

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

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OFFICE OF THE SECRETARY
RULEMAKING AND
ADJUDICATIONS STAFF

DEPOSITION OF RONALD O. GROVER

December 14, 2001

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SECT-028

CLEAR REGULATORY COMMISSION

Exhibit No. 50-390 Official Exh. No. Staff 54
to the master of TVA

Staff ✓ IDENTIFIED ✓
Applicant _____ RECEIVED _____
Intervenor _____ REJECTED _____
Other _____ WITHDRAWN _____
DATE 6/17/02 Witness _____
Clerk BHM

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22 NOTE: Unless provided by counsel to the reporter, all
names are rendered as the best phonetic approximation.

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1 The deposition of RONALD O. GROVER taken by
2 agreement of counsel, for any and all purposes allowable
3 under the Tennessee Rules of Civil Procedure, before
4 BONNIE L. SMITH, Shorthand Reporter and Notary Public in
5 and for the State of Tennessee at Large, on the 14th day
6 of December, 2001, at the offices of the Tennessee Valley
7 Authority, Chattanooga, Tennessee.

8 It is agreed that the reporter may swear the
9 witness; that she may take the deposition in shorthand,
10 reduce her notes to typewritten form and sign the name of
11 the witness thereto.

12 All objections except as to the form of the
13 question are reserved until the time of hearing.

14 Formalities as to caption, certificate and
15 transmission are expressly waived.

16 RONALD O. GROVER
17 having been first duly sworn, was examined and
18 deposed as follows:

19 EXAMINATION

20 BY MR. MARQUAND:

21 Q Good morning, Mr. Grover. My name's Brent
22 Marquand, and I represent the Tennessee Valley Authority.
23 Would you state your name for the record, please?

24 A Ronald O. Grover.

25 Q Where do you live?

1 A [REDACTED]

2 [REDACTED]

3 Q And your phone number?

4 A [REDACTED]

5 Q Are you presently employed?

6 A No.

7 Q What was your last employment?

8 A With TVA.

9 Q Where was your -- let's walk through your
10 educational background.

11 A Where do you want to start? College or
12 what?

13 Q Start with college.

14 A I attended the US Naval Acadamy, graduated
15 in 1975.

16 Q Okay. And what was your degree in?

17 A It was in operations analysis with a
18 general engineering background.

19 Q Was that a BS?

20 A Yes.

21 Q Did you have any formal education after
22 that?

23 A I have two master's degrees, one in
24 computer science and information systems and a master's in
25 business administration.

1 Q When did you -- when and where did you
2 receive those degrees?

3 A The MBA was about 1983 and the master's in
4 computer science was about 1986, '87.

5 Q And where did you receive those degrees?

6 A The MBA was from the University of Southern
7 Illinois, and the computer science degree was the
8 University of New Haven in Connecticut.

9 Q Did you have any other formal education?

10 A No.

11 Q All right.

12 A Other than the nuclear power program, the
13 Navy nuclear power program.

14 Q Following your graduation from the naval
15 acadamy, what's your employment history been?

16 A I was employed with the US Navy for five
17 years. I worked for the DuPont company for about two and
18 a half years. I then worked for the New York Power
19 Authority for eleven years and then TVA for seven years.

20 Q What did you do in the Navy?

21 A I was a nuclear engineer, and also I was in
22 charge of the -- was the department head for the
23 radiological and -- well, it's called RLA, which is
24 radiological laboratory assistants, which is chemistry and
25 radiological controls group.

- 1 Q Was that the entire five years you were
2 there?
3 A About three of the five years.
4 Q Okay. What did you do for DuPont?
5 A I worked in engineering.
6 Q What type of engineering?
7 A Mostly mechanical and process engineering.
8 Q In which particular field?
9 A I worked at their Seaford plant which
10 produced nylon --
11 Q Okay.
12 A -- the textile department.
13 Q What did you do for the New York Power
14 Authority?
15 A I was the corporate chemistry manager.
16 Q For the nuclear program?
17 A Yes, for the nuclear generation group.
18 Q For the generation group? Did that include
19 also other facilities besides nuclear facilities?
20 A No, just the nuclear facilities.
21 Q You were the corporate chemistry manager.
22 So were you -- what was your boss' position?
23 A Let me think of his title. He had several
24 functional groups reporting to him. It was a nuclear
25 support organization. Chemistry radiological -- from a

1 corporate support standpoint, chemistry radiological
2 controls, emergency preparedness, environmental. I just
3 can't think of his title off-hand.

4 Q Similar to the operations support
5 organization at TVA?

6 A Similar.

7 Q How many people did you have working for
8 you in the corporate chemistry department?

9 A Five.

10 Q Were they all chemistry types of people?

11 A No.

12 Q Did you provide support for nuclear sites

13 --

14 A Yes.

15 Q -- similar to TVA?

16 A Yes.

17 Q How many nuclear sites did you service?

18 A Two.

19 Q Two nuclear sites? And what would those
20 be?

21 A Indian Point III and the James A.

22 Fitzpatrick plant.

23 Q Is that two units? Each of those is one?

24 A Single units.

25 Q Each of them is a single unit. Okay. Did

1 you begin your stint at New York Power Authority as a
2 corporate chemistry manager or is that a position you were
3 promoted into?

4 A I started there.

5 Q So for eleven years you stayed in the same
6 position?

7 A Yeah. The group was initiated when I
8 accepted employment there. So it was a totally new group.

9 Q So you never worked at an operating nuclear
10 plant?

11 A Not -- well, we spent about forty percent
12 of our time at the plants. So, you know, as far as being
13 -- as far as our head count and organization being under
14 the plant staff, no. But we spent a considerable amount
15 of time at the plants.

16 Q All right. When did you first -- when were
17 you first hired at TVA?

18 A February, I believe it was, the 28th, 1994.

19 Q Who hired you?

20 A John Maciejewski and under Wilson McArthur.

21 Q Why did you leave the New York Power
22 Authority?

23 A I just felt this was a better -- a good
24 opportunity, a good change, good career move.

25 Q And what position were you hired into at

- 1 TVA?
- 2 A The corporate chemistry manager --
- 3 Q Initially?
- 4 A -- for nuclear. Yes.
- 5 Q Who was your boss when you first came
- 6 there?
- 7 A Wilson McArthur.
- 8 Q How long did he remain your first
- 9 supervisor or how long did he remain your supervisor?
- 10 A About five months.
- 11 Q Okay. What happened then?
- 12 A Then a reorganization took place.
- 13 Q And what happened as a result of that
- 14 reorganization to your position and your relationship to
- 15 Wilson?
- 16 A Well, our department was reorganized. The
- 17 chemistry function was combined with the environmental,
- 18 the corporate functions were combined under one manager,
- 19 and radiological controls was split out under a separate
- 20 manager. So, basically, Wilson McArthur's organization
- 21 was split. I think he had, like, five groups reporting to
- 22 him and it was split up.
- 23 Q When you first came in, you were the
- 24 corporate chemistry manager. How was the environmental
- 25 protection function managed?

- 1 A There was another manager.
- 2 Q Was he a peer to you?
- 3 A Yes.
- 4 Q Who was that?
- 5 A Dave Sorrelle.
- 6 Q And he was the manager of environmental
7 protection?
- 8 A That's correct.
- 9 Q And what happened to his job in this '94
10 reorganization?
- 11 A Well, the -- there was basically those two
12 groups were merged into one manager. And so the job was
13 -- a new job description was written and posted and we all
14 were vacated and given at-risk letters and had to -- we
15 interviewed for the positions.
- 16 Q All right. So as I understand what you're
17 saying, the job you had as corporate chemistry manager and
18 the job that Mr. Sorrelle had as the corporate
19 environmental protection manager, those two jobs were
20 eliminated in this reorganization?
- 21 A That's correct.
- 22 Q And a new job of chemistry and
23 environmental protection manager was created?
- 24 A That's correct.
- 25 Q And advertised?

- 1 A That's correct.
- 2 Q And you had to compete for that?
- 3 A That's correct.
- 4 Q Okay. And who got that job?
- 5 A I did.
- 6 Q Okay. What happened to Mr. Sorrelle?
- 7 A He worked in that organization as one of
- 8 the environmental program managers, and he then
- 9 interviewed and accepted another position in Muscle
- 10 Shoals. I'm not sure exactly what the position was.
- 11 Q During the '94 reorganization, were the
- 12 jobs that reported to the chemistry and environmental
- 13 protection manager also posted and advertised?
- 14 A Yes.
- 15 Q And what jobs were those?
- 16 A There was a new job description that was
- 17 written and the title was chemistry and environmental
- 18 program manager.
- 19 Q Okay.
- 20 A And there were -- I believe there were five
- 21 positions at the time, vacancies.
- 22 Q Were they all the same level?
- 23 A Yes, if I remember correctly, PG-8. Don't
- 24 quote me on that, but I believe that they were. It may
- 25 have been PG-8 and then one seven, PG-7. I can't remember

1 exactly.

2 Q All right. And who were selected for the
3 PG-8 level positions?

4 A Let's see. Chandrasekaran, Gary Fiser, and
5 Sam Harvey.

6 Q What about --

7 A And I believe Dave Sorrelle.

8 Q All right. Was anybody selected for a PG-7
9 level position?

10 A Yes. Jim Mantooth. I believe that's his
11 correct pronunciation.

12 Q All right. So you were in charge of
13 supervising all those people?

14 A Yes.

15 Q Was there anybody else in your organization
16 that reported to you?

17 A No.

18 Q How long did you continue in this -- until
19 what point did you continue as manager of chemistry and
20 environmental protection?

21 A Until about June, I believe, of '96.

22 Q During that time period between the summer
23 of '94 when this reorganization occurred and June of '96,
24 did you pick up any additional employees?

25 A We had a turnover because of -- well, there

1 weren't any additional employees as far as the total
2 number were concerned.

3 Q No additional slots, but different people?

4 A Right.

5 Q What additional -- what different people
6 did you pick up?

7 A We picked up -- Dave Sorrelle left and Jim
8 Mantooth left for other assignments. We picked up Diedre
9 Nida in one of the slots and then we had Trisha -- I can't
10 think of her last name right now. She was a co-op
11 student, so -- but she didn't fill it as a permanent
12 position. She was just a co-op student.

