

CASE No. 2-93-015



**United States  
Nuclear Regulatory Commission**

# Report of Investigation

**SEQUOYAH NUCLEAR PLANT:**

**ALLEGED DISCRIMINATORY TERMINATION OF NUCLEAR  
CHEMISTRY MANAGER**

**Office of Investigations**

**Reported by OI: RII**

9512060197 950831  
PDR ADOCK 05000327  
Q PDR

060004

DF02  
011 Per Jeanne  
Hunt



Title: SEQUOYAH NUCLEAR PLANT:

ALLEGED DISCRIMINATORY TERMINATION OF NUCLEAR CHEMISTRY MANAGER

Licensee:

Case No.: 2-93-015

Tennessee Valley Authority  
400 West Summit Hill Drive  
Knoxville, Tennessee 37902

Report Date: August 31, 1995

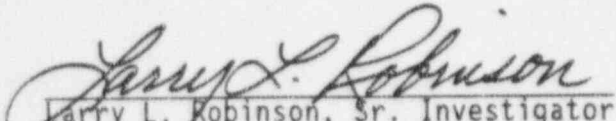
Control Office: OI:RII


Docket Nos.: 50-327, 50-328

Status: CLOSED

Reported by:

Reviewed and Approved by:

  
Larry L. Robinson, Sr. Investigator  
Office of Investigations  
Field Office, Region II

  
William J. McNulty, Director  
Office of Investigations  
Field Office, Region II

WARNING

The attached document/report has not been reviewed pursuant to 10 CFR § 2.790(a) exemptions nor has any exempt material been deleted. Do not disseminate or discuss its contents outside NRC.  
Treat as "OFFICIAL USE ONLY."

Copy \_\_\_ of \_\_\_

## SYNOPSIS

On July 7, 1994, subsequent to preliminary evaluation by the Office of Investigations (OI), U.S. Nuclear Regulatory Commission, Region II (RII), an investigation was initiated by OI:RII into an alleged discriminatory forced resignation, by threat of termination, of a Tennessee Valley Authority (TVA) Corporate chemistry manager. Allegedly, because this chemistry manager highlighted chemistry training, program, and hardware problems at the Sequoyah Nuclear Plant to Institute of Nuclear Power Operations evaluators, and also because, while in the process of identifying and pursuing the correction of these and other TVA site chemistry problems, he overtly held senior TVA management responsible for lack of corrective action, he was forced to resign by this senior TVA management.

Based upon the evidence collected in this investigation, it is concluded that this chemistry manager was engaged in protected activities at TVA, and received an adverse action in the form of a threat of termination by TVA if he did not resign. It is concluded that the reason proffered by TVA for this adverse action, namely that the chemistry manager's "management style" was unacceptable, was primarily pretextual. It is also concluded that, despite denials by the TVA managers involved, the methodology of the chemistry manager's engagement in protected activity was the primary reason for the adverse action.



THIS PAGE LEFT BLANK INTENTIONALLY

## ACCOUNTABILITY

The following portions of this Report of Investigation (Case No. 2-93-015) will not be included in the material placed in the Public Document Room. They consist of pages 3 through 33.



THIS PAGE LEFT BLANK INTENTIONALLY

## TABLE OF CONTENTS

	<u>Page</u>
SYNOPSIS.....	1
ACCOUNTABILITY.....	3
APPLICABLE REGULATIONS.....	7
ORGANIZATION CHART.....	9
LIST OF INTERVIEWEES.....	11
DETAILS OF INVESTIGATION.....	13
Purpose of Investigation.....	13
Background.....	13
Interview of Allegor.....	13
Coordination with NRC Staff.....	13
Summary of DOL Activities.....	14
Summary of TVA/OIG Investigation.....	14
Allegation: Alleged Discriminatory Termination of Nuclear Chemistry Manager.....	14
Summary.....	14
Evidence.....	15
EVIDENCE OF ENGAGEMENT IN PROTECTED ACTIVITY BY JOCHER.....	15
EVIDENCE OF ADVERSE ACTION TAKEN BY TVA AGAINST JOCHER.....	17
EVIDENCE LINKING PROTECTED ACTIVITY TO ADVERSE ACTION.....	17
EVIDENCE REGARDING THE ADEQUACY/INADEQUACY OF PERFORMANCE OF JOCHER IN AREA OF MANAGEMENT SKILLS..	21
Investigator's Analysis.....	26
Conclusions.....	28
SUPPLEMENTAL INFORMATION.....	29
LIST OF EXHIBITS.....	31



THIS PAGE LEFT BLANK INTENTIONALLY

**APPLICABLE REGULATIONS**

Allegation: Alleged Discriminatory Termination of Nuclear Chemistry Manager

10 CFR § 50.7(a): Employee Protection (1993 Edition)

(a) Discrimination by a Commission Licensee...against an employee for engaging in certain protected activities is prohibited.



THIS PAGE LEFT BLANK INTENTIONALLY

**ORGANIZATION CHART**  
(April 1993)

TVA CORPORATE NUCLEAR

Oliver D. KINGSLEY, Jr.  
President, Generating Group

Joseph R. BYNUM  
Vice President, Nuclear Operations

Dan R. KEUTER  
Vice President, Nuclear Operations Services

Wilson C. McARTHUR  
Manager, Nuclear Operations Services

James H. BARKER  
Manager, Chemistry and Environmental

William F. JOCHER  
Manager, Nuclear Chemistry  
(November 1990 - February 1992)

SEQUOYAH NUCLEAR PLANT

Jack WILSON  
Site Vice President  
(reports directly to Joseph R. BYNUM [above])

Robert J. BEECKEN  
Plant Manager

Patrick M. LYDON  
Operations Manager

William F. JOCHER  
Chemistry Manager  
(February 1992 - February 1993)  
(one year rotational assignment)

THIS PAGE LEFT BLANK INTENTIONALLY

## LIST OF INTERVIEWEES

	<u>EXHIBIT(S)</u>
ADAMS, Don E., II, Sequoyah Nuclear Plant (SQN) Chemistry Program Manager.....	50
BARKER, James H., formerly Tennessee Valley Authority (TVA) Corporate Manager of Chemistry and Environmental.....	44
BATES, Jim, Evaluator, Institute of Nuclear Power Operations (INPO)...	14
BEECKEN, Robert J., currently Manager, Maintenance and Modifications, Watts Bar Nuclear Plant (WBN), formerly, SQN Plant Manager.....	21
BYNUM, Joseph R., formerly TVA Vice President, Nuclear Operations, currently, TVA Vice President, Fossil and Hydro Operations.....	18
CHANDRASEKARAN, E. S., TVA Chemistry Program Manager.....	52
EASLEY, Benjamin G., TVA Nuclear Human Resources Officer.....	33
EIFORD-LEE, Betsy, TVA Program Manager, Radiological Effluents.....	49
HARVEY, Samuel L., III, TVA Program Manager, Chemistry and Environmental Protection.....	47
JOCHER, William F., former TVA Manager, Corporate Chemistry.....	3, 4
KENT, Charles, SQN Manager of Radiological and Chemical Control.....	51
KEUTER, Danny R., former TVA Vice President, Nuclear Operations Services.....	19
KINGSLEY, Oliver D., Jr., TVA President, Generating Group.....	23, 32
LLEWELLYN, Mike, INPO.....	30
LYDON, Patrick M., former SQN Operations Manager.....	42, 43
MATTHEWS, Donald R., WBN Chemistry Program Manager.....	45
McARTHUR, Wilson C., TVA Corporate Manager, Technical Programs.....	16, 20
MILLER, Larry, Staff Chemist, Virginia Electric Power Company, formerly INPO Evaluator.....	15
POPE, Michael, TVA Human Resources Officer.....	53
RICHIE, Robert E., SQN Chemical Operations Manager.....	13
SABADOS, John W., Browns Ferry Nuclear Plant Chemistry Manager.....	22, 41

EXHIBIT(S)

SORRELLE, David W., TVA Corporate Senior Environmental Protection Program Manager.....	48
WALLACE, Jill, WBN Manager, Human Resources.....	46
WATERS, John B., former Chairman, TVA Board of Directors.....	31

## DETAILS OF INVESTIGATION

### Purpose of Investigation

This investigation was initiated by the Office of Investigations (OI), U.S. Nuclear Regulatory Commission (NRC), Region II (RII), on July 7, 1994, upon completion of preliminary evaluation (Exhibit 1). OI:RII preliminary evaluation was initiated on April 15, 1993, upon OI receipt of information at a RII Allegation Review Panel that William F. JOCHER, former Chemistry Manager in the nuclear power organization of the Tennessee Valley Authority (TVA), had alleged that he had been discriminatorily forced to resign his position at TVA because he had raised significant nuclear chemistry safety issues as part of his normal duties as Nuclear Chemistry Manager at the TVA Corporate Offices, and at the Sequoyah Nuclear Plant (SQN).

### Background

During the conduct of the preliminary evaluation, the alleged (JOCHER) was interviewed by OI, during which he additionally alleged that TVA had submitted inaccurate information to NRC in a response to Notice of Violation (NOV), dated November 3, 1992, regarding the status of SQN compliance with its Chemical Traffic Control Program.

OI:RII verified that, on June 29, 1993, JOCHER formally filed his written discrimination complaint with the U.S. Department of Labor (DOL), Wage and Hour Division (Exhibit 2). It was also determined by OI:RII that both DOL and the TVA Office of the Inspector General (TVA/OIG) were investigating the circumstances surrounding JOCHER's forced resignation.

In view of these ongoing investigations by DOL and the TVA/OIG, OI:RII concentrated immediate attention upon the investigation of JOCHER's allegation regarding the inaccurate NOV response. This investigation is documented in OI:RII Report of Investigation for Case No. 2-93-024R. The provision of inaccurate information to NRC by TVA was substantiated. There was insufficient evidence to establish that this violation of 10 CFR 50.9 (Completeness and Accuracy of Information) was deliberate.

### Interview of Allegor

On July 28, 1993, and August 24, 1994, JOCHER was interviewed by OI:RII (Exhibits 3 and 4). JOCHER provided clarification and supplemental information pertaining to his formal DOL complaint, which had been reviewed by OI:RII prior to the interview. JOCHER's stated basis for his allegation of discriminatory termination by TVA is in the Evidence Section of this report.

### Coordination with NRC Staff

In addition to JOCHER's allegations of discriminatory termination and submission of inaccurate information by TVA, he related numerous technical Chemistry and Health/Physics concerns to the NRC RII staff (Exhibit 5). Subsequent RII staff inspection substantiated a significant number of these technical concerns (Exhibits 6 and 7).

### Summary of DOL Activities

JOCHER filed his formal complaint with the DOL Wage and Hour Division on June 29, 1993 (Exhibit 2). Efforts at conciliation between JOCHER and TVA were unsuccessful, so a DOL investigation was conducted (Exhibit 8).

By letter dated April 29, 1994 (Exhibit 9), the DOL District Director notified TVA of their conclusion that "discrimination as defined and prohibited by the statute (Public Law 95-601, Section 210, 42 U.S.C. 5851) was a factor in the (adverse) actions..."

TVA appealed this DOL District Director's conclusion, and a hearing before a DOL Administrative Law Judge (ALJ) was conducted. As of the writing of this report of investigation, the hearing was completed, but the ALJ's Recommended Decision and Order had not been issued or forwarded to the Secretary of Labor for review.

### Summary of TVA/OIG Investigation

Concurrent with the DOL investigation, the TVA/OIG conducted an independent investigation of the circumstances surrounding JOCHER's forced resignation. This investigation focused on the aspect of possible TVA management misconduct arising from JOCHER's complaint.

The results of this investigation were cited in a TVA/OIG Report of Administrative Inquiry, File No. 2D-133, dated March 17, 1994 (Exhibit 10). The report concluded that, "...there is insufficient evidence to conclude by a preponderance of evidence that Jocher was asked to resign because he engaged in a protected activity."

This report also concluded, however, that there were conflicting statements by Joseph R. BYNUM, TVA Vice President Nuclear Operations; Danny R. KEUTER, TVA Vice President Nuclear Operations Services; and Wilson C. McARTHUR, TVA Manager of Technical Programs, regarding the reason for JOCHER's forced resignation. The report also concluded that there was "contradictory evidence regarding the extent of Jocher's performance problems." (TVA managers responded to JOCHER's discrimination complaint by asserting that performance problems, centering upon JOCHER's management style, were the real reason that JOCHER was forced to resign.)

