

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: Deposition of Heyward R. Rogers

Docket Number: 50-390-CivP et al.
ASLBP No. 01-791-01-CivP EA 99-234

Location: Chattanooga, Tennessee

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FEDERAL REGULATORY COMMISSION

Docket No. 50-390 Official Ex. No. Staff 115

In the matter of TVA

Applicant IDENTIFIED ✓

Respondent RECEIVED ✓

Complainant REJECTED

Withdrawn WITHDRAWN

DATE 9-11-08 Witness Rogers

Check B. Davis

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

DEPOSITION

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

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The deposition of HEYWARD RICK ROGERS, was taken by the Nuclear Regulatory Commission, pursuant to Notice, commencing at 1:30 p.m. on Friday, November 30, 2001 at the offices of Tennessee Valley Authority, Sycamore Room 5, Lookout Mountain Building, 11th and Market Streets, Chattanooga, Tennessee.

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

MS. EUCHNER: All right. This is in the matter of Tennessee Valley Authority, deposition of Heyward Rick Rogers. And would you please swear in the witness.

Whereupon,

HEYWARD RICK ROGERS

appeared as a witness herein and, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. EUCHNER:

Q For the record, my name is Jennifer Euchner. I'm counsel for the NRC staff.

Mr. Rogers, I'm going to ask you a number of questions today. If at any time you either don't understand the question or can't hear me, please tell me to repeat the question.

A Okay.

Q First I would like to start with your education and your employment background. What is your current position at TVA?

A Okay, presently I'm the engineering design manager for Sequoyah Nuclear Plant.

Q What is your educational background?

A I have a B.S. degree in mechanical

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1 engineering from the University of Tennessee at
2 Chattanooga.

3 Q And what was your first job out of school?

4 A I was -- I worked my way through school,
5 and I stayed with the company that I was with at the
6 time.

7 Q Okay.

8 A I was with U.S. Pipe, and stayed with them
9 for five years. And then I went with TVA.

10 Q Okay. What year did you first come to
11 TVA?

12 A 1978.

13 Q What was your first position?

14 A I was an instrumentation engineer in the
15 construction division.

16 Q How did you come to get that position?

17 A I applied for it.

18 Q It was a vacant position?

19 A Yes.

20 Q Do you recall where you interviewed for
21 that position?

22 A At Sequoyah.

23 Q Was it an interview with one individual,
24 or was there a panel of individuals who interviewed
25 you?

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1 A It was with one individual, but it was
2 like three different people at different times.

3 Q In that job, did you have any dealings in
4 the area of chemistry?

5 A No.

6 Q How about radiological control?

7 A No.

8 Q How long did you hold that position?

9 A Probably about three years.

10 Q What was your next position?

11 A I went what I term "across the fence" or
12 over to the power division from construction division.
13 And I was an instrumentation engineer in the
14 compliance department.

15 Q Was that a promotion or a lateral
16 transfer?

17 A It was a lateral for me at the time.

18 Q How did you get that position?

19 A I applied on it.

20 Q Did you interview with one individual, or
21 was it a panel of individuals?

22 A I believe that was one individual.

23 Q Did that job involve any chemistry work?

24 A Just interface. No direct chemistry
25 responsibilities.

1 Q Did it involve any radiological control
2 work?

3 A Again, interface, but no direct
4 responsibilities.

5 Q How long did you hold that position?

6 A I believe until 1986.

7 Q And where did you go in 1986?

8 A I took a supervisor's job in a group
9 called plant operation review staff, or PORS, P-O-R-S,
10 for acronyms.

11 Q Was that a promotion?

12 A Yes.

13 Q How did you get that position?

14 A Applied on that job.

15 Q Were you a supervisor of people?

16 A Yes.

17 Q How many direct reports did you have?

18 A Been a while. I had eight -- seven or
19 eight, in that number.

20 Q Did you have any chemistry duties in that
21 position?

22 A Again, interface with chemistry.

23 Q And the same with rad con?

24 A Yes.

25 Q When you say "interface," what exactly do

1 you mean by that?

2 A My responsibilities forced me to -- to
3 interface with the chemistry and rad con departments
4 for information. We wrote licensee event reports, my
5 group did, and we did root cause analyses. And
6 anytime we had issues with chemistry or rad con, we --
7 we interfaced with that group.

8 Q Were you interview for that position?

9 A Yes.

10 Q Before a selection board or before one
11 individual?

12 A I believe that was one individual.

13 Q How long did you hold that position?

14 A Until '89.

15 Q What position did you take in 1989?

16 A I went into engineering department.

17 Q Was that at corporate or was that at one
18 of the sites?

19 A No, at Sequoyah still.

20 Q All of these are still that Sequoyah?

21 A Yes, they are.

22 Q Was that a promotion or a lateral?

23 A Lateral.

24 Q Were you still a supervisor?

25 A Yes.

1 Q How many direct reports did you have?

2 A I had about 12.

3 Q How did you get that position?

4 A I was RIF'd from a job and was offered
5 this job as part of a subsequent RIF.

6 Q You were RIF'd from your job as a
7 supervisor, PORS?

8 A Yes.

9 Q Was this a vacant position that had been
10 advertised?

11 A Newly created.

12 Q Did you have to compete for that position?

13 A I was offered the job. I don't know if
14 there was any other people offered the job or not.

15 Q Were you interviewed?

16 A No.

17 Q In that job did you have any chemistry
18 duties?

19 A No.

20 Q Any rad con duties?

21 A (No audible response)

22 Q You said you were RIF'd from your job as
23 a supervisor. How exactly did that work? Did you
24 simply receive a RIF notice?

25 A I was acting as the plant support

1 superintendent, which, on a temporary basis, I had
2 about 75 people. At that point, the whole division
3 that I had or group that I had of 75 people was RIF'd.
4 And so I RIF'd everybody, including myself. It's just
5 part of a downsizing TVA went through in the late '80s
6 and early '90s.

7 Q When you were RIF'd, were you sent to any
8 program such as an employee transition program?

9 A No.

10 Q So we're up to the 1989 position in
11 engineering. How long did you hold that position?

12 A Until in '91 I became an acting technical
13 support manager, which is engineering -- another term
14 for engineering at that time. And I held that
15 position for two years.

16 Q How did you get that position?

17 A My boss was pulled off to a -- work an
18 outage, be an outage manager, and I was asked to stand
19 in for him while he was out.

20 Q Who was your boss at that time?

21 A John Gates.

22 Q You said you held that position for two
23 years?

24 A Approximately.

25 Q Were you given any kind of temporary

1 promotion, any pay increase for taking that position?

2 A No. No.

3 Q Were you ever issued a position
4 description in that position?

5 A No.

6 Q For all of your other TVA positions, did
7 you have an official position description?

8 A To the best of my knowledge.

9 Q Okay. After the two years as acting tech
10 support manager, what was your next job?

11 A I became an outage manager. And that was
12 for just under a year. And then, from there, I took
13 a job in corporate. Well, let's see, that was under
14 a year.

15 In December of '94, wherever that takes us
16 to in the time frame, I took a job in corporate.
17 And in maintenance -- and actually it was called
18 technical support manager, was the title of the job,
19 under operations support.

20 Q Let's go back for a minute...

21 A Okay.

22 Q ...to the 1991 time period when you became
23 acting technical support manager. Did you have any
24 chemistry in that position? Any chemistry duties?

25 A No.

1 Q Rad con duties?

2 A No direct chemistry duties.

3 Q Okay. Any direct rad con duties?

4 A No. Obviously, engineering interfaced
5 with chemistry and rad con, you know, on a daily basis
6 at a plant, nuclear plant.

7 Q And then you said in 1993 you became an
8 outage manager?

9 A Yes.

10 Q Still at Sequoyah?

11 A Yes; uh-huh.

12 Q Was that a lateral or a promotion?

13 A Lateral.

14 Q How did you get that position?

15 A I was the -- I was an acting manager. I
16 asked for a change. I went to the plant manager and
17 asked him if I could do something different, and so I
18 went over and became an acting outage manager.

19 Q Do you know whether that was a vacant
20 position at the time?

21 A No, it was a temporary -- we rotated
22 outage managers through a cycle, and then they came
23 back out. They weren't permanent positions at that
24 time. They are today, but they weren't at that time.

25 Q Were you issued a position description in

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1 that position?

2 A No.

3 Q Was there any chemistry duties involved in
4 that position?

5 A No direct chemistry duties.

6 Q Rad con duties?

7 A No.

8 Q So the approximately three years that you
9 were acting tech support manager and outage manager,
10 you were still under the position description from
11 your engineering position; is that correct?

12 A That's correct. Uh-huh (affirmative).

13 Q All right. And you indicated in about
14 December of '94 you took a job at corporate?

15 A Yes.

16 Q As a tech support manager?

17 A Right.

18 Q Was that a lateral or a promotion?

19 A Promotion.

20 Q How did you get that position?

21 A I applied for that job.

22 Q Was there one interview or a selection
23 board?

24 A It was a selection board.

25 Q Who did you report to in that position?

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1 A David Goetcheus.

2 Q Did you have any chemistry duties?

3 A Again, only interface duties.

4 Q Same for rad con?

5 A Yes.

6 Q How long did you hold that position?

7 A Middle of '96, the -- the group that I was
8 in, the group under David Goetcheus, that group was
9 RIF'd from two groups down to one group, and so I was
10 RIF'd and had to reapply on a job.

11 Q Was this part of the same reorganization
12 that resulted in you sitting on the selection board
13 for the chemistry, environmental, and rad con
14 positions?

15 A Yes, it was.

16 Q Okay. And you said that your group went
17 from being two groups down to one group?

18 A Yes, it was...

19 Q What were the two groups?

20 A It was a maintenance group, and there was
21 a technical support group. Each group had about nine
22 or ten people in it. And we went down to about nine
23 or ten people in one group. So we basically cut
24 ourselves in half and ended up with one manager rather
25 than two managers. And I applied on the job, as did

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1 cians and there was a selection board, and I was
2 selected for that job. And the title was changed to
3 maintenance support manager.

4 Q I'm sorry, what was the title?

5 A Maintenance support manager.

6 Q You said you were RIF'd. Did you receive
7 a RIF notice?

8 A I don't recall.

9 Q Do you recall whether you received
10 something called a surplus notice?

11 A I really don't remember. I just -- I
12 remember the job went away. I know we all had to
13 reapply on jobs. I don't remember if we got RIF
14 notices or surplus notices or a. I really don't. I'd
15 have to go back and look at records.