13 Q How many hours a week would she be working?

14 A Everybody worked forty hours a week.

15 Q Including Trisha as a co-op student?

16 A Yes.

17 Q Did she -- how does this co-op program
18 work? Do they attend classes or are they just assigned
19 work full time?

20 A Well, she -- I can't recall the exact way.

21 But, yeah, she had to attend class because she was still
22 in the process of obtaining her BS undergraduate degree.
23 But she worked full time, and there were some periods
24 where she had to go -- may have had to attend a class
25 during a work day and she made those hours up, that sort

1 of thing.

2 Q Are co-op students paid?

3 A Yes.

4 Q All right.

5 A But it wasn't -- I can't remember the --

6 sometimes based on how they were brought in, they may not

7 have been out of our -- you know, out of the parent

8 organization's budget. It may have been under personnel.

9 I can't remember exactly. But she was paid.

10 Q It may have been out of HR and engineering

11 services and assigned to work for you?

12 A Yeah.

13 Q Do you recall being interviewed at various

14 times as a result of Mr. Fiser's Department of Labor case?

15 A Yes.

16 Q Who have you been interviewed by?

17 A Well, let's see. Initially, the

18 representative from DOL at the time -- the investigator

19 from DOL at the time. I can't remember his name. Ms.

20 Diane Benson from NRC. Mr. Fiser's attorney. I can't

21 remember her name. You have it there. I recall talking

22 to the OIG representative and, most recently, Ms. Jennifer

23 -- I'm sorry --

24 Q Euchner?

25 A -- Euchner.

- 1 Q Okay.
- 2 A And Mr. Dennis Damby.
- 3 Q When was your interview by Ms. Euchner and
- 4 Mr. Damby?
- 5 A About two weeks ago.
- 6 Q Was it on a Sunday?
- 7 A Yes.
- 8 Q Would that be December 2nd?
- 9 A I don't have a calendar. That sounds
- 10 right.
- 11 Q Okay. How long did that interview take?
- 12 A About two hours, thereabouts.
- 13 Q Where did they interview you at?
- 14 A The hotel they were staying at. The
- 15 Homestead Suites.
- 16 Q Okay. Were you shown any documents?
- 17 A Yes.
- 18 Q What documents were you shown?
- 19 A The same document that you have, that I
- 20 brought in.
- 21 Q Okay. Any others?
- 22 A No.
- 23 Q And for the record, we'll make this exhibit
- 24 one to your deposition.
- 25 (Exhibit No. 1 was filed.)

1 BY MR. MARQUAND:

2 Q Is that a copy of the subpoena commanding
3 your appearances at this deposition today?

4 A Yes.

5 Q And if you'll look at the second page,
6 that's the schedule of documents that you were requested
7 to bring with you to this deposition; is that right?

8 A I imagine so. My understanding was that I
9 thought that this was what we were going to -- maybe I had
10 the wrong understanding of this, because I thought these
11 were documents we were going to possibly discuss and that
12 everyone had.

13 Q Oh.

14 A I mean, some of them are there.

15 Q Right.

16 A Yeah.

17 Q Well, let's talk and see if there's any
18 other documents in particular that I might be interested
19 in seeing.

20 A Okay.

21 Q If you will look at item number four.

22 A Okay.

23 Q Do you have any other documents relating to
24 any conversations or discussions you've had with DOL or
25 the NRC? And when I say documents, I mean that very

1 broadly to include tape-recordings or computer discs or
2 computer printouts. Anything at all?

3 A No.

4 Q So you brought everything related to any
5 Department of Labor or NRC conversations or discussions
6 you've had?

7 A No.

8 Q You have or haven't brought them with you?

9 A No, I don't have anything.

10 Q You don't have any others?

11 A Correct.

12 Q If you look at number ten, do you have any
13 documents relating to any association or conversations you
14 may have had with Gary Fiser?

15 A No, I don't.

16 Q You don't have any planner notes or any
17 journal entries or anything like that?

18 A No.

19 Q Did you keep a journal or planner?

20 A Just a little scheduling book, but I didn't

21 --

22 Q You don't keep notes of conversations?

23 A No.

24 Q Do you have any documents related to any
25 sort of association, be it work, social or business

1 related, with Ben Easley?

2 A No, I don't.

3 Q You did receive a copy of this subpoena; am
4 I correct?

5 A That's correct.

6 Q And the second page was attached to it?

7 A That's correct.

8 Q All right. In 1994 in this reorganization
9 you were telling us about, you mentioned that the job that
10 you ultimately ended up with was advertised and you had to
11 compete for it. Did you go before a selection review
12 board? Were you interviewed by a number of people?

13 A No. I was just interviewed by John
14 Maciejewski.

15 Q That's all?

16 A Yes.

17 Q You weren't interviewed by Wilson McArthur
18 or by anybody from HR?

19 A No.

20 Q Do you know if there were any other
21 applicants for that position?

22 A It's my understanding there was. I don't
23 -- I don't -- it was several others. I don't know what --

24 Q Do you know if anybody else applied who
25 actually met the minimum qualifications for the

1 application?

2 A I know there were several applied.

3 Q Do you know if the people who applied met
4 the minimum qualifications?

5 A Pardon me?

6 Q Do you know if the other people who applied
7 met the minimum qualifications for the job?

8 A I don't recall. I don't know who all
9 applied.

10 Q All right. Do you know if they were also
11 interviewed by Mr. Maciejewski?

12 A I don't know. I imagine. You know, he
13 conducted the interviews. I didn't.

14 Q But you don't know one way or the other for
15 certain?

16 A No.

17 Q It says -- who rewrote the position
18 descriptions for the PG-8 chemistry and environmental
19 protection specialist program managers?

20 A If I recall correctly, I did have input in
21 that. I may have. I think at the time the procedure --
22 the process was to fill the manager slot and then the
23 manager had the responsibility of working with department
24 heads in drafting those documents if I remember correctly.

25 Q Were you part of a selection review board

1 that selected Dr. Chandra and Sam Harvey and Gary Fiser
2 and David Sorrelle for those jobs?

3 A Yes.

4 Q Do you remember who else sat on that
5 selection review board?

6 A Let's see. Ben Easley was present, and we
7 had representatives from each side.

8 Q John Sabados?

9 A It may have been. I just don't recall.

10 Q You don't recall?

11 A Yeah. But, I mean, it's on record
12 somewhere I imagine.

13 Q All right.

14 A They'll have it. I just can't remember who
15 all was a part of that.

16 Q Was there ever any suggestion that those
17 positions shouldn't be advertised but that the people
18 should be selected on some other basis?

19 A No.

20 Q Okay.

21 A Not as far as I know.

22 Q All right. Did anybody explain to you why
23 those jobs were posted and advertised for competition?

24 A Well, just I understand that was HR policy.

25 It was a significant change in the position description.

1 At the time, HR had a policy of using a certain
2 percentage. I believe it was thirty, thirty five percent.
3 If the job description changed by more than that, then the
4 requirement was -- or, the policy was that it had to be
5 posted and advertised.

6 Q And what was significant about the change
7 in the position descriptions?

8 A Well, you're dropping -- you're combining
9 two functional areas.

10 Q And those functional areas were what?

11 A Chemistry and environmental.

12 Q So it was significant to combine
13 environmental into chemistry and vice versa, significant
14 to combine the chemistry and environment position
15 descriptions?

16 A I couldn't --

17 Q You had -- previously you had chemistry
18 program managers?

19 A Right.

20 Q And environmental protection program
21 managers?

22 A Right.

23 Q And so it was significant to take an
24 environmental function and add it into a chemistry
25 position description? And, vice versa, it was significant

1 to take a chemistry function and add it into the
2 environmental protection position descriptions to merge
3 the two?

4 A Right.

5 Q Okay.

6 A Because that was -- the objective was to
7 get an organization which could serve both functional
8 areas.

9 Q Now, I believe you just said that the test
10 that you thought that HR used was a change of thirty to
11 thirty five percent.

12 A Somewhere in that vicinity, yes. That's my
13 understanding of what I recall at that time.

14 Q That was your understanding at that time?

15 A If I recall, that -- that sounded familiar.

16 What I recall was that was the range of the percentage
17 change.

18 Q All right. Is that the understanding you
19 had at the time?

20 A Yes.

21 Q Was that a subject of discussion between
22 you and Mrs. Euchner and Mr. Damblly on December 2nd was
23 the significance of changing position descriptions?

24 A That was one of the questions they brought
25 up.

1 Q Did you discuss with them the standard that
2 HR used for changing position descriptions as to whether
3 or not they need to be advertised?

4 A Yes.

5 Q Was there a discussion about the
6 percentage?

7 A Yes.

8 Q Do you recall whether you were interviewed
9 by David VanBockern in July of 1996 regarding Mr. Fiser's
10 1996 Department of Labor complaint?

11 A You'll have to refresh my memory. Who is
12 the gentleman?

13 Q David VanBockern was an agent in TVA's
14 Office of Inspector General.

15 A I remember talking to an individual -- I
16 can't remember his name -- at the time.

17 Q Let me show you a copy of the July 11th,
18 1996, record of interview which you brought with you today
19 pursuant to the subpoena. Let's have this marked as
20 deposition exhibit two.

21 (Exhibit No. 2 was filed.)

22 BY MR. MARQUAND:

23 Q You've seen that before, haven't you, Mr.
24 Grover?

25 A Yes.

1 Q All right. Is that a copy of the record of
2 interview that Mr. VanBockern conducted with you on July
3 11th, 1996?

4 A Yes, I imagine so. I mean, that's his
5 version.

6 Q All right. And he tape-recorded that
7 interview, didn't he?

8 A I don't recall him tape-recording it.

9 Q If you'll look at page three, the first
10 full paragraph -- I'm sorry. I'm looking at the wrong
11 thing.

12 Mr. Grover, I'm going to hand you a copy of the
13 January 29th, 1998, deposition you gave in Mr. Fiser's '96
14 Department of Labor complaint. And we'll have that marked
15 as -- we don't need to have that marked.

16 If you would refer to page sixty of the
17 deposition. Actually, to get the sense of it, you'll have
18 to look back a little bit earlier on page fifty nine where
19 you were talking about combining functions. And in the
20 middle of page fifty nine at line nine, do you see where
21 it says, you know, there's a certain percentage. If
22 you're creating a new position, there is a -- there's a
23 basis for saying that, okay, we're going to reorganize;
24 we're going to change some functions around. There's a
25 basis for when you have to create a new position

1 description, when you don't have to create a new position

2 description. Do you see that?