### Allegation: Alleged Discriminatory Termination of Nuclear Chemistry Manager

#### Summary

The individuals identified in the LIST OF INTERVIEWEES Section of this report were interviewed by OI:RII, the TVA/OIG, and/or DOL Wage and Hour. After review of the TVA/OIG and DOL interviews, OI:RII conducted supplementary interviews as necessary. The pertinent statements of these individuals are documented in the Evidence Section of this report. Of those identified on the LIST OF INTERVIEWEES, OI:RII interviewed the following individuals:



<u>Name</u>	<u>Position</u>	<u>Date of Interview(s)</u>
William F. JOCHER	former TVA Nuclear Chemistry Manager	07/28/93 08/24/94
James H. BARKER	former TVA Corporation Chemistry and Environmental Manager	02/02/95
Wilson C. McARTHUR	TVA Corporation Technical Programs Manager	02/07/95
Danny R. KEUTER	former TVA Vice President, Operations Services	02/07/95
Joseph D. BYNUM	TVA Vice President, Fossil and Hydro Operations, former TVA Vice President, Nuclear Operations	02/07/95
Robert J. BEECKEN	TVA WBN Maintenance and Modifications Manager, former TVA SQN Plant Manager	02/08/95
Benjamin G. EASLEY	TVA Human Resources Officer	02/08/95
Michael D. POPE	TVA Manager of Compensation and Employment, Fossil and Hydro, former TVA Corporation Nuclear Human Resources Manager	02/09/95
Oliver D. KINGSLEY	TVA President, Generating Group	02/09/95
Patrick M. LYDON	former TVA SQN Operations Manager	02/16/95

### Evidence

#### A. EVIDENCE OF ENGAGEMENT IN PROTECTED ACTIVITY BY JOCHER

1. JOCHER stated that, "...TVA determined to terminate me because of my vigorous pursuit of excellence in the nuclear chemistry program; my efforts to ensure compliance with NRC requirements; and my reporting of non-compliance and the true reasons therefore to internal audit groups, my management, and Institute of Nuclear Plant Operations (INPO)" (Exhibit 2). JOCHER stated that he was discriminated against for just doing his job to the best of his ability. He stated, "That embarrassed Oliver Kingsley" (Exhibit 3, p. 68).
2. JOCHER stated that, "...TVA's threat to terminate me...was based entirely on my record of causing embarrassment to the highest levels of TVA's nuclear power organization by reporting the true status of TVA's nuclear chemistry program to various oversight groups..." (Exhibit 2).
3. JOCHER stated that he documented, in a Significant Corrective Action Report (SCAR), the inability of the SQN Chemistry technicians to draw and analyze a reactor coolant sample from the Post Accident Sample System (PASS) within the required 3-hour time period (Exhibit 2).

4. Significant Corrective Action Report No. SQSCA920004, regarding Post Accident Sampling System, initiated by JOCHER, on May 11, 1992 (Exhibit 11).
5. JOCHER stated that 40 percent of SQN's chemistry process instruments were "out of service and beyond repair, most from a lack of management prioritization." He found that the "... yearly, scheduled maintenance and calibration of some equipment had not, as was required, been performed since 1984." He stated that "...a significant number of instrument setpoints monitoring chemistry processes in the nuclear plant were incorrect." JOCHER stated that he documented these deficiencies in a SCAR (Exhibit 2).
6. Significant Corrective Action Report No. SQSCA920009, regarding Sampling System Instrumentation, initiated by JOCHER, on June 15, 1992 (Exhibit 12).
7. JOCHER stated that in August 1992, he and Rob RICHIE, SQN Chemistry Program Manager, as directed by JOCHER's management, went to INPO and discussed the following SQN chemistry problems with Jim BATES and Larry MILLER, INPO Evaluators:
  - a. Technician job knowledge
  - b. Technician training
  - c. Lack of process instruments
  - d. PASS sampling requirements not being met
  - e. Incorrect instrument setpoints
  - f. Instrument repair prioritization problems (Exhibit 2 and Exhibit 3, p. 10)
8. RICHIE (Exhibit 13), BATES (Exhibit 14), and MILLER (Exhibit 15) confirmed that JOCHER discussed SQN chemistry problems with representatives of INPO.
9. McARTHUR confirmed that he requested JOCHER and RICHIE to go to INPO (Exhibit 16).
10. JOCHER stated that, in February 1993, he told the SQN Nuclear Safety Review Board (NSRB) that, "SQN was not in compliance with the requirements of an Incident Investigation Event Report (II) used to close an NRC violation of Chemical Traffic Control..." in that SQN had committed, in the II, "...to have all people at SQN see a training film..." on chemical traffic control by September 28, 1992. JOCHER stated that TVA SQN management told NRC that SQN was in full compliance in the TVA NOV response to NRC on November 3, 1992, but in fact, as of this NSRB meeting, some 450 people at SQN had not seen the film yet (Exhibit 2).
11. On page 5 of the minutes of MEETING NO. 141 OF THE SEQUOYAH NUCLEAR SAFETY REVIEW BOARD, conducted on February 25-26, 1993, it states, "About 20 percent of site personnel have not completed chemical traffic control training...Supervisors will be given one week to comply before personnel that are not trained have their badges pulled. The subcommittee believed that this problem should have been more effectively escalated. This has

been recognized by responsible site management." Page 17 of these minutes also comments on the same issue (Exhibit 17).

**B. EVIDENCE OF ADVERSE ACTION TAKEN BY TVA AGAINST JOCHER**

1. Undated memorandum, headed "ADMINISTRATIVELY CONFIDENTIAL" to JOCHER, from McARTHUR, subject, "TERMINATION," stating that JOCHER will be terminated as of May 5, 1993, because his "overall performance...has not been adequate, particularly in the area of your management skills" (Exhibit 24). JOCHER stated that this memorandum was presented to him by McARTHUR on April 5, 1993 (Exhibit 2).
2. Undated memorandum, to McARTHUR from JOCHER, subject, "RESIGNATION," stating that, "...I am voluntarily resigning my position as Manager, Chemistry, effective 10/5/93" (Exhibit 25). JOCHER stated that this resignation memorandum was presented to him by McARTHUR, on April 5, 1993, as the only alternative to the termination described in the "TERMINATION" memorandum cited in B.1., above. JOCHER stated that McARTHUR told him that if he wanted an unblemished personnel record and good recommendations for future employment, he should sign the resignation letter. JOCHER stated that he filled in the October 5, 1993, date and signed the resignation letter (Exhibit 2).
3. Memorandum, dated April 6, 1993, from JOCHER to McARTHUR, subject, "RESIGNATION," stating that, "...I am voluntarily resigning my position as Manager, Chemistry, effective July 6, 1993,..." (Exhibit 26). JOCHER stated that, on April 6, 1993, McARTHUR presented this document to him and said that the October 5, 1993, resignation date was unacceptable, and that if he (JOCHER) wanted to leave TVA with a clean personnel record and a good recommendation, he had to sign this letter. JOCHER said that McARTHUR told him he had to make the decision immediately between that letter and the termination (Exhibit 2).

**C. EVIDENCE LINKING PROTECTED ACTIVITY TO ADVERSE ACTION**

1. JOCHER stated that because he had identified the SQN chemistry problems to INPO, resulting in INPO making significant findings in those areas in their September 1992 evaluation of SQN, it had caused TVA Board Chairman, John B. WATERS, to embarrass KINGSLEY by saying to him, "I thought you told me the instrumentation and training issues were fixed." JOCHER stated that this statement by WATERS was made in a private INPO exit meeting. JOCHER stated that he was not present at this meeting, but that the notes of the INPO "note taker," Mike LLEWELLYN, INPO Evaluator, would verify these comments (Exhibit 3, p. 14). JOCHER stated that KINGSLEY's response to WATERS was, "I guess I'm in trouble" (Exhibit 2, p. 6). JOCHER stated that the history behind this exchange was that in 1990, KINGSLEY had responded to WATERS' questions about SQN chemistry training and instrumentation by saying that training issues were being adequately addressed and that SQN had some instrument problems that had scheduled solutions in place for 1992 and 1993 (Exhibit 3, p. 12 and Exhibit 2, p. 4).
2. The INPO report, captioned EVALUATION of SEQUOYAH NUCLEAR PLANT, conducted during the weeks of September 28 and October 5, 1992, noted on

page 3, as one of three significant findings: "Several long-standing chemistry equipment and instrumentation problems reduce station effectiveness in monitoring important fluid systems, identifying ingress of impurities that can increase corrosion, and controlling biological fouling." Pages 17-29 of this report detail INPO's chemistry findings, to include findings of deficiencies in chemistry technician knowledge and training (Exhibit 27).

3. A memorandum, dated November 27, 1990, from WATERS to KINGSLEY, subject, CHEMISTRY AT SQN AND BFN [Browns Ferry Nuclear Plant], asked for a "...brief report on TVA chemistry at SQN and BFN...Are TVA people who perform chemistry control well trained...? What is the condition of our chemistry monitors relative to maintenance and calibration?" (Exhibit 28).
4. A memorandum, dated January 16, 1991, from KINGSLEY to WATERS, subject, CHEMISTRY AT SQN AND BFN, forwarded to WATERS a two-page document captioned SQN/BFN Chemistry Status. Under the heading, Training, there was no indication of any problems. Under the heading SQN, it was stated that there were no chemistry-related problems identified in the latest NRC SALP, no 1989 INPO findings, and no current ANI/NML findings. There were statements that: the "Online sampling system does not meet current industry standards (INPO, ASME, ASTM). Due to the age and lack of replacement parts, maintenance on the chemistry monitors is a problem and many instruments remain out of service for long periods of time." It was also stated that a Chemistry Upgrade Project had been initiated to correct these problems, and that "Hardware upgrades will be ordered and installed over the following two-year period" (Exhibit 29).
5. JOCHER stated that he had been tasked by his Corporate chemistry management to draft a response to WATERS for KINGSLEY regarding SQN and BFN chemistry. He advised he prepared a draft which gave the true picture of the chemistry problems at these sites. He was unable to produce a copy of this draft. He stated that his draft was "watered down and rewritten" by McARTHUR (Exhibit 3, p. 12).
6. LLEWELLYN stated that he was not present at an INPO exit meeting in 1992, that was attended by KINGSLEY and WATERS. He stated that he had no knowledge of any minutes or notes taken at such an exit meeting. He stated that he was not involved at all in INPO's 1992 evaluation of SQN (Exhibit 30).
7. WATERS stated that, following INPO's 1992 evaluation of SQN, there was a private meeting with an INPO representative at SQN, attended by him and KINGSLEY, to discuss the evaluation. WATERS thought INPO's evaluation was fair, and was pleased with INPO's report. WATERS stated that he never criticized KINGSLEY about SQN chemistry. WATERS denied making a statement to KINGSLEY in this meeting to the effect of, "I thought you told me these problems were fixed" (Exhibit 31).
8. KINGSLEY recalled that the private meeting regarding the 1992 INPO evaluation of SQN was the only "private" meeting held on that evaluation. KINGSLEY denied that WATERS said, "I thought you told me these problems were fixed." KINGSLEY denied that he said, "I guess I'm in trouble"



(Exhibit 32). KINGSLEY stated that his only direct experience with JOCHER was at a meeting attended by WATERS at SQN prior to the INPO evaluations. He stated that JOCHER was making his presentation on SQN chemistry and he (JOCHER) made some comments about "how lucky we were to have him, and how underpaid he was..." KINGSLEY advised that he asked BYNUM, who was sitting next to him, who "this guy" (JOCHER) was. He stated that BYNUM told him that JOCHER was on a trial assignment at SQN to see if he could produce. He said that BYNUM said that JOCHER was great at pointing out problems, and that now "...we're going to see if he can fix some" (Exhibit 23, pp. 6-7). KINGSLEY denied directing BYNUM, or anyone else, to terminate JOCHER. He stated that, other than the meeting at SQN he had mentioned, prior to becoming aware of JOCHER's filing with DOL, he had no direct, or indirect, input from KEUTER, McARTHUR, or anyone else regarding JOCHER's performance at TVA. KINGSLEY stated that he did not make the decision to ask for JOCHER's resignation, with the alternative of termination (Exhibit 23, pp. 11-13).

