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USNRC

1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION 2003 MAR 11 AM 11:31

OFFICE OF THE SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

3 - - - - -X  
4 In the Matter of: :  
5 INTERVIEW OF :  
6 BEN G. EASLEY : OI No. 2-1998-013  
7 (CLOSED) :  
8 - - - - -X

9  
10 NRC Training Center  
11 5746 Marland Road  
12 Suite 200  
13 Chattanooga, Tennessee

14  
15 Thursday, October 29, 1998

16  
17 The above-entitled matter came on for interview,  
18 pursuant to notice, at 12:26 a.m.

19  
20 BEFORE:

21 DIANA S. BENSON, Special Agent  
22  
23  
24  
25

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EXHIBIT 20  
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Template = SECY-028

2-1998-013

SECY-02



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

[12:26 p.m.]

MS. BENSON: Okay. We're going to be going on record today, and the date is October 29th, 1998. The time now is 1:26 p.m. I'm Special Agent Diana S. Benson, B-e-n-s-o-n, of the NRC Office of Investigations, NRC, Atlanta, Georgia, and I'll be conducting this interview.

During this proceeding, which is being recorded for transcription, the NRC Office of Investigations will conduct an interview of Mr. Ben G. Easley. Last name is spelled E-a-s-l-e-y. This interview pertains to OI Investigation Number 2-1998-013.

The location of this interview is the NRC Training Center, 5746 Marland Road, Suite 200, Chattanooga, Tennessee.

Okay. Mr. Easley, if you would raise your right hand, please?

Okay. We'll go off the record for one minute.

[Off the record.]

MS. BENSON: Okay. Mr. Easley informed me that my time was one hour ahead. It is actually 12:26 -- or 12:27 p.m. And we'll continue with the interview.

Whereupon,

BEN EASLEY,

the Interviewee, was called for examination and, having been

1 first duly sworn, was examined and testified as follows:

2 EXAMINATION

3 BY MS. BENSON:

4 Q Can you please provide your full name, spelling  
5 your first, middle and last name?

6 A Ben G. Easley. Easley, E-a-s-l-e-y.

7 Q Okay. And what does G. stand for?

8 A Gaston, G-a-s-t-o-n.

9 Q And is your first name Ben or Benjamin?

10 A Ben.

11 Q Okay. And your date of birth?

12 A [REDACTED]

13 Q Okay. And your social security number?

14 A [REDACTED]

15 Q Okay. Prior to going on record, Mr. Easley, I  
16 showed you a copy of 1001 of the Title 18 of United States  
17 Code regarding false statements. Did you read this and do  
18 you understand that provision?

19 A Yes.

20 Q Okay. And also, I would like to acknowledge for  
21 the record that prior to the interview, I also displayed to  
22 you my credentials.

23 A Yes.

24 Q Okay. And one other thing that we talked about  
25 prior to going on transcription was basically the focus of

1 this investigation today is concerning the 1996 DOL  
2 complaint filed by Mr. Gary Fiser, discrimination complaint  
3 filed by Gary Fiser against TVA. You are not a target of  
4 investigation; you're here today being interviewed as a  
5 witness, okay?

6 A Yes.

7 Q The first time I spoke to you, Mr. Easley, was  
8 during the first part of October 1998. I contacted you at  
9 your residence here in Chattanooga and advised you that I  
10 needed to speak to you concerning the DOL investigation  
11 against TVA filed by Mr. Fiser, and you indicated to me that  
12 you were going to be calling the Human Resources Office at  
13 TVA to request copies of your statements prior to the  
14 interview.

15 Did you contact anybody at the HR office  
16 concerning this?

17 A Yes, I had.

18 Q Okay. And who did you speak to?

19 A I talked to Ed Boyles.

20 Q Okay. And did Mr. Boyles provide you copies of  
21 any statements?

22 A They came up with some short statements concerning  
23 the interview with DOL and also the interview with IGC.

24 Q Okay. And IGC is the -- is that Inspector General  
25 Office?

1 A Right.

2 Q At TVA?

3 A Right. Right.

4 Q Okay. And one thing I didn't clarify for you,  
5 besides just doing spellings of names, if there's an  
6 acronym, if you can first indicate to me what the acronym  
7 means and then we'll use the acronym from that point on.

8 A Okay.

9 Q Okay. And so you were allowed to -- or they  
10 discussed with you or Mr. Boyles provided copies --

11 A No. The copies were provided. After talking to  
12 you, I decided not to meet with them and I called Mr. Boyles  
13 and told him that I basically was going to meet with you  
14 alone --

15 Q Okay.

16 A -- and that I would not be coming into the office.  
17 When I first talked to him, I talked to him about  
18 maybe having someone as a witness, but like I said, after  
19 talking to you, I decided not to do it.

20 Q Okay. Well, I appreciate you telling me that.

21 Now, what I would like to do is start out by, if  
22 you could, please provide me with your employment history at  
23 TVA.

24 A I'm employed with TVA in 1966, in April 1966, and  
25 I was employed as an engineer, and I may not have the dates

1 right, but I think in 1972, I was selected for a personnel  
2 officer's job, and I forget the name of the office at this  
3 time.

4 Q: That's okay. So you started in Human Resources in  
5 1972?

6 A Right.

7 Q Okay.

8 A 1972, I think,

9 Q Okay.

10 A Okay. And in 1989, when nuclear was established  
11 and split off from steam and hydropower, I was one of those  
12 that went to the nuclear side instead of staying in steam  
13 and [inaudible] --

14 Q Okay.

15 A -- and hydro.

16 Q And you were still in Human Resources at that  
17 time?

18 A Still in Human Resources, right.

19 Q Okay.

20 A So primarily every since 1972, I've been in  
21 nuclear -- I've been in Human Resources.

22 Q Okay. What position were you holding during the  
23 July 1996 time frame?

24 A Human Resource officer, pay grade 7.

25 Q Okay. And where was that position located?

1 A Chattanooga Corporate Office.

2 Q Here in Chattanooga?

3 A In Chattanooga, Tennessee.

4 Q And what were your job responsibilities there, if  
5 you can just kind of give me an overview of what you were  
6 doing?

7 A I was a Human Resources officer and various  
8 activities, such as selection --

9 MS. BENSON: We'll go off the record. The time  
10 now is 12:33 p.m. Just for one minute. Thank you.

11 [Off the record.]

12 MS. BENSON: We're back on the record at 12:33  
13 p.m.

14 THE INTERVIEWEE: In the capacity of Human  
15 Resources officer, I was providing human resource personnel  
16 support to various organizations within the corporate office  
17 of nuclear power.

18 BY MS. BENSON:

19 Q Okay. And as part of the services that you were  
20 providing, were you providing support to operations support?

21 A Yes.

22 Q Okay. Can you tell me what your knowledge is of  
23 Mr. Gary Fiser -- the spelling of the last name is F-i-s-e-r  
24 -- such as do you recall when you met him, what job he was  
25 holding, things like that? You don't have to give details,

1 just basically what you knew of him.

2 A I think I met Gary Fiser around about 1992 --

3 Q Okay.

4 A -- when he and one of the other managers in  
5 nuclear chemistry by the name of Bill Jocher exchanged  
6 positions.

7 Q And the spelling of Mr. Jocher's last name --

8 A J-o-c-h-e-r.

9 Q Okay. So once they did the position switch is  
10 kind of when you became familiar with Mr. Fiser is what  
11 you're saying?

12 A More so, sure.

13 Q Okay. In 1993, Mr. Fiser had filed his first DOL  
14 discrimination complaint against TVA, and this is just  
15 information I'm providing to you, and in 1994, as part of  
16 his settlement of his first DOL complaint, he was -- TVA  
17 gave him a position as a PG8 chemistry at corporate under  
18 Ron Grover.

19 Do you recall this?

20 A Yes. He was placed in a chemistry program manager  
21 position, pay grade 8.

22 Q Okay. And that was with operations support?

23 A At that time, I don't think it was operations  
24 support as far as the title of the organization, but later  
25 on it changed into operations support.

1 Q And you can correct me if any of this information  
2 that I am providing to you is incorrect as far as you know,  
3 but under a reorganization in 1995, the position that he was  
4 holding as a result of his 1994 settlement was changed and  
5 they added on additional job functions, including  
6 environmental functions onto the chemistry function. That  
7 position he was in was posted or the new position was  
8 posted. Mr. Fiser bid and was selected for that new  
9 position and his old position was eliminated. That's in the  
10 reorg --

11 A True.

12 Q -- in 1995. Okay.

13 And then during the 1996 time frame, Mr. Thomas --  
14 or Tom McGraff became the operations -- the manager of  
15 operations support?

16 A At first, he became the interim manager of  
17 operations support.

18 Q Okay. And then in 1996, once Mr. McGraff moved  
19 into that position, there was a subsequent reorganization  
20 planned in operations support, that affected operations  
21 support?

22 A Yes.

23 Q Okay. Prior to this 1996 reorganization, do you  
24 recall how many chemistry environmental positions there were  
25 there at the corporate level?

1 A You say prior to 1996?

2 Q Prior to that reorganization.

3 A In the chemistry organization, there were three  
4 pay grade 8 chemistry positions.

5 Q Okay. And do you recall who was holding those  
6 positions?

7 A Sam Harvey, last name H-a-r-v-e-y; Gary Fiser,  
8 last name F-i-s-e-r; and the third person was E.S. Schunder  
9 --

10 Q Chandra?

11 A And my may want to help me with that spelling.

12 Q Yes. Chandra Sekuran. And we'll just go by his  
13 nickname of Mr. -- Chandra.

14 A Chandra.

15 Q C-h-a-n-d-r-a.

16 A Right. Okay.

17 Q The way most people -- I've seen it written  
18 anyway.

19 Prior to this reorganization in 1996, there was  
20 the three chemistry positions that you're talking about, and  
21 what did the reorg consist of? What was the plan for those  
22 three chemistry positions?

23 A Okay. In 1997 -- 1996 -- excuse me, let me  
24 reiterate that -- in 1996, Mr. McGraff came up with a  
25 reorganization or a restructuring of his organization, and

1 the primary reason for that, he was told that he had to be  
2 at a certain number by the year 2000, meaning that he would  
3 have to cut back each year until the year 2000 to get to his  
4 number.

5 However, he decided to do it all at one time  
6 instead of cutting back a certain percentage this year and a  
7 certain percentage in 1998 -- '97, '98 and '99 to 2000.

8 Q Did he have discussions with you concerning this  
9 plan?

10 A Well, basically, I think he had talked to my  
11 supervisor, Ed Boyles, and --

12 Q Okay. The spelling of Mr. Boyles name?

13 A B-o-y-l-e-s.

14 Q Okay.

15 A Okay. And he did talk to me somewhat after he had  
16 gotten to his plan and what he was going to do.

17 Q Okay.

18 A So he decided to cut back to two positions in  
19 chemistry whereas there had been three positions before.

20 Q Had been --

21 A There had been --

22 Q -- PG8 positions.

23 A Right.

24 Q All three? Okay.

25 A Had been three chemistry/environmental positions.

1 Q Okay.

2 A And at that particular time, Chandra,  
3 C-h-e-n-d-r-a -- he was providing support to Browns Ferry;  
4 Fiser, F-i-s-e-r, was providing support to Watts Barr; and  
5 Harvey, H-a-r-v-e-y, was providing support to Sequoyah.

