that position, we needed to consider Gary.

19 Q What was Mr. Beecken's response?

20 A He told me fine, talk to him, so I did.

21 Q Okay.

22 A I began pursuing interest with Gary for the
23 position.

24 Q Okay.

25 A And had several discussions with him about it.

1 Q Okay. And what ultimately happened?

2 A Well, from my perspective, what ultimately
3 happened was I asked Gary to come out and talk to me about
4 the job and he did and he told me that he was interested in
5 the job, he thought he would like to work at Sequoyah in the
6 group, but I believe he told me that he didn't think it
7 would be good for the group for him to be a part of the
8 group.

9 Q Okay. Did anyone from upper management ever
10 indicate to you that they did not want him there?

11 A I cannot recall anyone from the plant manager or
12 any other upper manager indicating to me that they did not
13 want him at Sequoyah. Gary indicated to me that he thought
14 his reputation was so bad that it would be a burden on me
15 with a new organization and on the organization -- it would
16 be a discredit to the organization basically -- for him to
17 become part of the organization, to bring him back.

18 And so I told him I would follow up on that. And
19 I asked a few questions of some of the people in corporate
20 just to get a feel for, is this true, does he have a bad
21 reputation and would it be an impact on our organization's
22 ability to have the right kind of relationship with
23 corporate if he were a part of it. And other than that, I
24 had no feedback from anybody about it.

25 Q Did you ever talk to Mr. McArthur regarding

1 putting Mr. Fiser at Sequoyah?

2 A Uh-huh. Yes, I did, Mr. McArthur is the person I
3 contacted regarding Gary's concern.

4 Q And did Mr. McArthur tell you he had spoken to Mr.
5 Bynum about bringing Gary Fiser to that position?

6 A No, I don't believe he did. I don't know who he
7 talked to.

8 Q Okay. What did Mr. McArthur tell you about
9 bringing Mr. Fiser out to Sequoyah?

10 A He told me that -- if I'm not mistaken, Mr.
11 McArthur told me that he had asked some questions and that
12 Gary wasn't highly thought of in corporate, but that from
13 his perspective, he knew me and he knew what I was wanting
14 to do and he would support whatever decision I made.

15 Q Did anyone from upper management tell you it would
16 probably not be a real wise decision to bring him out there?

17 A No, I don't believe I got any other feedback from
18 any upper manager other than Mr. McArthur.

19 Q Okay. Now going ahead to 1996, during this time
20 frame from '94 to '96, you had been working mostly with Mr.
21 Harvey from the corporate chemistry department --

22 A That's correct.

23 Q -- as far as support out in Sequoyah. Had Mr.
24 Harvey told you that they were going to be reorganizing and
25 that there was possibly going to be some downsizing in the

1 corporate chemistry department?

2 A I was aware of that, I don't recall who told me.
3 Wilson McArthur may have told me, I mean, you know, the
4 three rad chem managers and the corporate manager, Wilson
5 McArthur, had a very close relationship in terms of, you
6 know, a business relationship. We meet periodically to
7 discuss issues of common interest, to all of us, and so I
8 knew that they were going through some downsizing, but I
9 don't know who told me.

10 Q Okay, as far as the other rad chem managers, can
11 you identify those for the record, please?

12 A The rad chem manager for Browns Ferry Nuclear
13 Plant was John Corey and the rad chem manager for Watts Bar
14 Nuclear Plant at that time was Jack Cox.

15 Q And during this time in 1996, prior to posting Mr.
16 Fiser's position, what positions did you have open or
17 available at Sequoyah in the chemistry department?

18 A I had one position open at about that time that
19 was vacated by a gentleman by the name of Bruce Fender. We
20 had hired him from Carolina Power & Light and he worked for
21 us approximately a year. He and his wife decided to move
22 back to Carolina and so he left.

23 Q Would you spell Mr. Fender's last name, please?

24 A F-e-n-d-e-r.

25 Q Okay. And any other positions that were

1 available?