9. JOCHER stated that a friend of his in the Personnel Department at TVA Headquarters, who was later identified by JOCHER as EASLEY, TVA Human Resources Officer (Exhibit 4), told him (JOCHER) that he was on "Ollie's hit list." JOCHER stated that "Ollie" was KINGSLEY, and that both he and Gary FISER, TVA Chemistry Manager, were being terminated (Exhibit 3, pp. 19-20).
10. EASLEY denied that he told JOCHER, at any time prior to March 1993, that JOCHER was on KINGSLEY's "hit list." EASLEY denied making any statement to that effect to JOCHER (Exhibit 33, pp. 24-25).
11. LYDON (former TVA SQN Operations manager) stated that he believed JOCHER was forced to resign from TVA because JOCHER had "embarrassed" BYNUM and KINGSLEY at a meeting with INPO at SQN in the September/November time frame. LYDON stated that, in this meeting, JOCHER admitted that SQN had chemistry problems, but that he could not address these long-standing problems at his level, and they needed to be addressed by senior executive management. LYDON stated that JOCHER was essentially saying that he could not fix the problems without money and support from BYNUM and KINGSLEY. LYDON said that KINGSLEY had "deeply cut" the funds for chemistry at SQN. LYDON said that although KINGSLEY was not present at this meeting, he (LYDON) could tell that BYNUM was angered at JOCHER's statement. LYDON stated that BYNUM's facial expression reflected his anger when JOCHER made the statement, and BYNUM ignored JOCHER for the rest of the meeting. LYDON stated that he later told JOCHER that his (JOCHER's) statement in that meeting may have cost him his career at TVA. LYDON stated that JOCHER routinely expressed nuclear safety-related concerns. He specifically recalled JOCHER's concern over the lack of training at SQN. LYDON stated that JOCHER would document a problem and provide an action plan to solve it. LYDON advised that he would pass these problems and solutions up to BEECKEN and BYNUM, but the issues were usually "put on a list and never addressed." LYDON stated that BYNUM and BEECKEN acted as if they were disgusted that LYDON was bringing these documented problems of JOCHER's to them, and they acted as if they did not want to hear about them. LYDON stated that he resigned from TVA because he was disgusted with senior executive management. He said that TVA was "the most abusive place" he had ever worked. He stated that

BYNUM and BEECKEN would "fire people for effect." LYDON stated that he and his subordinate managers would complete a detailed budget, which included money for the Chemistry Upgrade Program, and it would be "slashed to hell" by BYNUM (Exhibit 42).

12. LYDON stated that BEECKEN did not really have the opportunity to manage the plant because he was put in the position of just carrying out the directives of BYNUM and KINGSLEY. LYDON stated that BYNUM had an office at SQN, and was on site quite often. LYDON stated that the issues that got JOCHER "in trouble" with BYNUM, BEECKEN, and KINGSLEY were:

JOCHER's statement in an INPO exit meeting about upper TVA management not supporting the correction of chemistry problems at SQN.

JOCHER's formal documentation of these problems in SCARs, which put pressure on upper management to take timely corrective action.

JOCHER surfaced chemical traffic control problems, and voiced concerns about SQN personnel not getting required training.

JOCHER's identification and pursuance of the inability of the chemistry technicians to obtain a PASS sample within the required time period.

JOCHER identified inadequate training of the chemistry technicians.

JOCHER argued with BEECKEN about the methodology of Steam Generator Chemical Control. JOCHER's method would take more time, but would not risk passing copper to the steam generators, which would cause tube failure.

LYDON stated that he recalled a meeting at SQN in the fall of 1992, attended by WATERS and KINGSLEY, in which JOCHER itemized the long-standing chemistry problems at SQN. LYDON advised that he could tell that KINGSLEY was "not happy" with JOCHER's itemization of these problems with WATERS in attendance. LYDON stated that he recalled an INPO exit meeting around September 1992, at which BYNUM gave JOCHER a "very angry look" when JOCHER brought up the issue of inadequate technician training at SQN. LYDON stated that the reason he knew that these were the reasons that JOCHER had been forced to resign from TVA was that they were the same type of reasons that brought him (LYDON) into disfavor with BEECKEN and BYNUM, namely confronting upper management with their lack of support in correcting problems that took money or time to accomplish. LYDON cited numerous disagreements and arguments between him and BEECKEN that, in LYDON's opinion, were contradictory to good management principles and safe operation of a nuclear plant (Exhibit 43).

13. JOCHER stated that, immediately after the September 1992 INPO evaluation, BYNUM's demeanor toward him (JOCHER) changed dramatically. He stated that BYNUM was obvious in his efforts to avoid speaking, or even make contact, with JOCHER. JOCHER stated that, when he did force a conversation with BYNUM, BYNUM cut him off very abruptly (Exhibit 3, p. 11).

14. JOCHER stated that immediately after the INPO evaluation of SQN, BYNUM ordered an independent assessment of SQN chemistry by Nuclear Utilities Services (NUS). JOCHER advised that two of the NUS Evaluators, Merle BELL and Donald L. VETAL, both told him, and confirmed by letter, that the SQN Plant Manager (BEECKEN) wanted JOCHER off site (Exhibit 3, pp. 15-16).
15. JOCHER provided a copy of a letter, dated April 20, 1993, to him from BELL (Exhibit 34). This letter said that Phil BATTAGLIA, the NUS audit team leader, had told BELL that the (SQN) Plant Manager (BEECKEN) wanted JOCHER off site. BELL said that when he asked BATTAGLIA why, he (BELL) didn't recall getting a "straight answer."
16. JOCHER provided a copy of a letter, dated April 12, 1993, to him from VETAL (Exhibit 35). This letter said, "The only negative response I recall being identified during the audit interviews was an indication that the (SQN) Plant Manager (BEECKEN) wanted to have you transferred back to the corporate organization."

**D. EVIDENCE REGARDING THE ADEQUACY/INADEQUACY OF PERFORMANCE OF JOCHER IN AREA OF MANAGEMENT SKILLS**

1. Letter, on TVA letterhead, dated April 7, 1993, from McARTHUR to "To Whom It May Concern," subject, "LETTER OF RECOMMENDATION FOR WILLIAM F. JOCHER (BILL)," stating, "I found him to be trustworthy, dependable and professional in his responsibilities. I would personally hire him as a Chemistry Manager again if the situation occurred" (Exhibit 36). JOCHER stated that McARTHUR gave him this letter of recommendation on April 7, 1993, the day after he (JOCHER) had signed a letter of resignation, prepared by TVA with an effective date of July 6, 1993, with the alternative of termination on May 5, 1993 (Exhibit 2).
2. Handwritten notes on steno pad, provided to TVA/OIG by McARTHUR on August 11, 1993 (Exhibit 37), identified by McARTHUR as being his notes reflecting his counseling of JOCHER:
  - a. Note states, "Previous page dated 2/19/92 Bill sensitive about what others think of him --- BJ is a good technical person but has trouble w being a team player.       ? him to be less aggressive and to work with others. May not always be right. Right perception is important. Must work with him to be a team player."
  - b. Note states, "2/25/93 (previous pages) ... B. Jocher discussed return to Corp/or stay at SQN. Told BJ that his rapport with sites would have to improve to fulfill resp as Corp Chem Mgr."
  - c. Note states, "5/17/92 (previous pages) Called Jocher to tell him Sabados was not happy. Jocher needs to develop better rapport - be a team player."
  - d. Note states, "March 10, 1993 Per JB/DRK meeting B Jocher Discussed the issue that Bill would have approximately six months to enhance/correct his management style problem, ie.



1. Arrogant attitude toward site chemistry managers.
2. Recognize he is a support function & needs to get buy-in.
3. Not to resolve problems by memo - contact needs to be made.
4. Be a team player

Corp. function was re-iterated WE ARE support  
Bill has committed to ---?---- a better attitude."

3. JOCHER stated that before McARTHUR came to him with the resignation and termination letters, he did not have any feeling at all that McARTHUR had any problems with his (JOCHER's) management capabilities. JOCHER stated that the only discussion that he ever had with McARTHUR along that line was "in passing" that "we were going to have to find a way to work with the chemistry manager down at Browns Ferry" (Exhibit 3, p. 48).
4. McARTHUR stated that he has counseled JOCHER on several occasions regarding his (JOCHER's) management style (Exhibit 20).
5. JOCHER stated that McARTHUR, on more than one occasion, talked to him (JOCHER) about the remark he had made in the briefing with WATERS and KINGSLEY about not being paid enough (Exhibit 3, pp. 48-49).
6. JOCHER stated that McARTHUR told him, in the presence of EASLEY, that the negative comments about JOCHER's management style in the termination letter (Exhibit 24) were not true, and that he (McARTHUR) would not support those comments if he was asked about them in court (Exhibit 3, p. 51).

**INVESTIGATOR'S NOTE:** McARTHUR has since testified negatively, under oath in a DOL discovery deposition and in a DOL ALJ hearing, regarding JOCHER's management style.

7. JOCHER was aware that the last page of his September 1992 performance appraisal contained a letter from McARTHUR to LYDON, pointing out that he (JOCHER) had weaknesses in his "support with others" (Exhibit 3, pp. 56-57).
8. JOCHER's formal 1992 performance appraisal (Exhibit 38), signed by LYDON on September 22, 1992, and by BEECKEN on September 12, 1992, showed him as being rated as high as possible in 12 of 18 categories, and rated just one level below that in the remaining 6 categories. The last page of this appraisal was a letter, dated September 8, 1992, from McARTHUR to LYDON, stating that JOCHER's "... weaknesses were: 1. His support with others sometimes require (sic) some work. 2. He has no desire to work with those he assumes to be unqualified. I place Bill in the category of someone that I would want to have on my team either at corporate or at the site. His weaknesses should be worked on but demonstrates a desire for high standards."
9. LYDON stated that, as JOCHER's immediate supervisor at SQN in 1992, he found JOCHER's management style and skills to be excellent. He stated

that he recalled no complaints or criticisms of JOCHER's management style from any of JOCHER's subordinates, peers, or managers while JOCHER was working for him (Exhibit 42).

10. JOCHER's formal 1991 performance appraisal (Exhibit 39), signed by McARTHUR on December 5, 1991, showed him as being rated in the ranking just below the highest of 4 possible rankings, ranging from "high" to "low" in all of the 16 categories. This appraisal contains quarterly comments, and JOCHER's immediate supervisor at TVA Corporate, James BARKER commented, on April 25, 1991, that, "His (JOCHER's) rapport with the site managers is established as is his technical creditability (sic)."
11. BARKER stated that he was well satisfied with JOCHER's technical knowledge and management abilities. BARKER advised that he did not recall receiving any complaints about JOCHER's management techniques from any of JOCHER's subordinates, or from McARTHUR or KEUTER. BARKER advised that he did recall having to intervene, on occasion, between JOCHER and the site chemistry people regarding the extent of the authority of Corporate chemistry over the site chemistry programs. He stated that he seemed to recall such an issue between JOCHER and SABADOS over the implementation of Hydrogen Water Chemistry, but that the JOCHER/SABADOS issue was no more or less serious than the other situations in which he (BARKER) had intervened (Exhibit 44).
12. MATTHEWS stated that he never had any problems in his interface with JOCHER. He said that he would not describe JOCHER as "weak-willed," but he (MATTHEWS) "liked the guy (JOCHER)." MATTHEWS stated that he even sent some of his technicians to SQN to work under JOCHER's supervision, and none of these technicians ever complained to him about JOCHER. MATTHEWS recalled a teleconference involving JOCHER and SABADOS in which there was a difference of opinion between JOCHER and SABADOS. MATTHEWS advised that he felt SABADOS acted improperly because, regardless of the difference of opinion, SABADOS went ahead and did what he wanted to do, and then expected the others on the call to go along with his lead. MATTHEWS advised that SABADOS was "rather pushy," and MATTHEWS would not want to work for him (Exhibit 45).
13. JOCHER stated that it seemed more than coincidental to him that from November of 1990 to March 1992, while he was Corporate Chemistry Manager, his performance was "more than fully adequate" and he was awarded the Nuclear Power Award for Excellence (Exhibit 40); and then from March 1992 through September 1992, his evaluations were "well above average"; and then, suddenly, after the INPO evaluation at SQN, his "management style severely deteriorated" enough to prompt his forced resignation in April 1993. JOCHER suggested that such a sudden deterioration was "pretty feeble," meaning not believable (Exhibit 3, p. 58).
14. JOCHER stated that the strained relationship between him and SABADOS was just as much SABADOS' fault as his, in that SABADOS' attitude was that "he (SABADOS) didn't need corporate chemistry for anything." He advised that SABADOS displayed this attitude before he and JOCHER had ever really had a chance to try and work together. JOCHER stated that Don ADAMS, one of his Corporate Chemistry Program Managers, was a witness to SABADOS

expressly making the statement about not needing Corporate chemistry. JOCHER stated that because SABADOS "enjoyed Joe Bynum's favor," he (JOCHER) was the one that "had to work on that relationship" (the JOCHER/SABADOS relationship) (Exhibit 3, pp. 59-60).