3 A Right.

4 Q And then when you go over to -- if you look

5 at the bottom of page fifty nine, beginning at line twenty

6 five, do you see where it says, well, as I understand it,

7 the way it's supposed to work is if you're not changing

8 the position description, you don't go through reposting

9 or this, that and the other. You go on seniority. Okay.

10 Do you see that?

11 A Right.

12 Q And she said the question was, is that

13 called rollover. And the answer: I don't know what the

14 term is.

15 Now, beginning at line twelve, do you see where it

16 says, now, if you combine several functions and you redid

17 the job description and if it changed by, I believe,

18 fifteen percent or so, you know, which is considered a

19 significant amount or whatever, then if it's changed by a

20 significant amount -- now, they may be able to correct me

21 on the percentage -- I believe it was fifteen percent of

22 the original position description -- then you're required

23 to repost the position and rehire. Do you see that?

24 A Right.

25 Q All right. Now, in 1998 when you gave your

1 deposition, your impression was that a significant change
2 was fifteen percent or so.

3 A Okay.

4 Q And today you said that a significant
5 change was thirty to thirty five percent.

6 A Yeah. But as I told you before, this is HR
7 policy.

8 Q Right. I understand.

9 A I don't recall the exact percentage.

10 Q I'm not trying to hold you to the
11 percentage.

12 A No, I'm just saying. I know it's got to be
13 a significant amount. I mean, we followed what the policy
14 was with HR.

15 Q I understand. My question was, when you
16 talked to NRC counsel Jennifer Euchner and Dennis Damblly,
17 did they suggest to you the thirty to thirty five percent
18 number?

19 A No.

20 Q Was that a topic of discussion?

21 A We -- I mean, it wasn't --

22 Q Was it brought up?

23 A Yeah. We talked about it, yeah. But they
24 didn't suggest any -- I mean, we just talked about it and
25 I thought I recalled it was something significant, thirty,

1 thirty five percent. I don't remember what the exact was
2 -- the percentage was at the time.

3 Q There was a discussion with Ms. Euchner and
4 Mr. Damblly in which they mentioned the thirty to thirty
5 five percent?

6 A I brought up the percentage.

7 Q And why did you change -- why did you give
8 them a different number than you gave --

9 A I didn't give them an exact -- I didn't
10 quote the policy percentage. I said it was -- as I
11 recall, it was somewhere in that vicinity. Okay. Again,
12 HR sets the policy. Okay. We go by what HR says. If it
13 was five percent -- whatever the policy was at the time.

14 Q So you would defer to whatever decision HR
15 made with respect to the percentages?

16 A That's correct. We didn't -- we couldn't
17 -- I didn't take it upon myself to make up the rules of
18 how we do this when you're going to have this
19 reorganization and have to recombine and do a new job
20 description and that sort of thing. We went directly to
21 HR and got directly information from them as to what the
22 policy was.

23 Q All right. But the degree of significance
24 of change was a subject of conversation between you and
25 Ms. Euchner and Mr. Damblly on December 2nd?

1 A That was one question we talked about, yes.

2 Q Did they tell you what the testimony had
3 been by any other witnesses with respect to what that
4 degree of significance would be?

5 A No.

6 Q Was there any discussion of Ben Easley in
7 your conversation with them?

8 A I don't recall us talking about Ben Easley.

9 Q Ben Easley's name never came up?

10 A Like I said, I don't recall. It may have
11 come up as far as we were -- he was the HR person at the
12 time I think. His name did come up, because we talked
13 about that process with the interviews, you know, the job
14 description, who was involved with the process of setting
15 up the selection boards and that sort of thing. So his
16 name did come up.

17 Q Was his name discussed in the context that
18 he would be the person who would make the determination by
19 looking at position descriptions as to whether the jobs
20 need to be posted or whether they were even new jobs?

21 A I don't recall us -- I don't recall that
22 exact statement from them. We talked about it. He was
23 definitely involved in the process because he was the HR
24 interface for this particular organization. I don't
25 recall exactly what, you know, but we discussed him. And

1 I know for a fact we discussed him participating in the
2 selection -- what his involvement was or some of the
3 things he was involved with as far as the selection
4 process was concerned.

5 Q You didn't disagree with the decision in
6 1994 to post the -- for advertisement, for competition --
7 the PG-8 program manager, chemistry and environmental
8 protection specialist position, did you?

9 A Did I -- say what?

10 Q Did you disagree with the decision to post
11 those jobs for competition in 1994?

12 A No, based on if that was the decision that
13 was made at the time. The bottom line was, I felt that
14 everybody should have an opportunity to interview for a
15 position. If that -- if the decision was made that it had
16 to be posted, everybody should have an opportunity to --
17 but it wasn't -- I wasn't involved in making that decision
18 and looking at the, you know, job descriptions and so
19 forth.

20 Q The decision to combine the jobs was made
21 above your level, wasn't it? The decision to combine
22 those functions was made at a higher management level than
23 you?

24 A To combine what functions?

25 Q Chemistry and environmental functions.

- 1 A They were already combined.
- 2 Q I thought prior to '94 they were separate.
- 3 A Are you talking '94 or '96?
- 4 Q '94.
- 5 A '94 was made above my level, yes.
- 6 Q And the decision whether to post them or
- 7 not was made at a different management -- by different
- 8 management than you?
- 9 A That's correct.
- 10 Q All right. Now, in '96, tell us -- we
- 11 already talked a little bit about this, but tell us what
- 12 happened in '96 in the reorganization.
- 13 A From what starting point? I mean, where
- 14 are we starting?
- 15 Q Well, when did you first hear about the
- 16 reorganization?
- 17 A It was early spring. I can't remember.
- 18 March/April time frame. Tom McGrath called a staff
- 19 meeting and he announced that we're going to be undergoing
- 20 a reorganization and downsizing will be involved. And we
- 21 subsequently had several meetings. And he wanted us to
- 22 submit -- I think the first objective was to look at
- 23 possibly reducing staff by forty percent over a period of
- 24 time. And I believe it was over the next couple of years,
- 25 several -- several years. So that kept changing.

1 We would work up a proposal and we'd have a series
2 of meetings, and then the objective changed of what level
3 you're trying to get down to staff number-wise. And so it
4 changed over the course of a couple of -- you know, the
5 next several months.

6 Q Were you involved in planning for the
7 reorganization?

8 A I was involved up until June of that time
9 frame.

10 Q All right. Early on, what were you tasked
11 with doing with respect to the reorganization?

12 A We were tasked with the -- with the
13 objective established, we were tasked with going back,
14 looking at the budget, looking at the organizational
15 structure, how we were going to get from where we were now
16 to that percent reduction or what that level of staffing
17 requested -- how they were going to -- you know, at a
18 certain point in time, how we were going to get there and
19 come up with a proposal, if you will, to meet that end
20 based upon where you were now, the vacancies, et cetera,
21 et cetera.

22 Q Who were you involved with in doing that?

23 A Well, I worked with Wilson McArthur.

24 Q Okay. So did you and Wilson come up with a
25 proposal?

- 1 A Yes.
- 2 Q And what was that proposal?
- 3 A I don't recall. We came up with several
- 4 proposals. Then the proposal was, well, now we're going
- 5 to combine all the functional groups and radiological
- 6 controls, chemistry and environmental and combine that
- 7 under one organization with one manager.
- 8 Q Is that the final proposal that you came up
- 9 with -- that you and Wilson came up with?
- 10 A Well, it was several -- you know, we went
- 11 through several iterations. Okay. At first, it was forty
- 12 percent. Then we'd have to -- then it was another
- 13 objective. Well, that wasn't acceptable. We needed to
- 14 cut all the -- we ended up toward the end -- the last one
- 15 was to cut all the environmental functions of individual
- 16 -- the environmental -- the positions that the
- 17 environmental people that had -- that their emphasis was
- 18 in the environmental area, to cut those positions out of
- 19 the chemistry organization.
- 20 Q Was the initial direction -- or, was the
- 21 direction you received to make all of the cuts initially
- 22 or in a step-wise process?
- 23 A It was initially laid out to be in a
- 24 step-wise manner. Then the decision was changed to make
- 25 it all at once.

1 Q All right. Other than cutting budget, did
2 you have any other criteria by which you were supposed to
3 make your proposal?

4 A Well, I mean, when you cut budget, you have
5 to cut positions. You know, budgets go with the --
6 positions go -- the positions go with the budget. Okay.

7 So --

8 Q I mean, you had a pretty low overhead;
9 right? Besides salaries, you didn't have much other fat
10 in your budget?

11 A That's correct.

12 Q All right. So you had to cut people in
13 order to cut budget?

14 A That's correct. In order to meet the
15 objective, you had to cut positions.

16 Q Well, did Mr. McGrath give you any
17 organizational criteria that he wanted the organization to
18 be able to accomplish while still being able to meet the
19 budget reductions?

20 A I don't understand your question.

21 Q Well, I mean, did he tell you here's what I
22 want the organization to be able to accomplish and
23 address, how I want the organization to function, or did
24 he simply say cut dollars out?

25 A His primary criteria was cut dollars out.

1 We had to come up with -- and this was part of the several
2 iterations -- we had to come up with what the objectives
3 were for the various functional areas in support of the
4 sites and justify -- that had to go with the package --
5 and justify the organization structure we had proposed.

6 Okay. But the primary emphasis was on just cut
7 dollars, which ultimately cuts heads. Now, how you get
8 that done, that's up to -- you have to figure that out.

9 Q If I could summarize, basically he was
10 telling you I want you to accomplish the same functions
11 with fewer dollars?

12 A Yes.

13 Q Did he --

14 A Well, with the -- yes. Well, somewhat,
15 with the exception of environmental. Because from the
16 chemistry/environmental perspective, that environmental
17 function was cut out of the organization.

18 Q And why was it cut out?

19 A Well, he felt that we didn't need it. We
20 didn't need to provide the support. One of the sites --
21 his feeling was the sites had --

22 Q And there were other organizations
23 addressing --

24 A Well, the sites had their own
25 organizations, just like chemistry and radiological

1 controls.

2 Q But weren't there also TVA corporate
3 organizations that provide some environmental assistance?

4 A Not -- not primarily to the nuclear
5 facilities. Indirectly on some of the environmental
6 responsibilities, but not as far as primary support is
7 concerned.

8 Q Isn't there a regulatory compliance group
9 in Knoxville and another group that provides, like, waste
10 water and water treatment assistance?