2 A I can't recall any others. I may have had a few
3 other positions, but that's the only one I can think of.

4 Q And what was the description of that position?

5 A That was a chemistry technical group supervisor's
6 job.

7 Q Okay, and what level was that?

8 A It would have been a PG-8.

9 Q And did you attempt at any time during this time
10 frame, after you heard about the downsizing, to request that
11 Mr. Harvey be transferred out to Sequoyah?

12 A Yes, I did. When it was brought to my attention
13 that they were going to do the downsizing in corporate and
14 they probably would only have two positions remaining of the
15 three, and since Mr. Harvey was essentially full time
16 support to Sequoyah, I did approach his supervision and ask
17 that, you know, why don't you just transfer him to Sequoyah
18 and that'll solve the problem of your head count in
19 corporate. I've got a vacancy and I'll just pick him up.

20 Q Who did you speak to about that?

21 A I believe the person I spoke to was -- let me
22 think -- I believe I spoke to Ron Grover about it. Ron was
23 corporate chemistry lead at that time in '96. And I may
24 have spoken to -- I'm pretty sure I spoke to Wilson McArthur
25 about it at some point. Those are the only two I can really

1 remember.

2 Q Okay. And what was Mr. Grover's response?

3 A Well, as I can recall, he didn't have a problem
4 with it, he said he would check with his management.

5 Q Okay. And for the record, the spelling of Mr.
6 Grover's last name?

7 A G-r-o-v-e-r.

8 Q And when you say he was going to check with his
9 upper management, who would that have been?

10 A That would have been Wilson McArthur I think
11 primarily and probably ultimately Tom McGrath.

12 Q Okay. And did you ever hear back anything from him
13 regarding that possible transfer?

14 A Yes, I did. I was informed that they didn't think
15 it would be proper to either volunteer or direct the
16 transfer. They didn't think that was the right way to fill
17 the position at Sequoyah and they would rather me post the
18 vacancy and select someone for the vacancy rather than them
19 to just transfer one of the people from corporate. So we
20 didn't do it.

21 Q Did you ever post that position?

22 A No, I didn't.

23 Q Was that position ever filled?

24 A Well, I guess ultimately it was filled. At the
25 time, I think probably within the next six months or so

1 after those conversations, we were undergoing some pretty
2 tight head count constraints at the plant and I lost
3 approval to fill the vacancy for a period of time. Then in
4 later job reorganizations and things like that, I did
5 transfer one of my other staff members into either that
6 position or a position equivalent to it, at a later date.

7 Q Do you remember when?

8 A No, I really don't, it was probably '97, '98.

9 Q During your Department of Labor interview -- I was
10 reading over both your IG interview and your Department of
11 Labor interview, and in your response concerning the
12 transfer of Mr. Harvey into that position there at Sequoyah,
13 you indicated that Mr. McGrath did not want to just transfer
14 Harvey out of corporate. Do you recall either one of those
15 interviews and what you may have stated during those
16 interviews?

17 A I don't really know -- well, I do recall the
18 interviews in general. I would assume that if the question
19 were asked, you know, what kind of response did you get when
20 you asked to transfer Mr. Harvey to the site, it was that
21 Mr. McGrath didn't think that was the right process for
22 filling a vacancy at the site and he didn't want to do that.

23 Q Okay, so that's basically what you were trying to

24 --

25 A Right, that was the point.

1 Q -- relate to them?

2 A Uh-huh.

3 Q Okay. Earlier in the interview, I asked you about
4 your knowledge of Mr. Fiser's 1993 complaint. Now after he
5 -- and you acknowledged that you were aware of that. But
6 after he got the corporate position as a part of that
7 settlement of the first 1993 complaint, from what I've been
8 able to ascertain from the separate investigations on the
9 1996 complaint, occasionally if Mr. Grover was not present
10 for a meeting that was going to be held, he would have
11 either Mr. Fiser or Mr. Harvey attend one of the meetings
12 for him, to represent him.

13 A Uh-huh.

14 Q And what I was looking at here in my investigation
15 is a particular meeting that was held where you were present
16 in the meeting with Mr. Corey. Mr. Fiser was representing
17 Mr. Grover and Mr. Fiser was asked to leave the meeting.