**INVESTIGATOR'S NOTE:** The relationship between JOCHER and SABADOS is a key element in this investigation with respect to the TVA assertion that JOCHER was forced to resign because of inadequate management skills. Prior to JOCHER's filing of his DOL complaint in June 1993, the informal, possibly unrecognizable, counseling of JOCHER by McARTHUR centered on JOCHER's relationship with SABADOS. Note, in the following TVA/OIG interview of SABADOS in August 1993, SABADOS states that he has not had any problems with JOCHER in two years (back to about August 1991). Yet, in early 1993, McARTHUR "counsels" JOCHER about getting along with SABADOS. There is no evidence developed in this investigation that during JOCHER's entire period of employment with TVA, he was ever counseled, or even spoken to, about alleged management style problems with Jill WALLACE, WBN Manager, Human Resources; Betsy EIFORD-LEE, TVA Program Manager, Radiological Effluents; David W. SORRELLE, TVA Corporate Senior Environmental Protection Program Manager; ADAMS; or Samuel L. HARVEY, III, TVA Program Manager, Chemistry and Environmental Protection. (The details of their assertions will follow.)

15. SABADOS stated that there was no issue between himself and JOCHER that he would consider cause for JOCHER's termination. He stated that he spoke with McARTHUR on one or two occasions, about 2 years ago, regarding his difficulty in working with JOCHER, but did not have any recent complaints. He advised that he could not recall any specific problems between him and JOCHER since he (SABADOS) had been promoted from Chemical Technical Support Manager to Site Chemistry Manager at BFN. He stated that Don SMITH, the previous BFN Chemistry Manager, was a supporter of Corporate chemistry "running the show" at the sites, and he (SABADOS) disagreed with that view. He advised that his and JOCHER's "styles" were different. SABADOS stated that he and JOCHER had a technical disagreement on the issue of Hydrogen Water Chemistry while they were both on a "blue-ribbon" committee that was assembled to coordinate the implementation of that program. SABADOS said that because he would not accept and implement all of JOCHER's ideas, JOCHER's "ego was bruised," and that led to more of a personal problem between them. SABADOS was also critical of JOCHER because he felt JOCHER was using an upcoming INPO evaluation to expose and elevate the chemistry problems at SQN by telling the INPO evaluators where the problems were in advance. SABADOS said that he would have attempted to "contain" and correct the problem. SABADOS also had a problem with JOCHER because JOCHER had made an incorrect statement to the Nuclear Oversight Board regarding radiological effluents at BFN. SABADOS stated that JOCHER corrected the statement and apologized for making it, but it could have caused some unnecessary "hot spots" in the BFN Chemistry Program. SABADOS additionally recalled that JOCHER was to participate in a selection board for the BFN Chemistry Manager's job and without sufficient advance notice, on the day of the board meeting, JOCHER said he was too busy and did not show up for the board meeting. SABADOS advised that this was the selection in which he



(SABADOS) was being considered for the job, after having been in an acting BFN Chemistry Manager capacity for about a year (Exhibit 22).

**INVESTIGATOR'S NOTE:** It is noted that in this August 3, 1993, interview, SABADOS did not mention an issue with JOCHER in which JOCHER made some inquiries with SABADOS' previous employers about SABADOS performance and demeanor. In his September 28, 1994, DOL Discovery Deposition, SABADOS stated that he received information from SORRELLE that these inquiries by JOCHER were an effort to gather information to have SABADOS terminated. For some reason, SABADOS did not recall, or chose not to discuss, this issue with the TVA/OIG in August 1993. It appears that his memory was refreshed, or the issue gained significance in his mind, sometime between the TVA/OIG interview and the DOL deposition. SABADOS mentions a number of other issues with JOCHER in his DOL deposition that he did not bring up in his TVA/OIG interview.

16. SABADOS stated that on another occasion, in 1991, he was not coordinated with, and was not included on the distribution list of a memorandum from JOCHER to John SCALICE, BFN Plant Manager, regarding raw cooling water recommendations. He stated that he and JOCHER disagreed on an issue regarding BFN's condensate storage tank. JOCHER was pushing it, and he (SABADOS) was against doing it. SABADOS stated that he recalled that SORRELLE called him and told him that JOCHER was trying to gather information to have SABADOS dismissed from TVA. SABADOS stated that he did not confront JOCHER with that information at the time, but his (SABADOS) boss, Max HERRELL, called SABADOS in to his office and arranged a meeting with SABADOS, HERRELL, McARTHUR, and JOCHER in which the issue was discussed. SABADOS stated that he felt that he satisfactorily "rebutted" any concern or misunderstanding by JOCHER. SABADOS stated that this happened in the 1991, in the Hydrogen Water Chemistry time frame. SABADOS stated that he just recently had found out, from no one other than his TVA Office of General Counsel attorneys, that JOCHER had been "running interference" for his (SABADOS) selection as the BFN Chemistry Manager. SABADOS stated that he understood that JOCHER had reservations about his (SABADOS) qualifications for the job, and that somehow, SCALICE got involved in conversations about the delay of the selection board. SABADOS stated that when JOCHER went out to SQN, and FISER became the Corporate Chemistry Manager, JOCHER did not support FISER's quarterly meetings of the Site Chemistry Managers in Chattanooga. SABADOS said that it was frustrating for him to drive from BFN to Chattanooga for a scheduled meeting, only to have JOCHER not show up. He said that the meetings were conducted, but he would have liked to have had JOCHER's input. SABADOS stated that he was also concerned with JOCHER's ideas about combining the Chemistry and Radiation Control Manager's jobs. He stated that he wanted them to remain separated. SABADOS said that in the March 1993 time frame, he did not consult with BYNUM, McARTHUR, KEUTER, or anyone else with regard to whether or not JOCHER should come back to Corporate and resume the duties of Corporate Chemistry Manager. He stated that he was aware that JOCHER had resumed those duties because there was a quarterly meeting of the Site Chemistry Managers with JOCHER, and the meeting went smoothly (Exhibit 41).

17. WALLACE (Exhibit 46); HARVEY (Exhibit 47); SORRELLE (Exhibit 48); EIFORD-LEE (Exhibit 49); ADAMS (Exhibit 50); and Charles KENT, SQN Radiological Control/Chemistry Manager (Exhibit 51) all had criticisms of JOCHER's management style.
18. E. S. CHANDRASEKARAN, TVA Corporate Chemistry Program Manager, stated that JOCHER's management style was good (Exhibit 52).
19. McARTHUR (Exhibit 20), KEUTER (Exhibit 19), and BYNUM (Exhibit 18) all denied forcing JOCHER to resign because he had identified, and tried to force the resolution of, nuclear safety issues. They stated that they asked for his resignation because of his inadequate management style.
20. BEECKEN (Exhibit 21) stated that he was not angry or upset with JOCHER because JOCHER had formally documented chemistry deficiencies while at SQN.
21. KINGSLEY (Exhibit 23) denied that he was involved in the decision to ask for JOCHER's resignation.
22. Michael D. POPE, TVA Human Resources Officer, stated that he was satisfied, from discussion with McARTHUR, that McARTHUR had taken enough action to try to correct JOCHER's management style problem before McARTHUR had come to him (POPE) for assistance in the termination of JOCHER if JOCHER did not resign (Exhibit 53, p. 10).

#### Investigator's Analysis

Review and analysis of the evidence obtained by OI:RII, the TVA/OIG, and DOL in this matter shows the following.

JOCHER was hired as TVA Corporate Chemistry Manager in November 1990. As mandated by his job description and mission, and as directed by his immediate management, JOCHER sincerely and aggressively set out to perform the required oversight, coordination, and support of the chemistry programs of the nuclear plants for which he was responsible.

Of the three plants assigned to JOCHER (SQN, BFN, and WBN), the only oversight interface problem of significance was between JOCHER and SABADOS. This problem was twofold: (1) a technical difference over the implementation of Hydrogen Water Chemistry at BFN, and (2) a difference over the amount, if any, of Corporate chemistry authority to prescribe the timing and methodology of the implementation.

The evidence shows that this particular interface problem between JOCHER and SABADOS was the only "management style" issue that was directly addressed, as a possible performance criticism, with JOCHER by his immediate supervisor at the time, McARTHUR.

From the observations of this investigator during the OI interview of McARTHUR, plus the testimony regarding McARTHUR's "management style," it is concluded that such conversations between JOCHER and McARTHUR were not construed by JOCHER to be serious counseling sessions, much less serious enough that JOCHER's termination was in the balance. In fact, JOCHER's

management style was never considered to be a problem serious enough, by either KEUTER or McARTHUR, for formal counseling until BYNUM suggested to them that JOCHER should be looking for a job.

Even at the time of JOCHER's forced resignation, when McARTHUR was directed by BYNUM to be the one to present the resignation/termination alternative to JOCHER, neither KEUTER nor McARTHUR really agreed that JOCHER should be terminated without having conducted and documented counseling. They just obeyed BYNUM's orders.

The evidence shows that criticism of JOCHER's activities was commonly made, by various TVA employees that interfaced with JOCHER, to TVA managers of a higher rank than JOCHER, both within and outside his reporting chain. However, the evidence also shows that, for some reason, JOCHER was never formally, directly, and specifically confronted by anyone in his upper management chain, namely McARTHUR, KEUTER, BYNUM, or KINGSLEY, regarding his side of the story regarding these criticisms, with the exception of his conflict with SABADOS.

There is evidence to show that there are other TVA managers, even within the framework of this investigation (SABADOS, BEECKEN), that were apparently as strong-willed as JOCHER and as firm in their beliefs and interfaces with other employees. There is no indication that these managers were offered the choice between resignation and termination because of their "management style."

The evidence shows that JOCHER's "management style" problem was not significant enough for TVA to grade him as being below average or unsatisfactory, in any category, in either of his two written performance appraisals. The latest of these appraisals was done in September 1992, approximately 6-7 months before the adverse action. Also, this "management style" problem was not significant enough to formally counsel him prior to the adverse action.

The evidence shows a sincere, unrelenting effort on the part of JOCHER to identify and correct deficiencies in the TVA, primarily SQN, Chemistry Program. JOCHER was unwilling to accept responsibility for long-term uncorrected chemistry deficiencies that were not within his power to correct. JOCHER is a physically large, strong-willed, technically competent man. He was not hesitant to place these deficiencies in the formal corrective action system, which put additional, and historically unfamiliar, pressure on Plant and Operations management to address these problems.

SQN management, and BYNUM were used to chemistry managers that would accept the blame and responsibility for any and all chemistry problems. JOCHER refused to do this, and management did not like it, despite their denials that these protected issues were a factor in the decision to force JOCHER's resignation. The SCARs were a "thorn" in SQN management's side; but the INPO evaluation, after JOCHER had told INPO about the problem areas, plus JOCHER's complaint to the NSRB in February 1993 about chemical traffic control training being shown as completed when it was known by management not to be, were probably the "last straws" that prompted JOCHER's forced resignation.

The circumstances and timing of the forced resignation of JOCHER are such that the reason proffered by TVA for taking this adverse action, namely that JOCHER's "management style" was poor or unsatisfactory, is pretextual.

## Conclusions

Based upon analysis of the evidence collected in this investigation, it is concluded that JOCHER was engaged in protected activities during his employment at TVA, and received an adverse action in the form of a threat of termination by TVA if he did not resign.