11 A Yeah. But most of that support was for the
12 non-use facilities.

13 Q Okay. Now, you said initially there was a
14 discussion about accomplishing these reductions in a
15 step-wise fashion. What was the -- at some point in time,
16 did Mr. McGrath encourage management to reduce more if
17 they could justify it?

18 A Well, as far as our organizations, it was
19 not an issue of encouragement. It was this is what we're
20 going to do.

21 Q What was the proposal with respect to the
22 chemistry and environmental protection program manager
23 jobs? How did the new organization address those
24 positions?

25 A I don't understand your question.

1 Q All right. Was the proposal to keep those
2 positions?

3 A To keep three chemistry program managers,
4 the ultimate proposal.

5 Q In your '94 organization, you said you had
6 four chemistry and environmental protection program
7 managers.

8 A Five.

9 Q Okay. Four PG-8, one PG-7?

10 A Right.

11 Q All right. In 1996, did you still have
12 four PG-8 chemistry and environmental protection program
13 managers? You said Sorrelle left.

14 A That's correct. We had a -- we had -- the
15 total number of positions in that organization at that
16 program level didn't change. Sorrelle left. It was
17 filled by Diedre Nida. And we had a vacant position.

18 Q Okay. You still had Chandra.

19 A Right.

20 Q You still had Sam Harvey.

21 A Right.

22 Q You still had Diedre Nida. Was she a PG-8
23 or PG-7? She was a seven, wasn't she?

24 A I think she filled that PG-8 position. We
25 just brought her in at --

1 Q The lower level?

2 A Well, salary level, we brought her in at
3 the lower range.

4 Q Okay. Trisha Landers, was she even on the
5 PG schedule?

6 A No, she was --

7 Q She was just filling a slot?

8 A Well, yeah. I mean, if you call it that.

9 But the position was -- the permanent position was vacant.

10 Q So you had three people who were classified
11 as PG-8 chemistry and environmental protection program
12 managers. What happened to that position description in
13 the 1996 reorganization?

14 A It was -- it was reworked. I wasn't
15 directly involved with the reworking of that position
16 description.

17 Q Right. What happened -- how was it
18 reworked?

19 A I believe the chemistry -- I think they
20 probably took out the environmental information. Again, I
21 didn't -- I wasn't involved with the final drafts or
22 really the reworking of that document, so I don't want to
23 speak authoritatively in that area.

24 Q In fact, the chemistry and environmental
25 protection specialist program manager positions were

1 eliminated as part of that reorganization, weren't they,
2 and new position descriptions written and advertised?

3 A I know there was -- the position was
4 advertised.

5 Q Well, what position was advertised? What
6 was the name of the position, if you know?

7 A I believe it was program chemistry manager.

8 Q And was there a PWR and a BWR chemistry
9 manager slot in the new organization that was advertised?

10 A I don't know. I didn't see the
11 advertisement. I believe it was just a general program
12 manager. But, again, I don't recall the exact -- I wasn't
13 part of that process.

14 Q Let me show you a document which we'll have
15 marked as exhibit number three.

16 (Exhibit No. 3 was filed.)

17 BY MR. MARQUAND:

18 Q I've handed you a five-paged document, the
19 first page of which appears to be a memorandum from you to
20 Ben Easley dated June 17th, '96.

21 A Right.

22 Q And there is a fax header at the top of
23 this page indicating it's page three of seven and then
24 each of the subsequent pages is numbered in the fax header
25 sequentially. Do you recall sending a memorandum to Mr.

- 1 Easley on June 17th, '96?
- 2 A Yes. I remember this memorandum.
- 3 Q You remember this memorandum?
- 4 A Uh-huh.
- 5 Q All right. And it refers to PWR and BWR
- 6 position descriptions; is that correct?
- 7 A Yes. That's what it says here.
- 8 Q All right. Is the attached position
- 9 description for program manager, chemistry, paren PWR, was
- 10 that an attachment to your memorandum?
- 11 A Yeah.
- 12 Q Okay. Does this document refresh your
- 13 recollection that you saw at least PWR and BWR chemistry
- 14 manager descriptions for the 1996 reorganization?
- 15 A Yeah. This is the PWR one. Okay.
- 16 Apparently -- I guess they split them out and had one PWR
- 17 and one BWR.
- 18 Q Okay. Does this refresh your recollection
- 19 that you or the people that work for you were involved in
- 20 redrafting these position descriptions?
- 21 A Yeah. They were involved. Basically, this
- 22 memo -- this letter was written because Sam Harvey was out
- 23 at the -- he was out at Sequoyah at the time and he was --
- 24 he was complaining that he -- I guess he had stated to
- 25 them that he didn't have any input as far as his comments

1 on the revised PD. And I was basically trying to
2 facilitate the process and make sure that it was
3 documented, so -- because he was sent the information and
4 everybody had an opportunity to comment on the PD based on
5 what they felt from a site perspective or whatever source
6 the support was concerned.

7 Q As a result of his expression of concerns
8 about the way the position descriptions were drafted, were
9 there some changes made to the position description?

10 A I don't recall. Wilson McArthur
11 coordinated all that.

12 Q There may have been, but you don't
13 remember?

14 A Yeah. It went back and forth. He asked me
15 -- he brought the issue up because he asked me to send it
16 out to get their comments and that sort of thing. I mean,
17 it went around and everybody tried to give their input on
18 it. I probably may have suggested a couple of things and
19 that sort of thing. So the issue was to get the people
20 that work in those areas to give input so that it could be
21 a comprehensive PD.

22 Q Now, during this time period leading up to
23 this, Sam had been on a temporary assignment to Sequoyah
24 on -- to clean the steam generators, wasn't it?

25 A If I recall, yes, that's correct.

1 Q And so based upon the fact that he was
2 spending most of his time at Sequoyah, did he appear to
3 think that he had been left out of the loop in reviewing
4 this draft position description?

5 A I don't see why not. I mean --

6 Q I'm not saying whether or not he was
7 justified. But was that apparently the basis for his
8 feeling that he had been left out of the loop?

9 A I don't know what the basis of his feeling
10 was. Everybody got the information. Everybody got to
11 comment. Whether he felt his comment -- you know, this
12 was an intent to document that everybody had an
13 opportunity to comment on the position description.

14 Q At any rate, he did voice some concerns
15 that he had been left out of the loop and having the
16 ability to comment and having his concerns addressed in
17 the position description; right?

18 A Not to me, he hasn't. Maybe to others. I
19 don't know.

20 Q Well, I mean, you said that this was --

21 A Either Ben -- either Ben or McArthur had
22 mentioned it to me. That's why this was originated. Sam
23 stated that he didn't have -- he didn't get a full
24 opportunity to -- for whatever reason, he didn't get a
25 full opportunity or he may have had something else he

1 wanted to add or whatever the reason was.
2 This was trying to close the loop, make sure
3 everybody had a chance to review it. All those that were
4 -- that were involved in those positions had an
5 opportunity to review it. But I didn't have the
6 responsibility for the final rollup or for the final, you
7 know --

8 Q I understand.

9 A -- approval of the document.

10 Q Now, we were talking about the '96
11 reorganization and the fact that initially you were asked
12 to define this in a step-wise process. But later on,
13 apparently Mr. McGrath suggested that the cuts be made a
14 little deeper than initially suggested; is that right?

15 A That's correct.

16 Q Did you agree with that?

17 A No.

18 Q How did you think it should be done?

19 A Well, everyone understood that we had to
20 downsize. And I felt that -- personally, I felt that we
21 should do it over -- you know, it should be a
22 progressive-type approach to it.

23 Q A step-wise?

24 A Yeah, step-wise, if you want to call it
25 step-wise. You take -- you know, you take into account --

1 utilize your vacancies and any attrition that would come
2 up. But the primary reason was we were looking at -- and
3 I personally was looking at the support level that we
4 needed to provide to the plants. I mean, that's what it
5 all hinges on.

6 Now, if we didn't provide any support to the
7 plant, then -- then you could, you know, reduce the whole
8 organization. But you look at what the plants have asked
9 us to do. And we justified that and the group received
10 very high ratings from the plant as far as support was
11 concerned and oversight. So I just felt it was just too
12 -- too much, too soon.

13 Q Now, as a result of the reorganization, the
14 number of PG-8 chemistry and environmental program
15 managers went from three to two chemistry program
16 managers; correct? To two PG-8 chemistry program
17 managers?

18 A Well, from an organization standpoint, it
19 went from four to two.

20 Q But you had three PG-8 and one PG-7?
21 A Well, I'm pretty sure she was PG-8. So you
22 have the organization structure had four PG-8s and one
23 PG-7. So you went from that organization structure to
24 three PG-8s.

25 Q You went to three?

- 1 A I'm sorry. To two PG-8s.
- 2 Q All right. Now, knowing that you were
- 3 going to go from the earlier organization to having two
- 4 PG-8 chemistry program managers, one a PWR and one a BWR,
- 5 how would you have handled it?
- 6 A How would I have handled it?
- 7 Q Well, let's back up and take it a step at a
- 8 time.
- 9 A You want to know how I would have handled
- 10 it? I wouldn't have changed the organizational structure.
- 11 No, go ahead.
- 12 Q Okay. Before the reorganization was put in
- 13 place and the jobs were fused, did you approach Sam Harvey
- 14 about the possibility of him transferring to Sequoyah?
- 15 A I did not approach him. He approached me.
- 16 Q Sam did?
- 17 A Sam approached me.
- 18 Q And tell me when that was.
- 19 A It was -- I don't have the exact date.
- 20 It's in some of the correspondence. It was the April time
- 21 frame or May time frame. I don't recall the exact date.
- 22 Q What correspondence are you talking about
- 23 now?
- 24 A I mean, it's probably in some of the
- 25 documents there. The exact date -- I don't recall the

1 exact date. I think I recall seeing it in some
2 correspondence, the depositions I believe. You know, the
3 exact date may have been stated. But it was during this
4 process. It was either the April or May time frame I
5 believe. You know, you've got the other documents. We'd
6 have to fish through it and find out the exact date.

7 Q I don't know that we have a date. We know
8 it was in the spring of '96 that the subject matter of
9 whether or not Mr. Harvey could be transferred to Sequoyah
10 came up; correct?

11 A That's correct.

12 Q All right. And you had discussions first
13 with Charles Kent and Gordon Rich about whether or not Mr.
14 Harvey could be transferred to Sequoyah; is that right?