6 Q Okay. And did he -- Mr. McGraff or anyone else  
7 discuss with you whether these positions, the two positions,  
8 chemistry positions that were going to remain, should be  
9 posted or whether they should be filled based on seniority?

10 A At that particular time, the way he had revised  
11 the work, the way he had planned to revise the work, where  
12 the environmental part was going to be eliminated, that was  
13 cutting the job in half, splitting it 50/50.

14 So based on the guidelines for advertising, the  
15 position had to be advertised because it had been cut more  
16 than 35 percent; therefore, we could not keep the current  
17 people in the position, who were filling the position at the  
18 time. We had to advertise to give everyone a fair chance in  
19 being interviewed and being considered for that new  
20 position.

21 Q Okay. Now, did you do the comparison of those two  
22 positions?

23 A Yes.

24 Q Okay. And how did you make the determination that  
25 50 percent of the job was environmental?

1           A     Because they were providing support on the  
2 chemistry side and on the environmental side and they were  
3 supposed to have been 50/50. And when I looked at the job  
4 description, basically it was my determination that half of  
5 the job was being eliminated.

6           Now, in doing the job, they may have spent more  
7 time in a certain aspect of the job, like in chemistry or  
8 environmental more so than the other, but the job had been  
9 written for them to provide environmental support and  
10 chemistry support to the locations that they supported.

11          Q     The question that I had when I interviewed someone  
12 else in the human resources office was whether anyone  
13 reported to Human Resources that the chemistry -- the  
14 individuals holding these chemistry positions were not doing  
15 any of the environmental function or less than 5 percent of  
16 what they were doing all -- the whole -- entire time they  
17 had been doing those jobs had been less than 5 percent  
18 environmental.

19                   Do you recall anybody reporting that to you?

20          A     Not to my knowledge. It may have been mentioned,  
21 but I don't recall.

22          Q     Okay.

23          A     Now, although they may not have been spending but  
24 5 percent or 10 percent, when you re-write a job  
25 description, you base it on the percent of the time that

1 they should be doing it based on the job description and not  
2 on actually what they are doing.

3 Q So what you're saying basically, it's not what  
4 function they were actually performing, but what's actually  
5 written --

6 A Right.

7 Q -- in the job description.

8 A Right.

9 Q And that's what the policy is based on.

10 A Yes. And that's what they should have been doing.

11 Q Okay. Another question I had, and if you are not  
12 sure what the exact policy is and it would only be guessing,  
13 you can just tell me that, but if you -- if in fact at the  
14 time that these positions were posted and they had never  
15 been performing those functions and it didn't look like they  
16 ever would be because the added on -- part of the  
17 environmental was, you know, added on as part of the  
18 previous reorg, but it didn't ever look like they were ever  
19 going to get around to doing that job function, should it --  
20 at some point, shouldn't they have rewritten that job  
21 description if you're not performing those functions?

22 A They should have been performing the functions,  
23 and to my knowledge, I'm unaware that they were not.

24 Q Right. Well, according to Mr. Grover and others,  
25 you know, they were -- the environmental function that

1 you're talking about, that 50 percent, was less than 5  
2 percent of their actual job function.

3           They didn't do it other than 5 percent of the  
4 time. They still had the environmental people over there in  
5 that organization at the corporate level that were still  
6 doing -- because they were trying to do cross-training, but  
7 the environmental people were still doing the environmental  
8 work and the chemistry people were doing just strictly  
9 chemistry stuff.

10           I know the job function for the environmental  
11 people had also been rewritten in that previous reorg from  
12 '95, but work went on the same after the reorg as it was  
13 being done before in that there was no cross-training.

14           I guess my question is if that in fact was the  
15 case, should those position descriptions have been rewritten  
16 if it didn't look like that goal would ever be met in the  
17 immediate future?

18           A    The job description should have been written based  
19 on the work that they had for them to do and based on the  
20 work that should have been done, and to my knowledge, that  
21 is what we did -- when I say what we did, Human Resources --  
22 in advising them what to do.

23           Q    Do you recall Mr. Fiser contacting you regarding  
24 the posting of his chemistry position 1996?

25           A    Yes, he contacted me concerning the posting of the

1 position, and I think he referred to it as his position,  
2 okay, but actually, it was not his position when we had  
3 rewritten the job description, or when management had  
4 rewritten the job description. It was not the same  
5 position.

6 Q Okay. You're talking about --

7 A It was a different position.

8 Q Okay. Now, he was referring to -- what you're  
9 telling me right now is that he was referring to his  
10 position from 1994 and not the new position he got in 1995  
11 as part of that first reorg; is that what you're saying to  
12 me right now?

13 A What I'm saying, that in 19 -- you're comparing  
14 1996 with 1994.

15 Q Well, you're saying in 1996, he's saying his  
16 position was being advertised, okay?

17 A Right.

18 Q And you're comparing 1996 with 1994, right?

19 A No, I understand what you were saying earlier.  
20 Mr. -- maybe it would help if you told me what Mr. Fiser's  
21 concern was.

22 Q His concern was that we were advertising a  
23 position which he thought that the DOL settlement said that  
24 he would be in.

25 A However, the position was different than the

1 position of the DOL settlement.

2 Q Okay.

3 A Uh-huh.

4 Q And that's because of the reorganization that  
5 happened in-between?

6 A Right.

7 Q Okay.

8 A Because of the reorganization that happened in  
9 between, that's right.

10 Q So in fact, that was not a -- you -- that was not  
11 a legitimate concern, you know, as far as Human Resources  
12 went; is that correct?

13 A That's correct.

14 Q Okay. Can you tell me what you did once Mr. Fiser  
15 contacted you about his concern?

16 A When Mr. Fiser contacted me, I asked him if he  
17 would be willing to go to my supervisor and state his  
18 concerns with my supervisor present, and he said yes because  
19 he -- he had told me if we advertise the position, then he  
20 was going to file a DOL complaint, and I wanted someone else  
21 to witness that.

22 Q Okay.

23 A And I thought my supervisor, Ed Boyles,  
24 B-o-y-l-e-s, would be in a better position than me to  
25 respond to that. So I asked him would he be willing to say

1 that in front of Mr. Boyles, and he said yes; so we went to  
2 his office, Mr. Boyles' office.

3 Q Okay. And were you --

4 A And he --

5 Q -- there when he talked to Mr. Boyles?

6 A Right.

7 Q Okay.

8 A He reiterated what he said. And we had explained  
9 to him that when he came back on the DOL settlement and  
10 placed into that position, that it was nowhere stipulated in  
11 that settlement that if you had a restructuring or a  
12 reorganization or downsizing, that he would remain in the  
13 position that he came back into.

14 And at that time, Ed Boyles decided to check with  
15 labor relations; who in return checked with the Office of  
16 the General Counsel, to see if there were anything in the  
17 settlement that said that he would be in that position for a  
18 certain period of time. And the response that we got back  
19 from labor relations was that -- and contacting the Office  
20 of the General Counsel -- there was no time limit  
21 stipulated.

22 It's my experience that any time that you have a  
23 reorganization, even though you may place someone in a job  
24 because of a settlement, you have to go by the policies and  
25 guidelines which affect all of the employees and make sure

1 that you follow the current policy and guideline so everyone  
2 will have a fair chance at the position.

3 Q Okay. Okay. When you were interviewed by the TVA  
4 IG in July of 1996 -- this was actually before they held the  
5 screening panel for the chemistry positions at the corporate  
6 level. This was before the actual panel. You indicated  
7 that complete packages for all the five positions, which  
8 would include the chemistry and I guess the environmental,  
9 or whatever positions were being advertised besides just the  
10 chemistry positions, were given to the management of rad  
11 chemistry on July 8th, 1996.

12 I guess my question for the record is who in  
13 management were these provided to?

14 A I really don't recall. I think they may have been  
15 provided to -- at that particular time, they may have been  
16 provided to the managers that were currently in charge. On  
17 the chemistry side, they may have been provided to Grover,  
18 and then on the rad chem side, they may have been provided  
19 to Wilson McArthur, --

20 Q Okay.

21 A -- M-c-A-r-t-h-u-r.

22 Q Okay.

23 A Okay.

24 Q Now, this --

25 A However --

1 Q -- is in July --

2 A However, I may have --

3 Q Okay.

4 A -- given those to McGraff, because in some cases,  
5 he wanted to see the packages first before they were  
6 distributed to the managers.

7 Q Okay. In July of 1996, this would have been when  
8 Mr. Grover was no longer one of the managers, and those two  
9 positions between Mr. McArthur and Mr. Grover had been  
10 combined and Mr. McArthur was now the rad chem manager.  
11 This would have been in July, after that. And we'll go back  
12 to that at the end of this interview or towards the end, but  
13 at that time, the rad chem manager in July of 1996 would  
14 have been Wilson McArthur.

15 So I guess the answer to your question or to my  
16 question concerning who management was, it would have either  
17 been Mr. McArthur or Mr. McGraff those packages would have  
18 been provided to?

19 A Yes. However, like I said before, they may have  
20 been given to Mr. McGraff first.

21 Q Okay.

22 A And he may have given them to Mr. McArthur.

23 Q Okay.

24 A But Mr. McArthur would have been the one to have  
25 gotten them.

1 Q Okay. As the rad chem manager.

2 A Right.

3 Q Okay. Do you remember who specifically put those  
4 packages together?

5 A Those would have been put together by myself, the  
6 Human Resource officer, and the Human Resource assistant --

7 Q Okay.

8 A -- within the office.

9 Q Do you remember what documents were included in  
10 those packages?

11 A In those packages, there were resumes, 9824 -- and  
12 the 9824s are the application of the employees -- the last  
13 three service evaluation and any other any other information  
14 or material that they put with their application.

15 Q Okay. And what about the vacancy announcement?  
16 Would that be also included in that?

17 A It would have a copy of the vacancy announcement,  
18 that's right.

19 Q Okay. Is that the normal procedure, or is it  
20 written anywhere what is to be included in these packages?

21 A Yes. And also, we would have had a spreadsheet.  
22 This is a form where you have certain [inaudible] up above,  
23 like qualification and other things that the manager will  
24 fill out on the employee.

25 Q Okay.

1           A     And screening the candidate and applicant for  
2 meeting the minimum qualifications.

3           Q     Is that screening done by human resources or by  
4 the selecting manager?

5           A     We do it to some extent and then management does  
6 it to some extent.

7           Q     Going back to the question from just a minute ago,  
8 I asked if it was standard procedure or written policy  
9 concerning what is to be included in these packages. Do you  
10 know whether that's written policy or not, or what it was in  
11 1996?

12          A     I don't know whether the policy is internal or  
13 whatever, but we do have a policy of what we should put in  
14 there. Certain material has to go in there. Now, to put my  
15 hand on it, I'm not able to. I just don't recall.

16          Q     When you say certain materials have to go in there  
17 --

18          A     Right.

19          Q     -- what specifically are you saying has to go in  
20 there?

21          A     Okay. When someone applies on the job, and to  
22 determine whether they meet the minimum qualification,  
23 you're going to have to have background information on them.