It is concluded that the reason proffered by TVA for this adverse action, namely that JOCHER's performance in the area of management skills was inadequate, was primarily pretextual.

It is also concluded that, despite denials by the TVA managers involved, the methodology of JOCHER's engagement in protected activity was the primary reason for the adverse action.



## SUPPLEMENTAL INFORMATION

On August 31, 1995, the facts in this case were presented to William P. SELLERS, Attorney, General Litigation Division, U.S. Department of Justice, for consideration of criminal prosecution. SELLERS declined prosecution in favor of appropriate administrative/civil action by NRC.

THIS PAGE LEFT BLANK INTENTIONALLY

## LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Report, dated April 15, 1993.
2	DOL Complaint Letter, from JOCHER, dated June 29, 1993.
3	Transcript of OI Interview of JOCHER, on July 28, 1993.
4	Report of OI Interview of JOCHER, on August 24, 1994.
5	Allegation Report, by Oscar DeMIRANDA, NRC, dated April 9, 1993.
6	Letter from George JENKINS, NRC to JOCHER, October 14, 1993.
7	Letter from Bruno URYC, NRC to JOCHER, January 26, 1994.
8	DOL Report of Investigation, undated.
9	DOL Letter, dated April 29, 1994.
10	TVA/OIG Report of Administrative Inquiry, dated March 17, 1994.
11	SQN SCAR No. 920004, dated May 11, 1992.
12	SQN SCAR No. 920009, dated June 15, 1992.
13	TVA/OIG Record of Interview of RICHIE, dated August 18, 1993.
14	TVA/OIG Record of Interview of BATES, dated September 22, 1993.
15	TVA/OIG Record of Interview of MILLER, dated December 6, 1993.
16	TVA/OIG Record of Interview of McARTHUR, dated July 26, 1993.
17	Minutes of SQN NSRB Meeting No. 141, dated March 11, 1993.
18	Transcript of OI Interview of BYNUM, dated February 7, 1995.
19	Transcript of OI Interview of KEUTER, dated February 7, 1995.
20	Transcript of OI Interview of McARTHUR, dated February 7, 1995.

<u>Exhibit No.</u>	<u>Description</u>
21	Transcript of OI Interview of BEECKEN, dated February 8, 1995.
22	TVA/OIG Record of Interview of SABADOS, dated August 3, 1993.
23	Transcript of OI Interview of KINGSLEY, dated February 9, 1995.
24	TVA Memorandum of Termination of JOCHER, dated April 5, 1993.
25	TVA Memorandum of Resignation of JOCHER, with handwritten effective date filled in as October 5, 1993.
26	TVA Memorandum of Resignation of JOCHER, with typewritten effective date of July 6, 1993.
27	INPO Report of Evaluation of SQN, dated October 1992.
28	Memorandum from WATERS to KINGSLEY, dated November 27, 1990.
29	Memorandum from KINGSLEY to WATERS, dated January 16, 1991.
30	TVA/OIG Record of Interview of LLEWELLYN, dated December 6, 1993.
31	TVA/OIG Record of Interview of WATERS, dated September 23, 1993.
32	TVA/OIG Record of Interview of KINGSLEY, dated October 25, 1993.
33	Transcript of OI Interview of EASLEY, dated February 8, 1995.
34	Letter from BELL to JOCHER, dated April 20, 1993.
35	Letter from VETAL to JOCHER, dated April 12, 1993.
36	Letter of Recommendation for JOCHER from McARTHUR, dated April 7, 1993.
37	Handwritten Notes of McARTHUR, dated February 19, 1992, February 25, 1993, May 17, 1992, and March 10, 1993.
38	Performance Appraisal of JOCHER, dated September 22, 1992.
39	Performance Appraisal of JOCHER, dated December 5, 1991.

<u>Exhibit No.</u>	<u>Description</u>
40	Nuclear Power Excellence Award of JOCHER, undated.
41	DOL Discovery Deposition of SABADOS, September 28, 1994.
42	TVA/OIG Record of Interview of LYDON, on August 24, 1993.
43	OI Report of Interview of LYDON, on February 16, 1995.
44	OI Report of interview of BARKER, on February 2, 1995.
45	TVA/OIG Record of Interview of MATTHEWS, on August 17, 1993
46	DOL Discovery Deposition of WALLACE, September 28, 1994.
47	TVA/OIG Record of Interview of HARVEY, on August 11, 1993.
48	DOL Discovery Deposition of SORRELLE, on September 23, 1994.
49	TVA/OIG Record of Interview of EIFORD-LEE, on July 30, 1993.
50	TVA/OIG Record of Interview of ADAMS, on July 29, 1993.
51	TVA/OIG Record of Interview of KENT, on August 11, 1993.
52	TVA/OIG Record of Interview of CHANDRASEKARAN, on July 30, 1993.
53	Transcript of OI Interview of POPE, on February 9, 1995.

# EXHIBIT 1

INVESTIGATION STATUS RECORD

Case No.: 2-93-015R Facility: SEQUOYAH NUCLEAR PLANT  
 Allegation No.: RII-93-A-0070 Case Agent: ROBINSON  
 Docket No.(s): 050-327/328 Date Opened: 04/15/93  
 Source of Allegation: A Date of Full-Scale Upgrade: 07/07/94  
 Notified by: EICS Priority: H  
 Category: IH Case Code:  
 Status: FWP Estimated Completion Date: 11/94  
 Requested by: SI  
 Subject/Allegation: ALLEGED DISCRIMINATORY TERMINATION OF NUCLEAR CHEMISTRY  
 MANAGER

Remarks:

Monthly Status Report:

07/07/94: A former chemistry manager at the Sequoyah Nuclear Plant contacted the NRC RII allegation coordinator and alleged that in April 1993, he was forced to resign his position, or else be terminated, because he surfaced problems with the Nuclear Chemistry program at Sequoyah. OI opened an evaluation on this matter and monitored Department of Labor (DOL) Wage and Hour and TVA Office of the Inspector General (OIG) investigations of this issue. This case is being upgraded to full-scale to supplement DOL and TVA/OIG investigations sufficiently to determine whether or not a deliberate violation of 10 CFR 50.7 exists. ECD 11/94

2-93-015

EXHIBIT   /    
PAGE   /   OF   /   PAGE(S)



# EXHIBIT 2

WAGNER MYERS & SANGER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

1801 PLAZA TOWER

P. O. BOX 1308

KNOXVILLE, TENNESSEE 37901-1308

TELEPHONE

(615) 526-4600

FAX

(615) 526-6731

SAN F. FOWLER, JR.  
HERBERT S. SANGER, JR.\*  
CHARLES W. VAN BEKE  
CHARLES A. WAGNER III  
WILLIAM C. MYERS, JR.  
STEPHEN P. PARSONS\*\*  
JOSEPH N. CLARKE, JR.  
H. DOUGLAS CAMPBELL, JR.  
MARVIN L. CAMPBELL  
RONALD D. GARLAND  
\*ALSO ADMITTED IN W. VA.  
\*\*ALSO ADMITTED IN GA.

June 29, 1993



VIA HAND DELIVERY

Mrs. Carol Marchant  
Department of Labor  
Wage and Hour Division  
Room #123  
710 Locust Street  
Knoxville, Tennessee 37902

Re: William F. Jocher v. Tennessee Valley Authority

Dear Mrs. Marchant:

This letter and the enclosed letter to you from William F. Jocher are submitted pursuant to 42 U.S.C. § 5851(b)(1). (For your convenience in reviewing them, the exhibits to Mr. Jocher's letter have been highlighted.) Mr. Jocher, an employee of the Tennessee Valley Authority, claims that his July 6, 1993, separation from TVA employment is the result of his activities in carrying out the purposes of the Atomic Energy Act of 1954, as amended. TVA is, of course, an employer for purposes of 42 U.S.C. § 5851(a)(2)(A), by virtue of being a licensee of the Nuclear Regulatory Commission. Mr. Jocher's Complaint is timely, the date of the adverse personnel action leading to the termination of his employment being April 6, 1993. Further, as Mr. Jocher's letter details, Mr. Jocher has made a prima facie showing that the adverse personnel action--the ultimatum to resign or to be terminated--was based on his activities in revealing deficiencies in the plant chemistry programs within TVA's overall nuclear program, a chemistry program conducted pursuant to regulations issued by the Nuclear Regulatory Commission, 10 C.F.R. Ch. 1, Pt. 50, App. I and 10 C.F.R. Ch. I, Pt. 20, App. B; revealing TVA's non-compliance with NRC-approved guidelines; and revealing inconsistencies between actual facts and TVA management reports to the NRC, INPO, TVA Board of Directors, and internal review groups. The matters set forth in Mr. Jocher's letter were not only contributing factors, but were the factors upon which TVA based its decision.

Having made a prima facie showing, the burden is on TVA to come forward with "clear and convincing evidence" that it would have

2-93-015

EXHIBIT 2

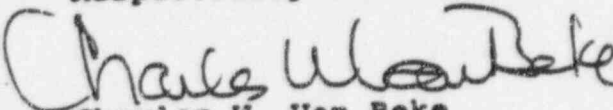
PAGE 1 OF 11 PAGE(S)

Mrs. Carol Marchant  
June 29, 1993  
Page 2

made the same decision to terminate Mr. Jocher in the absence of the matters set forth in the enclosed letter. Since Mr. Jocher has never received any unfavorable evaluations of his performance from anyone at TVA, we request copies of whatever documents or statements TVA provides in response to this Complaint.

Finally, Mr. Jocher requests that he be afforded all relief to which he may be entitled under 42 U.S.C. § 5851(b)(2)(B).

Respectfully submitted,

  
Charles W. Van Beke  
For the Firm

CVB:CCB  
Enclosures (Mr. Jocher's letter and exhibits A-E and 1-32)  
cc: Mr. William F. Jocher

1267mmrchca1.br

EXHIBIT 2  
PAGE 2 OF 11 PAGE(S)

William F. Joche

June 29, 1993

Mrs. Carol Marchant  
Department of Labor  
Wage and Hour Division  
Room #123  
710 Locust Street  
Knoxville, Tennessee 37902

Dear Mrs. Marchant:

I was hired by the Tennessee Valley Authority in November 1990. Until April 6, 1993, I was employed as a PG-10, Manager, Chemistry, Technical Programs, Operations Services, Nuclear Operations, Chattanooga, Tennessee. Since that day, I have been in non-work status, and will be terminated effective July 6, 1993. I believe that the decision by TVA to effect a termination of my TVA employment was in violation of 42 U.S.C. § 5851.

On April 5, 1993, my supervisor, Wilson C. McArthur, told me that Oliver D. Kingsley, president of the Power Group, did not think I "was part of the team" and that I should find a new job. I went immediately to Wilson's supervisor, Vice-President Dan Keuter, who told me that as of that moment two memos were being prepared for me, one for termination, and one for resignation. Shortly thereafter, Wilson formally presented me the choice of being terminated by TVA or of resigning. He gave me the termination notice (Exhibit A) and an unsigned resignation letter (Exhibit B). He told me that the decision had already been made that I was to be terminated, and that there was nothing to discuss other than the date I would leave. If I wanted to leave with an unblemished record with good recommendations for future employment I should fill in the date and sign the resignation letter. I was told that I had to make the decision on the spot, that very moment. I filled in October 5, 1993, that is, six months, and signed the resignation.

The next day, Wilson returned and told me that the date of my resignation was unacceptable. He thereupon handed me the resignation attached as Exhibit C, in which TVA had selected the effective date of resignation. Again, Wilson promised a clean TVA personnel record and good recommendations, and told me I had to make the decision right then and there. I signed the letter. The following day, he gave me the letter of recommendation attached as Exhibit D.