18 A Uh-huh.

19 Q Can you explain to me what happened during that
20 meeting?

21 A I don't really remember the specifics of that
22 meeting, but I do remember a meeting that Gary attended and
23 I do remember asking him to excuse himself from the meeting.
24 It wasn't because it was Gary, we would have asked anybody
25 else to excuse themselves from the meeting. Occasionally,

1 as the rad chem peer team, we have issues to discuss, such
2 as long range planning in terms of head count, budgetary
3 things, plans that we have for reorganizing the department,
4 that we don't want people outside of the peer team to have
5 knowledge of until, you know, the plans are more solidified.
6 So there was a topic of discussion that day that we didn't
7 want anybody else to be a part of and we asked him to excuse
8 himself.

9 Q Do you recall Mr. Grover coming back and asking
10 members that were present during that meeting why they had
11 excluded or asked him to leave?

12 A No, I don't recall that.

13 Q Would it be incorrect information if Mr. Grover
14 stated at one point during this investigation that he was
15 told Mr. Fiser was asked to leave because he had been
16 secretly tape recording people during his 1993 DOL
17 complaint?

18 A No. I had no knowledge of that and that was
19 certainly -- I had no knowledge of that at that time or that
20 that was an issue or that that statement was ever made.

21 Q Okay. So you yourself did not make that statement
22 to Mr. Grover about having knowledge of the secret tape
23 recordings and him being excused from that meeting for that
24 reason?

25 A No.

1 Q Okay.

2 A As best I can recall, I don't really -- I don't
3 think I ever knew that that was a subject of conversation,
4 of him tape recording anybody.

5 Q Did you have knowledge that he had done that in
6 the past?

7 A No.

8 Q Now going up to the screening panel itself during
9 the 1996 time frame, can you tell me how you were invited to
10 be on that screening panel?

11 A We knew that there were going to be selections
12 made for the corporate position and as a peer team at that
13 time, we were all functioning to support one another in such
14 a way that we had decided if any significant position was
15 going to be filled, either in corporate office or at the
16 sites, that the peer team would serve as part of the
17 selection process. Because the way we looking at it is any
18 key position was really a -- that was a person that was a
19 prime candidate for any of the other positions in leadership
20 at the sites or in the corporate office, and so we wanted to
21 all have input into that, thinking that once you got
22 somebody in one of those positions, you wanted to make sure
23 you developed the right person and that they would be
24 available to go to Sequoyah if we needed someone or Browns
25 Ferry or Watts Bar. So we were asked to be a part of that

1 selection committee.

2 Q Okay. Do you recall who asked you to be?

3 A Wilson McArthur, I think.

4 Q Do you recall how much time there was between the
5 time you were asked to be on that panel and when the panel
6 was held?

7 A No, not really. I was going to make myself a note
8 of something because I want to maybe go back to it later.

9 Q Do you want me to give you a second?

10 A Yes, if you don't mind.

11 MS. BENSON: We'll go off the record now, the time
12 is 2:12 p.m.

13 [Pause.]

14 MS. BENSON: Back on the record, it's still 2:12
15 p.m.

16 BY MS. BENSON:

17 Q What we were discussing was the -- you being
18 invited to be on the screening panel. You indicated that
19 Mr. McArthur asked if you would be on this panel. Did you
20 answer my question as far as how much time there was between
21 when you were asked and when the screening interviews were
22 held?

23 A It would have been two to four weeks, I believe.
24 You know, I don't recall exactly, but it would have been a
25 couple to four weeks.

1 Q Okay. And who else was on the panel besides you?

2 A The other members of the panel were John Corey
3 from Browns Ferry, Jack Cox from Watts Bar -- initially
4 that's the way it was determined to be -- Wilson McArthur
5 from corporate and then there would be a human resources
6 representative generally on all the panels.

7 Q When you were contacted -- I'm assuming you were
8 contacted by Mr. McArthur, is that correct?

9 A I think so, yes.

10 Q Okay. Did he ask you what date you would be
11 available or did he give you a specific date that these
12 interviews were going to be held, or how did that come
13 about?