24          Q     So the resume --

25          A     That's why the resume come in.

1 Q Okay.

2 A This is where the application comes in. This is  
3 where other information, if they want to provide it, comes  
4 in. But you've got to have the resume, you've got to have  
5 the application.

6 Q Okay.

7 A And it's good to have copies of the surface  
8 evaluation.

9 Q Okay. As far as the evaluations, inclusion of the  
10 evaluations, is that a specific written policy, or is that  
11 someone that someone can decide whether or not to include in  
12 the personnel package?

13 A Well, we request that they place those in there;  
14 however, if they don't, then what we will do, we will try to  
15 get them ourselves --

16 Q Okay.

17 A -- if we didn't have copies of them.

18 Q Okay. But you as human resources at the time  
19 you're preparing those packages for anybody that you're  
20 arranging panels for, you would always include the  
21 evaluations, last three evaluations?

22 A If we had them.

23 Q Okay.

24 A And in some cases, they may not even be there, all  
25 the evaluations may not be there. For some reason,

1 evaluations may not have been given when they should have,  
2 and you did not have an evaluation.

3 Q Okay. Is there anything else from an individual's  
4 personnel file that would be included in the personnel  
5 package, such as reprimands or any other items like that?

6 A No, I don't think we included those. No.

7 Q In normal procedure, you would not --

8 A No, no, we didn't include those.

9 Q Okay. Let's see how we're doing here on time.  
10 We're fine. Okay. On the -- the individuals that were  
11 applying for the two chemistry positions -- and the  
12 individuals I'm most interested in, or the packages for  
13 these individuals, are Mr. Harvey, Mr. Fiser and Chandra,  
14 the three separate packages that were put together on these  
15 individuals.

16 Have you heard or do you have knowledge of anybody  
17 withholding service reviews or performance evaluations from  
18 those packages?

19 A Not to my knowledge.

20 Q If those evaluations -- and I'm saying performance  
21 evaluations, hoping that we're talking about the same thing  
22 -- how often did they do performance evaluations there at  
23 TVA?

24 A Yearly.

25 Q Okay. So once a year?

1 A Annually.

2 Q Okay. If those --

3 A However, although they were done annually, they  
4 were supposed to be discussed quarterly with the employee.

5 Q Okay. So you --

6 A Leading up to an annual final evaluation.

7 Q Kind of like progress reports.

8 A Right.

9 Q Okay. So anyway, going back to these three  
10 individuals, if the performance evaluations were not  
11 included in those packages, personnel packages provided to  
12 either Mr. McArthur, Mr. McGraff, or they weren't in those  
13 packages, who would have been responsible for that?

14 A Human resources would be responsible for  
15 contacting PHR, personnel history record office and trying  
16 to acquire a copy of those if they were in the PHR file.

17 Q So you're telling me that if the individual didn't  
18 give you copies of their evaluations, that you would have  
19 gotten them -- the human resources office would have gotten  
20 them?

21 A If they were obtainable, yes.

22 Q Okay. And if I were to tell you that those  
23 evaluations were not in the personnel packages of those  
24 three individuals, the personnel notebooks that were  
25 provided to the board, how can you explain to me why those

1 evaluations were not in there?

2 A I can't.

3 Q Okay.

4 A I don't recall.

5 Q You don't have any information regarding those?

6 A I can't remember who had them in there or who  
7 didn't have them in there.

8 Q But as we stated earlier, isn't it normal  
9 procedure for evaluations to be in the packages?

10 A I say if we have them, right.

11 Q Okay.

12 A If they are obtainable. And in some cases, like  
13 in this particular case, management probably already had  
14 their evaluations because all three were in the same  
15 department or in the same office and everything.

16 Q Because I'm trying to understand why these -- for  
17 these three individuals, the evaluations were not in those  
18 packages.

19 A I don't -- I'm unaware that they weren't.

20 Q Okay.

21 A What I'm saying, I don't recall whether they were  
22 or not.

23 Q Okay. As far as you know, they were in there?

24 A I can't say that.

25 Q Okay.

1           A     I don't recall.

2           Q     Under normal procedure, they should have been in  
3 there?

4           A     Under normal procedure, if they submitted those,  
5 and if they didn't submit those and if we had those, we  
6 would have provided those to the managers, selecting  
7 managers.

8           Q     One last thing concerning the evaluations and then  
9 I think we can pretty much get off of that. When I spoke to  
10 Mr. Fiser, he indicated that the evaluations were not  
11 included in the personnel packages, and he had specific  
12 knowledge that they were not included for a specific reason.  
13 And he indicated to me that he -- that you had expressed  
14 some displeasure over those evaluations of the candidates  
15 not being included in the packages.

16          A     I could have. And like I said, it's hard to  
17 remember exactly everything that transpired over two years  
18 ago, and I don't recall whether they were or were not. I'm  
19 pretty sure on some of the applicants, they were in there.  
20 I can't recall if they weren't on all the applicants. And  
21 like I said before, if we didn't have them in there and if  
22 we weren't able to obtain them, when it comes to Harvey,  
23 H-a-r-v-e-y, and Fiser, F-i-s-e-r, and Chandra,  
24 C-h-a-n-d-r-a, management should have had a copy in their  
25 office because they were working for the managers that were

1 going to do the selecting, final selection.

2 Q But you can't recall, is what you're telling me  
3 right now, and you were upset because you knew that they  
4 were not including them?

5 A I don't recall.

6 Q It's going to be an important element of this  
7 because, you know, I'm going to be doing a review of the  
8 evaluations myself, and appearances, you know, might be that  
9 Mr. Harvey perhaps didn't have as good evaluation as Mr.  
10 Fiser did, and that this is the reason management chose not  
11 to include the performance evaluations in those personnel  
12 packages.

13 Do you have any information about that?

14 A Human resources did not.

15 Q Did you have any information that management --  
16 and I'm speaking about either Mr. McArthur or Mr. McGraff --  
17 chose not to include those evaluations?

18 A Let me ask you again now, what package are you  
19 talking about? Are you talking about the package that we  
20 gave to the selecting managers, the managers of the  
21 organization, like McGraff and McArthur, or are you talking  
22 about the selection package?

23 Q The selection package that's provided to the  
24 board, selection board.

25 A Oh. I misunderstood.

1 Q Okay.

2 A I thought we were talking about the packages that  
3 were given to the manager of operations support and manager  
4 of rad chem.

5 Q Okay.

6 A But we aren't. We're talking about the selection  
7 board.

8 Q Yes. The notebook that's provided to the  
9 selection board.

10 A Let me go back, because if I remember correctly, I  
11 don't know whether we include those or not to the selection  
12 board --

13 Q Okay. Who compiles those notebooks?

14 A -- because prior to going to the selection board,  
15 the managers sit down and fill out a spreadsheet, and they  
16 put over in a column what type evaluation that the employee  
17 received. In some cases, not in all cases, they may not do  
18 it, but in some cases, they did, okay, like if they got an  
19 E, excellent, if they got SP, solid performer, or whatever  
20 evaluation they got.

21 But as far as the evaluation sheet itself, I don't  
22 recall whether we had those in the selection booklet.

23 Q Okay. Who -- okay. Since we're saying that these  
24 are possibly two different notebooks --

25 A Right. These are different packages.

1 Q Okay.

2 A And I misunderstood you at first.

3 Q Who --

4 A I think I did.

5 Q Who is responsible for composing the notebook that  
6 is given to the selection panel on each individual  
7 candidate?

8 A Management and human resources compile the  
9 notebooks, the booklets, selection booklets.

10 Q Okay. Now, that's the notebook I'm interested in  
11 knowing about as far as what information was contained in  
12 that notebook.

13 A I wish you had gotten a copy of one of the  
14 notebooks so we could --

15 Q Well, I do have copies of them and the --

16 A Because --

17 Q -- evaluations are not included in there. And I  
18 guess what I was asking you earlier, is there a written  
19 policy on what should be included --

20 A I thought you were talking about the package that  
21 goes to the supervisor --

22 Q No.

23 A -- and not the selection board.

24 Q Yes. Well, I don't know -- you know, I'm assuming  
25 the package I have, and I'll have to clarify that with human

1 resources because -- this thing is just about ready to run  
2 out. So I'm going to go ahead and switch this --

3 A Okay.

4 Q -- tape over to side 2.

5 MS. BENSON: The time now is 2:08.

6 Okay. We're on side 2 and the time is still 2:08  
7 p.m.

8 BY MS. BENSON:

9 Q Okay. We were discussing the packages that were  
10 put together on each applicant or candidate for the  
11 chemistry positions that were being bid on, and I think what  
12 we've determined is that we might be talking about two  
13 different notebooks. The one that you provide to the  
14 management may not necessarily be the same notebook that  
15 goes to the screening panel.

16 A Right.

17 Q Okay. And correct me if I'm wrong, the manager,  
18 selecting official, is really responsible for deciding what  
19 goes in the package that's provided to the screening panel?

20 A Human resource and the selecting managers work  
21 hand in hand in determining what was going in there.  
22 Basically, if I remember correctly, you had a copy of the  
23 vacancy announcement, you had a copy of the organization  
24 chart if it was in place, if you had one up to date,  
25 whatever. We had copies of the applications, copy of the

1 resume, and in some cases all the information that they may  
2 have attached to it.

3 Also in that selection booklet, there were  
4 questionnaire form that the interviewers were going to use  
5 to interview the interviewees for the rankings or  
6 evaluations at the end and everything, and that may be in  
7 some other information that I can't recall, cannot recall.

8 As far as the evaluations, I don't -- I just don't  
9 remember, and I would hate to say yea or nay.

10 Q Let me go back just -- here for a second. One of  
11 the individuals that I talked to indicated that he sat on  
12 many screening panels, and that it's normal for the  
13 screening panel being held for these boards to get these  
14 notebooks, and he listed the normal items that are included  
15 in these packages, and he advised that normally the  
16 evaluations -- three evaluations are included in these  
17 packages that are provided to the screening panel to look at  
18 each candidate individually.

19 If it's not written, would that be normal  
20 procedure, for those items to be included in there?

21 A Well, you have written procedures and then you  
22 have oral procedures, and I can't recall whether we had  
23 internal written procedures saying that those had to be in  
24 there.

25 Q Okay. And it may not be written --

1 A May not.

2 Q -- but were evaluations normally included in  
3 notebooks provided to most screening panels?

4 A That's something I can't recall, and I'm not  
5 trying to get around the issue here. Like I said, in some  
6 cases, it may have been in what they got, and then again,  
7 they may have been in most of them. I just don't recall.

8 Q Okay.

9 A Okay.

10 Q That's fine.

11 Now, do you recall, now that we've ascertained the  
12 different notebooks here, do you recall ever being upset  
13 with anybody in management for not including evaluations for  
14 the candidates in these chemistry positions in the notebooks  
15 going to the screening panel?

16 A Not in this case, I don't recall, because if I  
17 did, then I would recall whether they were in there or  
18 should have been in there. I just can't recall that.