16 Q Was that position a promotion or a
17 lateral?

18 A It was a lateral, same level as before.

19 Q Did you have any chemistry duties in that
20 position?

21 A Again, only interface with, you know,
22 people that were in chemistry and rad con at the
23 plants and so forth, and people on -- in corporate
24 here.

25 Q Okay.

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1 A Steam generator group and that type of
2 thing which involves chemistry.

3 Q How long did you hold that position?

4 A Until about March of '97.

5 Q Okay. What position did you take then?

6 A I became the NSSS---that's N-S-S-
7 S---system engineering supervisor at Sequoyah. And
8 that stands for nuclear steam supply system, in case
9 you're wondering.

10 Q Was that a promotion or a lateral?

11 A Actually, that was a demotion.

12 Q Demotion Okay. How did it come about
13 that you got that position?

14 A I applied on it and was -- and selected.

15 Q Was there a selection review board for
16 that position?

17 A No. I had been in that job -- they had
18 asked me to come out on loan a few months before that.
19 I had been doing that job for four, five, six months
20 on loan to Sequoyah

21 Q Do you know whether anyone else was either
22 interviewed or considered for the job?

23 A No.

24 Q Any chemistry duties?

25 A Again, other than interface, none.

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1 When you're asking me about chemistry
2 duties, let me make sure I understand what you're
3 asking. Did I have any direct supervision over
4 chemistry activities and those type of things? No,
5 engineering would not do that. That would be
6 chemistry department. But we interfaced with
7 chemistry on a daily basis for, you know, chemical
8 controls of the system, filter controls, those type of
9 things. That's how we interfaced with chemistry.

10 And the same type of thing with rad con.
11 We didn't -- we didn't directly supervisor any kind of
12 rad con -- rad con people.

13 Q How long did you hold this position?

14 A Let me think. This is 2001; right? I
15 believe until '99.

16 Q Okay. And what position did you take in
17 1999?

18 A System engineering manager's position.
19 Similar to the tech support position that I had
20 before, but all under engineering now.

21 Q Okay. Was that a lateral or a promotion?

22 A No, that's a promotion.

23 Q How did you get that position?

24 A I applied on it.

25 Q Was there a selection review board?

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1 A Yes.

2 Q And chemistry, rad con, same thing?
3 Interface, but no direct duties?

4 A Uh-huh (affirmative).

5 Q And how long were you in that position?

6 A Well, actually, I still hold that by
7 position description now

8 Q Okay.

9 A I am on a temporary assignment right now
10 as design engineering manager, which I asked to do,
11 for my, you know, background and career changes.
12 So .

13 Q So are you...

14 A I'm in a rotate...

15 Q ...acting engineering design manager? Is
16 that your title?

17 A Yes.

18 Q How did you get the -- that position, the
19 design manager position?

20 A I asked my boss if I could do the job.
21 There was no one in the job at Sequoyah. There are
22 similar people in those jobs at Watts Bar and Browns
23 Ferry, and my boss was trying to do two jobs. And I
24 needed some experience on the design side of the
25 house, and I asked him if I could do that job for

available and rotate. Allowed us to bring another manager up on temporary assignment to see how he could do as assistant engineering manager. So it was a part of a career development process.

Q How long have you been in that position?

A Since May.

Q Has there been a date set by which you're going to go back to your old position?

A We're looking at a year to 18 months.

Q What sort of training did you have in college on either chemistry or radiological issues?

A Well, all engineers go through, you know, the history courses, both, you know, obviously in high school and college you have chemistry courses. And then in TVA I've done -- I'm a shift technical advisor, trained, which involved chemistry for pressurized water reactor power plants.

Q Tell me a little bit about that training program. What does it involve? How long is it, first of all?

A Shift technical advisor training that I was in was 44 weeks long. It involved approximately 13 weeks of systems training, four or five weeks of power plant theory, couple of weeks of chemistry training, and some transit accident analysis training,

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1 supervisor training. We got to the point where we
2 could take the NPC exam, but we didn't -- we didn't
3 take the NPC exam for licensing as an SRO.

4 Q Okay

5 A We are SRO certified, but not -- not
6 licensed.

7 Q Now, when you said this is 44 weeks,
8 during that time is -- is that your full-time job, the
9 training?

10 A Full-time duty. Right. Full-time duty is
11 training, is correct.

12 Q When did you take that training?

13 A '84 1984.

14 Q Any other training while you were here on
15 either chemistry or rad con issues?

16 A No Nothing -- nothing specific, other
17 than those trainings.

18 Q Now I'd like to talk to you about what
19 your work relationship was or is with a number of
20 individuals.

21 A Okay.

22 Q First off, Gary Fiser?

23 A Gary Fiser was a chemistry manager when I
24 was at Sequoyah, I'd have to say in the late '80s or
25 early '90s. I don't remember the exact dates. And he

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1 left Sequoyah and came to corporate. Kind of lost
2 touch. While I was in my corporate position, I was
3 assigned to Watts Bar for a while, and I saw him up
4 there at Watts Bar some. And then when I came back
5 into corporate, after spending sometime at Watts Bar,
6 I'd see him at corporate occasionally.

7 Q Bill Jocher?

8 A Jocher was a guy that was in corporate,
9 and he came out Sequoyah (sic) on loan as a chemistry
10 manager. I do not recall the time frame. I really
11 had almost no interaction with him, so -- other than
12 I just know who he was, and that's about it.

13 Q Did you know anything about the reason why
14 Gary Fiser and Bill Jocher rotated positions?

15 A No.

16 Q Sam Harvey?

17 A Sam was a chemistry engineer, worked out
18 of corporate. Spent some time at Sequoyah, and
19 interfaced some with Watts Bar, but mainly with
20 Sequoyah, I believe. Chemistry department and steam
21 generator group.

22 Q Did you have any direct dealings with him
23 while you were at Sequoyah?

24 A I'm sure we had meetings together and
25 those type of things, you know.

Q Chandra?

A Chandra was a chemistry type engineer, I believe, in corporate. Spent most of his work with Browns Ferry, so I had very little interface with him.

Q Wilson McArthur?

A Wilson was a peer of mine when I was in corporate. He was like the rad con chemistry environmental manager and had that entire group there. And always worked in corporate from the time I met him, which is I guess a few years before I came to corporate.

Q You said you came to corporate in December of 1984; correct?

A Right. I actually took the job in December. I didn't actually report until the first of January, 1985.

Q And when you first came, do you remember what Dr. McArthur's position was?

A No, I don't.

Q Tom McGrath?

A Tom was in charge of NSRB, Nuclear Safety Review Board, was where I mostly knew Tom from initially. And then the manager, who was David Goetchius's boss, I can't think of his name right now, but he passed away.

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1 Q Don Moody?

2 A Don Moody. Thank you. He passed away,
3 and Tom sat in for Don.

4 Q Was he at any time within your direct line
5 of supervision?

6 A Yes, he was. When the reorganization took
7 place in '96, Tom became my direct supervisor.

8 Q Prior to the reorganization, was he in
9 your line of supervision?

10 A Yes, he was.

11 Q Your second line supervisor?

12 A He was second line supervisor. It was
13 David Gatchaus and then Tom, when Tom took over for
14 Don Moody.

15 Q How much interaction would you say you had
16 with him on a daily basis prior to the reorganization,
17 while you were at corporate?

18 A Prior to the organization change?

19 Q Yes.

20 A Maybe once a week when he was sitting in
21 for Don.

22 Q What about after the reorganization?

23 A Pretty much daily. We -- we had a telecon
24 every morning with the plants, and both he and I
25 participated in that telecon with the plants.

Q Ron Grover?

A Ron worked in corporate I'm not sure exactly what his job was. I know he worked in the Wilson-McArthur area, and I didn't have a lot of interaction with Wilson -- I mean, with Ron Grover

(Off the record conversation.)

BY MS. EUGENFR:

Q All right. Jack Cox?

A Jack was the rad con chemistry manager at Watts Bar when -- when I first met Jack, which was, you know, early, mid-'90s time frame.

Q Did you have any regular interaction with him, or you just knew who he was?

A No. I just knew who he was.

Q John Corey?

A John Corey was the rad con chemistry manager at Browns Ferry. And again, when I would go to Browns Ferry, you know, I would see John. And my corporate job took me to Browns Ferry occasionally for a few days or a week at a time, and I would interface with various people, and he might be one of them, depending on what I was doing that the time.

Q Charles Kent?

A Charles was and is the rad con chemistry manager at Sequoyah. And I interface with him

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1 occasionally daily today. Back in '96 time frame, just
2 when I was at Sequoyah, when I'd go out there as part
3 of my corporate job, and I might see him and speak to
4 him or whatever.

5 Q What about when you were at Sequoyah
6 earlier, before you came to corporate?

7 A No more than I would any other manager on
8 site. I mean, it was just occasionally, you know,
9 once-a-week type thing.

10 Q When you needed to interface with someone
11 in chemistry or rad con?

12 A Right. I might be able to speak with him
13 or -- or his subordinates or whatever.

14 Q Okay. You mentioned that twice you were
15 RIF'd from a position. Have you ever conducted a RIF?

16 A Yes.

17 Q Okay.

18 A On those two same occasions.

19 Q RIF'd yourself on one occasion.

20 A Yeah. On those two occasions, I RIF'd the
21 people that worked for me, and -- and again, myself,
22 on both occasions.

23 Q Okay. So in the 1996 reorganization, you
24 also RIF'd yourself?

25 A Well, actually, I got it from David

1 Greetings

2 Q Okay. I'd like to talk now about
3 selection review boards generally, not specifically
4 the 1996 one.

5 A Okay

6 Q How many would you say you've served on in
7 your time at TVA?

8 A Well, at least a half a dozen.

9 Q Okay. How do they generally work?

10 A Generally, selection review board, you
11 have a selecting manager who has an application that
12 he -- you know, that he's looking for people to apply
13 on. They've applied. He has reviewed those
14 applications, you know, looked at their personnel
15 history file, the evaluations that they've done and
16 all that type of thing. He looks at the minimum quals
17 required for his position. He sorts those out,
18 determines the number of candidates that meet the
19 minimum qualifications for that position, and selects
20 those required for interviewing.

21 He'll put together, along with his human
22 resources folks who are his counselors, if you would,
23 during this process. He always refers to them. And
24 with -- working with his human resource folks, they
25 put together a selection board book, if you would,

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1 that usually has the job position, the BPA, and then
2 the -- the spreadsheet, if you would, which has the
3 individual's names that were -- applied -- applied on
4 the job. And that spreadsheet contains things like
5 number of years they've worked for TVA; their
6 education level and some things like that.

7 And then there is -- there's -- the
8 supervisor, selecting supervisor makes up a series of
9 questions that he wants to know how the individual can
10 deal with, and whether it be technical or -- or
11 otherwise, and those are put in the book. And then
12 that book is, you know, put together and provided to
13 the selection review panel.