15 A No. I had official discussions with Sam
16 Harvey. Because he brought it up to me and I basically
17 told Sam if this is what he wants -- I want to make sure
18 this is what he wants. Okay. Because it wasn't an issue
19 of me trying to force anybody out of a position or
20 anything like that. Because they can all tell you. I
21 worked diligently to try to find a job for everybody.

22 Q All right. You were trying to find a job
23 -- at this point in time when there was a discussion about
24 transferring Sam to Sequoyah, you knew there was a
25 possibility of cuts in the corporate organization, that

1 somebody could lose a job; right?

2 A Oh, we all knew that. Yeah, they knew
3 that. We knew we were going from three positions to two
4 positions.

5 Q And so part of the motivation about whether
6 or not to transfer Sam to Sequoyah was in order to try to
7 help people find jobs?

8 A It wasn't -- it was their choice.

9 Q But, I mean, it was to keep -- to help --
10 to give them an option as opposed to being laid off?

11 A That wasn't my -- you know, I mean, the
12 individual came to me and asked me would I talk to the
13 staff members. First of all, he asked me would I have a
14 problem with it and this was something he would like to
15 do. Okay. That's when I had the discussion with him. I
16 said if this is what you want, I will fully support it.
17 But if it's not what you want, I'm all for whatever you as
18 an individual want.

19 If someone else came to me and said, well, I want
20 to transfer over to fossil and hydro or I saw a position
21 over there, would you give me a recommendation or
22 whatever, that's what drove it. It wasn't -- the key
23 thing was we all worked at the sites. We all -- we would
24 keep the extra teams in-house, whether they were at the
25 sites or whether at corporate. From our perspective it

1 was just transparent. So the focus was what did the
2 individual want.

3 Q My question is, the subject of Sam
4 transferring to Sequoyah was first discussed between you
5 and Charles Kent and Gordon Rich, is that correct, before
6 it was discussed with Sam?

7 A It may have come -- I can't remember
8 whether it was Gordon or whether it was Charles. It may
9 have come up initially. Okay. But my initial discussion
10 -- in-depth discussion with anybody was with Sam. Now, it
11 may have come up right before because Sam had mentioned
12 that to them. Okay. But we didn't get into a discussion
13 about Sam -- moving Sam to the site. Okay. Now, we may
14 -- but my main discussion, my initial discussion was with
15 Sam.

16 Q Did I hand you a copy of your deposition
17 earlier?

18 A Yeah.

19 Q I did? If you will refer to page forty
20 two.

21 A Okay.

22 Q Let's go back to page forty one. Do you
23 see on page forty one, beginning at about line thirteen,
24 you were saying I was out at Sequoyah and Charles Kent,
25 which is the Rad-Con chemistry manager at Sequoyah, and

1 Gordon Rich, which is the chemistry manager, we were --
2 you know, they approached me.

3 A Yeah.

4 Q We were talking about some other matters,
5 but they approached me and asked that Howard -- and I'm
6 not sure, I think that may be -- oh -- Harvey felt that
7 they would request his position be transferred out at
8 Sequoyah because at the time I think they had a vacancy.

9 Do you see that?

10 A Yeah.

11 Q All right. Then on page forty two,
12 beginning at line eighteen, do you see where it says and
13 when they approached me with that, the first thing I did,
14 I went and talked with Sam?

15 A Right.

16 Q Then at line twenty one. And I had a
17 direct conversation with Sam and I asked Sam. I said Sam
18 this is what they asked me, and you're probably aware of
19 it. Because that was his primary plant that he supported.
20 So obviously if they're your primary plant, they're going
21 to want to ask for you, I mean, if you're doing a good job
22 for them.

23 A Right.

24 Q Moving on down the line to line seven. So
25 I asked Sam pointedly. I said, Sam, is -- I will support

1 this if this is what you want to do. I said don't get me
2 wrong. There's nothing going on. Nobody's trying to
3 force you out in another position or this will alleviate
4 the problem, this, that and the other. Do you see that?

5 A Where are you at? Still on page forty two?

6 Q Forty three, line seven to eleven.

7 A You're now on forty three?

8 Q Yeah.

9 A Okay.

10 Q You saw that?

11 A Yeah.

12 Q Now, does that refresh your recollection
13 that you first -- your first conversation was with Gordon
14 Rich and Charles Kent about transferring Sam to Sequoyah
15 and after that conversation, you went and talked to Sam
16 and asked him if that's what he wanted to do?

17 A Yes. But they -- we didn't have an
18 in-depth discussion about it. They approached me with the
19 subject. Like I said here, I went and talked to Sam.

20 Q Okay. That was my question.

21 A Yeah. But that's how -- I'm sure the way
22 it initiated, Sam went to them and probably mentioned that
23 to them.

24 Q Well, now you say the way you think it was
25 initiated is that he probably went to them. Do you know

1 for a fact that that happened?

2 A No, I just probably -- I wasn't there when

3 he talked to them, so I don't know.

4 MR. MARQUAND: Let's break now.

5 (A break was taken.)

6 BY MR. MARQUAND:

7 Q I have just a few more questions about this
8 issue about transferring Sam Harvey to Sequoyah. You
9 presented the proposal or the suggestion to Tom McGrath;
10 correct?

11 A That's correct.

12 Q All right. And Mr. McGrath didn't think
13 that was a good idea?

14 A That's correct.

15 Q Do you recall the words he used to express
16 his disagreement?

17 A He basically --

18 Q No, I don't mean basically. Do you recall
19 the words he used?

20 A He said absolutely -- he said -- basically
21 he said absolutely not. I want Sam Harvey here for the
22 position that -- one of those two positions that we're
23 going to keep here in corporate.

24 Q Did he tell you that he didn't think it was
25 appropriate to transfer the function to the site?

1 A No.

2 Q Did he tell you he would not agree to
3 transfer that position to the site but that if the site
4 had a vacancy they could post it?

5 A No.

6 Q Did he tell you that if he transferred Sam
7 to the site that it might give the appearance later on
8 that he was protecting Sam from a RIF when the other
9 people had to bid on a corporate job?

10 A No.

11 Q In any event, Sam remained in corporate;
12 correct?

13 A That's correct.

14 Q All right. And when the new jobs were
15 posted, Sam and Gary and Chandra all applied for those new
16 positions; correct?

17 A According to my understanding, yes.

18 Q You did not apply?

19 A No.

20 Q There were some other people who also
21 applied for those jobs; right?

22 A I don't know.

23 Q Were you in 1998, or even '96, aware of any
24 conspiracy on the part of any manager to preselect anyone?

25 A What's that? Aware of any conspiracy?

1 MR. DAMBLY: That was way too broad a
2 question. Any manager anywhere in the United
3 States? What are we taking about?

4 BY MR. MARQUAND:

5 Q Were you aware of any conspiracy by anyone
6 to preselect anyone for any of those positions?

7 A I don't -- no one came to me and said there
8 was a conspiracy, if that's what you mean. No one came to
9 me and said that there's a conspiracy going on.

10 Q Do you know of any evidence that anyone had
11 been preselected for any of those positions?

12 A Again, no one came to me and said that they
13 had -- they had preselected Sam Harvey for the position.

14 Q Or Chandra?

15 A Or Chandra or anybody. No one came to me
16 or gave me a document saying that this was the case in
17 fact. Is that what you were asking?

18 Q I'm asking if you were aware of any
19 preselection that had been going on for Sam or for
20 Chandra?

21 A Well, I can't speak to say that absolutely
22 there was or wasn't. I couldn't say in an absolute
23 manner.

24 Q Well, anything less than an absolute
25 manner?

1 A Well, all I can tell you or if asked is the
2 fact that -- the things that I was aware of or involved
3 with at the time. That's all I can tell you is the facts.

4 Q All right. Had you had some issues arise
5 at times with Sam Harvey saying things that apparently he
6 didn't think through before he said them?

7 A You mean in general or --

8 Q Well, did you have some problems with him
9 making some statements that were -- having some run-ins
10 with some other employees?

11 A Well, like -- you'll have to be a little
12 more specific. Yeah, he's had probably run-ins with
13 several employees. But, you know, you have to be
14 specific. I mean, that's --

15 Q Were some of those run-ins because maybe he
16 said some things that he didn't think about very well
17 before he said them?

18 MR. DAMBLY: Now, how would he know what
19 Mr. Harvey thought about before he said them?

20 THE WITNESS: Yeah. You'd have to ask him.
21 I don't know. I mean, I don't know what you mean.

22 I can't read his mind. I don't, you know --

23 BY MR. MARQUAND:

24 Q Okay. Did you ever have some talks with
25 Sam in which you told him, look, Sam, you've got to think

1 about what you're saying to people and be more sensitive
2 to how you're treating people?

3 A Yes, we've had discussions like that.

4 Q All right. What led up to those
5 discussions?

6 A Well, I mean, give me -- I mean, that's
7 just -- to me that's general. It could have been several
8 different situations or scenarios in which we were talking
9 about it. I don't know. Are you talking in general or
10 are you talking a specific case or --

11 Q Did you have discussions with him in which
12 you told him, Sam, you've had some problems; you've got to
13 think about what you're saying and be more sensitive in
14 how you're treating people?

15 A We've discussed that on several occasions
16 about different situations, not just --

17 Q Tell me some of those situations.

18 A Well, we would interface with people at the
19 sites, working with people. Maybe some of the things he
20 said were taken -- offended people. You've got -- you
21 know, we have to talk specific examples.

22 Q I mean, you didn't have those conversations
23 with him out of the blue.

24 A No, that's right.

25 Q There was something to precipitate them;

1 right?

2 A Yeah.

3 Q And you might get some feedback from
4 somebody about how he maybe had offended somebody?

5 A Right.

6 Q Something came out and somebody had a
7 perception and so you talked with him about it?

8 A That's correct. If they -- if they fed
9 that back to me that he was -- he said some things that
10 were out of -- that weren't appropriate or whatever to an
11 individual, you know, whether it be female or male, I
12 would feed that back. And they would discuss it with me
13 and if we felt that was -- if I felt that was
14 inappropriate or whatever, then I would discuss it with
15 him as his manager.

16 Q All right. Now, at some point in time
17 around the beginning of June of '96, did Gary Fiser call
18 you and tell you that he was concerned about a
19 conversation that he had heard about between Dave Voeller
20 and Sam Harvey?

21 A Yeah. He had -- had heard -- well, I mean,
22 what conversation are you talking about? Let's get
23 specific.

24 Q Well, did Gary Fiser tell you he was
25 concerned about a conversation between Dave Voeller in

1 which Sam Harvey said he thought that he might be working
2 with Dave on a more regular basis?