On June 10, 1993, I sent a letter to Wilson (Exhibit E) withdrawing my resignation and requesting reinstatement to my former or a comparable position. TVA has not responded. I had

EXHIBIT 2

PAGE 3 OF 11 PAGE(S)

determined that my resignation was not voluntary, but was coerced and involuntary. First, TVA did not afford me adequate time within which to make an informed choice or thoroughly consider my options. Second, TVA, not I, set the effective date of my "resignation." Third, it has now become apparent that TVA's sole reason for threatening termination, i.e., unsatisfactory management skills, was a sham, and TVA knew that it could not be substantiated, if, indeed, it could even be defined. At no time did anyone ever discuss any performance problems with me. Any definition which would now be offered would be merely a post hoc rationalization in view of my exemplary record of service during my few years of TVA employment. I had been a recipient of the Nuclear Power of Excellence Award (32) denoting that not only had I made an "outstanding contribution to the success of Nuclear Power," but had "gone the extra mile, created something new, completed something faster and better than expected, or gone beyond the normal scope of expectation," and my service reviews were excellent (17). In fact, TVA determined to terminate me because of my vigorous pursuit of excellence in the nuclear chemistry program; my efforts to ensure compliance with NRC requirements; and my reporting of non-compliance and the true reasons therefor to internal audit groups, my management, and Institute of Nuclear Plant Operations (INPO). TVA's real grounds for termination were, therefore, in bad faith and unlawful under 42 U.S.C. § 5851. Fourth, contrary to our agreement with respect to my resignation and recommendations for future employment, TVA management officials have spread the word through the industry that I was let go or terminated. I have received such information from personnel at Arizona Public Service, Betz Industrial Water Treatment, Inc., and Canberra Industries. Leaving TVA with a clean record was exceedingly important to me because I had an exemplary record in the industry prior to my TVA employment (and even during my TVA employment) and would need to rely on that in order to secure new employment. Further, the management personnel involved in nuclear plant chemistry matters in the industry constitute a relatively small group and all are known to each other. Having promised to afford me a clean record by virtue of the resignation and the letter of recommendation and then spreading contrary information through the industry is a breach of our termination agreement. Since TVA failed to keep its end of the bargain, my signature on the resignation memorandum was wrongfully obtained and constitutes an involuntary resignation.

Apart from whether or not my resignation was voluntary or involuntary, TVA's threat to terminate me if I did not sign their resignation letter was based entirely on my record of causing embarrassment to the highest levels of TVA's nuclear power

EXHIBIT 2

PAGE 4 OF 11 PAGE(S)



organization by reporting the true status of TVA's nuclear chemistry program to various oversight groups, reports which cast doubt upon their own reports to members of TVA's Board of Directors, the Nuclear Regulatory Commission, and the Institute of Nuclear Power Operations.

By way of background, John Waters, Chairman of the Board of Directors, expressing concern for TVA chemistry programs, asked Oliver D. Kingsley, president of the generating group in TVA, in November 1990, for an assessment of the Sequoyah Nuclear Plant (SQN) technicians' training, instrumentation availability, and calibration programs (1) (hereinafter, all exhibits are referenced (\_\_\_)).

At a recent INPO Board meeting, I learned that in several plant evaluations chemistry controls were getting low marks. It seems that chemistry may not be getting the attention it deserves even though most people agree that a good plant must have good chemistry.

I would like a brief report on TVA chemistry at SQN and BFN. Do we have a good program? Are TVA people who perform chemistry control well trained and maintaining a quality process? What is the condition of our chemistry monitors relative to maintenance and calibration?

Mr. Kingsley's January 1991 response was inadequate. Further, in November 1992, TVA directly misrepresented facts in response to a Nuclear Regulatory Commission notice of violation in SQN Chemical Traffic Control (30). In performing my normal duties, and the duties which I was hired to perform in November 1990, to upgrade TVA's chemistry programs, I unwittingly exposed the inadequacy of Mr. Kingsley's response to Mr. Waters and the falsity of the report to the NRC. I did not set out to "expose" anything, am not a "whistleblower" in the colloquial sense, but got caught in a bind of doing my job and establishing findings that happened to conflict with what my superiors had already gone on record as representing. By so doing, I apparently was labeled as not being a "team player." I was transferred from SQN to Chattanooga effective March 1, 1993, and one month later was forced to resign based on unfounded and undefined "management skills" problems.

Had Mr. Kingsley's January 1991 response to Chairman Waters' questions been direct and truthful, my situation might be

EXHIBIT 2

PAGE 5 OF 11 PAGE(S)

entirely different and without predicament. Rather than giving a direct and truthful response, Mr. Kingsley elected to tell Chairman Waters that the chemistry training programs were receiving adequate attention. He also stated that SQN had some instrument problems that had scheduled solutions in place for 1992 and 1993 (2).

A technically correct and honest response would have informed Mr. Waters that Mr. Kingsley knew there were technician job knowledge and process instrumentation problems at SQN which had been previously reported to management in 1988 and 1989 by the Operational Readiness Review and Nuclear Management Review Groups (ORR and NMRG) (3) (4). Had Mr. Kingsley elected to, he could have told Mr. Waters that the training problems were the result of management's decision to RIF all degreed discipline instructors (keeping one without a degree). He might also have listed as a contributing factor the closing of the SQN chemistry training laboratory and its conversion to a storage area. Similarly, Mr. Kingsley could have informed Mr. Waters that budgeted monies allocated for the SQN instrument upgrades were historically and systematically cut from proposed budgets and that a similar fate was probable (and, indeed, was the case) for FY 92/93.

From the time I was hired in November 1990 and during 1991, my job at corporate headquarters focused on providing each nuclear site (i.e., Sequoyah, Browns Ferry, and Watts Bar) with support, direction and oversight consistent with our mission (5). In February 1991 I gave Wilson McArthur the first of the site chemistry assessments that began to conflict with Mr. Kingsley's assessment of SQN chemistry (6). SQN was subsequently verbally characterized as needing immediate attention for fixable problems. Follow-up evaluations conducted by me and the staff began to reveal significant programmatic, safety related issues in the area of technician job knowledge, procedure deficiencies, and process instrument availability (7) (8). These findings were reported to the NSRB in November 1991 (9). Shortly thereafter, I was asked by my management to pull all the problems, including historical audit findings, into one comprehensive Chemistry Improvement Plan (CIP) (10). As that plan started to come together, it became obvious that our findings and those previously reported in 1988 and 1989 by the ORR and NMRG were the same, i.e., instrument availability, technician job knowledge, and deficient procedures. A finished product was completed and I made a presentation to the Nuclear Oversight Board comprised of senior TVA management in February 1992. Shortly thereafter, I was transferred from Corporate to SQN as the site chemistry manager in order to strengthen the program at SQN (9).

EXHIBIT 2

PAGE 6 OF 11 PAGE(S)



After I assumed my new duties, I gathered more detailed information and proposed solutions to SQN problems. These were documented in the formal corrective action process. By the end of the next month, I reported to my management and the Nuclear Safety Review Board (NSRB) confirmation, via testing, that SQN technicians could not draw and analyze from our Post Accident Sample System (PASS) a reactor coolant sample in under three hours as required by law (NUREG 0737) for the purpose of assessing the extent of an accident, i.e., core damage, explosion potential, etc. Detailed specifics were documented in the May NSRB meeting minutes and by Significant Corrective Action Report (SCAR) (11). During that same time frame, we determined that 40% of our process instruments were out of service and beyond repair, most from a lack of management prioritization. A cursory review of instrument records revealed that yearly, scheduled maintenance and calibration of some equipment had not, as was required, been performed since 1984. We also determined from the examination of other documents that there were a significant number of instrument setpoints monitoring chemistry processes in the nuclear plant that were incorrect. Furthermore, all budgeted monies to correct these deficiencies were cut from the 1992-93 budget. In short, there had been a complete programmatic breakdown. All relevant facts were again documented by the highest mechanism in the formal corrective action process, the SCAR (13). Further, technician job knowledge evaluations, prior to the Institute Nuclear Plant Operations (INPO) audit in August/September 1992, led me to believe that SQN technicians had undergone a process of knowledge decay as a result of a marginally acceptable training program exacerbated by RIFing qualified instructors and closing the SQN training lab.

In August 1992 the NSRB noted progress in implementing the CIP (14). Rob Richie, my program manager, and I traveled to INPO at management's directive to ostensibly discuss program problems and solutions (14). INPO representatives J. Bates and L. Miller were told that SQN chemistry problems were:

- tech job knowledge
- tech training
- lack of process instruments
- PASS sampling requirements not being met
- incorrect instrument setpoints
- instrument repair prioritization problems

During INPO's subsequent September 1992 evaluation, they administered a job knowledge test to all SQN technicians and their instructor. Ninety percent of the technicians failed the test, as did the instructor, who scored similarly, indicating

that the technicians were trained to the instructor's level of topic knowledge. RIFed instructors, closed training lab and test results on job knowledge caused INPO to challenge SQN training accreditation. Notwithstanding the obvious problem, a team of upper level TVA managers traveled to Atlanta and successfully defended the program before a board of INPO examiners. INPO's overall bottom line on SQN Chemistry was communicated in private to Mr. Kingsley and Chairman Waters. In that private assessment, INPO characterized Chemistry department problems as mostly upper management resource issues of a long standing nature, much to the consternation of Mr. Waters, who had been previously informed by Mr. Kingsley in January 1991 that the problems were being adequately addressed. INPO's report (15) summarized findings previously reported to management in the 1988 and 1989 ORR and NMRG assessments (3) (4). SQN Chemistry problems were:

Several long-standing chemistry equipment and instrumentation problems reduce station effectiveness in monitoring important fluid systems, identifying ingress of impurities that can increase corrosion, and controlling biological fouling. Management has been aware of these problems, in some cases since before 1988, but many improvements or upgrades have been postponed or were insufficiently effective. [emphasis in original, p. 17].

.....

Knowledge weaknesses exist in several areas among technicians responsible for chemical sampling and analysis. These weaknesses include insufficient understanding of some plant chemical additives and their effects and of some laboratory practices. Insufficient continuing training on chemistry fundamentals and changes to the plant chemistry program contribute to these problems. [emphasis in the original, p. 26.]

INPO's notes of the meeting will reveal that Mr. Waters said: "I thought you told me these problems were fixed." Mr. Kingsley responded: "I guess I'm in trouble." The bottom line here is that the information I provided to INPO in an honest, open exchange, put Mr. Kingsley, Plant Manager Beecken, and site Vice President J. Wilson (unwittingly on my part) in the hot seat.

EXHIBIT 2

PAGE E OF 11 PAGE(S)

In hindsight, I thought that I was doing what TVA wanted, i.e., identifying problems, proposing solutions, and managing the program and resources. At no time was I told anything to the contrary, which notice is required by TVA policy (16). Evaluations of my performance provided to me in October 1992 by Wilson McArthur and my site manager Pat Lydon, immediately prior to Mr. Waters' and Mr. Kingsley's November meeting with INPO, recommended me for promotion to manage both site chemistry and radiation protection (17). The first inkling that anything was wrong arose when Joe Bynum, Senior Vice President, asked an outside company, NUS, to independently audit the SQN chemistry program, ostensibly to verify INPO's report. Two of the auditors were acquaintances of long standing, and told me that the plant manager, R. Beecken, wanted me off the site. In order to clarify my position and identify any potential problems, I requested a meeting with Wilson McArthur. I reported to him what I had heard, and asked if he knew of any problems. He informed me that Mr. Kingsley was peeved about a low salary wisecrack I had made to the board, but not to concern myself. Not satisfied, I requested a meeting with Dan Kouter, Vice President. Dan later, in November, indicated that he didn't know of any problems I should be concerned with; and that Senior Vice President Bynum had confidence in my technical judgment. I also asked Plant Manager Beecken if there were any problems with my performance. He responded by saying "no," only that he thought I was a little slow getting together my INPO audit finding responses.