14 The supervisor -- in the ones I've been
15 in, sometimes the supervisor participates as far as
16 asking questions. Most of the time he does not. He
17 has the -- his other panel's members (sic) ask the
18 questions, and he's usually there taking notes for him
19 own self (sic). And then go through each of the
20 candidates.

21 Q In the ones that you've sat on, has the
22 selecting manager also rated the candidates?

23 A Not normally; no. The ones that rate them
24 are the ones that are his team members. He doesn't
25 normally rate the individuals.

1 Q How many people are usually on a selection
2 board?

3 A As a selection manager, I usually had
4 three, a minimum of three people, beside myself. And
5 then HR, human resources. They were our advisors
6 which typically were always with us in the selection
7 review panel.

8 Q The boards that you participated on, were
9 they at Sequoyah, at corporate, or both?

10 A I've done them in both places, both
11 corporate and Sequoyah.

12 Q Are they done generally the same at the
13 sites as they are at corporate?

14 A Yes. Uh-huh (affirmative).

15 Q You mentioned a spreadsheet that lists all
16 of the candidates for the position, their experience,
17 their education levels.

18 A Uh-huh (affirmative).

19 Q Do the board members see that spreadsheet?

20 A It's usually in the notebook with the
21 material provided.

22 Q Resumes usually in the book?

23 A No, not normally resumes. The -- whatever
24 the -- you know, there's a form, I believe it's called
25 a 98-24 form, that -- a VPA announcement form that you

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1 use to apply back on a job with. Usually that form is
2 there, and whatever the applicant attaches to it. If
3 he wants to attach things to it, then he'll -- he can
4 do that. And some people will attach a resume, some
5 people don't. So, you know, whatever the person
6 attaches. And that goes in the book usually.

7 Q Do some people attach service reviews,
8 performance appraisals?

9 A Not normally they don't. I've seen it
10 done at -- for bargaining position jobs. They usually
11 do. But not -- not managerial positions.

12 Q Typically, how far in advance do the board
13 members get their selection packages?

14 A Usually the day of.

15 Q When you were sitting on the board, as
16 opposed to being a selection manager, prior to the
17 interviews did you go through the book, read all the
18 applications, read the questions?

19 A The panels that I've been in, no, we
20 didn't -- didn't usually have time to go through the
21 books, you know, and look at the -- all the
22 applications. The expectation is, when you're sitting
23 on a panel, that the selecting manager has done all
24 the homework for making sure he's -- you know, he's
25 reviewed all the available candidates, and parred

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those down to the ones that meet the minimum qualifications, and that he's interviewing the ones that meet the minimum qualifications of the job.

Q Do you -- do you interview all of the candidates who meet the minimum qualifications?

A We interview the ones that the selecting manager chooses. And, you know, that's his responsibility, in working with HR, to make sure he's - he's using the right criteria, which -- which there is a minimum qualifications, and then - and in spreadsheet you can set other qualifications that the job requires, additional job qualification. But typically, they interviewed the minimum qualification jobs.

Q Can the selecting manager, with human resources consultation, decide only to interview say the best five candidates for the job, as opposed to interviewing say ten people who met the minimum qualifications?

A That's not normally done. Usually, if they have ten candidates, they'll -- and that's the criteria, they end up having to deal with ten candidates.

Q If, for a particular position, the selecting manager receives a number of applications,

1 but the applicant is far and away the most qualified,
2 extremely good education, best experience, best
3 performance appraisals. Everyone else is so clearly
4 below them, but still meeting the minimum
5 qualifications, does the selecting manager have the
6 authority to decide to not hold interviews and simply
7 select that most qualified candidate?

8 A Not for management positions. My
9 understanding, that all management positions below a
10 senior level get -- have to go through a selection
11 review panel. But the bargaining positions, now, we
12 can select bargaining positions without a selection
13 review board.

14 Q And you said that that's also not true for
15 the PG senior positions?

16 A I don't think that's necessarily true for
17 PG seniors. Now, I may be wrong in that. You got to
18 consult with human resources to...

19 Q Okay.

20 A ...make sure of that. I'm not an
21 authority in that area.

22 Q When doing a selection review board, are
23 there any procedures that you have to follow? Are
24 there any written procedures?

25 A I don't recall ever seeing any written

1 procedures. It's been guidance from our human
2 resources folks who are the people we turn to for, you
3 know, making sure that we're following the right
4 rules

5 Q That's verbal guidance from the human
6 resources?

7 A Yes.

8 Q Okay. Prior to starting the interviews,
9 do the members of the selection review board typically
10 go over the questions?

11 A Yes. Usually the selecting ..

12 Q What do you discuss?

13 A ...usually the selecting manager goes
14 through the questions and says, you know, "Brant,
15 you're going to ask Questions 1, 2, and 3," and, you
16 know, on around the table who's going to ask what
17 questions. And -- and if the selecting manager says,
18 you know, "Here's -- here's the kind of things I'm
19 looking for in these questions," you know, that
20 might -- he might give some guidance relative to that,
21 or he might not, depending on -- depending on who he
22 is or what he's asking

23 Q So you could -- either the selecting
24 manager could, or could the members of the board
25 discuss what the appropriate answer would be,

1 especially for say a technical question?

2 A Yes.

3 Q When you are rating the candidates during
4 the interviews, what are you basing your ratings on?

5 A I'm basing my ratings on the response the
6 individual gives to the question. If it's a technical
7 question, I base it on his technical response, how
8 well he understands the issue that we're talking
9 about. And I also base it on how confident his -- he
10 is responding to that question, and his demeanor.

11 Q Are you permitted or can a member of the
12 selection review board bring in personal knowledge of
13 the candidate when considering how to rate them during
14 the interview?

15 A I'm not sure I understand the question.

16 Q When you're in the middle of conducting an
17 interview and you're a maybe of the selection review
18 board, can you consider your prior dealings with that
19 individual? So, say you ask them a question about
20 something technical and you know that they had a
21 project in that particular area. In rating their
22 response, do you consider your prior knowledge of his
23 work in that area, or do you go simply based on his
24 interview response?

25 A Well, I normally try to use the interview

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1 response. But it's hard to factor out -- if you know
2 somebody, it's hard to factor out your knowledge of
3 that individual. But, you know, you ask a question,
4 you know, "Is the light on in this room?" well, you --
5 I take your response back as how you responded to that
6 question directly.

7 If you said, "No, it's dark in here," then
8 I would say, "Well, he didn't quite make the answer on
9 that one," you know.

10 MR. DAMBLY: You wait a minute, you might
11 be right.

12 Q If, during an interview, you knew that the
13 answer an applicant provided was inaccurate, would you
14 take that into consideration when rating their
15 response?

16 A Yes, if they gave an inaccurate response,
17 I certainly would take that into account.

18 Q Would you share that with the other board
19 members? For example, if someone had said, "I -- I
20 was the team leader on this project," and you knew for
21 a fact that they were not the team leader for that
22 project, would you share that knowledge with the other
23 board members?

24 A Well, the way -- the way the interview
25 goes through, typically, the ones I've been in, is

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1 that we go through all the questions with the
2 candidate and he answers the questions to his best
3 ability, and then the interview's over with that
4 individual.

5 We grade them independently, and then
6 there may be a -- there may be a couple of minutes of
7 commentary where there's, "Hey, this guy didn't do so
8 well on this question," that type thing. But, you
9 know, we don't -- we typically don't exchange grades
10 with -- with each other, but we might make some
11 general comments about, "Hey, this guy didn't respond
12 so well on -- on a certain question," or something
13 like that. And that might be general type comments
14 like that.

15 Q Typically, after the interviews, do you
16 have a conversation about each candidate's strengths
17 and weaknesses?

18 A Yes, on those same type things that we
19 just talked about. Just general comments about how
20 well a guy did, you know. Just looks like he didn't
21 do so good in this question, did better in this one,
22 that type of thing. Or he -- he didn't appear to be
23 confident or he was confident or something like that
24 in his response.

25 Q For you personally, when you're sitting on

1 a review board, do you write down your ratings, your
2 scores, as the individual answers each question, or do
3 you go back at the end and review your notes and take
4 into consideration the discussions before rating them?

5 A I've done it both ways, but I typically
6 wait till the end, and go back and -- I make my notes
7 as he's answering, and I listen to the answers he's
8 given to other people on their questions, because I'm
9 going to rate him on that question, as well, or rate
10 her, depending on who it might be. And -- and I'm
11 trying to listen to what they're saying, so I want to
12 get down notes for each question. So I usually don't
13 grade until I've -- I've heard everything, and then I
14 go a back and grade each one based on my notes.

15 Q In the panels that have sat on, has the
16 selecting manager ever said anything during the
17 interviews?

18 A I'm sure there's been a comment or two.
19 But, I mean, is he asking questions? Not normally.

20 Q Okay. Does the selecting manager
21 typically participate in the discussions of the
22 candidate after the interviews?

23 A There has been a couple of boards that --
24 that he's participated in. But not normally.

25 Q What is the role of the human resources

1 facilitator?

2 A Counselor, you know. Basically a coach,
3 to make sure that we're not getting off track, and
4 that basically that insures that the candidate
5 understands all the questions. And that if the
6 candidate has any questions, he has the opportunity or
7 she has the opportunity to ask back questions to
8 the -- to the panel, itself, so that there's, you
9 know, two-way communication.

10 And usually, if there's questions about
11 protocol, as far as subsequent to the interviewing
12 process, the HR person will typically answer that type
13 thing. Whether it's going to take four weeks to get
14 the thing processed or the selection will be made,
15 these kind of -- they typically answer those kind of
16 questions.

17 Q Now, I had asked you earlier how many
18 selection review boards you had worked on, and I think
19 you said about a half a dozen.

20 A Yes.

21 Q Does that include only the ones that you
22 were a board member on, or is that the ones you were
23 a board member and the selecting manager?

24 A Both.

25 Q Includ-s both?

1 A Un-nun affirmative

2 Q All right, now I'd like to move on to the
3 1996 selection review board. First of all, who asked
4 you to serve on the selection review board?

5 A For the chemistry and rad con and all
6 those environmental ..

7 Q Yeah, the chemistry, rad con,
8 environmental

9 A Wilson McArthur.

10 Q Okay. When did he ask you to serve on the
11 board?

12 A It was a couple of days before the
13 selection review panel took place. Two or three days.

14 Q Did he explain to you why you were being
15 asked to serve on the board?

16 A He needed some help. We were going
17 through the RIF, as I mentioned earlier, and he needed
18 some help in a selection panel, and asked me if I
19 would serve for him. So I told him I would. I was --
20 looked at my calendar and I was free that afternoon,
21 so I told him I'd support him.