3 A Yes.

4 Q Okay. What did you tell -- tell me about
5 your conversation with Gary Fiser.

6 A If I recall, I told him -- I said -- I told
7 him as far as I know that it's -- you know, I have no -- I
8 have no hard facts that -- that he was, indeed, going to
9 be selected or anything at that point. But I basically
10 told him to follow the process. If it's an interview
11 process that's established, follow the process.

12 Q Did you tell Fiser that as far as you knew
13 they were going to have a selection process for the job?

14 A As far as I knew. I hadn't heard anything
15 different.

16 Q You haven't heard anything different?

17 A I hadn't heard anything to the contrary at
18 that stage. You know, as far as I knew, they were going
19 to do an interview -- you know, have an interview process.

20 Q I'm not sure -- counsel pointed out to me
21 that he's not sure the record's clear. Your conversation
22 at that point was with Gary Fiser when Fiser came to you
23 and reported that Voeller and Sam were talking?

24 A Well, he had heard that Sam had said -- you
25 know, whatever he had said and that, you know -- yeah,

1 that's what you -- I'm responding to your question.
2 Q I thought I understood you, but I wanted to
3 make sure the record was clear, because we were both using
4 a lot of pronouns. And your advice back to Gary was to
5 follow the process and that, as far as you knew, there was
6 going to be a selection process?

7 A That's correct.

8 Q All right. And at some point in time, you
9 had a discussion with Sam about that, didn't you?

10 A I think we did discuss it, yes. Because
11 Dave Voeller had called me.

12 Q Right. And what did you tell Dave?

13 A I told Dave the same thing. As far as I
14 knew, they were going to have a selection process. I
15 hadn't heard anything different.

16 Q Tell us about your conversation with Sam.

17 A If I remember correctly, I told Sam that
18 this is -- you know, I don't recall exact words, but to
19 the effect that, well, this is something that -- some
20 feedback that I received from Dave Voeller about your
21 meeting up there and your discussions with him on a recent
22 visit up there and, you know, it's -- here's his
23 understanding of, you know, what you said. So you need to
24 get it -- you need to talk to him or get it corrected.
25 But, you know, you just -- again, you've got to -- you

1 know, you're discussing things. You're saying things.
2 You need to --
3 I'm sure we discussed that same issue about
4 talking, not thinking about things before you say them or
5 whatever. I don't know what his reasons was or anything.
6 I just said this is the feedback I got. So, I mean,
7 probably what I said specifically in the deposition.

8 Q So you think that your conversation with
9 Sam also was, Sam, you need to think a little bit more
10 about what you're saying before you say it?

11 A I don't know whether I -- I mean, we'd have
12 to look at the deposition. I don't know if I said that
13 specifically in the deposition. But, I mean, here's the
14 bottom line. Here's what the chemistry manager called me
15 up and asked me about. So it needs to be addressed. So
16 whether I said that other piece with it, you'd have to
17 look at the deposition.

18 Q I understand. But that would be consistent
19 -- Sam's conversation with Dave Voeller, his initial one,
20 would be consistent with your having talked to Sam in the
21 past about not being sensitive?

22 A Well, not necessarily. I mean, this wasn't
23 a sensitive issue. I mean, he went up and -- according to
24 Dave, he had a conversation and for whatever they talked
25 about, he basically gave Dave the understanding that he

1 was going to be in that position.

2 Q Right.

3 A I mean, he didn't -- he didn't -- Dave
4 didn't call me and say that he was -- you know, his
5 feelings were hurt or it was a sensitivity issue. So this
6 was a different issue versus him saying something that was

7 --

8 Q Gary was probably pretty sensitive to it,
9 though, wasn't he?

10 A What's that?

11 Q When Gary heard about it, he was sensitive
12 to it?

13 A Well, he asked me about it. I mean, it
14 wasn't the issue of, well, you said something that was
15 derogatory or you hurt my feelings. It was -- you know,
16 it was what he said and his actions or whatever. So, of
17 course, they're going to ask the question and ask me did I
18 know anything. So I --

19 Q Okay. When Diana Benson interviewed you,
20 she asked you -- let me make sure I've got this clear --
21 if you had the opportunity to make the selection for the
22 PWR position based on performance and service reviews and
23 the like -- I think she asked if you had that opportunity
24 to select that person who would you have selected. Do you
25 remember that?

1 A Probably. If it's in there, I'm sure she
2 did.

3 Q And do you remember you told her you would
4 have selected Gary Fiser?

5 A All right. Let's find it in the
6 transcript.

7 Q All right. It's on page sixty three.

8 A Is this the one I'm looking at?

9 Q No.

10 A Okay. I like to look at the same thing you
11 look at since you quoted me chapter and verse. What page
12 are you on?

13 Q It's on page sixty three, beginning about
14 line ten through -- if you'd like to read through the top
15 of the next page or so, that's fine.

16 A Okay.

17 Q And when you've read that, if you'll look
18 down on the bottom of sixty five, beginning at line twenty
19 one through the middle of the next page, I believe there's
20 a little more explanation.

21 A Sixty five?

22 Q Right. Beginning line twenty one, page
23 sixty five.

24 A Okay.

25 Q Do you see that? Now, you might want to

1 read all the way through the rest of page sixty six and
2 the top of sixty seven.

3 A Okay.

4 Q You've read those passages?

5 A Right.

6 Q Now, before I ask you a question, I want to
7 make sure the record's clear. We're talking about -- if
8 you'll look at the cover of this -- your December 18th,
9 1998, interview with Diana Benson; correct?

10 A Yes.

11 Q Now, she asked you who you would have
12 selected; isn't that right?

13 A Yeah. She said if it was based on my
14 opinion.

15 Q Okay. And tell us what your opinion -- in
16 your opinion, who would you have selected?

17 A I told her it was based on -- based on what
18 criteria you're using. I said based on performance -- if
19 it's based on performance, the feedback you receive from
20 the customer that you had that we are supporting and for
21 that particular PWR slot. I mean, if you based it on
22 performance, I would have selected Gary.

23 Q All right. Now, you're aware that a
24 selection review board was convened for that particular
25 slot, though?

1 A Right.

2 Q All right. And while you were at TVA, did
3 you ever sit on a selection review board?

4 A Yes.

5 Q All right. How does the selection review
6 board function?

7 A You have several members on the board. And
8 the general process is that it's a package that's
9 prepared. You have a list of questions. Each individual
10 that's being interviewed, there's information on them,
11 their resumes and what they've done, et cetera, et cetera.

12 And each member asks the interviewee -- or, you may split
13 them up. You know, one board member may ask two or three
14 questions and you can do it that way and then everyone
15 generally grades each question how they felt the
16 individual answered.

17 Q But all the interviewees are asked the same
18 questions, aren't they?

19 A That's correct.

20 Q And all the interviewees are then graded
21 based on the questions that are asked?

22 A That's correct.

23 Q All right. And I think when I asked you a
24 few minutes ago who you would have selected, you said,
25 well, it depends on the criteria. And you said if you

- 1 were looking at performance, you'd pick Gary.
- 2 A Right.
- 3 Q But were you present -- you weren't present
- 4 when the selection review board met to select the PWR
- 5 chemistry program manager, were you?
- 6 A No, I was not.
- 7 Q And you didn't hear the questions that were
- 8 asked?
- 9 A No, I did not.
- 10 Q You didn't hear the answers that were
- 11 given?
- 12 A No, I did not.
- 13 Q One of the documents that you brought with
- 14 you today pursuant to the subpoena was a list of questions
- 15 for program manager, chemistry.
- 16 A Okay.
- 17 Q And just so the record is clear, let's have
- 18 that marked as Grover deposition exhibit four.
- 19 (Exhibit No. 4 was filed.)
- 20 BY MR. MARQUAND:
- 21 Q Assuming that that entire list is a list of
- 22 the proposed questions, did you -- do you have an opinion
- 23 whether it would have been unfair to have asked those
- 24 questions to the candidates?
- 25 A I mean, what are you asking me? Whether

1 these are --

2 Q I'm not asking you if those are the
3 questions that were asked, because you weren't there.

4 A Right.

5 Q But if those were the questions that had
6 been proposed to be asked, would you think any of those
7 questions would have been unfair?

8 A Well, it's -- I don't think it's a matter
9 of fairness so much as are the questions balanced based on
10 what areas they're supporting, the expertise that you're
11 looking for that you need to support the sites. That's
12 the issue.

13 Now, whether these questions adequately represent
14 that is the question. I mean, you could -- we could come
15 up with a list of a hundred questions in chemistry that
16 we're involved with. But, you know, whether they're fair
17 or not, I mean, that's --

18 Q Right.

19 A You know, that's what the objective is, to
20 ask those current questions or those pertinent questions
21 which will give you a fair representation of all that the
22 chemistry program managers need to have a feel for or be
23 involved with to support.

24 Q Well, obviously I think you want to ask
25 questions that are going to get you the best possible

1 selection; right?

2 A Well, you want to ask --

3 Q That will support the selection of the best

4 person?

5 A Well, not necessarily. How they respond --

6 to me, how they respond and their performance determines,

7 you know, the best person. You look at the total package.

8 I could go and -- if I'm well versed enough, I could

9 probably sit on a review of area that I don't have any

10 expertise in. But if I'm articulate enough and study up

11 on it enough, I can prepare and probably do better than

12 people who have the expertise. So you need to look at the

13 whole questions. You can't just look at -- well, let me

14 look at these.

15 Q What do you mean, the whole package?

16 A Well, his performance. That's why you get

17 a package. What has he done, where has he worked at, you

18 know, what are his strengths, what are his weaknesses,

19 that sort of thing. That's what I'm saying.

20 But, again, you -- you structure the questions

21 such that there is a balance there and there is equal

22 representation. You try to have somewhat equal

23 representation in the functional areas that you need to

24 provide support in. Now, just looking at the questions, I

25 mean, they look like they're more slanted -- most of them

1 are on the secondary chemistry side and there is a couple
2 for hydrogen water and for the BWR, boiling water
3 reactors.

4 Q Now, if you would assume for a moment that
5 the testimony is that the questions which are circled --
6 the numbers that are circled are the questions that were
7 asked, would you think that those would be -- that these
8 are questions that could provide a balanced picture of the
9 candidates?