Somewhat relieved, I proceeded to do my job, during which time two more training and instrumentation issues were identified at my initiative. The instrumentation problem resulted in an NRC violation and a Licensee Event Report (LER) that circulated throughout the industry for exceeding containment noble gas radiation monitor setpoints (20). Root cause of the problem was an inadequate technical review of information provided in 1982 by NRC warning of conditions that might compromise the monitor's ability to isolate the containment in a timely manner from the environment as a result of an excessive accumulation of radioactive gas. Later, in November 1992, QA audited Chemistry progress on implementing the CIP and reported progress (21). The NSRB asked me to reformat the CIP, devise a job knowledge test and administer the test to the technicians (22) (23). I complied and obtained results similar to the unsatisfactory results INPO got the preceding September. (See test and scores (24) (25)). Notwithstanding the congruity of my results and INPO's results, the SQN training organization invalidated my test results and concluded that the scores were indicative only of the need for improvement rather than demonstrating a systemic problem. (Corporate training subsequently administered a diagnostic test



in March 1993 and obtained results similar to mine and INPO's.) In February 1993 the NSRB noted "significant progress" had been made in Chemistry under my management (26). In the same NSRB report it is also noted that I reported to the NSRB that SQN was not in compliance with the requirements of an Incident Investigation Event Report (II) used to close an NRC violation of Chemical Traffic Control (26) (27). SQN had committed in the II, and the site standard, to have all people at SQN see a training film on this subject by September 28, 1992 (28). That requirement was loaded into and tracked by the TROI (Tracking and Reporting Open Items) (29). Closure on that training requirement was reported in TROI by all site managers on the required date. SQN then responded officially to the NRC violation on November 3, 1992, by reporting they were in full compliance with the II and the site standard (30). That report was an outright lie; a material false statement to the NRC. SQN management knew, prior to their formal response to the NRC, that 450 people, including the site vice president, which was the highest ranking person at SQN, Plant Manager Beecken, and plant maintenance and operations managers had not seen the film. They had been informed on numerous occasions by my staff that SQN personnel weren't seeing the film (31). This discrepancy between fact and report was duly recorded in the February NSRB meeting minutes.

While the NSRB was on site, Gordon Rich of Portland Gas and Electric showed up at SQN to interview for a job in chemistry, a job which was below the stature of the position he held at PG&E. Since Gordon is a contemporary, and I was suspicious, I asked Wilson McArthur if there were any problems. He indicated that I was going to have to work on getting along with J. Sabados of Browns Ferry Nuclear Plant, a person with whom I had not interfaced for almost a year. This was nothing major--he and I were going to work on it together. On March 10, I transferred back to the Corporate Office and was awarded the Nuclear Power Award for Excellence (32). On April 5, after lunch, Wilson told me that Mr. Kingsley didn't think I was part of the team and I might have to look for a job. I proceeded directly to Vice President Keuter's office to ask what was going on. He told me that memorandums giving me two options, immediate termination or voluntary resignation, were being prepared that day. Shortly, later that afternoon, Ben Easily, a personnel officer, and Wilson McArthur brought both documents (A) (B) to me. The termination memo recites that performance problems and management style had been brought to my attention on several occasions but without improvement. I stated that not even a hint was ever provided to me at corporate headquarters or the site indicating that I had performance problems.

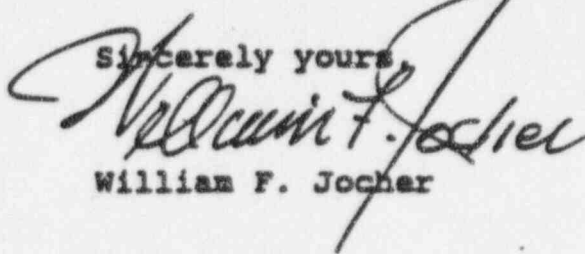
Mrs. Carol Marchant

June 29, 1993

Page 9

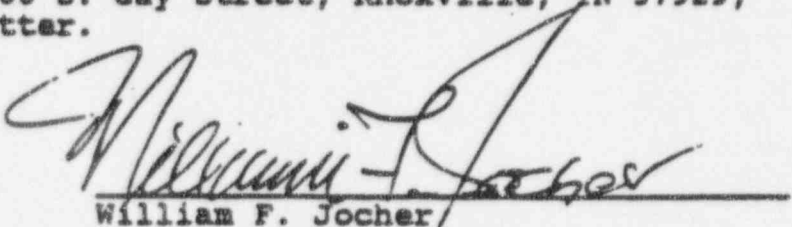
I look forward to meeting with you or your designee to further discuss the significance of the attached documents as they relate to (a) my efforts to ensure TVA compliance with NRC requirements, and (b) the reasons why my sincere efforts in that regard caused my termination. When you get TVA's response, I hope you will afford me the opportunity to reply. This is necessary because TVA will attempt to convince you that I was terminated because of my "management skills" and not for raising and reporting problems with TVA's chemistry program at SQN. I understand that TVA must do so by clear and convincing evidence. Since I have never been disciplined, counseled, or otherwise reprimanded for any performance problems or my "management skills," I would like to be informed of TVA's explanations and receive copies of any documents provided by TVA in support of their allegations, and be allowed to rebut.

Sincerely yours,



William F. Jocher

I hereby designate Charles W. Van Beke, Wagner, Myers, & Sanger, P.C., 1801 Plaza Tower, 600 S. Gay Street, Knoxville, TN 37929, as my attorney in this matter.



William F. Jocher

Date: 6/29/93

cc: 13262 marchant.lz

EXHIBIT 2

PAGE 11 OF 11 PAGE(S)

# EXHIBIT 3

10:20 AM  
HR

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

UNITED STATES NUCLEAR REGULATORY COMMISSION  
OFFICE OF INVESTIGATIONS

----- X  
Investigative Interview of:       :  
WILLIAM JOCHER (CLOSED)           :  
----- X

Dayton, Tennessee

Wednesday, July 28, 1993

The interview in the above-entitled matter  
commenced, pursuant to notice, at 2:59 p.m.

BEFORE:

LARRY L. ROBINSON,  
United States Nuclear Regulatory Commission  
Office of Investigations  
101 Marietta Street  
Suite 2900  
Atlanta, Georgia 30323

2-93-015

ANN RILEY & ASSOCIATES, LTD.  
Court Reporters  
1612 K Street, N.W., Suite 300  
Washington, D.C. 20006  
(202) 293-3950

EXHIBIT 3  
PAGE 1 OF 69 PAGE(S)



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

[2:59 p.m.]

1  
2  
3 MR. ROBINSON: For the record, this is an  
4 interview of Mr. William Jocher. The interview is being  
5 conducted at Mr. Jocher's residence in Dayton, Tennessee.  
6 Today is Wednesday, July 28th, 1993. It is now 2:59 p.m.  
7 Present at the interview are Mr. Jocher and Office of  
8 Investigations Investigator, Larry L. Robinson. This  
9 interview is being transcribed by a court reporter.

10 Mr. Jocher do you have any objections to your  
11 being sworn to your testimony here today?

12 MR. JOCHER: No. I would like to have the ability  
13 to come off the record by raising my hand so that I can  
14 discuss something with you before I respond to it. Is that  
15 possible?

16 MR. ROBINSON: Sure. We can do that. Would you  
17 please stand and raise your right hand.

18 [Witness sworn.]

19 Whereupon,

20 WILLIAM JOCHER,

21 having been first duly sworn, was examined and testified as  
22 follows:

## EXAMINATION

23  
24 BY MR. ROBINSON:

25 Q Would you please state your full name for the

1 record and spell your last name.

2 A William Frances Jocher, J-o-c-h-e-r.

3 Q What is your current residence address here?

4 A [REDACTED]

5 Q And for the record, would you please summarize  
6 your experience in the nuclear industry?

7 A My combined experience in the electric utility  
8 industry is 28 years. Seven of those years were spent at  
9 fossil utility as a control operator and instrument  
10 technician, chemistry technician. The remaining 21 years  
11 are all nuclear-related experience as in health, physics,  
12 and chemistry.

13 Q If you would, please, to the best of your  
14 recollection, go through the years at the various utilities  
15 at which you have worked and basically the type to work you  
16 were doing in each period.

17 A '65 to '72 I worked with Public Service Electric  
18 and Gas at Linden Generating Station in Jersey as an  
19 operator, instrument technician, chemistry technician.  
20 Transferred to Salem Generating Station in 1972. Worked at  
21 the Salem station from '72 to '79 in the capacity of a  
22 health, physics, and chemistry technician/instrument  
23 technician.

24 Left Public Service Electric and Gas in July of  
25 1979. Went to work for Public Service in New Hampshire as a

1 chemistry supervisor at Seagrove Power Plant. I spent a  
2 year there. About that utility, they were on the verge of  
3 bankruptcy. After a year, I went to work for General Public  
4 Utilities in September or October of 1980 as an engineering  
5 assistant, senior engineering assistant.

6 Q At what location?

7 A Three Mile Island. My job was to help them  
8 reorganize the chemistry department. Public Service  
9 Electric and Gas contacted me while I was there and asked me  
10 to come back and manage their chemistry program in Salem. I  
11 returned to Salem and spent an additional three years there  
12 as the manager of the chemistry program.

13 Q This is the Salem Nuclear Plant?

14 A Yes, sir. [REDACTED] and  
15 we were residing in Hershey, Pennsylvania, at that time. So  
16 I was commuting between Hershey and New Jersey. I left that  
17 utility and went to work for Pennsylvania Power and Light so  
18 that I could be closer to home [REDACTED]  
19 [REDACTED] I spent a  
20 total of three and a half years with Pennsylvania Power and  
21 Light.

22 Went to work for Georgia Power at Vogel. Started  
23 unit one and unit two up there. Left there and went to  
24 South Texas to head the corporate/site chemical support  
25 group. I spent three years there and transferred from there

1 to the general office of TVA in Chattanooga to head the  
2 corporate chemistry group.

3 Q That was November?

4 A Of 1990.

5 Q When you first arrived at TVA, what were your  
6 duties and responsibilities?

7 A My duties and responsibilities were to provide  
8 oversight and technical support to each of the nuclear  
9 facilities under TVA's auspices.

10 Q Who did you report to at that time?

11 A I reported to Dr. James Barker.

12 Q How many people were working for you?

13 A Seven.

14 Q Seven people. Was this at the nuclear power  
15 corporate headquarters in Chattanooga?

16 A Yes, sir, it was.

17 Q And during that period of time, did you have any  
18 performance evaluations or evaluations of your performance  
19 in your job?

20 A I had one quarterly evaluation that was given to  
21 me by Mr. Barker. Best of my recollection, it was fairly  
22 decent.

23 Q Do you have a copy of that?

24 A No, sir, I don't.

25 Q You do not.

1           A     Records of my performance at the other utilities I  
2 have worked for will show without exception that all of my  
3 reviews were above average.

4           Q     Do you have copies of those here with you, or are  
5 they still back at the --

6           A     I think I might have one or two. I think I have  
7 one, maybe two. I know I have one from Public Service in  
8 New Hampshire, and I may have one from Georgia Power.

9           Q     And during the period of time that you were at the  
10 corporate headquarters in Chattanooga, what, if anything,  
11 did you discover about the nuclear situation at the Sequoyah  
12 Nuclear Plant?

13          A     That there were basic weakness within in the  
14 program. First, they did not have a comprehensive cooling  
15 water corrosion program; second, that their rad monitors  
16 lacked primary calibrations, traceable primary calibrations.  
17 Thirdly, I determined that technicians were not adequately  
18 trained.

19          Q     I recognize that there came a point in time when  
20 you physically went to the Sequoyah plant as chemistry  
21 manager. What you're talking about now are things that came  
22 to your attention prior to going to Sequoyah?

23          A     Yeah. In my role of performing oversight on the  
24 stations, I had my people periodically evaluate the programs  
25 and determine their strengths and weaknesses. That was part



1 of my role.

2 Q It was almost like a pseudo-audit role?

3 A Yes, sir.

4 Q I see. When were you asked to take over the  
5 chemistry program at Sequoyah?

6 A March of 1992.

7 Q And who was your immediate supervisor at that  
8 point?

9 A Mr. Patrick Lydon. He was the operations  
10 superintendent.

11 Q I see. You reported directly to him?

12 A Yes, sir.

13 Q How many people did you have working for you at  
14 that point?

15 A Probably 30.

16 Q How would you describe your working relationship  
17 with your subordinates at that point?

18 A Well, the first couple of months, I would say, was  
19 a feeling out period. I have a tendency to be a little bit  
20 more exacting, a little bit more demanding than most. I  
21 think once people got used to that, I am reasonably certain  
22 I enjoyed the full support of my technical staff and most of  
23 the technicians. There were perhaps maybe in the technician  
24 ranks five or six people whose support I did not enjoy.

25 Q How was your relationship with -- was it Mr. Lydon

1 you said was your immediate supervisor and -- was Mr. Lydon  
2 satisfied with your performance?