22 Q Just so I can refresh my memory, what was
23 your position again in 1996, prior to the
24 reorganization?

25 A I was a technical support manager prior to

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1 the reorganization, and maintenance support after the
2 reorganization in '96.

3 Q What relation was there between your
4 position prior to the reorg -- well, actually, first
5 let me ask you.

6 At the time you sat on the selection
7 review board, was that before your reorganization or
8 after? What position were you in at the time of
9 the .

10 A I was the maintenance support manager at
11 that point in time. My -- my group had already been
12 downsized to one group, and I'd already applied and
13 was selected on the new position that was created.
14 And so I was acting as maintenance support manager at
15 that time.

16 Q And at that time, what was your relation
17 to Mr. -- or Dr. McArthur in the organization?

18 A We were peers.

19 Q Okay. Did you have any---I know I asked
20 you this before, but I'm going to ask it again---any
21 chemistry or rad con or environmental work in that
22 position?

23 A No direct supervisory work.

24 Q Just the interface?

25 A Yes.

1 Q Okay Okay, what relation was there
 2 between what your position was after the reorg, and
 3 the positions that the selection review board was
 4 deciding? I know the other two board members were the
 5 cust. ers, so to speak, for those positions. What was
 6 your -- your relation to those positions, if any?

7 A Again, just interface. Whenever I needed
 8 suggest from chemistry or rad con or environmental,
 9 they were the people I would go to

10 Q Prior to the day of the interviews, other
 11 than Dr. McArthur, did you discuss the selection
 12 review board with anybody?

13 A No.

14 Q Did you have any interaction with anyone
 15 from the resources on the review board?

16 A No

17 Q When Dr. McArthur came and asked you to
 18 serve, he gave the date and time? By that time he
 19 already knew when the interviews were scheduled for,
 20 so you knew all of that time?

21 A He told me they were going to be in the
 22 afternoon, whatever particular day that happened to
 23 be. And told me about what time they were going to
 24 start. And I looked at my schedule and I said, "Okay,
 25 I'm going to be free that afternoon and I can -- I can

1 suggest you," and he told me where it was going to be,
2 and so I came.

3 Q When did you receive your selection
4 notebook?

5 A When I got to the selection review panel
6 board meeting.

7 Q What did you do with it when you received
8 it?

9 A I turned it in to Wilson and HR person
10 (sic).

11 Q I don't mean after the interviews. I mean
12 when you -- when -- first of all, who gave you the
13 notebook that day? Was it Dr. McArthur?

14 A I believe they were just laying on the
15 table when we came in where we were sitting, and I
16 just...

17 Q And there was one with your name on it?

18 A One -- one there for me. One for each of
19 the selection panel.

20 Q When you sat down for the first time with
21 the book, did you go through it, did you read the
22 information in it?

23 A Well, it's been a while, so...

24 Well, I'm sure I opened it up and looked
25 at what was in the package, you know, and who the --

1 what jobs we were going to be interviewing. Because
2 it was not just one job, it was a series of jobs. Rad
3 ion, environmental, chemistry, both PWR and BWR
4 chemistry groups. And I'm sure I flipped through the
5 book, you know, to see ...

6 Q Prior to that date, did you know what
7 positions were going to be filled on that selection
8 review board?

9 A No.

10 Q Is that normal for the -- all the other
11 selection review boards that you sat as a member on?

12 A No, normally you're just selecting one
13 person for one job. You're not normally going through
14 a selection review panel that's going to select a
15 whole bunch of jobs, because you're not RIF'ing every
16 day. You're only doing -- you know, filling a vacancy
17 typically is what you're doing. So you've got one
18 position that you're trying to fill. So you're only
19 filling for one job.

20 Q Of the half dozen or so of these that
21 you've worked on, was this the only one that involved
22 a RIF where it was multiple positions?

23 A That's the only one I remember that had
24 multiple positions on it.

25 Q Okay. Did you review the resumes and

1 applicators for some or all of the candidates?

2 A Well, I don't believe there were any
3 resumes in the book. I think there were the
4 application forms that I mentioned, and then again,
5 whatever they attached to the form, you know. As
6 they -- as we got to each one, I glanced at each one
7 of those.

8 Q Did you, by yourself, review the list of
9 questions for each position?

10 A When I got the book I looked through the
11 questions; yes.

12 Q Okay. Did the board have a discussion of
13 the questions before the interviews started?

14 A Yes. We talked about which questions the
15 ones on the board would ask, and we -- it was a --
16 what I remember, there was several questions. I don't
17 recall how many, maybe 14, 15 questions, I'm thinking.
18 And that the board went through and selected ten or 11
19 of them, maybe, to ask. And so we didn't -- you know,
20 we left some of them out. So every candidate got the
21 same questions, but some of them we didn't ask. So
22 we -- we went through and decided, okay, these are the
23 questions that we're going to ask. And then who's
24 going to ask what questions.

25 Q Were the questions different for each

position that you were interviewing for?

A For -- for PWR chemistry, all applicants got asked the same questions. For BWR chemistry, all applicants got asked the same questions. So do you understand what I'm saying?

Q Yes.

A Okay.

Q But there were different questions for the PWR position versus the BWR positions?

A Some were the same, some were different. When we got into more technical issues, they were different, because BWR chemistry is different than a PWR chemistry.

Q Prior to the interviews starting, did you take any notes about the questions or about any of the applicants?

A I don't recall any notes taken.

Q When you were discussing the questions with the other members of the review board, I think you had mentioned earlier, when we were talking about boards in general, that sometimes the selecting manager will tell you what they're looking for when they ask a particular question. Did Dr. McArthur say what he was looking for for any of the questions?

A Not that I remember. And I'll back up to

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1 the question prior to this. The only notes I took
2 was, I would -- I circled the ones that I was going to
3 ask and wrote my name beside it, so I would remember
4 which ones I had to ask. But I don't -- I don't
5 remember Wilson giving any specific answer he was
6 looking for on any one. I mean, most of us knew what
7 the answers would be to the questions that we were
8 going to be asking. So...

9 Q Did any of the other...

10 A ...I don't -- I don't remember.

11 Q ...board members...

12 A There may have been some. There may have
13 been some discussion, but I do not recall any
14 specifics about it. You know, we talked about, you
15 know -- I mean, there was a question relative to steam
16 generator denting, which, you know, I'm familiar with,
17 and those -- I mean, that's -- that's pretty much what
18 I remember about the questions. It's been a while.

19 Q You had said that you decided not to ask
20 some of the questions that were on the list.

21 A The board decided that; yes.

22 Q Do you know why some of those questions
23 were eliminated?

24 A We didn't feel we had time to answer --
25 with all the candidates, to ask all of those

1 questions, so we tried to select what they -- what was
2 felt by the board to be the most critical questions to
3 get to the -- the best candidate.

4 Q Did the board decide to add any questions?

5 A I don't remember I'd have to look at my
6 notebook to see.

7 Q And we'll get to that.

8 A Okay.

9 Q Do you remember whether there were any
10 service reviews or performance appraisals in the
11 notebooks?

12 A I don't remember any. Again, I'd have to
13 look in the notebook to see, though.

14 Q Why don't we take five minutes.

15 (Recess.)

16 BY MS EUCHNER:

17 Q Let's go back for just a minute to a
18 discussion of the selection review boards in general
19 as opposed to specifically the 1996 review board.

20 After you have scored the candidates and
21 given them their ratings on each question, what do you
22 do with the score sheets?

23 A Usually they say in the books and are
24 given to the selection review -- selection manager or
25 the HR person that's there

2 Okay. And you give them to that person at
3 the end of the -- of all of the interviews?

4 A At the end of all interviews.

5 Q Okay. And you give them...

6 A Well, if I did multiple interviews.
7 Typically, like I said, we only did one interview at
8 a time.

9 Q Okay.

10 A But in this case here in '96, it was at
11 the end of all interviews. We just gave the whole
12 book over to them.

13 Q Okay. I'd like to now go back to the 1996
14 SRB. The day of the interviews, around when did you
15 arrive for the interviews? And I don't need an exact
16 time, I just need an approximation.

17 A You know, just a few minutes before the
18 board started.

19 Q Okay. Who was there when you arrived?

20 A Well, Wilson was there. I believe Charles
21 Kent was there, and John Corey. And HR was there, you
22 know. Ms. Westbrook.

23 Q Was Jack Cox still there when you arrived?

24 A I don't remember Jack being there.

25 Q Did you ever hear Jack Cox say anything
26 about favoring Gary Eiser for one of the chemistry

1 questions?

2 A No.

3 Q To your knowledge, why didn't Jack Cox
4 serve on the selection review board?

5 A At the time, I don't know why he didn't
6 serve

7 Q Okay. Who wrote the questions that the
8 board asked the candidates at these interviews?

9 A I assure Wilson wrote it.

10 Q Okay. For the chemistry positions, and
11 only the chemistry positions, who was the HR
12 facilitator?

13 A Ms. Westbrook was the person I thought was
14 there.

15 Q Was she there the entire time for all of
16 the interviews?

17 A I don't remember.

18 Q Do you remember Ben Easley ever being
19 there during the interviews?

20 A It's been a long time ago. I don't
21 remember if Ben was there or not.

22 Q Okay. Do you remember whether either Ms.
23 Westbrook or Dr. McArthur saying anything during the
24 interviews as opposed to after the interviews?

25 A Not during the interviews; no. Other than

1 maybe -- maybe Ms. Westbrook might have asked the
2 candidate, "Do you have any questions for the panel?"
3 She may have asked that question. But other than
4 that, I don't remember her asking any. And I'm sure
5 Wilson didn't ask any questions.

6 Q After the interview -- well, after each
7 candidate left their interview, did Ms. Westbrook sort
8 of run a discussion among the -- the review board
9 members?

10 A There was a -- usually after each
11 candidate, there was a -- like I said earlier, a
12 couple of minutes of general discussion about
13 responses to certain questions.

14 Q Did you take notes of those discussions?

15 A Not of those discussions. It was usually
16 about my notes that we discussed, or about a person's
17 note. I commented on notes, and somebody commented on
18 their notes.

19 Q On the interview schedule, I believe you
20 had an interview schedule for every 30 minutes,
21 approximately.

22 A Yes.

23 Q How much of that time was actually spent
24 on the interview versus spent after the interview
25 discussing the candidates?

1 A That's a long time ago. I don't remember

2 Q Okay. Do you remember whether you scored
3 the candidates as they were answering the questions,
4 or at the end?

5 A No, as I said earlier, I typically, and
6 the way I did then, was I listened to each answer and
7 wrote down notes on each answer, and then I came back
8 at the end and scored each question.