14 A If I remember correctly -- we have a regularly
15 scheduled peer team meeting, we still do, it's about once a
16 month, it's on every Tuesday, 9:00 in the morning once a
17 month, on I believe it's the second Tuesday of the month, is
18 our general cycle, we'll have this peer team meeting. And
19 typically, the peer team meeting will run three to four or
20 more hours depending on the amount of business we've got to
21 take care of. And if I'm not mistaken, we agreed we would
22 do it after the next peer team meeting, which would have
23 been on the next routine date and that's the date we all
24 selected, because we knew we were all going to be together
25 then anyway. And it's kind of hard to juggle everybody's

1 schedule and get us all together at one time.

2 Q Okay. Was there anyone at this particular meeting
3 that indicated that they would not be able to attend -- you
4 know, be on the panel the following month?

5 A The meeting when it was set up?

6 Q Yes.

7 A No. To the best of my knowledge, I don't recall
8 anybody saying they couldn't be there at that time.

9 Q So the panel was going to -- or the next peer
10 group meeting, you were going to hold the screening
11 interviews the following meeting, after the following peer
12 group meeting.

13 A Right.

14 Q What I'd like to do is have you review this
15 interview schedule and indicate to me if you're familiar
16 with that.

17 A It looks like the approximate schedule we would
18 have used for the interviews that afternoon, to start at
19 about -- I remember there was about 30 minutes up front for
20 the selection board to review questions and discuss the
21 process, and then we started with the interviews of the
22 individuals. I don't remember the order of the individuals
23 being interviewed or anything like that, but you can see we
24 had a full day of interviews.

25 Q Were you present for all those interviews?

1 A Yes.

2 Q And who else was on the screening panel?

3 A Members of the panel at that time were John Corey,
4 myself, Rick Rogers, corporate technical support
5 representative, and Wilson McArthur and an HR representative
6 was there all the time, and I can't remember anybody else,
7 just an HR rep.

8 Q Mr. Rogers is from the corporate office and can
9 you tell me what his background is?

10 A Well, he is a manager in the -- currently he's at
11 Sequoyah in our engineering group. He was -- had served in
12 that capacity for years at Sequoyah and at that time, I
13 believe he was part of the corporate engineering group,
14 technical support organization in downtown Chattanooga. I
15 had known him for a long time, had a lot of confidence in
16 him in terms of his technical ability and his objectiveness,
17 so I had no problem with him being on the panel.

18 Q Does Mr. Rogers have any chemistry background?

19 A I don't know of any specific chemistry background.

20 Q Okay. And do you know why Mr. Rogers was selected
21 and Mr. Cox was not present on the panel?

22 A Well, to the best of my knowledge, the morning of
23 our meeting, and just prior to the panel, was the first that
24 I became aware that Mr. Cox wasn't going to be there. He
25 told us approximately right at the end of our peer team

1 meeting that he had a prior commitment and he wasn't going
2 to get to stay and, you know, I kind of hated that because
3 he's a key player and we really wanted him there. I
4 probably knew before that that Rick Rogers was going to be
5 on the panel also, but I may have found out at about that
6 same time, I don't know. Obviously I didn't have a problem
7 with that.

8 Q Can you explain that to me -- you knew at that
9 time, the morning of these interviews that Mr. Rogers was
10 going to be there.

11 A Yes, I think I did.

12 Q Okay.

13 A You know, I'm sure Wilson probably told me that
14 Rick was going to be there on the panel and Jack informed
15 all of us, me for the first time that I became aware that he
16 wasn't going to be there, was just prior to the breakup of
17 our peer team meeting and the start of the interviews.

18 Q Okay. So you knew Mr. Rogers was going to be on
19 the panel prior to knowing Mr. Cox was not going to be on
20 the panel?

21 A Well, I think I did. You know, I wasn't shocked
22 when I walked in the room and there was Rick Rogers sitting
23 there, you know, but I don't remember when I found out Rick
24 was going to be on the panel.

25 Q Okay. So all you knew, the only explanation that

1 Mr. Cox gave for not being available was he had a prior
2 conflict?

3 A He had a commitment and he couldn't stay, yeah.

4 Q Do you recall what type of -- whether or not you
5 received a personal package on each of the applicants prior
6 to the interviews?