19 Q Well, we can determine that, you know.

20 A But if we were supposed to have those, I'm pretty  
21 sure we could have gotten those from the supervisor.

22 Q Now, if a supervisor -- if they should have been  
23 in there but a supervisor decided not to include them in  
24 there even though he had them, they wouldn't go in there. I  
25 mean, that's quite obvious. Unless there's written policy.

1           A     No.  If we had a written policy saying that they  
2 were supposed to be in there, then I would have made all  
3 effort to get those in there, and if for some reason someone  
4 --

5           Q     Chose to remove them.

6           A     -- was not releasing those, we would have asked --  
7 and when I say we, human resources -- for those to be  
8 released.  And like I said, if they didn't include them and  
9 if they were attainable, we always tried to get them, and  
10 then we're sending them up to the managers before the  
11 selection board.

12                  But I just don't recall, and I'm being honest  
13 here, I just don't recall whether they were in there or  
14 whether they were not in there, and I don't recall myself  
15 getting upset with any managers because they were not.

16           Q     Okay.  Besides the evaluations, the three  
17 evaluations, the performance evaluations, you were  
18 indicating that there was also some kind of chart the  
19 manager does to do a summary of their evaluations?  Can you  
20 explain that further to me?

21           A     On that spreadsheet that I referred to that we  
22 give to the manager for them to fill out concerning their  
23 education, qualifications, experience, and also they had a  
24 place where they would put a final evaluation --

25           Q     Okay.  The overall --

1 A Overall --

2 Q -- grade on --

3 A Overall evaluation.

4 Q Okay. Now, is this something human resources  
5 included in the packages --

6 A Right.

7 Q -- that were sent? But this was not necessarily  
8 what information --

9 A That spreadsheet was not in the selection package.

10 --

11 Q Okay. That was --

12 A -- selection board package, if I remember  
13 correctly.

14 Q Okay. Okay. So that was just something that  
15 human resources did to assist management in determining who  
16 might be best suitable for certain positions?

17 A Right.

18 Q Okay. That's fine.

19 That should have been, I guess, what had normally  
20 been done in this situation also as far as the spreadsheets  
21 and a review of evaluations?

22 A Repeat that.

23 Q Okay. As far as working up a spreadsheet,  
24 including those items that you're talking about on the  
25 spreadsheet, would that have been something that would have

1 been done in this situation, in this case involving these  
2 three chemistry positions?

3 A Are you saying is this something that should have  
4 been put in the selection package?

5 Q Exactly.

6 A I don't think they put a copy of their spreadsheet  
7 in there.

8 Q Oh, no. I mean, did you, human resources, provide  
9 a worksheet to management? In the package that you put  
10 together for management, did you include a worksheet in  
11 there?

12 A To my recollection, we did.

13 Q Okay. That's fine. That's what I was trying to  
14 establish -- that worksheet should have been in there, in  
15 the package provided to management, not the screening panel.

16 A Yes.

17 Q Okay. When you were interviewed again by the TVA  
18 IG or when you were interviewed by TVA IG, you indicated in  
19 there that Mr. Boyles was the person who recommended that  
20 Fiser's position be posted, that chemistry -- those two  
21 chemistry positions be posted rather than letting somebody  
22 roll over, that Mr. Boyles was the one who finally decided  
23 that; is that correct?

24 A Yes. It was a final decision made by the manager  
25 of human resources, but they should have -- the position

1 should have been advertised.

2 Q Okay. That's Mr. Fiser's position?

3 A Beg your pardon?

4 Q You're saying Mr. Fiser's position should have  
5 been advertised?

6 A It was --

7 Q The chemistry -- no, okay, I understand.

8 A It was not his position.

9 Q No, the chemistry positions should have been  
10 advertised.

11 A Right.

12 Q Okay.

13 A All the positions that were advertised should have  
14 been advertised.

15 Q Okay.

16 A Because if we didn't advertise them, we could have  
17 gotten a complaint from the other employees since they had  
18 taken the environmental part out of it.

19 Q Now, during -- did you work with Mr. Grover on  
20 reviewing these position descriptions to see -- make a  
21 determination whether they should be advertised or whether  
22 --

23 A Yes.

24 Q Okay. During a deposition that was provided by  
25 Mr. Grover, he indicated something completely different than

1 what you're telling me right now.

2 A Go ahead.

3 Q Okay. And he's saying that what you told him was  
4 that based on TVA's policy, since the new position  
5 description did not change significantly by 15 percent, you  
6 were not required to post it and go on seniority, and that,  
7 in fact, they should have gone -- your sentiments to him  
8 were that this position should not be posted. And this is a  
9 sworn deposition --

10 A Okay.

11 Q -- by Mr. Grover.

12 A No, I did not tell him -- Mr. Grover, G-r-o-v-e-r  
13 -- that. I may have told him -- we may have been talking  
14 about when a position should not be advertised or when a  
15 position should be advertised, and if we discussed that, and  
16 if I remember correctly, I would have told him that if a  
17 position -- preponderance of work was -- remained 65  
18 percent, approximately 65 percent or more, then the job  
19 should not be advertised, you should do a retention register  
20 to determine who will remain in the job if you were  
21 eliminating positions.

22 Q Uh-huh.

23 A But as far as me telling him, looking at what they  
24 had written there, and telling him that the job wasn't half  
25 and half, I don't recall -- if I did, I shouldn't have told

1 him that. I say I didn't tell him that, and maybe he  
2 misinterpreted what I was saying, because you do not  
3 advertise a position if it does not change no more than 5  
4 percent, no. And he would be right if it was just 5  
5 percent.

6 But based on -- in talking to him and talking to  
7 management, we determined that that job had changed --

8 Q And who in management are you talking about?

9 A It would be him and in talking to McGraff and  
10 sitting down and talking to my supervisor, Ed Boyles, and  
11 explaining to him what I thought about it, that's how we  
12 will determine the percent.

13 Q So what you're telling me is that you never, never  
14 expressed to Mr. Grover that you felt this position did not  
15 need to be advertised?

16 A Yes, that's what I'm saying.

17 Q Did you ever speak to either Mr. McGraff or Mr.  
18 McArthur wherein they indicated that they did not want to  
19 have to just put somebody in the position, that they would  
20 prefer to advertise the position?

21 A Repeat that, because I'm trying to understand what  
22 you're asking me.

23 Q Did either Mr. McGraff or Mr. McArthur express to  
24 you that they wanted to advertise this position?

25 A Not to my knowledge. I know we had talked about

1 what constitutes advertising a position and what constituted  
2 not advertising a position, and we went over that. But as  
3 far as them saying that they did not want to advertise  
4 either position -- I mean did not want to fill the position,  
5 I don't recollect them saying that.

6 Q Did they ever express in their sentiments to you  
7 that they preferred advertising?

8 A They should have asked us what constituted  
9 advertising and what constituted doing retention register.  
10 That's what they should have. Now, I don't recall them just  
11 coming to -- not to me saying that they didn't want to  
12 advertise. No, I don't recall that.

13 Q So they didn't come to you, and I'm giving you a  
14 scenario here, and say something to the effect that, you  
15 know, what about these two -- this new job description that  
16 we've written, --

17 A Uh-huh.

18 Q -- we'd like to advertise it, do you see a problem  
19 with this?

20 A Well, once they had rewritten the job, and they  
21 had eliminated the environmental part, --

22 Q But --

23 A -- I'm saying that they had to advertise it.

24 Q Okay. Depending on how much of the function that  
25 was --

1           A     They were supposed to advertise it, and in this  
2 case, they did go ahead with what we recommended and  
3 advertised the position.

4           Q     But that --

5           A     Now, I don't know --

6           Q     -- is based on whose determination of how much of  
7 that prior job function constituted or job description .  
8 environmental constituted? I mean, who would be the one to  
9 decide, well, this is 15 percent, this is 20, this is 50  
10 percent of the job function that was being performed?

11          A     It would be management, right.

12          Q     Okay.

13          A     It would be management telling us that. Okay. And  
14 we would have questioned management to make sure --

15          Q     Who in this particular case told you how much of  
16 the job function was environmental?

17          A     I don't recall, but it had to be -- it had to be  
18 Grover or it had to be McArthur or it had to be McGraff.

19          Q     Well, --

20          A     But I'm pretty sure it -- he probably left it to  
21 Grover to a certain extent until Grover's position was  
22 eliminated.

23          Q     Uh-huh.

24          A     And then McArthur would have been the one  
25 involved.

1 Q Well, according to what Mr. Grover is saying, that  
2 function was less than 15 percent of the job.

3 A But what I'm saying, inspector, that --

4 Q Well, it's special agent.

5 A Special agent. I'm sorry. All right. I  
6 apologize --

7 Q No, that's all right.

8 A What I'm saying is that I don't recall him  
9 discussing that with me, telling me that it was just 15  
10 percent, because I would have asked him specifically how  
11 much were we eliminating when we took the environmental part  
12 out of it, and --

13 Q What Mr. Grover has said is that he told you less  
14 than 15 percent.

15 A And I'm saying that he didn't tell me that. I  
16 don't recall him telling me that. And if he told me that, I  
17 should not have recommended that the job be advertised.

18 Q Is it possible that somebody else, after Mr.  
19 Grover said that, someone else subsequent to that --

20 A Overruled me?

21 Q -- said that it's more than 15, that was 50  
22 percent?

23 A I don't recall, and I really don't see that  
24 getting past me. Are you saying that he stated that on the  
25 job description, that it wasn't broken down to what it was

1 supposed to be, 50/50, or are you saying that he is saying  
2 that actually they weren't doing but 15 percent of the  
3 environmental? Now, that's two different things.

4 Q No. He's saying that the job description,  
5 description, not function, did not change by more than 15  
6 percent.

7 A Well, that's where -- if not, the position  
8 shouldn't have been advertised.

9 Q Okay. So you're telling me --

10 A But I'm saying --

11 Q Okay. You're telling me 50 percent or 15 percent?

12 A I'm saying if it didn't change but 15 percent, it  
13 shouldn't have been advertised.

14 Q Okay.

15 A But based on what we had been told -- and when I  
16 say we, human resources and myself -- and sitting down with  
17 management, it had changed more than the 35 percent, and I'm  
18 saying that they -- I was told that half of the job was  
19 being eliminated.

20 Q But who told you half of that job is what I'm  
21 asking you. Specifically who told you that?

22 A I'm saying that it had to be Grover or had to be  
23 McArthur.

24 Q Okay. One or the other.

25 A Right. McGraff may have been involved. It would

1 have been those that had on hand experience on the job when  
2 it comes to the job duties and responsibilities.

3 Q Okay. We're going to go off the record now -- the  
4 time is 1:27 p.m. -- just to look over some documentation.

5 [Off the record.]

6 MS. BENSON: Okay. The time now is 1:32 p.m. and  
7 we're back on the record.

8 BY MS. BENSON:

9 Q Okay. So Mr. Easley, what you're indicating to me  
10 is that if -- the job change, job description change, would  
11 have to be 35 percent --

12 A Or greater.

13 Q Okay.

14 A It would be more than 35 percent.

15 Q Okay. More than 35 percent. Okay.

16 And in this particular situation where we're  
17 looking at the past and present chemistry positions at the  
18 time of 1996, who would determine what percentage the  
19 environmental function was of that job description?