9 Q When you were having these discussions
10 after the interviews, were you basing your scores
11 solely on the notes that you had taken, or did you
12 take into account the discussions that you had with
13 Mr. Kent and Mr. Corey?

14 A The discussions didn't take place until
15 after we had scored the persons. So we scored them,
16 and then there was a discussion. And there was a --
17 like I said, a brief discussion. But we scored them
18 first.

19 Q If you had wanted to, could you have
20 changed your scores based on what Mr. Kent or Mr.
21 Corey had to say?

22 A I'm sure I could have, but I didn't.

23 Q After all of the interviews were over, do
24 you remember who you turned your selection notebook in
25 to?

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1 A It was either Wilson or the HR person.

2 Q Okay. And throughout the interviews, did

3 you have your score sheets for all of the other

4 candidates in the book?

5 A Yes, as each candidate was completed, that

6 was three-hole punched -- it was already three-hole

7 punched, and we just put them in the notebook -- in

8 the book by each candidate.

9 Q Okay. So if you had wanted to, you could

10 have gone back to look at the previous candidate to

11 see how you scored them when scoring the next

12 candidate?

13 A Yes.

14 Q Did you do that?

15 A Not at the time I was scoring them. I

16 scored them and it was done. No. That doesn't say

17 that I didn't go back and maybe flip back a page or

18 something. But, you know, when I scored a person, I

19 scored it based on their responses, not how they, you

20 know, did to somebody else. I scored it based on how

21 they answered the question for that particular

22 question that was asked.

23 Q Either during or after the interviews, did

24 you see the scores that Mr. Kent and Mr. Corey gave to

25 any of the candidates?

1 A NC

2 Q Do you know whether it would have been
3 possible for them to have seen your scores?

4 A No, they could not have seen my scores
5 I was on the end of the table, and they were around
6 on -- it was an L-shaped table, and they were on the
7 other side of the "L."

8 Q This is a copy of the selection notebook
9 that had your name on it. We made this photocopy from
10 a version of the notebook that TVA provided to us.
11 What I would like you to do is take a couple of
12 minutes, look through it. First of all, make sure
13 that it appears to be your notebook. And then look
14 through it and tell me if there are any documents
15 there that you don't remember being there on the day
16 of the interview, or documents that you think should
17 be there, that are missing. So we can go off the
18 record for a couple of minutes while you do that.

19 (Off the record.)

20 BY MS EUCHNER:

21 Q Back on the record.

22 Okay, first, does this look like your
23 notebook that you used for the selection review board?

24 A In general, it does look like my notebook
25 The stuff that's in the front of the book here is not

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part of the notepad that I had.

Q Okay. Can you identify...

A At the time.

Q ...specifically which stuff was not part of your notepad?

A There's a package here dealing with the peer group meeting.

Q Okay. We're in the blue folder now?

A Yeah, the blue folder. The stuff in the blue folder was not in there. I do not recall the org charts being in there.

Q Okay.

A And I don't know what these other blank sheets are that's got numbers written on them. I -- those were not in there. I don't know what those are. Just got looks like a phone number to me, and looks like some other numbers under Harvey and Chandra name. Do not know what that is.

Q Okay.

A And then on the other side, there's stuff in front of the tab called "Candidates." That information was not there, which is -- looks like a selection letter dated July the 31st, 1996. And some other attachments to that.

Q If we can go to -- if you go past the

1 documents that are dated July 31st, 1996 Keep going
2 backwards, I think. I have -- and I am also looking
3 at a copy of your notebook. I have what looks like 1,
4 2, 3, 4 spreadsheets. Do you recall whether those
5 were in your..

6 A That was not part of the book

7 Q Okay.

8 A That was not part of the book.

9 Q Following that sheet, I have an interview
10 schedule dated July 18th, 1996. Was that part of your
11 book?

12 A No There was one, but it's -- this one's
13 got notes all over it which is not my writing, and
14 that was -- that writing on it was not in my book.
15 There is one in my book which is under the tab titled,
16 "Interview schedule."

17 Q Do you recognize this handwriting?

18 A No, I do not

19 Q And then the following page I have what
20 looks like a cover sheet, "Evaluation committee for
21 corporate rad con, chemistry, and rad waste
22 environment." Do you remember whether that was in
23 your notebook?

24 A I don't remember that sheet, but it may or
25 may not have been there.

1 Q Okay. All right, what I would like to
2 focus on are the tabs marked "Gary Fiser" and "Sam
3 Harvey." First off, you had said earlier that you
4 didn't remember resumes being in there. Now that you
5 have had a chance to flip through there, do you recall
6 having reviewed any of these resumes before the
7 interviews, or at least skimmed through them before
8 interviewing the candidates?

9 A I'm sure I looked through it just like I'm
10 doing right now, glanced over it like this.

11 Q All right. First thing I would like to do
12 is, under Gary Fiser's -- under the tab marked for
13 Gary Fiser, like you to go to the question that says,
14 "Questions for program manager chemistry."

15 A Okay.

16 Q Okay. Now, in the top right-hand corner
17 there is the letters "PWR" written. Is that your
18 handwriting?

19 A I believe it is.

20 Q Okay. And then throughout the list of
21 questions you have a number of them circled, and then
22 you have what looks like initials next to it.

23 A Yes. Questions 1, 2, and 7, I put my
24 initials besides that (sic). That's "HRR." And then
25 questions -- looks like 9, 11, and 12, I've got "CK,"

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1 which to me meant Charles Kent. And in 15, 16, and
2 looks like we added a Question 17, I have "JC," which
3 would be John Corey.

4 Q During the interviews did you ask them in
5 this order? For example, did you ask the first three
6 questions, followed by Mr. Kent asking the next three,
7 or did you take turns asking the questions? Did you
8 alternate?

9 A I don't remember.

10 Q Okay.

11 A Some interview boards we alternate, some
12 we go straight through. So I do not remember.

13 Q And it looks as though there are eight
14 questions that were not circled. In discussing the
15 questions prior to the start of the interview, was
16 there a reason why any of these particular questions
17 were excluded?

18 A As I said earlier, we tried to pick the
19 questions we felt that would be most critical to the
20 job and would provide the most information for the
21 understanding of the applicant's ability to accomplish
22 that job, and -- and then chose those questions.

23 Q To your knowledge, was this position -- it
24 says program manager. Was this a technical manager
25 person or a person manager position?

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1 A Technical. Managed the program of
2 chemistry; or in this case, PWR plants.

3 Q All right. There are a few technical
4 questions, so to speak. And I would just quickly like
5 to go over what they are. The first one that I'd like
6 to talk about is Question #12, "Define the term
7 'denting,' and where and how does it occur."

8 Briefly, can you tell me what that is?

9 A What denting is?

10 Q Yes. And how it occurs.

11 A Okay, denting -- denting is occurring on
12 the tubes of steam generators. And basically, you
13 have contaminants in your feed water side of your
14 steam generator. And as you boil the water, some of
15 these plate out, if you would, along the tubes -- tube
16 sheets of the steam generator. And as these
17 contaminants build up, it has a tendency to force the
18 tube in. Subsequently, minutely bends the tubes and
19 creates cracks in the tubes or -- or indications, if
20 you would, in the tube (sic).

21 And so the intent is to prevent that. You
22 want to be able to have a chemistry that -- that keeps
23 from building up contaminants in these crevices, if
24 you would, so you don't have denting. And so you want
25 to -- you want to keep your -- your sulfates low and

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1 your sodiums low, so that you don't get these denting.

2 What denting does to you, it has -- it has
3 a tendency to -- on the inside of the tube is primary
4 water, radioactive primary water. And that becomes
5 your primary barrier, your -- one of your three
6 barriers that you have for protecting the public. And
7 so you want to make sure that integrity is there. And
8 so your -- you don't want denting on your tubes. When
9 you get a lot of denting, you end up with a potential
10 for cracks that could cause a primary to secondary
11 water leak. And so you -- you end up -- you try to
12 get good chemistry.

13 What we do in outages, we eddy current
14 those tubes and run a signal through those tubes
15 looking for those cracks, if you would. And if we
16 find any, we'll plug those tubes or we evaluate them,
17 depending on how deep the crack is or indications are.
18 So that's the intent of -- that's what denting is, and
19 that's the intent; we don't want denting.

20 Q Is that a PWR question or a BWR question?

21 A That's a PWR question.

22 Q Okay. Question number...

23 A Boiling waters don't -- they don't have
24 generators.

25 Q Okay. As you can see, I'm not a technical

1 person. I wouldn't have known that.

2 Question #15: Discuss the IMPO chemistry
3 index. What is its significance?

4 Briefly, what is the chemistry index?

5 A Okay, IMPO sets up a series of criteria
6 based on how you operate your plant chemistry. And
7 they're looking at things like your molar ratio, your
8 sulfates, your air-in leakage, series of things like
9 that. And then they grade you. You get certain
10 points. If you stay in -- if you're in your admin
11 limits or you're out of your admin limits, you have to
12 subtract certain points. And those add up to a
13 certain point grade, and you get a -- a chemistry
14 index value. And IMPO has set a standard for industry
15 for how you operate your plant -- PWR plants in that
16 area.

17 So all plants in the PWR world are grading
18 themselves based on their chemistry. And then you get
19 points subtracted or taken away are your overall IMPO
20 grade based on that. So one of the parameters goes in
21 the overall IMPO grade is chemistry index. And
22 there's -- there's a whole series of others that go
23 with it.

24 Q Okay. And then you added Question #17,
25 which is: Define molar ratio control, its primary

1 indicators, and I think that says control

2 Again, briefly explain that to me.

3 A Okay. That -- that's basically just
4 looking at the -- the ratios of -- of the elements
5 that -- or the compounds that are making up the
6 contaminants you're trying to prevent, you know.
7 Sodium and sulfates and those type of things. And you
8 try to maintain a low molar ratio.

9 Q Okay. What I'd like you to do now is look
10 past at the two pages that the questions are on, to
11 the following page, which is a -- a rating page, I
12 think -- I believe. Are those the only three pages
13 on which you took notes related to Mr. Fiser's
14 interview?

15 A Yes.

16 Q Okay. All right. Go ahead and sort of
17 put those three pages aside, because we're going to go
18 back to those three pages in a minute. And then the
19 next tab is for Sam Harvey.

20 Now, I understand Mr. Harvey was applying
21 for both the PWR and the BWR chemistry position; is
22 that correct?

23 A That's what it appears. I have -- let me
24 go back to my notes. I have a BWR sheet and a PWR
25 sheet for Sam. So he evidently applied for both.