7 A I can't recall.

8 Q Okay. Do you recall reviewing any personal
9 packages on the individuals prior to the interviews?

10 A I really can't recall. I mean we had a -- I know
11 that we had a notebook that had information in it about each
12 of the positions that we were going to be reviewing and we
13 did spend some time reviewing the notebook and the questions
14 that had been put together to ask for the different
15 positions, but I really can't recall if there was any
16 personal information in there on the candidates like, you
17 know, background, experience, degrees and things like that.

18 Q Okay. And do you know who designed the questions
19 for these applicants?

20 A I think they were -- they were reviewed by us, we
21 reviewed the questions, and I think we may have modified --
22 the peer team -- when I say we, it was the peer team. We
23 may have modified a few of the questions before the start of
24 the interviews. I think Wilson probably designed the
25 questions.

1 Q Okay. But the peer group itself was presented
2 with the questions and you modified them after you received
3 them, but as far as you know, you didn't design the
4 questions yourselves?

5 A I really can't remember designing the questions.
6 I know we could have had any input we wanted into the
7 questions though.

8 Q Okay. You indicated again that Mr. Rogers was
9 identified as going to be on the panel along with you and
10 Mr. Corey. Do you know whether anyone ever considered Mr.
11 Voeller as a possible candidate to sit on the panel?

12 A Not that I know of.

13 Q Okay. Anyone ever mention his name to you as
14 being someone that would be good to have on the panel?

15 A Not that I can recall.

16 Q Okay. When you were interviewed with the
17 Department of Labor, and I'll just ask if you remember
18 things that you may have said during that interview. I'm
19 not trying to -- I just want you to remember independently
20 of what you may have said during that interview -- but
21 having any discussion during that interview about Cox's
22 support of Mr. Fiser's abilities to fulfill that position,
23 and whether this would make him biased or unbiased to be on
24 the panel?

25 A I don't remember a specific question, but I

1 probably do -- I think I remember us discussing that as part
2 of the interview.

3 Q Can you tell me a little bit about that? Your
4 discussions.

5 A Well, if I'm not mistaken -- I'll tell you what I
6 know about Cox's statement.

7 Q Okay.

8 A And what I would have told the interviewer, and I
9 think I was asked about it, but I don't remember how the
10 question was phrased.

11 Mr. Cox, when he told us that he was not going to
12 be able to participate, he said basically that Gary had been
13 at Watts Bar, you know, for a pretty good while and helped
14 them go through the startup chemistry there and had done a
15 very good job, and you know, for his two cents worth, he
16 would say he thought Gary was a good person. That's
17 basically it.

18 Q Do you ever recall making any statements wherein
19 you indicated you felt that Cox was not unbiased?

20 A Not unbiased --

21 Q And that since he had voiced his support, that
22 perhaps he wouldn't be a good candidate to be on the panel?

23 A Oh, no. I mean, I would have thought that --
24 because Sam Harvey had worked at Sequoyah, you know, and I
25 wasn't going to let the fact that he worked at Sequoyah bias

1 the process we were going to go through.

2 Q Okay.

3 A And I wouldn't have thought Jack would have
4 either.

5 Q Okay. That actually was going to be my next
6 question, was your perception of the different panel
7 members, having worked with the individuals, and if that
8 would be a natural --

9 A Bias, so to speak?

10 Q Yeah, I mean there would be a natural bias built
11 in. Not to say maybe that's why those members were picked
12 for that panel was for their own bias, but because of their
13 specific knowledge of these individuals' capabilities.

14 A Well, you know, when you really stop and think
15 about it though, all three of these individuals worked in
16 the corporate office and at times they all three supported
17 any given site. So we could have -- I mean, I could have
18 had Chandra working on a project that was just as important
19 to Sequoyah at a given time as Sam Harvey and maybe Fiser
20 also. So I don't think that was an issue.

21 Q Okay. At any time prior to the interview, was
22 there any suggestion made by anyone that you're aware of or
23 made to you that management was interested in having one
24 person in particular selected for the PWR position?

25 A No.

1 MS. BENSON: That's basically it. Mr. Marquand,
2 do you have any questions that you'd like to cover.

3 MR. MARQUAND: I had something I wasn't really
4 sure I understood. And maybe it'll be clear in black and
5 white, but I'm not sure I understood the question and the
6 answer. So just to make sure there's not a mistake in
7 there.