20 A Human resources and management.

21 Q Human resources and management. And who in  
22 management do you recall working with to make this  
23 determination of the percentage?

24 A If my recollection is right, it would have been  
25 Mr. Grover when he was still active; it would have been

1 Wilson McArthur.

2 Q After that.

3 A After, right.

4 Q Okay. And do you recall ever indicating to either  
5 Mr. Grover or Mr. McArthur that the environmental function  
6 was less than 35 percent and that they probably should not  
7 post the position?

8 A No.

9 Q Okay. Do you recall doing a review of that job  
10 description or the two job descriptions and making any  
11 determination of what percentage?

12 A Yes.

13 Q Okay. What was the percentage that you  
14 determined?

15 A I can't put a picture on it right now, but I'm  
16 sure it was more than the 35 percent, and I keep referring  
17 back to the 50 percent split, where we had talked to  
18 management and management said it was a 50 percent split,  
19 and --

20 Q Okay. That's what management told you?

21 A To my recollection, yes.

22 Q Okay.

23 A They said they were supposed to be doing the job  
24 half in half. Now, as far as what management had them to do  
25 on a daily basis --

1 Q Well, that wouldn't matter anyway.

2 A -- I wouldn't know. Right.

3 Q Okay.

4 A Okay. But as far as the job description, it were  
5 more than 35 percent that would make us --

6 Q How do you -

7 A -- have to post the position.

8 Q Okay. How do you determine percentage when you're  
9 conducting a review of actual position description?

10 A We sit down with management and they help us.

11 Q Okay. Do you remember in this particular case --

12 A And in some cases, on some job descriptions, it  
13 has down there the percent of the time. Now, I don't recall  
14 whether it had that on this particular one or not.

15 Q Okay. Do you recall in this particular incident  
16 who it was in management that you sat down with when you did  
17 your review to determine what the percentage was?

18 A This is where we keep going back to the --

19 Q Okay.

20 A -- to the same manager, Special Agent.

21 Q Yes. Now, you're telling me initially that it was  
22 Grover and then it may have been somebody after that.

23 A No, I said Grover and Wilson. Grover was the one  
24 that were working on the position description or job  
25 description, whatever you want to call it.

1 Q Okay.

2 A In some cases, we call it position description --

3 Q Right.

4 A -- if I remember correctly.

5 Q Okay.

6 A Especially when it comes to management.

7 Q Okay.

8 A And on the position description, Grover was the  
9 one that was working on it.

10 Q Okay.

11 A In fact, Grover was the one that was working on  
12 it.

13 Q Okay.

14 A In fact, when he did the position description, he  
15 had three people that we had mentioned earlier, the three  
16 applicants, to get their input.

17 Q Right.

18 A So Grover would have been the one in the beginning  
19 that I was working with.

20 Q To write the description.

21 A Right.

22 Q Okay. But not necessarily the person that maybe  
23 conducted the review of the two positions to see --

24 A Right, he would have been the one.

25 Q Okay. To see whether --

1 A Or he should have been the one.

2 Q Uh-huh.

3 A Right. He should have been the one. And where  
4 you are saying that in his affidavit, deposition that he  
5 gave, that he is saying that I said 15 percent, no, I don't  
6 recall that, I shouldn't have said it if I did, and I don't  
7 think I said that.

8 Q Well, he wasn't sure about if he was correct on  
9 his percentage.

10 A I think due to the time-span, like I was telling  
11 you before, you have a tendency to forget exactly what  
12 constitutes this and what constitutes that, and due to the  
13 two years that have passed by, that he doesn't recall the  
14 percentage.

15 Q Uh-huh. Well, he doesn't. He admits that he's  
16 not exact on the percentage. But the underlying information  
17 that I'm trying to get at is not so much percentage --

18 A Right. I understand what you're trying to get at.

19 Q -- because, you know, you told me what that is,  
20 okay, and you're the person to tell me that because you're  
21 human resources. But what I'm saying, what I'm asking you  
22 is, since the percentage on the prior job description wasn't  
23 listed, who would have made that determination when you're  
24 looking at specifics on whether somebody should roll over or  
25 advertise. Now --

1           A     Now, it should have been him, and with me sitting  
2 there with him, I would have said, well, Mr. Grover, this  
3 looks like this may be environmental work, is this  
4 environmental work? And he would be the one to clear that  
5 up for me, to tell me yes, this is, or this is not.

6           Q     Is this review of the position description  
7 documented?

8           A     Documented how, Special Agent?

9           Q     Such as, this is how we came to this determination  
10 that the percentage --

11          A     I don't --

12          Q     -- [inaudible] scale and --

13          A     I don't think so.

14          Q     Okay. So it's just you sitting down with somebody  
15 and coming up with this determination?

16          A     In this case, I would say yes, and I may have  
17 talked to my counterparts, may have talked to my supervisor  
18 and talked to management.

19          Q     Okay. And everybody agreed --

20          A     Yes.

21          Q     -- in this position that this should be  
22 advertised?

23          A     Right. I'm pretty sure my supervisor had me in,  
24 called me in and we discussed it, and after I explained to  
25 him what I saw that constituted a certain percent, it also

1 constituted that we should advertise, he probably agreed  
2 with me. In this case, I'm pretty sure he did because we  
3 advertised the position.

4 Q And I'm just, you know, not trying to be  
5 confrontational; I'm just trying to understand --

6 A No, go ahead. I understand what you're doing.

7 Q -- understand what your procedure is, how you make  
8 the determination --

9 A Right.

10 Q -- especially when you're talking about  
11 percentages here, when it's not written, how you determined  
12 that little part of the environmental which may have just  
13 been stuck on the job description at the end or something --  
14 you know, I don't know because we're not looking at those  
15 right now -- and you're saying that review itself is not  
16 documented on how you came about making that determination.

17 A Not to my knowledge.

18 Q Okay. And is it possible from our perspective now  
19 or where we are today that the percentage of the job  
20 description, the environmental function, you know,  
21 comprised, which is the part that changed, is it possible  
22 that that percentage was not correct?

23 A If the job description wasn't written correctly,  
24 if there was wrong interpretation on some of the duties and  
25 responsibilities, it possibly could have been. But based on

1 discussing it with the appropriate management, I would say  
2 no.

3 Q Okay. To me, it seems like that could swing one  
4 way or the other when you're just looking at percent, trying  
5 to figure out percentages based on job description. You  
6 know, if management wants it to go a certain percentage one  
7 way, then that's easy enough to do, you know, from their  
8 --if they're the ones making the final determination.

9 A If I had been told and if I had agreed with  
10 management that it was not more than 35 percent or if it  
11 wasn't half and if it was only 15 percent, I would not have  
12 recommended that the job be advertised because you're going  
13 to be in a bind regardless, if you understand what I mean.

14 If the job should be advertised and you don't  
15 advertise it, you're going to get complaints from the other  
16 employees in the positions being eliminated, you're going to  
17 get complaints from others. And it was my responsibility  
18 and human resources' responsibility to make sure that what  
19 we did was according to rules and regulations and according  
20 to internal procedures and everything, and this is what we  
21 tried to do.

22 Q Okay. Now -- because we're not going to be able  
23 to get any more specific than that because [inaudible]  
24 review it and who you -- other than you recalling, maybe you  
25 did sit down with certain individuals.

1           A     And I believe if Mr. Grover had told me, Ben, this  
2 is not nothing but 15 percent, then I would have had my  
3 supervisor get in on it, we would have sat down with him and  
4 McGraff, and if Wilson was involved at the time -- at one  
5 time, you know, he wasn't --

6           Q     Okay.

7           A     -- we would have got -- had a meeting of all the  
8 minds to make sure.

9           Q     Okay. And as far as you know --

10          A     Because of all the things that had happened in the  
11 past, we wanted to make sure that we was doing everything  
12 according to Hall, and when I say Hall, according to the  
13 procedures and guidelines because I myself knew that it was  
14 a possibility that someone was going to question what we  
15 were going to do, and we wanted to make sure that --

16          Q     From a human resources perspective.

17          A     Standpoint, right, that we were doing it right.

18          Q     Okay. That's good enough.

19                 Are you aware that Mr. McArthur in this  
20 reorganization was allowed to roll over into the new  
21 position of radiological control, chemistry group rad con  
22 chem group and that Ron Grover's position was eliminated?

23          A     Yes.

24          Q     Okay. Can you explain to me what happened in that  
25 reorg or downsizing of those two positions?

1           A     Okay.  In those two positions, before they  
2 reorganized it, Wilson McArthur was the rad con manager --  
3 and I hope I have this correct; it's been some time -- pay  
4 grade 11, and Ron Grover was the chemistry/environmental  
5 manager, pay grade 11.

6           Q     Okay.  Let me stop you, and I apologize.  Is the  
7 pay grade 11 position an executive management position?

8           A     No.  Explain when you say executive management.

9           Q     Okay.  It's a manager position, but the policy  
10 during 1996 at TVA regarding rolling over into certain  
11 positions and the waivers and et cetera, were the rules  
12 different for executive management than they were for the  
13 lower grade manager positions?

14          A     That's hard for me to answer.  I don't understand  
15 what you're asking.

16          Q     Okay.  Above the PG level -- PG-11 level, what  
17 comes after that?

18          A     Senior management.

19          Q     Okay.

20          A     And those are the executive positions I think  
21 you're talking about.

22          Q     Okay.

23          A     Okay.

24          Q     PG-11 was not a senior management position, is  
25 what you're telling me?

1 A Right.

2 Q Okay.

3 A To my knowledge. I could be wrong, but to my  
4 recollection.

5 Q What constituted senior management? Anything  
6 above PG-11 or --

7 A Anything -- when -- the executive position, I  
8 think you are talking about the senior managers, which is  
9 above pay grade 11, and then you're talking about the VP and  
10 the president, the general managers.

11 Q They're senior management?

12 A Right.

13 Q Okay. And they have different rules than PG-11  
14 and below?

15 A We are supposed to advertise all positions pay  
16 grade 1 through 11, and the other positions in most cases  
17 also.

18 Q Okay. So anyway, we'll go back to -- I just  
19 wanted to clarify that as far as rules, what rules applied  
20 to what positions.

21 A I think that I am telling you what [inaudible].  
22 Like I say, it's been some time ago and some of these things  
23 have left my mind and thoughts and everything.

24 Q Uh-huh. I understand that.

25 A And I'm trying to give you the answer to the best

1 of my knowledge.