1 Q Okay. All right. On your question pages
2 for Mr. Harvey that say PWR, you have -- again, you
3 have questions circled, and then you have notes,
4 followed by a rating sheet. And then I have two pages
5 of BWR questions with just a couple of notes, and
6 again followed by a rating sheet.

7 Are those the only notes that you took for
8 Mr. Harvey's interview?

9 A To the best of my recollection, that's
10 true.

11 Q Okay. What I'd like you to do now is take
12 out both Mr. Harvey and Mr. Fiser's -- your notes for
13 both of them and your rating sheets for both of them.

14 A Including BWR?

15 Q Yes, including BWR.

16 A Okay.

17 Q Okay. Let's start with Mr. Fiser.
18 Question 1, I believe your initials note that you
19 asked this question, which is: What strengths do you
20 have that will benefit your position -- this position?

21 Can you please read your notes that you
22 have in that little circle.

23 A Yeah. Gary responded back as his strength
24 was people skills to get things done.

25 Q Do you recall anything else of his answer,

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1 other than what you wrote there?

2 A No, not at this point in time.

3 Q Okay. And also, while we're at it there,
4 at the top of the page there appears to be a note.
5 What question does that note relate to, if any?

6 A I think Question 2.

7 Q Question 2?

8 A What I'm -- it's been a long time. I
9 don't recall.

10 Q Okay. Now I'd like you to look at your
11 notes for Sam Harvey for Question 1, And read your
12 notes.

13 A I have, "Brunswick and Hatch" written
14 above Question 1. And then I have a bulletized out
15 beside that, and then just above it, "Steam generator,
16 secondary chemistry, and wall water corrosion."

17 Q Okay. Now I'd like you to go to the
18 rating sheets that you gave for both Mr. Harvey and
19 Mr. Fiser. And for Mr. Harvey, for both BWR and PWR,
20 you gave him a score of nine. Whereas, for Mr. Fiser
21 you scored him a five. Can you explain to me why you
22 gave Mr. Fiser a five?

23 A Well, I don't know at this point in time.
24 It's been too long, I mean, since I've interviewed the
25 guys.

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1 Q And based on your notes, you can't tell?

2 A No, I -- I can't recall specifically,
3 based on my notes; no.

4 Q Can you recall why you would have rated
5 Sam Harvey a nine?

6 A Well, it would have been based on his
7 response to the question at the time.

8 Q But you can't recall anything about his
9 answer...

10 A No.

11 Q ...that you rated it so highly?

12 A No. That's been six years ago or so.

13 Q Okay. Let's go ahead to Question #2,
14 then, and we'll start with your notes for Mr. Fiser.

15 Question #2 is: Indicate weaknesses that
16 you need to address if you fill this position. And I
17 believe you told me just a few minutes ago that the
18 note at the top of the page referred to Question #2;
19 is that correct?

20 A To the best of my knowledge.

21 Q Okay. Can you read what your notes there
22 say?

23 A It said, "Escalate must go to rad chem
24 manager and his boss."

25 Q Okay. And then there is a note again, and

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1 a circle with an arrow pointing to Question 2. Can
2 you read that note for me.

3 A That was a question relative to
4 weaknesses, and it says, "Trust people too much,
5 weakness."

6 Q Okay. For Mr. Harvey, Question #2, there
7 are a couple of notes next to that. Can you read
8 those for me.

9 A Says, "BWR because of being out of..." I
10 can't make out the rest of that word.

11 Q "It" maybe?

12 A Possibly.

13 Q "Out of it"?

14 A Yeah, maybe because of being out of it.
15 Maybe that was his weakness in BWR. PWR, count room.

16 Q Count room?

17 A Count room.

18 Q What does that mean?

19 A That's basically where they have a
20 radioactive isotope, and they want to count that
21 isotope to see what energy level it is and they can
22 tell you what isotope it can be or that type of thing.
23 Or it could be a count room where they're looking at
24 boron, and they want to see what the boron chemistry
25 is.

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1 Q Okay. And again, if you look at your
2 rating sheets, you gave Mr. Fiser a five, and on both
3 BWR and PWR, you gave Mr. Harvey a nine. Any
4 recollection of why you gave them those scores?

5 A Again, it was based on the answers they
6 provided at the time.

7 Q Okay. Question number...

8 MR. DAMBLY: Just let me ask one question.
9 I asked it yesterday. I was just curious about this
10 question. When you ask somebody, "Tell me what your
11 weaknesses are," what's a response that would get you
12 a ten? The more weaknesses you have, or the less, or
13 what are you looking for in terms of a one to ten
14 rating on your weaknesses?

15 THE WITNESS: I would look for how the
16 individual is taking that weakness and trying to
17 improve himself, or trying to utilize that weakness
18 toward a strength. In other words, if I'm weak in a
19 particular technical area, I want to be able to
20 recognize that weakness, and then to know how I'm
21 going to have to deal with that weakness in order to
22 make sure that I do the best job I can, whether it's
23 using a consultant, or get some additional training or
24 whatever.

25 MR. DAMBLY: So, like for example on

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1 one -- I think it was the Harvey answer where it was
2 BWR, out of it for a while, or something like that,
3 you would look for a response that said, "But I'm
4 doing something to get back into it," or...

5 THE WITNESS: Yes.

6 MR. DAMBLY: That's just always been a
7 curiosity of mine on that question. Guy says, "I have
8 no -- no weaknesses," is -- is that good, or does that
9 mean...

10 BY MS. EUCHNER:

11 Q All right, Question #7: Describe three
12 projects/programs you've helped to initiate, develop,
13 and complete in the chemistry area. And once again,
14 start with Mr. Fiser. You've a number of notes,
15 starting in a circle and then going, it looks like,
16 down the side of the page. Some of it may have been
17 cut off by the copy, but to the extent you can, can
18 you read those notes for me.

19 A Going down the page, by the bulletized
20 items, I have looks like to say, "Watts Bar startup
21 chemistry, including equipment." Second bullet says,
22 "Watts Bar chemistry, sodium throws, polishers, et
23 cetera." Third bullet looks like a, "IMPO, coordinate
24 summary of findings, not happening," maybe. I don't
25 know.

1 Q Yeah, that's what I was thinking.

2 A "With chemistry, wrote 12 PERS." And then
3 the last bullet looks like, "Count room biggest area
4 of concern." And then, just out to the side, all
5 those bullets, looks like I've got this flagged,
6 "EPRI, Westinghouse, and steam generator."

7 Q Okay. Well, first, for the record, can
8 you tell me what the abbreviation PERS stands for.

9 A Oh, it's problem eventual report.

10 Q Okay. Same for EPRI.

11 A EPRI is the Electrical Power Research
12 Institute.

13 Q Okay. And let's go over to Mr. Harvey's
14 notes. And again, it looks like you have the bulleted
15 down the side of the page. Can you read those,
16 please.

17 A Looks like the first one is, "Decalnon
18 (phonetic) contract," and then the second one appears
19 to be, "Ecolo chem." And the third one is, "Secondary
20 optimization at Sequoyah."

21 Q And once again go to the ratings sheets.
22 And you again gave Mr. Fiser a five, and gave Mr.
23 Harvey, for both BWR and PWR, an eight.

24 Again, any recollection about why you
25 would have given Mr. Harvey a higher score than Mr.

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1 Fiser?

2 A No, no more specifics than what I have
3 here.

4 Q All right, Question #9: Describe the
5 level of responsibility this position should have in
6 contributing to the success of the site chemistry
7 programs. And looks like there's a short -- on Mr.
8 Fiser's sheet, it looks like there is a short note
9 above the question. And then numbers 1, 2, and 3
10 below the question. Can you please read those notes.

11 A Let's see. Note above, it looks like it
12 says, "Must do things such as declaring end to a
13 startup chemistry " I think. I'm not sure. Can't
14 read my own writing.

15 #1 says, "Believe that his role reflects
16 chemistry program." #2 says: "Doesn't -- doesn't
17 mean to go behind the chemistry manager's back." And
18 #3 was: "Must be in field."

19 Q Okay. The note above that, "Declaring end
20 to a startup count," what is startup count? Is that
21 a particular kind of chemistry?

22 A Well, coming out of an outage, you have a
23 little bit different chemistry. And then when you get
24 up and operating, you have to clean up your system,
25 both secondary and primary systems, so that you can

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1 operate within tech specs. And if your secondary site
2 is clean, you're not going to cause these denting
3 problems. So that's -- that's what he's talking about
4 there.

5 Q Okay. And then let's go to Mr. Harvey.
6 And again, looks like you have a note above the
7 question, and then a couple of notes below the
8 question. And go ahead and read those for me.

9 A It looks like above it, it says, "Whatever
10 it takes to solve problems, from getting in the field
11 to doing the big picture." And out beside it, I
12 believe that says, "Multifaceted role, improve program
13 and decrease costs. Take big picture look and not get
14 lost in details." And I have a circled item that
15 says, "Key find resources to solve problem,"
16 something, "and gave a Sequoyah example." Let's see.
17 I guess he must have given a Sequoyah example.

18 Q Okay. And on the rating sheets, you gave
19 Mr. Fiser a seven for his response to that question;
20 and for both BWR and PWR, you gave Mr. Harvey an
21 eight.

22 Again, any reason why you can remember
23 giving them the score?

24 A No.

25 Q Okay. Question 11: Describe at least two

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1 chemistry concerns of TVAN. Start with Mr. Fiser
2 again. I see a note just above the question, then a
3 line next to it, and then a bulleted note.

4 Can you please read those.

5 A Let's see. Looks like it says, "Not sure
6 what's due," something, "on horizon." Urgent on the
7 horizon. I believe that must be what it says. And
8 out beside that it says, "Keeping up with technology,
9 molar ratio control," as an example.

10 Q And then #11 for Mr. Harvey, there appears
11 to be a note above and below it, to the side of it,
12 and then -- well, to the side of it on the left and to
13 the side of it on the right.

14 So, could you please read all of those
15 notes.

16 A Okay, above it it says, "Steam generator
17 chemistry," oh, excuse me, "Steam generator
18 degradation, awareness of," something, "chemistry."

19 Q That may be Watts Bar chemistry?

20 A Possibly. "Aware of Watts Bar chemistry,"
21 possibly. This copy's not real clear. Below it says,
22 "Hydrogen chemistry, zinc degradation. Understood
23 causes and concerns." And above and to the left of
24 that, it says, "Was familiar with Watts Bar's
25 numbers."