10 A Well, at the time. I mean, you've got a
11 couple key areas missing. Okay. You've got primary
12 chemistry missing. You've got raw water treatment, your
13 support systems, cooling water systems. You've got -- you
14 know, so you've got some other areas. And primary is
15 important. I don't see any --

16 Q What's the first --

17 A Now, a couple of them may include some
18 primary based on what they're working on, like here,
19 number seven. But as far as primary chemistry is
20 concerned, there should be questions on here about primary
21 chemistry.

22 Q Well, for example, is the first question
23 not to state your strengths?

24 A Yes.

25 Q And if somebody's strength is in primary

1 chemistry, would that not allow somebody whose strength is
2 in primary chemistry to shine?

3 A Well, I mean, that's a general question.

4 Q Right.

5 A If you ask me my strengths, I may say,
6 well, I feel I can manage and work with people effectively
7 and those are what I bring to the table.

8 Q That would be an important thing to bring
9 to the table, wouldn't it?

10 A Right. But I'm saying strengths can be --
11 that's a broad term.

12 Q Right.

13 A Whereas, if you want to know what's your
14 technical strengths or what do you feel is your main
15 forte, that's a different -- now, that's a different
16 question.

17 Q Is one of the circled questions not
18 something along the lines of to describe some of your
19 major accomplishments or major tasks that you've achieved?

20 A It says describe three projects or programs
21 you helped to initiate, develop and complete in the
22 chemistry areas.

23 Q Would that allow an interviewee to describe
24 a balance of projects or programs that they had worked on?

25 A Not necessarily. I mean, you can't -- not

1 necessarily. Because if you -- say your main -- you know,
2 your main emphasis for the last three years is hydrogen
3 water chemistry. Well, maybe you'll talk about just
4 hydrogen water chemistry because that's where you spent
5 most of your time because that was the need at that point
6 in time or raw water treatment.

7 Q Okay.

8 A So you can't -- you know, that's not
9 necessarily true. But primary chemistry, like secondary
10 chemistry, is a major functional area in the chemistry
11 program.

12 Q I understand. Did Wilson McArthur or
13 anyone else ever tell you that Fiser had been secretly
14 tape-recording people at TVA?

15 A Yes.

16 Q During what time frame did you understand
17 that Gary Fiser had been conducting these tape-recordings?

18 A He said he taped during his initial
19 complaint prior to 1994.

20 Q Prior to you coming to TVA?

21 A That's correct.

22 Q Did anyone ever suggest to you that you
23 should do anything to Gary Fiser because he had
24 tape-recorded people?

25 A That I should do anything to Gary Fiser?

1 Q Did anybody ever suggest to you that you
2 should treat Gary Fiser any differently because he
3 tape-recorded people?

4 A Well, Wilson also suggested, well, you need
5 to watch him. He said that.

6 Q Did he ever direct you to take any sort of
7 punitive action?

8 A No. He just said you better be careful
9 about him because he tape-records everybody all the time.
10 That's what he said, so --

11 Q As far as you know, did you ever take any
12 punitive action against Gary for tape-recording in the
13 past?

14 A No.

15 Q Do you know if Wilson ever took any
16 punitive action against Gary for having made any of those
17 tape-recordings?

18 A I don't know. You'd have to ask Wilson.

19 Q Did Wilson joke with you about it?

20 A He mentioned it several times.

21 Q Jokingly or not?

22 A He wasn't joking. I mean, I didn't think
23 he was joking.

24 Q Did you take it seriously?

25 A Did I take it seriously? He said it. It

1 didn't bother me. I mean, I can't -- I wasn't responsible
2 for what happened before I got here.

3 Q Okay. I understand. Is Wilson the only
4 one who ever mentioned to you about Gary tape-recording
5 people?

6 A As far as I can recall.

7 Q Let me show you the September 27th, 1996,
8 employee personal interview statement that has a caption
9 on it of United States Department of Labor. It's
10 handwritten.

11 A Uh-huh.

12 Q And the signature on the back page
13 indicates witnessed by K. Stripling. Did you write that?

14 A No.

15 Q Okay. Did you sign it?

16 A I don't recall signing it. Let me see.

17 No, I don't see my signature on it.

18 Q Okay. Do you recall Mr. Stripling
19 interviewing you?

20 A Yes.

21 Q Where did that take place?

22 A Here at the TVA facility.

23 Q He came to your office?

24 A Yeah. Well, we were here in the building.

25 Q I mean, he came to the building?

1 A Right.

2 MR. MARQUAND: Okay. I have no further
3 questions.

4 EXAMINATION

5 BY MS. EUCHNER:

6 Q Mr. Grover, were you ever represented by
7 anyone from TVA's legal department in this matter?

8 A In the Gary Fiser matter?

9 Q Yes.

10 A No.

11 Q Did you ever meet with anyone from TVA
12 legal to discuss this matter?

13 A Well, I had some interface when -- prior to
14 me interviewing with Ms. Benson.

15 Q Who did you have interface with
16 specifically?

17 A Well, initially, before the interview, with
18 Ed. And I can't -- I don't know whether Mark sat in on
19 the interview. It was somebody that looked like him.

20 MR. MARQUAND: I met with him, but nobody
21 sat in on the interview.

22 THE WITNESS: No, I'm sorry. No one sat in
23 on the interview. They did sit in on the
24 interview -- when I interviewed with Mr. Fiser's
25 attorney. And I can't remember. Were you there?

1 MR. MARQUAND: I was there.

2 THE WITNESS: That's what I thought. I

3 thought you were there.

4 BY MS. EUCHNER:

5 Q Why didn't anyone from TVA sit in on your
6 interview when you talked with Ms. Benson from NRC OI?

7 A Well, it was expressed to me that my
8 position on the case was different from TVA's and they
9 elected not to represent me. However, he would if he had
10 to. But, basically, TVA elected not to represent me at
11 that interview.

12 Q Did TVA elect to represent you when you met
13 with Mr. Fiser's attorney for that deposition?

14 A No.

15 Q Do you recall whether Tom McGrath ever made
16 any negative comments to you about Gary Fiser?

17 A Yes.

18 Q Can you recall what the comments were
19 about?

20 A Well, we were meeting about something and
21 it was something relating to Watts Bar. I can't recall
22 the exact subject matter. But he brought up that he
23 didn't think too highly of Gary Fiser because of something
24 that happened in the past and didn't -- didn't speak too
25 highly of him and wanted to know, I guess -- he kind of

1 left it open. Okay. Now, what do you think?
2 And I -- you know, I just told him I can't -- I
3 can only base, I guess, my assessment on the person's
4 performance, what they have done since I've been part of
5 the organization. And I couldn't -- I don't know what
6 happened in the past. I wasn't involved. I wasn't here.
7 So I can only base the man's assessment of the person
8 based on his performance.

9 Q Do you know what in the past Tom McGrath
10 was referring to?

11 A He -- he made mention about some incidents
12 or some situation out at Sequoyah. I guess he was out
13 there. He had worked with NSRB or something. I don't
14 know whether they had a conflict, a run-in or just what.
15 But it was something involving -- he had interface with
16 Gary Fiser on something. He didn't go into specifics.

17 Q You just indicated that you wanted to make
18 your assessment based on the individual's performance and
19 not what had happened in the past.

20 A Right.

21 Q Did you get the impression that Mr. McGrath
22 was trying to influence you to use the past in evaluating
23 Mr. Fiser's performance?

24 MR. MARQUAND: Objection. Leading
25 question.

1 MS. EUCHNER: I asked him for his
2 impression.

3 MR. MARQUAND: That's still a leading
4 question. My objection stands.

5 BY MS. EUCHNER:

6 Q You can answer the question.

7 A At the time, I didn't know, you know, what
8 the basis of it was or where it was coming from. I just
9 -- you know, again -- you know, I tried to indicate to him
10 that, look, I wasn't here. I'm not involved with whatever
11 happened then. I'm not here to take sides one way or the
12 other. I have -- you know, I wasn't a party to that. But
13 when I came here, Gary Fiser came back to the organization
14 shortly thereafter, and I told everyone, look, it's just
15 based on your performance. How you perform is based on
16 how you're going to be assessed and how you're going to
17 rate as far as my opinion is concerned.

18 So I just didn't -- you know, I -- it was kind of
19 an open-ended question, like, well, what do you think.
20 And I guess maybe it was, well, let me find out what your
21 take is on him. And so I think it was -- it was put in
22 that context as to which -- which way I would go on that
23 comment that was made.

24 Q Was that the only time Mr. McGrath ever
25 made a negative statement about Mr. Fiser?

1 A That was the only direct time, you know,
2 yeah, that I recall, the one where we -- where it was
3 point blank and direct.

4 Q Were there other indirect times when he
5 made negative references to Mr. Fiser?

6 A There may have been. I don't -- that one
7 stands out. We didn't have too many discussions, so I --
8 you know, that one definitely stands out.

9 Q I'd like to go back now to the
10 reorganization that happened in 1994.

11 A Okay.

12 Q I believe you testified earlier that the
13 chemistry and environmental functions were joined together
14 in a single position description. What was the purpose of
15 joining the two functions together?

16 A Well, as it was explained to me, the
17 purpose was, since we were going to downsize, people would
18 have to get into a position to do more with less and
19 basically get expertise across the board. Okay. So this
20 was an effort to combine those two functional areas, which
21 there was some synergism, if you will, there because they
22 matched nicely together because -- I mean, there was some
23 crossover there in those two functional areas from a
24 technical standpoint. So it made sense to do that.

25 But the idea was to get everybody proficient over

1 time, whoever was in that organization that could work
2 both chemistry and environmental.

3 Q Did that happen over time, that the
4 chemistry people got some environmental experience and the
5 environmental people got some chemistry experience?

6 A Well, we started that, but it wasn't enough
7 time in that structure -- once we went into that structure
8 to really allow that to evolve. Because less than a year
9 after, a little over six months, eight months, we're back
10 again reorganizing. So we were headed down that path.

11 Q At the time of the 1996 reorganization,
12 what were the three PG-8 chemistry and environmental
13 managers doing functionally? Were they -- what percentage
14 of their work was chemistry would you say?

15 A Okay. We had four.

16 Q Four. I'm sorry. I forgot Diedre Nida.

17 A Well, we had three that their primary
18 function was chemistry. And, again, they did have a few
19 environmental things to do, but primarily their function
20 was chemistry. And then the fourth one, her primary
21 function -- the person that held that was Diedre Nida --
22 her primary function was environmental and she did
23 chemistry as well.