2 Q I understand that, and I appreciate that. I know  
3 there's a lot of rules to try to remember.

4 A Right.

5 Q So going back to Mr. McArthur and the position he  
6 rolled over into.

7 A He rolled over into the manager of rad --  
8 radiological and chemistry control --

9 Q Okay.

10 A -- position, and this is a position that he has  
11 served in once before.

12 Q Okay.

13 A The position was almost identical or was identical  
14 or very similar or whatever. And at the time, I definitely  
15 thought that that position should have been advertised  
16 because he and Ron Grover were at the same level. However,  
17 like I said, he had been at the level one time before, but  
18 this was also similar to Fiser being in a similar position,  
19 not quite the same or whatever. And I recommended that the  
20 position be advertised, --

21 Q Okay.

22 A -- a waiver be gotten from human resources, the  
23 human resource office in Knoxville, and it was determined by  
24 management that since he had that position before and had  
25 all the skills and knowledge and expertise that were needed

1 for the position, that they would bypass advertising it, and  
2 I recommended that no, we don't do that, the position be  
3 advertised. I discussed it with my supervisor. He  
4 discussed that with management, and when I say management, I  
5 think it was McGraff. And even after he had discussed that,  
6 he came back and told me what he was going to do. I told  
7 him I thought he was taking a chance, that if Grover for  
8 some reason questioned that, that we had a no-win situation.  
9 But they decided to go ahead and place Wilson in that  
10 position.

11 Q What did Mr. Boyles tell you after he spoke to Mr.  
12 McGraff?

13 A He said he had talked to McGraff about it, and I  
14 think he indicated that McGraff thought that Wilson was the  
15 best qualified person for the position since he had been in  
16 that position before. However, he told me that after he had  
17 talked to me in making the decision, I think he was the one  
18 that made the final decision that we would not advertise it.

19 Q Who was the final one?

20 A Ed.

21 Q Oh, Ed Boyles?

22 A Ed Boyles, B-o-y-l-e-s. I think he told me that  
23 he decided that since Wilson had been in the position  
24 before, that Wilson would be the best person for the  
25 position.

1 Q And what was his reason or what was the reason  
2 given to you on why they didn't go through HR in Knoxville  
3 and request a waiver?

4 A Because they decided to make the decision in the  
5 corporate office, and he was the one that made the decision.

6 Q And he didn't want to get approval on --

7 A Now, as far as him talking to Phil Reynolds, I  
8 just can't recall or recollect. Phil Reynolds was his  
9 supervisor and Phil Reynolds was the manager of nuclear  
10 human resources, which incorporated corporate as well as the  
11 site human resources.

12 Now, I don't recall whether he talked to Phil or  
13 not. I can't recall.

14 Q But he indicated to you that he was not going to  
15 get a waiver --

16 A Right.

17 Q -- for that?

18 A Uh-huh.

19 Q In the big scheme of things, explain to me what  
20 the purpose of human resources is and where they fall on  
21 final decisionmaking. Is human resources there to advise  
22 and then the manager makes the final decision?

23 A We are there to advise.

24 Q Okay.

25 A Okay. And sometimes we are there to bend all the

1 rules. I said no, we're not going to do that if we know  
2 that it is going to cause some headaches or cause some  
3 problems where we're going to be investigated, like NRC,  
4 going to be investigated by the IG, we're going to be  
5 investigated by others, it's our responsibility to say -- to  
6 talk to our upper management and say, this is what we're  
7 confronted with, we cannot win it in our opinion, and in  
8 most cases, upper management will stop it.

9 Q Okay. So in this case basically, what Mr. Boyles  
10 should have done at that point if Mr. McGraff wanted it is  
11 to talk to Mr. Reynolds --

12 A And he may have.

13 Q Yes.

14 A I don't recall.

15 Q But the -- instead, he indicated to you that he  
16 was going to go ahead -- this was his decision and he wanted  
17 to make the corporate decision, and he was not -- he was  
18 going to allow McArthur to roll over in that position?

19 A To the best of my remembrance, yes.

20 Q Do you see from a human resources perspective and  
21 your years of experience any difference between what  
22 happened with the position McGraff rolled over into and  
23 Fiser, that new positions were created, both had held  
24 similar positions in the past, one was allowed to roll over,  
25 the other one had to post?

1 A I think both of them should have been posted.

2 Q Okay. If I told you that Mr. Boyles told me that  
3 the first time he heard you had objected to McArthur rolling  
4 over into that position was within the last couple of weeks,  
5 is that true or not true?

6 A Not true.

7 Q Okay.

8 A Did he say that?

9 Q Well, you can probably ascertain certain things by  
10 the question that I'm asking.

11 A Beg your pardon?

12 Q I said you could probably ascertain certain things  
13 just based on the questions I'm asking.

14 A Can you give me a yes or no?

15 Q He indicated that he didn't recall you objecting  
16 to the non-advertisement --

17 A He didn't say it was his decision to do so?

18 Q I'm not sure about that point, okay? But I'm  
19 talking about your objection to the --

20 A No, I told him that we shouldn't do it.

21 Q Yeah.

22 A After we went so far --

23 Q Well, he doesn't recall right now you having ever  
24 objected to --

25 A I had told my supervisor that it should be

1 advertised and --

2 Q Now, you understand that I'm not questioning you  
3 about that.

4 A No, no, no. I know. I'm just --

5 Q Okay.

6 A -- getting this on the record.

7 Q Okay.

8 A I had told my supervisor it should be advertised.  
9 And then when it get to a point where your supervisor says,  
10 I am going to do this or not do this, then sometimes that's  
11 where you --

12 Q You've done what you needed to do.

13 A You've done what you have done and you back out.

14 Q You've followed the rules.

15 A Right.

16 Q Okay.

17 A And I think if you really talk to him, he would  
18 tell you or he should have told you that it was his  
19 decision, that we had discussed this.

20 Q Well --

21 A And I think it's also in the records on those  
22 other interviews that I gave that I had told him the  
23 position should have been advertised.

24 Q It was, but he didn't have that information until  
25 recently, I don't think. But, I mean, he has to accept

1 responsibility for decisions that he made, and you don't  
2 have to be responsible for, you know, decisions other people  
3 have made. I mean you -- like I said initially, I feel  
4 like, you know, the majority of the people, in their  
5 opinion, you were always trying to follow and ensure that  
6 rules would be followed.

7 Your prediction to these people back then was that  
8 this could be a problem later on and this is what I  
9 recommend.

10 A Right.

11 Q Okay. And that's what you need to do, that's the  
12 way you need to approach these kind of decisions when you're  
13 making these decisions in a management position such as his,  
14 because it always comes out.

15 A It does.

16 Q It always -- and you have to be able to justify,  
17 you know, your actions basically.

18 A And this is the reason why I'm saying, when we  
19 were trying to determine whether it should be advertised and  
20 where the percentage had gone above the certain percent,  
21 where it should be advertised, if someone had told me and  
22 had been able to show me, I would not have recommended the  
23 position be advertised.

24 Q Okay. Do you recall having a conversation with  
25 Mr. Grover prior to his removal from that position of the

1 rad chem manager concerning the possible transfer of Stan  
2 Harvey to Sequoyah?

3 A Yes.

4 Q Okay. Did he ask your guidance on how to go about  
5 making this happen?

6 A He asked me -- I think he came to me and asked me  
7 -- first he told me that he was aware that there was a  
8 position at Sequoyah that they were trying to place Sam  
9 Harvey in, and I think at that particular time, Sam Harvey  
10 -- H-a-r-v-e-y -- was at Sequoyah on loan, and --

11 MS. BENSON: Excuse me one minute. Let me go  
12 ahead and change tapes here.

13 THE INTERVIEWEE: Okay.

14 MS. BENSON: The time now is 1:58 p.m.

15 BY MS. BENSON:

16 Q Okay. Can you continue please, Mr. Easley?

17 A And I think he indicated that they wanted him to  
18 release Harvey for a position out there, and I may not be  
19 stating it exactly like he said it, but I told him if they  
20 had a position out there, based on the criteria that was set  
21 up for placing people in position, because Sequoyah was a  
22 counterpart to our human resources -- we were corporate  
23 human resources and they were the plant human resources --  
24 that they should have followed the same guidelines that we  
25 had to follow, should have been following the same

1 guideline.

2           And in a case like this, they should have either  
3 be advertising that position, they should have requested a  
4 waiver to fill the position with Harvey or whomever else  
5 they wanted to fill if they were not going to advertise it,  
6 they should have requested a direct transfer and a direct  
7 transfer would have been whereas they were doing the same  
8 type of work and this work was being taken away from our  
9 location to place him in that position, those were the only  
10 three ways they could place him in that position.

11           Q     So those were your recommendations to Mr. Grover  
12 as far as how to request a transfer of Harvey out to  
13 Sequoyah?

14           A     Right.

15           Q     Okay.

16           A     The legal aspect of placing him in that position.

17           Q     Human resource policy --

18           A     Right. Right.

19           Q     -- concerning transfers.

20           A     Primarily, the position they had out there should  
21 have been advertised if they were going to put him in the  
22 position, and due to all the conflicts we were having in  
23 that chemistry and environmental organization and having  
24 complaints and things of that nature.

25           Q     Do you know what they ever did on that, what the

1 final resolution of that was? I mean as far as --

2 A Well, he -- he was finally sent back to downtown,  
3 to the central office.

4 Q Who was?

5 A Harvey.

6 Q Oh, okay.

7 A H-a-r-v-e-y.

8 Q Oh, so they had actually transferred him out  
9 there?

10 A No, he was out there on loan.

11 Q Okay. And this was during the same time frame?

12 A Right, during the same time frame.

13 Q Okay. And they --

14 A And he came back prior to us filling the position.

15 Q Oh, okay. How long was he out there on loan?

16 A I really don't know. I don't know whether it was  
17 just a couple months or --

18 Q Was he on loan to them at the time Mr. Grover came  
19 to you and asked you for guidance?

20 A Yes, I think so, if I recall.

21 Q Or was he working at corporate providing them with  
22 assistance?

23 A Well, he actually [inaudible] corporate, and he  
24 was the one that was providing support to them. Okay.  
25 However, I think that they had asked for him on loan for a

1 short period of time or for a period of time. He was just  
2 working with them out there in the rad con chemistry  
3 organization, if I remember correctly.

4 Q And do you know whether they -- how they handled  
5 that as far as did they request a waiver or did they  
6 advertise for that or did they --

7 A I don't know what they did other than what Grover  
8 had mentioned to me.

9 Q Okay. Did Grover ever get back with you and tell  
10 you what they had done?

11 A I don't recall. Well, he came back to the central  
12 office. They did not put him in that position. So  
13 evidently, someone decided that they could not do that, and  
14 I think this was management talking and not the human  
15 resource office. I don't think they had gone through human  
16 resources at Sequoyah because I think human resources would  
17 have told them the same thing: we cannot do this. We will  
18 have to either advertise or get a waiver, whatever.

19 Q Now, did Mr. Grover come to you because you were  
20 providing support [inaudible]?

21 A Yes.

22 Q Okay. Did you ever hear anything to the effect  
23 that Mr. McGraff did not want Harvey transferred out there  
24 to fill that billet?

25 A I don't recall. I don't recall.

1 Q Who selected the review board or selection board  
2 for the position advertised for the chemistry position that  
3 were --

4 A If I recall correctly, it was Wilson McArthur,  
5 M-c-A-r-t-h-u-r.

6 Q Okay. And do you know who he selected?

7 A And before I go further, I think McGraff may have  
8 had some input. I'm not really sure. But I would have  
9 believed that Wilson may have told McGraff who he was  
10 selecting -- who he was considering, who you were asking to  
11 serve on the review board. And the ones that he was looking  
12 at, he was looking at the managers of I think radiological  
13 control and chemistry at Sequoyah, Watts Barr and Browns  
14 Ferry.