1 Q What about the one on the right?
2 A Oh, I'm sorry. "Get systems involved if
3 required or ops."
4 Q Okay.
5 A And I'm not sure if that went with 9 or --
6 or 11. It could have went with 9.
7 Q All right. For Question 11, the comment
8 on the left, "Was familiar with Watts Bar numbers,"
9 what numbers are we talking about?
10 A Chemistry numbers, like their sodium
11 numbers, their chemistry index numbers.
12 Q Okay. And on the comment underneath,
13 says, "Hydrogen chem, zinc degradation." What is
14 that?
15 A That is really more toward a BWR plant.
16 Q Okay. All right. And then, if you look
17 at the rating sheets again, you have Mr. Fiser at a
18 six; and for both BWR and PWR for Mr. Harvey, you have
19 a nine.
20 Again, any recollection of why you would
21 have scored them that way?
22 A No. I'm sorry, I just -- too long ago.
23 Q Okay. #12, which I believe you said
24 earlier was a PWR question; is that correct? The
25 denting question.

1 A 12 is a PWR; that's correct.

2 Q Okay. On Mr. Fiser's sheet, you have a
3 note above it, a note below it, and again a note next
4 to it. Would you please read your notes.

5 A Looks like it says, "Primary," something.
6 And then a dash, and then it says, "Not sure." Then,
7 "Iron," with a question mark. Out beside it, it says,
8 "Sludge buildup at penetration of tube sheet and
9 support plate." And then under it, it says, "Sequoyah
10 one had denting in Cycle 1."

11 Q Okay. Then on the PWR sheet for Harvey,
12 looks like you just have one note below it. Can you
13 read that note?

14 A Says, "Support plate unprotected,
15 magnetite at tube, susceptible to cracking."

16 Q Okay. Then for your ratings for Mr.
17 Fiser, you gave him a six. For Mr. Harvey, you gave
18 him a nine.

19 My first question is: Why do you -- do
20 you recall why you gave him those responses?

21 A Well, I obviously must have questioned Mr.
22 Fiser's response because I had a note here he wasn't
23 sure. Said, "Not sure."

24 Q Earlier...

25 A I do not recall specifically.

1 Q ...earlier, you basically defined it for
2 me. Do you recall whether Mr. Fiser and Mr. Harvey
3 defined it for you at the interviews? Because your
4 notes don't indicate that they defined it.

5 A I don't know specifically. All I can go
6 by is what I see here. I don't recall.

7 Q Okay. All right, and then I understand
8 from the BWR position you asked an additional
9 question. You asked Question #13; is that correct?
10 What is hydrogen water chemistry? How would hydrogen
11 water chemistry benefit Browns Ferry nuclear? And I
12 believe you have that circled on your BWR list of
13 questions for Sam Harvey.

14 A Yes.

15 Q Could you please read the note that
16 appears below Question #13.

17 A Appears to say, "Reason to address electro
18 potential to mitigate cracking of core vessel
19 components, cost tube \$3 million."

20 Q Okay. And you've scored Mr. Harvey a nine
21 on that. Any reason why he scored so well on that
22 question?

23 A His answer to his question.

24 Q All right. Question #15: Discuss the --
25 the IMPO chemistry index, and what is its

1 significance? Let's start with Mr. Fiser again. You
2 have a number of bullets written to the side of that.

3 Could you please read those bullets.

4 A "There are two for MRC and one not on MRC.
5 Provides industry number for certain -- certain
6 atoms," I guess is, "sodium, iron, et cetera." I
7 don't know what those next little words are. The next
8 bullet says, "Changes gets tighter." Next bullet
9 says, "Allows you to see how you stack up against the
10 industry." And the next bullet says, "Not familiar
11 with Sequoyah numbers or what to expect Watts Bar to
12 be."

13 Q Okay. And then on Mr. Harvey's sheet,
14 again you have a number of bullets to the side. Can
15 you please read your notes.

16 A "Was familiar with content and purpose.
17 Gave examples of what has affected TVA AN," TVA
18 nuclear. "ICI," which is a chemistry index. And
19 then, "ICI is good for common ground check, not
20 necessarily good for saying chemistry is good, its
21 relationship."

22 Q Go back to Mr. Fiser's notes for a minute.
23 Your top bullet has the abbreviation "MRC." Can you
24 tell me what that means?

25 A Means management review committee to me

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1 today. I'm not sure what it meant to me then.

2 Q Could it possibly be molar ratio control?

3 A It probably did.

4 Q Okay. All right. For Question 15, again
5 you rated Mr. Fiser a five. And then for Mr. Harvey,
6 you rated him an eight for both BWR, PWR. Again, any
7 recollections, other than your notes, why they got
8 those scores?

9 A No.

10 Q Question 16 per Mr. Fiser: Discuss your
11 specific management experience and training. You have
12 a number of notes underneath it. Could you please
13 read those.

14 A On 16?

15 Q Yes.

16 A "He's had 24 years in business, was
17 chemistry manager at Sequoyah for four years. Best
18 training was in -- was at Sequoyah, manager." And
19 then another one looks like, "Must know how to handle
20 people ups and downs." These are arrows. And, "I.e.,
21 how to present your case."

22 Q Okay. And then Mr. Harvey, again you have
23 looks like three bullets below Question 16. Can you
24 read your notes, please.

25 A "Last five years as program. Goes over

1 wide range of people. Must make customer happy."

2 Q Okay. And again for Mr. Fiser, you rated
3 him a five; and for Mr. Harvey, for both PWR and BWR,
4 you rated him an eight. Any recollections?

5 A No.

6 Q Okay. All right, and then #17, I'm
7 correct this is only a PWR question? #17? Molar
8 ratio control question.

9 A PWR question; yes.

10 Q Okay. Can you please read your notes for
11 Mr. Fiser. I believe they appear above the
12 handwritten line.

13 A Oh, I see what you're saying. The bullets
14 under the question said, "Gave a," I believe that's to
15 mean a definition, "related to sodium control, related
16 to atomic number," and then the next bullet says,
17 "Adjusted by getting sodium down."

18 Q Okay. And then for Mr. Harvey, it appears
19 you just have one line of notes.

20 A Yeah, note that said, "Knew some history."

21 Q Okay. And then for that question you gave
22 Mr. Harvey a nine and Mr. Fiser a seven.

23 A Uh-huh (affirmative).

24 Q Any recollection about why you would have
25 given them that?

1 A No.

2 Q Okay. At the bottom of each of the pages,
3 I believe you don't have any on the BWR questions for
4 Harvey, but at the bottom of the PWR questions for
5 both Harvey and Fiser, you have "Overall comments";
6 right?

7 I'd like to start with Mr. Fiser, and if
8 you could please read, it looks like you have four
9 bullets under there. Can you read -- please read your
10 bullets.

11 A Yeah, I had, "Overall comments." The
12 first bullet says, "Technically was not clear on
13 addressing issues, i.e., chemistry index and denting."
14 The second bullet said, "Communications. He was too
15 long-winded, not getting to point." And then a third
16 bullet, "Strengths and weaknesses. They were almost
17 directly opposed." And the fourth bullet, looks like
18 says, "Seemed relaxed."

19 Q Okay. And then on Mr. Harvey's page.

20 A Under Harvey, I have again the comment,
21 "Overall," with a line drawn under it. And I say,
22 "Technically very sound with examples of denting and
23 molar ratio." Next bullet is, "Communication. Very
24 confident, good verbal skills." And the next bullet
25 was, "Knew his strengths and weaknesses."

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1 Q In terms of demeanor, so to speak, you
 2 have Mr. Harvey saying -- appearing very relaxed, Mr.
 3 Harvey appearing self-confident. Does that affect how
 4 you rate the individuals? Even if someone gave the
 5 right answer, if they seemed a little quieter, more
 6 laid back, versus very assertive and confident, but
 7 they gave the same substantive answer, would the
 8 confident person get a -- get a higher rating?

9 A Well, presentation skills for this
 10 particular job would be important. And so I would pay
 11 attention to presentation skills, both verbal, you
 12 know, and visual.

13 Q Actually, now that I look at this, on Page
 14 1 of Fiser's PWR you have a couple of bullets at the
 15 bottom of the page that we didn't read into the
 16 record. So can you please read those for me.

17 A Yes. At the bottom of the first page I
 18 have two bullets. The first one says, "Overly
 19 gregarious, not to the point." And the second bullet
 20 said, "Had trouble staying," slash, "focusing on one
 21 issue," slash, "question."

22 Q Okay. I think I need another five minute
 23 break.

24 (Recess.)

25 BY MS. EUCHNER:

1 Q Okay. You recall earlier we discussed
2 that after each interview, the selection review board
3 members would have a brief discussion of the strengths
4 and weaknesses of the candidates. And what I would
5 like to give you now are pages of notes that came from
6 the notebook of Melissa Westbrook, and which in a
7 previous deposition she identified as being in her
8 handwriting. And I wanted you, during the break, to
9 read through these and see if it will refresh your
10 recollection of what you discussed of Gary Fiser and
11 Sam Harvey after the interviews.

12 Now we can go off the record.

13 (Off the record.)

14 BY MS. EUCHNER:

15 Q Back on the record.

16 Before we get to the notes that I just
17 provided you to read, I had another question. You
18 indicated earlier that when rating the responses, you
19 also looked at presentation, whether they're self-
20 confident in giving their answers. Do you go back and
21 take that into consideration at the end? So, for
22 example, if they were self-confident throughout the
23 entire interview, do all of their scores reflect a
24 little higher because they were confident, or if they
25 were only confident on one question and not confident

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1 on another question, would you note that and rate them
2 accordingly?

3 A It would basically be -- basically be
4 question to question. If they were just confident on
5 one question and not any of the others, then that one
6 question would probably be rated higher. But if they
7 were confident throughout the interview and presented
8 themselves well, then I would probably annotate that
9 as in each of the questions.

10 Q In terms of the candidate's demeanor,
11 would a candidate who appears self-confident,
12 assertive in providing answers, but whose substantive
13 answers maybe weren't as good, receive higher ratings
14 than a candidate who appeared maybe very meek, not
15 self-confident, but substantively gave accurate
16 answers?

17 A I think technically you'd have to answer
18 the question correctly. But if -- presentation could
19 mean -- would have an influence on how high the grade
20 was. If it was technically incorrect, it's going to
21 be a low grade. If it's technically correct, and --
22 and I presented an answer that was confident, and you
23 presented an answer that was technically correct but
24 it was less confident, and you kind of beat around the
25 bush, but you finally got there with some coaching,

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1 then, you know, you wouldn't rate as high as a person
2 who answered it confidently and straight-forward.

3 Q Do you recall, when going through the
4 questions for the interviews, did you have to ask any
5 follow-up questions of the candidates in order to
6 clarify their answers? You or any of the other board
7 members?