8 BY MR. MARQUAND:

9 Q I understand you to say that when the selection
10 review board members were initially selected, that you
11 didn't know of anyone who was not able to be there, is that
12 right?

13 A That's right. I was surprised the morning of the
14 selection process that Cox was not going to be there.

15 Q So subsequent to it initially being set up, you
16 learned that apparently Jack Cox may have had a conflict?

17 A Yeah, that morning, I learned that.

18 Q You were asked about whether -- any past working
19 experience that you might have with any of the individuals
20 -- that you might take that into the interview room with
21 you. Let me ask you, did you take any preconceived notions
22 about your past interfaces with any of the candidates into
23 the interview room with you as a member of the selection
24 review board?

25 A No, I did not.

1 Q As a philosophical matter, did you make this
2 selection based only on what happened in the interview room?

3 A Well, one, I didn't make the selection.

4 Q Okay, your recommendation.

5 A My ratings --

6 Q Your ratings, okay.

7 A My ratings of the individuals were based solely on
8 the interview questions and their responses to the
9 questions. And the questions were designed to assess the
10 individual's understanding of particular issues that were
11 important to different aspects of the program. And we asked
12 -- all of the candidates were given the same questions
13 exactly the same way. They gave us their answers, we
14 evaluated their answer individually and each of us scored
15 their answer to that question on a scale and we did not
16 compare notes. So I would not have known how anyone else
17 was scoring an individual -- I did not know how anyone else
18 was scoring an individual.

19 Q When you -- okay, let's go this way. You said you
20 didn't know how the other people were scoring the other
21 individuals, but did you, in scoring between one or two or
22 three candidates, did you keep your ratings in front of you
23 so that when you interviewed Fiser, you knew how you had
24 rated Harvey or when you rated Fiser, you knew how you had
25 rated Chandra?

1 A I don't think so. I think the process we used --
2 the process we went through -- was we rated an individual on
3 one interview and we turned in our rating sheets and we
4 didn't tally points or add up scores or anything else, we
5 just simply turned them in; each member turned in their
6 rating sheets and we brought in the next person.

7 Q Okay.

8 A The process was designed to be as objective as
9 possible.

10 Q In evaluating the candidates for the chemistry
11 program manager positions, did you take into account the
12 fact that Mr. Fiser had filed either historically in 1992 or
13 '93, whenever it was, a DOL complaint, or that he'd filed a
14 DOL complaint in 1996?

15 A No.

16 Q Did you have any concern about the fairness of the
17 process?

18 A No, I thought it was probably one of the cleanest,
19 most objective processes we had used because, you know, it
20 was really managed I thought very well.

21 Q Well, you knew Fiser had previous DOL complaints.

22 A Yes.

23 Q Did you have any concern that the process be fair
24 because of his DOL complaint?

25 A Well, the only concern I had about the process

1 being fair -- and it really wasn't that I thought the
2 process might not be fair -- but I didn't want anybody to be
3 able to question the process that we went through, because
4 we wanted it to be objective and we all thought a lot of all
5 of the candidates, you know, they had all supported the
6 sites and we wanted the process to be as clean and objective
7 as possible. So I did ask that Wilson McArthur not
8 participate as a voting member of the review panel, that
9 morning.

10 Q Did he have any input into any of the ratings?

11 A No.

12 Q Did you discuss with him how you should rate any
13 of the individual candidates?

14 A No. We did not discuss -- from the time we
15 started the process, we agreed prior to the selection board
16 convening that Wilson would not have a vote and he would
17 take notes if he desired, but he would not have a vote and
18 he would not turn in scores. And to the best of my
19 knowledge, he had no input.

20 Q You were asked if you had knowledge of Mr. Fiser's
21 '93 complaint and you indicated you had even been
22 interviewed. Did you understand that you had ever been a
23 target or an alleged discriminating official with respect to
24 his '93 complaint?

25 A No.

1 MR. MARQUAND: That's all I have.

2 BY MS. BENSON:

3 Q I guess the only clarifying point I would ask you
4 is why is it that you did not want Mr. McArthur
5 participating in the panel?