15 Q Do you know who was ultimately selected to be on  
16 the board?

17 A I'm just -- Kent.

18 Q Charles Kent?

19 A Charles Kent at Sequoyah. I think he requested  
20 that Corey at Browns Ferry -- now, I'm not saying that he's  
21 the one that --

22 Q John Corey.

23 A John Corey. I'm sorry.

24 Q C-o-r-e-y?

25 A C-o-r-r-e-y, I think.

1 Q I've got C-o-r-e-y.

2 A Well, it may be just one R.

3 Q Okay.

4 A Okay. At Browns Ferry. And I think he had  
5 requested that -- Jack Cox at Watts Barr.

6 Q Okay.

7 A However, for some reason, I think Jack sort of  
8 eliminated himself. and said that he had something else --  
9 something else to do or some other commitment and did not  
10 serve on it.

11 Q Okay.

12 A And I think at the time, I had talked to Wilson  
13 and said if he can, it would be best to have him there, and  
14 I think I may have talked to McGraff about it, and also I  
15 think I talked to Ed Boyles about it, that we should have  
16 had Mr. Cox there if he could because he was the one that  
17 Mr. Fiser -- F-i-s-e-r -- was supporting. He was the  
18 manager over the department, office or whatever, and I  
19 thought that he should have been there.

20 Q And when you talked to Mr. McArthur about this,  
21 what did Mr. McArthur tell you?

22 A Well, I think he tried to influence Cox to be  
23 there; however, he wasn't able to get him because I think  
24 Cox kept saying that he had some other commitment or  
25 something, he has a meeting or something that he had to

1 attend.

2 Q And you said you also spoke to Mr. McGraff and Mr.  
3 Boyles. What did Mr. McGraff say to you about this?

4 A I really don't recall, but I surmise he just said  
5 well, if he's unable to come, then we just have to get  
6 someone else.

7 Q When did you learn that he would not be available?

8 A I can't give you a date, but I think soon after  
9 Wilson had contacted him and requested that he be part of  
10 the selection team, selection panel, after Wilson had told  
11 me.

12 Q That's what Wilson told you?

13 A Right.

14 Q Uh-huh. That Cox called him and told him he  
15 couldn't be on the panel?

16 A When he called Cox -- I don't know if it was a  
17 call or he saw Cox or whatever, but --

18 Q So the first time he -- I'm trying to understand,  
19 you know, your conversation with Mr. McArthur. When did he  
20 tell you that Cox told him he couldn't be on the board?

21 A After he had asked Cox.

22 Q Okay.

23 A And I can't put a time or a date --

24 Q Right.

25 A -- on it, when he asked Cox.

1 Q Uh-huh. And he didn't have any specific reason  
2 why Cox was eliminating himself?

3 A He had a reason. Like I said, I don't know  
4 whether it was due to some other commitment or whether it  
5 was -- I just don't recall exactly what the reason was that  
6 he couldn't serve.

7 Q Did you hear any conversation from anybody talking  
8 about Mr. Cox shouldn't be on the board because he was in  
9 favor of Fiser, and they wanted the board to be unbiased?

10 A Come to think of it yes, I think I heard that.  
11 Right.

12 Q And who did you hear that from?

13 A I may have heard it from McArthur. I'm not really  
14 sure. But come to think of it, I think I did hear that.  
15 But I still thought that he should be on the board --

16 Q Well, let me ask --

17 A -- because he would -- he was the one that was  
18 knowledgeable of the support that Fiser was giving to  
19 Sequoyah.

20 Q Okay. Let me just ask something from you from a  
21 human resources perspective as far as selecting the  
22 selection panel. If you go to the rad chem managers from  
23 the three different sites, and the individuals apply for  
24 these position work at those sites, are you really trying to  
25 get an objective, neutral board, or are you trying to get a

1 board that has knowledge of individual skills and what their  
2 needs are at those sites?

3 A I would say you're trying to do both. You want to  
4 make sure that you are going to get an objective opinion  
5 from each representative from the site who knew the work,  
6 knew what support that corporate was supposed to give to  
7 them, and I also knew what type of support that the person  
8 was giving to them.

9 Q Okay.

10 A And these people would have been instrumental in  
11 going back to the service evaluations when it came time for  
12 corporate management to evaluate these people.

13 Q Okay.

14 A So you were going to get the managers at the same  
15 level who primarily was in charge of the same thing and who  
16 -- and in return, whereas the corporate office was supposed  
17 to give the same support to -- similar support.

18 Q But going back to that again, if they have worked  
19 with one individual of the three that are applying for the  
20 position, they're going to have a bias one way or the other.  
21 They're either going to like them or they're not going to  
22 like them and the work that has been provided in support of  
23 them in the past.

24 A Uh-huh.

25 Q And so by picking people that have worked with

1 them, you're really picking them because of their knowledge  
2 of what they need at their site.

3 A But then again, sometimes, Special Agent Benson,  
4 it's just the opposite. The manager will say they're not  
5 getting the support that they are giving, and if the  
6 expertise is not at the level that it should be, they would  
7 say.

8 Q Yes. So they're going to be either bias for them  
9 or against them.

10 A Right.

11 Q And you want them to be able to at least  
12 differentiate and, you know --

13 A Right.

14 Q But just because you've expressed an opinion in  
15 favor of somebody doesn't necessarily mean that you're  
16 unbiased --

17 A And then again, these other --

18 Q -- or that you're biased.

19 A These other managers, due to their interfacing or  
20 interaction with the other managers at the plant, they  
21 already have an idea, because these managers, they come  
22 together at meetings, they talk about the support that they  
23 are getting from corporate. So in a sense, they already  
24 know to some degree what skill level that these people are  
25 in, what type of service they are providing. So that's a

1 reason, I think in those cases, we want the same level  
2 managers.

3 Q You mean you have equal representation.

4 A Right, equal representation.

5 Q Okay. And in this instance, that's -- Mr. Cox was  
6 not available or was not present. Was it truly an equal  
7 representation for each of the candidates that were coming  
8 there as far as the chemistry position?

9 A Well, let me say this: I think he should have  
10 been there to --

11 Q Okay.

12 A -- voice his opinion.

13 Q Mr. Rogers, Bill Rogers, was the one that replaced  
14 Mr. Cox? Was it Bill Rogers?

15 A I don't remember the name at this time, but it was  
16 someone that replaced him. And I think he did a good job.

17 Q Yeah.

18 A But I still would have preferred, if Jack Cox  
19 could have been there, that he --

20 Q Do you know whether Mr. Rogers had any chemistry  
21 background at all?

22 A I don't recall.

23 Q But Mr. Kent and Mr. Corey both were from  
24 chemistry, the rad chem managers.

25 A Right. Uh-huh.

1 Q Okay. The HR person that was present during the  
2 screening panels or the screening interviews was who?

3 A Melissa Westbrook.

4 Q Okay.

5 A W-e-s-t-b-r-o-o-k.

6 Q Okay. Thank you.

7 Was there a reason that you were not present  
8 during the interview?

9 A Yes.

10 Q And what was that?

11 A I wasn't there because Fiser had come down to talk  
12 to me about if we advertised the position which he thought  
13 was his position, that he was going to file a DOL complaint,  
14 and also said some other things that would happen if we  
15 advertise the position, and at this time, this is when I  
16 requested that he and I go to Mr. Boyles -- B-o-y-l-e-s --  
17 my supervisor, and for him to tell Mr. Boyles or express how  
18 he felt if the position was advertised, and I wanted a  
19 witness, and the reason I wanted a witness is because in the  
20 past, I had been told -- I never did hear it, but I had been  
21 told that he had taped me.

22 Q Mr. Fiser had --

23 A Mr. Fiser had tape-recorded me, and I don't think  
24 that was fair.

25 Q Uh-huh.

1           A    Okay. I think he should have told me if he was  
2   taping me or whatever. However, some of the things that he  
3   said I said --- they said that he said I said, I said no, I  
4   did not say that unless he spliced the tape, unless he asked  
5   me a question and I was responding to what he asked me and  
6   he took it differently than what I thought I said or  
7   whatever.

8            But I told him that really, I didn't feel  
9   comfortable, knowing that he had taped me. So when he came  
10  to talk to me, to protect myself, I was very cautious of  
11  what I said to him, and that is the reason that I wanted to  
12  have someone there for him to tell them exactly the same  
13  thing he was telling me.

14          Q    Okay. Who told you that Mr. Fiser had been  
15  tape-recording you?

16          A    Office of General Counsel attorney Brent Marquame.

17          Q    Marquame?

18          A    Right.

19          Q    And I think that's M-a-r-q-u-a-m-e.

20          A    Right. That's correct.

21          Q    Did Mr. Marquame show you any of the transcripts?

22          A    I asked to see the tape.

23          Q    And did you get to see it?

24          A    No, I never did. He had the tape. I asked and he  
25  had the tape.

1 Q Did you see any of the written transcripts of the  
2 tape?

3 A The only thing I saw was that I think it was  
4 mentioned in some transcript that I was taped.

5 Q Okay.

6 A And I --

7 Q Did this topic of the secret tape recordings come  
8 up with any other individuals involved in this board for the  
9 1996 position?

10 A I think he had taped Wilson McArthur.

11 Q Did Mr. McArthur ever talk to you about the tape  
12 recording?

13 A Yes, I think he and I -- we discussed that we were  
14 taped, and that we didn't think that it was professional, we  
15 didn't think it was fair, because we all three were  
16 professional people and to tape someone without someone  
17 knowing, that we didn't think it was the right thing to do.

18 Q What was Mr. Fiser tape recording you and Mr.  
19 McArthur for? Was it in relation to --

20 A I think --

21 Q -- his '93 DOL complaint as far as him being  
22 removed from that one position?

23 A It could have been and it may have been something  
24 centered around the Jocher incident, case or situation. I  
25 don't remember exactly right now, but --

1 Q It might have been one or the other --

2 A I think -- I think when it came to me, I think it  
3 was concerning whether -- who was responsible for having  
4 Jocher to resign.

5 Q Okay. So Mr. McArthur and yourself, you were  
6 aware that both of you had been recorded. Was anybody else  
7 on the board such as Charles Kent, did he ever discuss with  
8 you past knowledge of prior complaints involving Fiser or  
9 Mr. Corey?

10 A No.

11 Q Either the tape recordings or -- but Mr. Kent was  
12 involved in the 1993 DOL complaint that Fiser filed when he  
13 was out at Sequoyah?

14 A I think he was. I just don't remember. But I  
15 think he was.

16 Q At any time, and I know that, you know, Mr.  
17 McArthur felt the same way you did about the tape  
18 recordings, but at any time did he ever indicate that  
19 because of his feelings towards Fiser as a result of these  
20 tape recordings, that he didn't want him in this --

21 A No.

22 Q -- position?

23 A No.

24 Q And going back just briefly to the 1993 time frame  
25 during the past DOL case involving Mr. Fiser, do you ever

1 recall being present with Mr. McArthur while you all were  
2 doing evaluations of personnel when one of the vice  
3 presidents walked in and told McArthur to remove Fiser's  
4 name from the board, and that Fiser wasn't going to be one  
5 of the people that got the increase?