8 A I'm -- I believe we did. We had -- I
9 know -- I mean, Gary -- I remember asking Gary some
10 follow-up questions. What struck me odd about Gary
11 was that, knowing Gary, he was the chemistry manager
12 at Sequoyah, I perceived him to be very confident when
13 he was at Sequoyah. I had confidence in him, in my
14 interfaces with Gary. And he didn't come across that
15 way. He seemed like he didn't ever get to the point
16 of answer the question. And -- and we had -- seemed
17 like we had to extract answers out of him more so than
18 the other candidates. Not to say that we didn't ask
19 follow-ups to other candidates, as well.

20 Q Can you give me 30 seconds, please.

21 A Yes, I can.

22 (Off the record.)

23 BY MS. EUCHNER:

24 Q I would like to start with the notes for
25 Gary Fiser. Let's see. I have a sheet that at the

1 top of the PG -- it's a blank sheet. It has no lines
2 or anything else on it. And it says, "Fiser" at the
3 top, and then it has, "strengths" underlined and
4 "weaknesses" underlined.

5 (Off the record conversation.)

6 BY MS. EUCHNER:

7 Q Yeah, back on the record.

8 I would like you to look at that page, and
9 then there are two pages, I believe, of notes
10 regarding his responses to questions. One is the
11 rating sheet, and then the following page is just a
12 blank sheet with 15, 16, and 17 on it with -- with
13 comments.

14 Did you have a chance to read the notes
15 that go along with the rating sheet and the following
16 sheet?

17 A Yes, I've read these two sheets. I have
18 not read the one that's got just a blank sheet with
19 Fiser's name at the top.

20 Q And just for the record, I will indicate
21 in a prior deposition Melissa Westbrook indicated that
22 all of the comments on the right-hand side of the page
23 were written by her, but that the comments on the
24 left-hand side of the page with Corey, Kent, Rogers,
25 and the scores, were not in her handwriting.

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1 After reading these comments, do you
2 recall any more details about why you rated Fiser and
3 Harvey the way you did? Or, well, we're on Fiser, so
4 let's stick to Fiser.

5 Did reading her comments remind you of any
6 further details?

7 A Well, she has better notes than I do. And
8 as -- as you said, in better handwriting.

9 All I can do is speak to what she says
10 here based on her notes that she's taken, and use that
11 as a basis. I mean, I can't -- I can't specifically
12 recall what I remember at that point in time, other
13 than what I see on her notes.

14 Q So this doesn't give you any independent
15 recollection about why you...

16 A I mean, it...

17 Q ...rated them the way you did?

18 A It's consistent with what I believe I
19 would have rated it, if I see these notes here. What
20 I -- I mean, it doesn't look inconsistent.

21 Q In your discussions after the interviews,
22 did you discuss each one of these questions and the
23 responses? Did you go question by question and
24 discuss their responses?

25 A I don't remember going question by

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1 question. Seemed like we had general comments, not
2 specific question by question. I don't remember going
3 question by question.

4 Q All right. Now I'd like for you to go to
5 the sheet I believe that you were just provided, which
6 is the Fiser sheet. And we can go off the record for
7 a minute while you read through that.

8 (Off the record.)

9 BY MS. EUCHNER:

10 Q Back on the record.

11 Okay, I'd like to go through the strengths
12 and weaknesses notes that we have for Mr. Fiser. And
13 again, I'd just like to indicate for the record that
14 in Melissa Westbrook's deposition she identified these
15 notes as being in her handwriting.

16 I'd like to start with strengths. And we
17 have looks like five strengths listed. Two of which
18 involve denting. The third one says, "Average
19 response on definition of denting," and the fifth one
20 says, "Technically direct and to the point in
21 denting."

22 Do you recall discussing that question
23 about Mr. Fiser?

24 A We asked the question of denting to Mr.
25 Fiser.

1 Q But do you recall, after the interview,
2 having a discussion of that question?

3 A Not specifically; no.

4 Q Do you recall having a discussion of this
5 list of strengths?

6 A No. We could have, but I don't recall it.

7 Q Okay. And the weaknesses, she has a
8 fairly long list of weaknesses. Do you recall having
9 a discussion about weaknesses?

10 A No. What I recall we had is a general
11 discussion about just comments that each of us had.
12 I don't recall going through a specific list that
13 anyone had.

14 Q Okay. You don't recall, after each
15 interview, making a list of strengths and weaknesses
16 with Ms. Westbrook taking notes?

17 A I think we gave our comments to the team.
18 Each of us gave some comments to the team, and then
19 that was it. I didn't notice she was making any list,
20 and we didn't go through a specific list.

21 Q Okay. Were the comments you -- you were
22 giving general? Like, for example, at the end of your
23 notes you had, "Overall comments." Was that what you
24 sharing, or were you sharing...

25 A Typically general comments.

1 Q Okay. Not the responses to a particular
2 question?

3 A You know, typically they were general
4 comments.

5 Q So the notes that she has here about
6 denting, those would have come from the other board
7 members and not from you?

8 A Possibly.

9 Q All right. I believe I also gave you some
10 notes for Sam Harvey, if I can get to that page in my
11 book. First of all, if you could look over on the
12 front side of the sheet that says, "Sam Harvey,
13 strengths and weaknesses," there's a note that says,
14 "Scores, 70 equals C, 80 equals B, 90 equals A."

15 A Good college scores.

16 Q Do you recall having a discussion, before
17 the interviews started, that that would generally be
18 the scale that you should rate people on?

19 A No.

20 Q Is that the scale that you used?

21 A We used one to ten, with ten being the
22 highest.

23 Q Okay. All right. Did you have the
24 opportunity to read both the notes on the page that
25 says, "Sam Harvey, strengths and weaknesses," and the

1 notes -- I believe it's a two-sided sheet, for the
2 rating response?

3 A Yes.

4 Q After reading Ms. Westbrook's notes on the
5 rating response, does that give you a recollection of
6 why you rated Mr. Harvey the way you did?

7 A Well, again, her notes are more detailed
8 than my notes and appear to be consistent with my
9 grading.

10 Q Okay. But it doesn't give you any
11 independent recollection of why you would have
12 rated...

13 A I mean, no, other than he answered the
14 questions better than -- than Mr. Fiser.

15 Q Okay. Now, if you'll go to the sheet for
16 Sam Harvey, strengths and weaknesses. Again, do you
17 recall having a conversation about Mr. Harvey's
18 strengths and weaknesses?

19 A And as I said, it was strictly a
20 conversation of general comments. We gave our
21 comments after each candidate, and typically mine came
22 from my general notes. Typically.

23 Q So any comments that are about specific
24 questions would have come from either Mr. Kent or Mr.
25 Corey; is that correct?

1 A Possibly. I mean, I don't recall
2 specifically if I gave any or not.

3 Q Okay. At the end of the interviews---I
4 think I may have asked you this before, but I'm going
5 to ask it again in case I didn't ask it---who did you
6 hand your notebooks in to?

7 A It was either Wilson or the HR person.

8 Q Okay. Prior to the start of the
9 interviews, either the day of or after, and then two
10 or three days between the time Dr. McArthur asked you
11 to serve and you started the interviews, did anyone
12 discuss with you that a particular candidate was
13 favored for any particular position?

14 A No.

15 Q Did anyone specifically mention that
16 Harvey was favored for the PWR position?

17 A No.

18 Q At the time that the interview started,
19 were you aware that Charles Kent had made an attempt
20 to have Harvey transferred out to Sequoyah in the
21 chemistry position?

22 A No.

23 Q Prior to the day of the interviews, were
24 you aware that Fiser had filed a DOL complaint in
25 1993?

1 A No.

2 Q When did you find out that he had filed a
3 complaint in 1993?

4 A I'd have to check my records, but I
5 believe it was an OIG telecon with me sometime in --
6 a few years ago. And in -- subsequent to this thing,
7 this investigation here, with discussions with Ed and
8 Brent.

9 Q Okay. Prior to the day of the interviews,
10 were you aware that Gary Fiser had filed a complaint
11 in 1996 based on the posting of his position?

12 A No.

13 Q How did you become aware of that, and when
14 did you become aware of it?

15 A Again, I'd have to look at my notes here,
16 but I believe it was '90 -- I believe it was '90 --
17 late '96 when OIG called and -- and talked to me about
18 the DOL case, interviewed me on the phone.

19 Q The day of the interviews, did you hear
20 anyone mention Fiser's Department of Labor complaints
21 or activities?

22 A No.

23 Q Were you ever interviewed by the
24 Department of Labor in this case? You indicated that
25 you were interviewed by the TVA OIG.

1 A No, just the OIG is all I remember, and
2 in -- a lady from the NRC a few years after that.

3 Q And then the enforcement conference?

4 A Enforcement conference; right.

5 EXAMINATION

6 BY MR. DAMBLY:

7 Q Well, just to make it fast, if I could
8 nave -- did you have -- prior to the selection, after
9 you were notified that you were going to be on the
10 selection board, did you have any discussions with
11 McGrath or McArthur about either the upcoming
12 selection board and what they were looking for, or
13 about any of the specific candidates?

14 A No. At the time Wilson asked me to serve,
15 he said he had a number of positions that he was
16 trying to fill as part of the reorganization. Told
17 him I could serve. And he told me the time and the
18 place, and I logged it in my planner. And I don't
19 believe we had any additional conversations until the
20 day I came and -- at the time of the interview board.

21 Q And Tom McGrath never talked to you about
22 it at all?

23 A No.

24 Q Even about serving on the board?

25 A Not that I remember.

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MR. DAMBLY: Anything else?

MS. EUCHNER: Do you have any questions?

MR. MARQUAND: No questions.

MR. DAMBLY: I call it a wrap.

(Whereupon, the deposition was concluded
at 4:20 p.m.)

CERTIFICATE

This is to certify that the foregoing proceedings
in the matter of: The Deposition of
HEYWARD R. ROGERS
held on: NOVEMBER 30, 2001
at the location of. CHATTANOOGA, TENNESSEE
were duly recorded and accurately transcribed under my
direction; further, that said proceedings are a true
and accurate record of the testimony given by said
witness; and that I am neither counsel for, related
to, nor employed by any of the parties to this action
in which this deposition was taken; and further that
I am not a relative nor an employee of any of the
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AUTHENTICATION BY SIGNATURE

I, the undersigned, do hereby certify by my signature hereunder that I have read the foregoing deposition of testimony given by me on November 30, 2001, and find said transcription to be a true and accurate record, as corrected.

Heyward R. Rogers

Sworn to and subscribed before me this _____ day
of _____, 20__ __.

Notary Public

My commission expires _____.