6 A Well, I was aware that there was an outstanding
7 complaint and the complaint, as I understood it, was that
8 the position should not have been advertised to start with.
9 And you know, I thought that it would be better for the
10 process if Wilson did not participate, and we discussed it
11 briefly and Wilson agreed.

12 Q Okay. Had you been informed that Mr. McArthur was
13 a target of this complaint, or just his knowledge of this
14 complaint?

15 A Well, I also had knowledge of it. I didn't think
16 that he was a target, I had not been informed he was a
17 target, but I knew he was a responsible supervisor for the
18 individuals, the individual involved, and I thought, you
19 know, if there is an issue, then it'd be better if Wilson
20 just didn't participate.

21 Q Okay. Were the other board members aware of this
22 outstanding complaint?

23 A I assume so. You know, I don't think it was -- I
24 had known about it for a few weeks at least. I don't
25 remember who told me, maybe Wilson told me, maybe Gary told

1 me himself, I don't know. But I don't think it was a secret
2 that there was a complaint.

3 MS. BENSON: Okay. I don't have any further
4 questions. Do you have anything that you would like to add
5 to the record yourself?

6 THE INTERVIEWEE: Yes, I wanted to go back and
7 talk just about a couple of points that we discussed, just
8 to make sure. You asked a question about my knowledge of
9 Fiser recording things.

10 MS. BENSON: Okay.

11 THE INTERVIEWEE: As best I can recall, at the
12 time we had the selection board, I was not aware of any
13 issues or concerns about Gary having recorded or any
14 allegations that he was recording people in response to his
15 complaint -- or for any other reason.

16 BY MS. BENSON:

17 Q Well, a question I would have before you get off
18 that point is were you never told by Mr. McArthur that Gary
19 had been doing that in his 1993 complaint?

20 A I don't recall that, being told that by Wilson or
21 anybody else.

22 Q Okay. When you answer that way, are you telling
23 me it's possible and you don't remember or that it never
24 happened, that he never told you this?

25 A Well, I don't think he ever told me that, I don't

1 think I knew it until very recently, was even aware of it
2 until very recently.

3 Q But you're not sure whether he ever told you that
4 or not? I mean, you cannot positively say.

5 A I cannot positively say he didn't tell me, but I
6 certainly can't remember him telling me, and I can't
7 remember knowing that piece of information or being
8 concerned about that bit of information or anything else
9 during this time period.

10 MS. BENSON: Okay.

11 THE INTERVIEWEE: The other issue -- the other
12 question you asked me was related to designing the interview
13 questions. You know, this has been a long time ago, I've
14 slept several times since then. We had input into those
15 questions as a peer team. The input may have been weeks
16 before the process or it may have all been that morning, and
17 I can't recall which. But I wanted to make -- you know, I
18 think we did have input into the questions. I don't think
19 Wilson would have sat in isolation and developed a set of
20 questions he was going to ask the guys, I think he would
21 have given them to us at some point and said would you guys
22 review these and tell me if you want to add anything, and we
23 would have done that. But I can't recall a specific
24 occasion where, you know, we sat down and wrote out the
25 questions or anything else, but --

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1 BY MS. BENSON:

2 Q So would it be fair to say that you don't recall
3 how the questions were designed?

4 A Right, I don't recall.

5 Q That's probably the best way to answer that.

6 A Okay, I don't clearly recall how they were
7 designed, but I feel like I did have input to them. And so
8 I wanted to make sure you were aware of that.

9 MS. BENSON: That's fine, I appreciate it.

10 Just for the record, if you can indicate whether
11 the information you provided today was provided voluntarily
12 and without any threats or coercion from the NRC.

13 THE INTERVIEWEE: Yes, information was provided
14 voluntarily and without any threats of coercion of any type
15 from the NRC.

16 MS. BENSON: I appreciate it and thank you for
17 your time.

18 THE INTERVIEWEE: You're welcome.

19 [Whereupon, at 2:36 p.m., the interview was
20 concluded.]

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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 Charles E. Kent, Jr.

Docket Number: 2-1998-013

Place of Proceeding: Chattanooga, TN

Date: October 22, 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

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