6 I guess you were looking at how you determine your  
7 bonuses or increases and there were names up on the board  
8 and Mr. McArthur was told to remove Fiser's name, back in  
9 1993?

10 A No, I don't recall that. In 1993?

11 Q Uh-huh.

12 A No, I don't recall it.

13 Q So I guess -- were you made aware -- going back to  
14 the interviews, were you made aware of the results of who  
15 was selected for the position?

16 A Yes, I'm aware.

17 Q Do you know who it was?

18 A Okay. We advertised two chemistry positions, one  
19 BWR, and that was for Browns --

20 Q That's a boiling water reactor?

21 A Boiling water reactor. I'm sorry.

22 Q Okay.

23 A For Browns Ferry.

24 Q Uh-huh.

25 A And one PWR, which incorporated Sequoyah and Watts

1 Barr, pressurized water reactor. There were two positions  
2 that were advertised, and Chandra -- C-h-a-n-d-r-a -- was  
3 selected for the position at Browns Ferry and Harvey --  
4 H-a-r-v-e-y -- was selected for the position at  
5 Sequoyah-Watts Barr.

6 Q Besides all the information that we've really  
7 covered today, do you know whether McArthur expressed his  
8 feelings or desires or McArthur expressed somebody else's  
9 feelings or desires to select Harvey for that PWR position?

10 A I don't think he -- to my knowledge, I have no  
11 knowledge of him talking to someone, to anyone concerning  
12 who was going to be selected, whatever. In talking to me,  
13 he said that he was going to leave it up to the board;  
14 however, he was the selecting supervisor. Although he had a  
15 board, the board did the rankings and made a recommendation  
16 to Wilson, Wilson, if he wanted to, he could have intervened  
17 on the final selection or whatever. But he had told me up  
18 front that he was going to go along with the selection panel  
19 selection as they ranked the candidates --

20 Q Okay.

21 A -- or applicants.

22 Q And as far as who participated on this panel, to  
23 your knowledge, you know, regarding conversations you may  
24 have had with any person, do you know why Mr. Cox excused  
25 himself from that board?

1           A     That's going back to what I said before, and I  
2     said I can't recall, I can't recollect. He had something  
3     else that was going to -- well, there was something else  
4     like a meeting, a commitment, that was going to conflict  
5     with sitting on the selection board. And then I think  
6     McGraff had said -- once he mentioned it -- that it may be  
7     best for him not to serve on the selection board based on  
8     maybe he had said -- and I'm not aware that he said this  
9     --that he would be recommending --

10          Q     He said he was going to be recommending Fiser.

11          A     Fiser for the position.

12          Q     Uh-huh. Okay.

13                 Now, did you have knowledge that Charles Kent had  
14     been the one to request that Harvey be transferred down to  
15     Sequoyah prior to this panel? I know Grover came to you --

16          A     Right, Grover came to me.

17          Q     Did you know that the person that was trying to  
18     get Harvey down to Sequoyah was, in fact, Charles Kent?

19          A     It had to be Kent or it had to be -- I can't  
20     recall Kent's supervisor. Oh, I think Gordon Rich was his  
21     supervisor. Possibly it was Kent. I can't remember. But  
22     it was whoever the manager was out there is the one that had  
23     contact, Grover.

24                 Now, let me ask you, who did Grover say contacted  
25     him? Maybe my memory will --

1 Q The person that was requesting that he be  
2 transferred down there was Charles Kent.

3 A It's possible it was Charles Kent that he said  
4 that had contacted him.

5 Q But I guess, you know --

6 A But it was one of the managers from out there that  
7 had contacted him --

8 Q Okay.

9 A -- when he came to [inaudible].

10 Q I guess what I'm looking at, you know, that's kind  
11 of a statement of who you'd like out there to represent you,  
12 working for you, and I'm looking at Cox, you know, voicing  
13 his opinion for the person that had been supporting him,  
14 that it was suggested that, you know, one person should not  
15 be there on the board and the --

16 A But then again, it should have been based on how  
17 they responded to the question in expressing their knowledge  
18 of the position and of the skills --

19 Q Exactly.

20 A -- and abilities they were going to take.

21 Q But not to be excused because you're in support of  
22 somebody because of the good work they've done, or that you  
23 recognize the work that somebody has done for you.

24 A Right. And you never can tell what someone is  
25 thinking within, and it's hard to try to rationalize why

1 someone do this instead of doing something else.

2 Q And you -- and I think you've told me this maybe a  
3 couple of times, but you have no knowledge of why Mr. Cox  
4 could not participate in that board, what it --

5 A Just based on what I said -- he had something that  
6 was going to conflict with it. And then the second part was  
7 McGraff.

8 Q Suggested that perhaps he shouldn't be on the  
9 board.

10 A Shouldn't be, if he made that statement.

11 Q Uh-huh.

12 A And I don't even know whether he made the  
13 statement or not.

14 Q So how do you -- I mean, what did you tell me  
15 about -- who told you McGraff said that to Cox? How do you  
16 know McGraff said that to Cox, or suggested that?

17 A I really don't really recall. It had to be --  
18 maybe it wasn't McArthur or maybe someone had mentioned it  
19 to my supervisor, Ed Boyles, and Ed Boyles told me. But I  
20 was told. I had heard it.

21 Q Uh-huh. And this was --

22 A It had to be someone who was working with me in  
23 the selection process, I mean getting everything together.

24 Q Considering the information we've gone over today  
25 and your knowledge of everything that was going on there, do

1 you think this was a fair selection board?

2 A Well, --

3 Q Not whether they picked the best candidate, the  
4 board that was there, but was this a fair board considering  
5 who was represented on the board?

6 A Probably was fair after the board was selected;  
7 however, I do think that Cox should have been in on the  
8 board.

9 Q That would have been the fairest board or most  
10 objective or the best --

11 A Right. Now, if I had been the one to determine or  
12 make the final decision, I think I would have had Cox on the  
13 board because whether he was going to recommend Fiser --  
14 F-i-s-e-r -- or not, I think we probably were defeating part  
15 of the purpose of the selection board by using the other two  
16 top managers and not using him because the candidate will  
17 always come back and say that I did not get a fair shake  
18 because the person I supported was not there.

19 Q Uh-huh. So he wasn't fairly represented in his --

20 A I'm saying, now, he may have been fairly  
21 represented, but in his opinion, it's my thinking that he  
22 will always think that he was not.

23 Q Uh-huh.

24 A And he may have been better represented. I don't  
25 know since he was not there. But depending on how Cox would

1 have voted or how he would have ranked him, I still would  
2 have had him there if I had been the one to make the final  
3 decision.

4 Q Okay. That's fair.

5 Do you know who compiled the questions that were  
6 used in these interviews?

7 A Management compiled most of them. I mean, we may  
8 have had one or two personnel, human-resource related type  
9 person that human resources may have thrown in there. Like  
10 I said, I did not serve as the facilitator. My counterpart  
11 did, Melissa Westbrook, who is very good. That's what she  
12 does. And I think -- I know that she is a fair person.

13 But going again, I didn't think that I should,  
14 based on the things that transpired, and I didn't want  
15 anyone saying that the possibility Ben Easley was colluded  
16 in on the selection, which I don't think the managers  
17 colluded on the selection or whatever, but I thought based  
18 on the things that had transpired, that it would be best for  
19 someone else to sit in as a facilitator. And I went to my  
20 supervisor, Ed Boyles, and he went to his supervisor, Phil  
21 McReim, and they decided it would not be Kosher for me to  
22 sit in on the board, it would be best to have someone else  
23 there.

24 Q At any time did you go to your managers and  
25 suggest that you should not be on that board or present

1 during the interview because of your disagreement with the  
2 way they were handling the process?

3 A No.

4 Q Okay.

5 A No.

6 Q So it was strictly because, you know, you just  
7 didn't want to be viewed as a part of --

8 A Right, because --

9 Q -- [inaudible] anything later on.

10 A Right. Uh-huh. Because of the taping and because  
11 of him talking to me and saying what he was going to do and  
12 this and that. I didn't think that it would be wise because  
13 I didn't want it said that I was trying to get back and I  
14 sort of led management into making these decisions, making  
15 this decision.

16 Q Okay. Do you have any other information relevant  
17 to any of the questions I've asked you today that you  
18 haven't provided to me yet?

19 A Not to my knowledge, and hopefully -- and I think  
20 I have been honest about everything that I have said. Like  
21 I say, so many things you can't recall because of the time  
22 that has passed.

23 Q Especially when you have been interviewed several  
24 times.

25 A Right. Right. Right. And I don't think I did

1 anything to try to keep Fiser from being selected, and I  
2 hope that the people that were selected was a result of the  
3 ones that responded the best in the interview or whatever.  
4 And I hope no management -- manager had a preselection  
5 because that isn't good. It's definitely not good. And in  
6 this case, I think that my counterpart probably did a good  
7 job in trying to see that the right selection was made and  
8 everything and --

9 Q Are you talking about Melissa?

10 A Right. Westbrook, W-e-s-t-b-r-o-o-k, yes. Was  
11 made and everything.

12 Q Yes. I'm sure she did the best that she could,  
13 and that's her job, to try and be the facilitator, like  
14 that.

15 A Right. Right.

16 Q You know, especially not having a lot -- maybe  
17 --possibly not having a lot of background on, you know,  
18 everything up until that point. I don't know what time she  
19 was brought in.

20 MS. BENSON: Well, I appreciate your openness and  
21 your honesty and frankness, you know, here with me today.  
22 If there's anything more that does transpire or you have  
23 concerns, please feel free to call me at the office at any  
24 time. And I know sometimes I can be -- it appears to be  
25 difficult to get hold of me. We were at training the other

1 day when you tried calling us, yesterday.

2 But anyway, I would like to ask you if all the  
3 information that you have provided to me today has been  
4 provided voluntarily and without coercion from any employee  
5 at the NRC.

6 THE INTERVIEWEE: No, it has not.

7 MS. BENSON: Okay. Or it has been provided  
8 voluntarily; is that correct?

9 THE INTERVIEWEE: Yes, it has.

10 MS. BENSON: Okay.

11 THE INTERVIEWEE: Right.

12 MS. BENSON: And if there's anything additional  
13 that you would like to report to me at this time?

14 THE INTERVIEWEE: No.

15 MS. BENSON: Okay. Well, this concludes the  
16 interview, and thank you very much for your time.

17 THE INTERVIEWEE: You're welcome.

18 MS. BENSON: I did take a lot of your time. Thank  
19 you.

20 And this concludes the interview, and the time is  
21 2:36 p.m.

22 [Whereupon, at 2:36 p.m., the interview was  
23 concluded.]

24  
25

CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: INTERVIEW OF  
BEN G. EASLEY  
(CLOSED)

Docket Number:

Place of Proceeding: Chattanooga, Tennessee

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission transcribed by me from recorded tapes provided by the Nuclear Regulatory Commission, and that the transcript is a true and accurate record of the foregoing proceedings to the best of my belief and ability.



Mary Carpenter

Transcriber

Ann Riley & Associates, Ltd.