24 Q For Fiser, Harvey and Chandra, what
25 percentage of their work was chemistry work?

1 A At least ninety five percent.

2 Q Okay. What about Diedre Nida? What
3 percentage of her work was environmental work?

4 A Probably about ninety five percent.

5 Q When it came time to draft the new position
6 descriptions, did anyone from HR come to you to ask about
7 the breakdown of the duties on the chemistry and
8 environmental program manager position as to which duties
9 were weighted more heavily?

10 A Well, yeah. There was a lot of discussion.

11 We pulled out the original -- the existing position
12 description at the time. There was a lot of discussion
13 back and forth. Basically, you know, the first cut was,
14 well, we're going to be dropping the environmental
15 function, so anything there with environmental obviously
16 because that function is going away. So anything in there
17 that has any task items listed in the PD involving
18 environmental, basically that's your first cut. You know,
19 you cut those out since that functional area was going
20 away.

21 Q Did you tell anybody from human resources
22 or Dr. McArthur that the individuals were not performing
23 the environmental duties other than Diedre Nida, that
24 ninety five percent of their duties was chemistry?

25 A Yeah. It was well known. I mean, it

1 wasn't a secret.

2 Q Earlier Mr. Marquand asked you whether
3 anybody indicated a preselection for one of the chemistry
4 positions. And you testified prior to that that Mr.
5 McGrath told you that he didn't want Harvey being
6 transferred out to Sequoyah because he wanted Harvey back
7 at corporate for one of the PWR positions. Is that an
8 accurate assessment as to what you testified?

9 A Yes. For the PWR position.

10 Q In your opinion, would that statement by
11 Mr. McGrath indicate that he wanted Harvey in that
12 position and he had preselected him for that position?

13 MR. MARQUAND: Objection. Calls for
14 speculation.

15 BY MS. EUCHNER:

16 Q You can answer the question.

17 A Well, I mean, that's -- that's the way I
18 took it. If someone would tell me that point blank, I
19 mean, what other conclusion could you -- could you draw
20 other than that's his preference for -- you know, that
21 individual would be his preference for that position?

22 Q Do you know whether Mr. McGrath ever
23 expressed his opinion on that to Dr. McArthur?

24 A I don't know. I was never a part of a
25 discussion. They may have had that discussion. I don't

1 know.

2 MS. EUCHNER: Counsel, do you have a copy
3 of the questions? Did we mark those as one of the
4 exhibits?

5 MR. MARQUAND: They're marked.

6 BY MS. EUCHNER:

7 Q Okay. If you could take those out and take
8 a look at them.

9 A Okay.

10 Q Earlier Mr. Marquand indicated that we're
11 going to assume that the circled questions were the
12 questions that were asked in the interviews. And I would
13 like you specifically to look at three questions.

14 A Okay. These are three questions that were
15 asked of everyone or just the questions --

16 Q Of the people interviewing for the PWR
17 chemistry manager.

18 A The ones that are circled?

19 Q Yes, the ones that are circled.

20 A All right.

21 Q And I would like you specifically to focus
22 on question number twelve, question number fifteen and
23 question number seventeen.

24 A Okay.

25 Q What area of chemistry do those three

- 1 questions fall into?
- 2 A Primary chemistry.
- 3 Q Primary?
- 4 A I'm sorry. Secondary chemistry.
- 5 Q Okay.
- 6 Q What is the molar ratio? I think the last
- 7 question is define molar ratio control. Could you briefly
- 8 just explain that? I'm not a technical person.
- 9 A Now you'll cause me to flunk the interview.
- 10 Let me see how I can paraphrase this. Well, it's -- it's
- 11 -- I guess from a basic standpoint, it's your ratio of
- 12 your acids to your bases in a solution. Okay. And it
- 13 really -- it's a barometer, if you will, of how acidic
- 14 your water solution is versus how basic it is.
- 15 And so the whole concept was that you're trying to
- 16 get your chemistry to have a certain ratio such that --
- 17 studies have shown that if it's in this particular range,
- 18 then you're in the best region that you can operate from a
- 19 water chemistry standpoint to mitigate a type of
- 20 corrosion, say like denting or, you know, that sort of
- 21 thing. So it's just based on studies. So it's -- and you
- 22 ratio that based on your sampling analysis. I'm not
- 23 trying to get too complicated, but that's basically what
- 24 you're trying to do.
- 25 Q Okay. You supervised Fiser, Chandra and

- 1 Harvey for a time; is that correct?
- 2 A I'm sorry?
- 3 Q You supervised Fiser, Harvey and Chandara
- 4 --
- 5 A That's correct.
- 6 Q -- at a certain time?
- 7 A That's correct.
- 8 Q Looking at this list of circled questions,
- 9 would you think that they would favor any one of the three
- 10 over another?
- 11 A Well -- oh, the circled ones, not the .
- 12 uncircled ones?
- 13 Q Just the circled ones, yes.
- 14 A Well, I would say that the -- if an
- 15 individual was more involved with secondary chemistry,
- 16 those questions would lean to the secondary chemistry side
- 17 of what he does. So that -- you know, I would say that
- 18 it's slanted -- it's basically slanted towards secondary
- 19 chemistry --
- 20 Q What was Mr. Fiser's --
- 21 A -- as far as those questions are concerned,
- 22 the ones that are circled.
- 23 Q What was Mr. Fiser's strength?
- 24 A From a -- from a technical standpoint, he's
- 25 probably -- one of his major strengths was on the primary

1 side. However, he had -- you know, he had experience
2 across the board, particularly on PWR chemistry. But that
3 was probably his -- you know, his strength. He worked
4 several of the primary chemistry issues. I would say that
5 was, you know, probably one of his major strengths if I
6 had to mention one.

7 Q What about Mr. Harvey's strengths?

8 A Secondary, because he worked a lot with a
9 lot of the INPO projects. He worked with the steam
10 generator group as far as secondary chemistry control and
11 worked on a lot of these issues. So his strengths and
12 emphasis was on the secondary side, particularly on -- and
13 let me say, involving steam generator chemistry. Okay.
14 Because secondary chemistry goes beyond just the steam
15 generator. But his main focus was around the steam
16 generator and the problem we were having, such as denting
17 and molar ratio control and those type of things.

18 Q Mr. Harvey was specifically working on
19 projects involving those areas, denting and molar ratio
20 control?

21 A Yes. And he was the EPRI representative.

22 He was TVA's representative to EPRI.

23 Q Earlier Mr. Marquand asked you if you
24 recalled Dr. McArthur mentioning tape-recording to you and
25 you answered yes. Do you recall a time when you asked

1 Gary Fiser to sit in for you on a peer group meeting with
2 the Rad-Chem managers for the sites?

3 A Yes. Uh-huh.

4 Q Did Mr. Fiser indicate to you that at a
5 point in that meeting he was asked to leave?

6 A Yes.

7 Q Did he explain to you why he was asked to
8 leave?

9 A No. He didn't know. And that's why he
10 asked me.

11 Q Did you find out why he was asked to leave?

12 A Well, yes, I inquired about it. Because,
13 you know, it was somewhat awkward and embarrassing. And
14 everyone did that. I mean, if they couldn't make a
15 meeting, they would send a representative to sit in on
16 their behalf and talk about the issues and so forth.

17 And I asked Wilson about it. And, you know, the
18 comment came back, well, we know he tape-records things.

19 So we were talking about something that we didn't -- you
20 know, it gets back to that issue of, well, he tape-records
21 -- he secretly tape-records things. So that's why he was
22 asked to leave. That's what was communicated to me.

23 Q When Dr. McArthur communicated that to you,
24 did he indicate that the other peer group members knew
25 that Gary Fiser had been tape-recording people in the

1 past?

2 MR. MARQUAND: Objection. That's

3 secondhand hearsay.

4 BY MS. EUCHNER:

5 Q You can answer the question.

6 A Yeah. I mean, it wasn't anything

7 secretive. I mean, he shared that with everybody.

8 Q Do you know whether he shared it with Mr.

9 McGrath?

10 A I've never been in the -- I've never been

11 in the -- I don't recall being in a meeting where he said

12 that, but I've been in meetings where he's shared that

13 with the other Rad-Chem managers, you know. It was just

14 kind of an open -- I guess, kind of a common-knowledge

15 issue. But I've never been in a meeting where he -- that

16 I recall -- that he discussed that or brought that up in

17 the presence of -- in a meeting that I was attending with

18 Tom McGrath.

19 MS. EUCHNER: We're done, counsel.

20 MR. MARQUAND: I have a couple questions.

21 EXAMINATION

22 BY MR. MARQUAND:

23 Q You were asked about Gary Fiser's

24 strengths, and you said his major strength was primary

25 chemistry. And then you said but he has, quote,

1 experience across the board.

2 A I said one of his major strengths was

3 primary chemistry.

4 Q All right. And then you said he had

5 experience across the board.

6 A Right.

7 Q Do you consider him to have strengths in

8 secondary chemistry?

9 A I think he had a good -- he was -- he was

10 fundamentally sound, yes, from that perspective. He was

11 an ex-chemistry manager. So, I mean, he knew the program.

12 But if you ask where his -- you know, what his strength

13 was, I mean, if I had to pick one area, that's what I

14 would pick.

15 Q I believe I've got one more topic I want to

16 ask you about, Mr. Grover. The other thing I wanted to

17 ask you about -- counsel asked you about an incident in

18 which Mr. Fiser was asked to leave a peer team meeting.

19 A Uh-huh.

20 Q Was it ever explained to you that the peer

21 team was going to be talking about pending restructuring

22 or reorganization and it was at a level that only the peer

23 team members should be there?

24 A No, that's not what was explained to me.

25 Q Okay.

1 A And we've typically talked about those
2 types of things in the past with other representatives
3 there. So it wasn't anything that was -- and even if
4 that's the case and it was some sensitive issues that were
5 discussed, then that's what should have been communicated
6 to me, not the fact because he tape-records everything.

7 MR. MARQUAND: All right. I have no
8 further questions.

9 AND FURTHER DEPONENT SAITH NOT.

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2 **C E R T I F I C A T E**

3

4 I, Bonnie L. Smith, do hereby certify that the
5 foregoing 86 pages is a true and accurate transcript of
6 the testimony taken by me on the day of December 14th,
7 2001.

8 This 7th day of January, 2001.

9

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11

12 Notary Public

13 My Commission Expires:
14 November 29, 2005.

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