3 A Yes, sir.

4 Q Did Mr. Lydon ever write a performance evaluation  
5 on you?

6 A Yes, sir, he did.

7 Q How was that performance evaluation? Let the  
8 record reflect that earlier this year Mr. Jocher provided a  
9 packet of some 30-plus exhibits to NRC inspectors, who  
10 picked them up from Mr. Jocher, regarding Mr. Jocher's  
11 allegations of material false statements on the part of TVA  
12 management to the NRC, and we'll get into that, and also  
13 with respect to Mr. Jocher's complaint of discriminatory  
14 practices on the part of TVA.

15 Those exhibits will be made a part of this record.  
16 Let the record also reflect that I have a copy of Mr.  
17 Jocher's formal complaint submitted to the Department of  
18 Labor, dated June 29th, 1993. That will also be made a part  
19 of this record. That formal complaint has been read and  
20 digested by this investigator, and this interview will  
21 supplement that complaint as well as to discuss the issues  
22 of the allegations of false statements.

23 Again, back to where we were, Mr. Jocher, with  
24 respect to performance evaluations by Mr. Lydon. That, I  
25 believe, is one of the exhibits included in the 30 exhibits

1 that you presented; is that correct?

2 A Uh-huh.

3 Q In your own words, describe Mr. Lydon's  
4 description of your performance during that period.

5 A Mr. Lydon had characterized my performance as  
6 above average, provided supporting statements as evidence of  
7 that above-average performance, and recommended that I be  
8 given the responsibility of managing both the physics and  
9 chemistry programs.

10 Q When was that evaluation done?

11 A I would say that was in October of 1992.

12 Q Did there come a time in the March-April time  
13 frame of 1993 where a gentleman by the name of Wilson  
14 McArthur indicated to you that you were either going to have  
15 to resign from TVA or be terminated?

16 A April the 4th.

17 Q And start at the beginning and describe in your  
18 own words why this happened.

19 A My initial stay at Sequoyah from the March to  
20 September time frame, I felt we had accomplished a great  
21 deal. I had identified all of the salient problems within  
22 the program, had proposed the requisite solutions to each  
23 problem, and had promulgated that information in a document  
24 called The Chemistry Improvement Plan.

25 The first step in the healing process is to

1 recognize the fact that you have problems. I suggested we  
2 recognize that and went a step beyond that. We instituted a  
3 plan to correct those problems. In August of that year I  
4 went down to INPO at management's request reputedly to  
5 discuss with INPO, my INPO auditor, in a free exchange what  
6 the problems with the Sequoyah program were.

7 Rob Richie was present, a member of my staff;  
8 Larry Miller from INPO, Jim Bates from INPO. In that  
9 discussion I related that the basic problems were training.  
10 I had a technician knowledge problem. I had a process  
11 instrumentation problem. Most of my process instruments  
12 were unavailable to me. The set points on some of them were  
13 incorrect. I was having problems getting those set points  
14 changed.

15 I had a problem with the post-accident system  
16 insofar as my technicians' ability to obtain a sample in the  
17 requisite amount of time. I had a primary calibration  
18 problem with my effluent monitors.

19 INPO came in late August, early September and  
20 performed their evaluation and essentially confirmed what I  
21 had reported to them. They administered tests to the  
22 technicians. The results were essentially the same as the  
23 results that I obtained. The following November, I  
24 administered my test.

25 Q Did they administer their own tests?

1           A     Yeah. I never saw the actual test. Larry Miller  
2 ran through some of the questions with me. There were  
3 essentially very basic questions. I knew what the results  
4 were. He discussed them with me, but I never saw the actual  
5 exams themselves.

6           Q     So those problems that you had earlier identified  
7 to INPO were confirmed?

8           A     Yes, sir.

9           Q     What happened then?

10          A     During that period of time or just prior to INPO,  
11 Joe Bynum had asked me what the ideal Sequoyah or chemistry  
12 organization should look like and could I draw something up.  
13 I did and I was told to go out and find the people to fill  
14 those positions.

15                   Then after INPO, everything suddenly came to a  
16 halt, and I began to feel very uneasy. Mr. Bynum's demeanor  
17 changed dramatically toward me. He was obvious in his  
18 efforts to avoid speaking with me, avoid contact with me.  
19 And when I pressed the issue of speaking with him, I was cut  
20 off very abruptly.

21          Q     Did the INPO report cause consternation and  
22 problems within TVA?

23          A     Yes. There were some significant findings there  
24 that indicated that some of the problems were long-standing  
25 problems that had been previously identified and not



1 addressed by TVA management. John Waters had communicated  
2 with Oliver Kingsley late 1990 and asked two very basic  
3 questions: Are their training problems and are there  
4 instrumentation problems with our chemistry programs.

5 The response that he received from Mr. Kingsley,  
6 the first one that was authored by me was sent back and  
7 watered down and rewritten by my manager, Wilson McArthur.  
8 It basically said there weren't any training problems, that  
9 they were being adequately addressed, that there were some  
10 processing problems--

11 MR. ROBINSON: Let the record reflect that it is  
12 now 3:17, and we are going off the record for Mr. Jocher to  
13 answer the phone.

14 [Brief recess.]

15 BY MR. ROBINSON:

16 Q It is now still 3:17, and we are back on the  
17 record. Just for the record, you indicated that Mr.  
18 McArthur was your manager. He was not in the position of  
19 writing your performance appraisal, though; is that correct?

20 A Yes. At that point and time he was.

21 Q He was?

22 A Mr. Barker had been let go by TVA.

23 Q I see.

24 A So I was reporting directly to Wilson McArthur at  
25 this point.

1 Q What is the time frame here?

2 A No. I'm sorry. It isn't. My immediate manager  
3 was Jim Barker who reported to Wilson McArthur. The initial  
4 response was not adequate. It was too succinct, too direct.

5 Q This was back when you were at corporate?

6 A Yes, sir. This is the January 1991 time frame.  
7 And I think Wilson and Jim Barker wrote the second response,  
8 which basically gave a more watered-down response than the  
9 previous one that I had authored which Kingsley had found  
10 unacceptable.

11 It said that there weren't any training problems  
12 and that there were process instrumentation problems with  
13 the chemistry program, but those problems, the engineering  
14 fixes, were going to be completed in '92 with purchase and  
15 installation of equipment in 1993. That never occurred.  
16 The moneys to support those functions had been deleted from  
17 the budget. As a matter of fact, they have been  
18 systematically deleted from every physical year budget that  
19 I knew of from 1988 forward and again in 1992 and 1993.

20 So in my opinion, Mr. Waters was deliberately  
21 mislead.

22 Q Getting back to the lead-up to why in April of  
23 1993 Mr. McArthur told you that you were either going to  
24 have to resign or be terminated, go ahead and bring us into  
25 that.

1           A     Again, the INPO evaluation that was conducted in  
2     September had basically verified the training issue, the  
3     instrumentation issue, fundamentally all the issues I had  
4     identified out there while I was there. In a private exit  
5     meeting with Mr. Waters and Mr. Kingsley, Mr. Waters was  
6     taken by surprise at the findings and asked Mr. Kingsley  
7     directly, he said, "I thought you told me that the  
8     instrumentation and training issues were fixed."

9           Q     You witnessed this?

10          A     No, sir, but I will subpoena the records that  
11     support that statement.

12          Q     How do you know this?

13          A     Because the INPO note taker is a man that has  
14     worked for me before.

15          Q     So the INPO gentleman was a witness to this exit  
16     meeting?

17          A     The INPO note taker. That was his title at that  
18     time.

19          Q     Who is this?

20          A     His name is Mike Lewellyn.

21          Q     Mike Lewellyn?

22          A     Yes.

23          Q     Does he still work for INPO?

24          A     [Witness moves head up and down.]

25          Q     Go ahead.

1           A     Kingsley's response was, "Well, I guess I'm in  
2     trouble." Because Waters had asked the exact questions that  
3     needed to be asked to fix the program. He was deliberately  
4     deceived, in my opinion. That, as far as I'm concerned, is  
5     what led to my demise, because that compromised Oliver  
6     Kingsley.

7           Q     We got to the point right after the INPO report  
8     when Mr. Bynum started acting indifferently toward you.

9           A     Very much so.

10          Q     Then what happened?

11          A     An outside organization, NUS, was brought in to  
12     audit the chemistry program. Ostensively they wanted an  
13     independent look-see.

14          Q     INPO wasn't independent enough for them?

15          A     No. We had done our own self-assessment in June  
16     and July which INPO came in and verified, but that wasn't  
17     enough. They wanted an independent assessment. Well, two  
18     of the men that came in I have known for a good many years  
19     in my associations with these men in the industry. In  
20     private I said, fellas, why are you really here. Both of  
21     them basically said that the plant manager wanted me off  
22     site.

23          Q     These are two of the exhibits in your package, the  
24     letters from these gentlemen. Just for the record, what  
25     were their names?

1           A     Merle Bell and Don Vital. Now, one of TVA's  
2     allegations is my management style. You'll note in Mr.  
3     Bell's letter to me, that was one of the things he  
4     specifically looked at. I guess he was asked to look at; I  
5     don't know.

6           Q     What was the time frame of this NUS --

7           A     October of '92. Merle said, in his letter to me,  
8     that my management style was not a problem. If anything,  
9     things had improved under my management at Sequoyah because  
10    information flowed more freely from top to bottom and from  
11    bottom to top.

12          Q     Had he reported that, either orally or in writing,  
13    to TVA?

14          A     I have no idea. I don't know that.

15          Q     Would he be able to answer that question?

16          A     Yes, sir, he would.

17          Q     What did he tell you about TVA's intentions toward  
18    you at that point?

19          A     They wanted me off site. They said they couldn't  
20    verify it, but they felt it was because I was identifying  
21    far too many problems for them to deal with. That was their  
22    feel. I think they will tell you that was a feeling,  
23    because it was conveyed to them in a very negative way, and  
24    they assumed that was the reason. Based on their  
25    experience, they knew how significant these issues were and



1 how much of a problem it was for management to deal with  
2 them.

3 Q Did they tell you who they heard make comments  
4 like that?

5 A Yeah. It came from the leader of the NUS audit  
6 team who had spoken with site management.

7 Q Do you recall the leader's of the NUS audit team  
8 name?

9 A Yes. Phil Battaligia, B-a-t-t-a-l-i-g-i-a.

10 Q He had spoken to Sequoyah site management?

11 A Yes, sir.

12 Q What names would those be as far as --

13 A Bob Beecken.

14 Q Anyone else?

15 A I don't know who else was present.

16 Q Prior to Mr. McArthur coming to you and telling  
17 you that you were going to either have to resign or be  
18 terminated, had anyone counseled you about any negative  
19 aspect of your performance at all?

20 A No, sir, not at all. Not at all. As I say, about  
21 that time frame, Joe Bynum started to act very coldly toward  
22 me. I asked for a meeting. I told Wilson about it. I  
23 asked for a meeting with Dan Keuter.

24 Q What is Mr. Keuter's position?

25 A He was the vice-president of technical services at

1 that time. I wanted to discuss this with Dan. I felt very  
2 awkward around Joe, and I asked Dan if there were any  
3 problems that I didn't know about with Joe. I said, "He  
4 told me to go and draw up this organization and fill it out.  
5 Now I'm being told I can't fill it out. I'm being told to  
6 change it now."

7 At first he was in full agreement with the  
8 organization as I drew it up.

9 Q He being Bynum?

10 A Bynum, yeah. And now I'm told that I had to make  
11 my organization exactly the same as Browns Ferry's  
12 organization. I was uncomfortable with that and interpreted  
13 that as some lack of confidence. I had people lined up to  
14 come in, very capable people, people that this program  
15 desperately needed to make it -- to get it on the road to  
16 being technically competent. That was stopped short.

17 Dan and I met and he said, "No. I don't know of  
18 any problems. He said, "As far as I know, you enjoy Joe's  
19 confidence. What you say, technically he'll buy." That was  
20 the end of that discussion. Wilson McArthur was aware of it  
21 and so was Gary Fiser aware of the discussion.

22 Q They were witness to it or just aware that it took  
23 place?

24 A Aware that it took place.

25 Q It was just between you and Keuter?

1           A     Yeah. That was in November. In January they  
2 brought Gordon Rich in from Trojan ostensibly to interview  
3 for a position within the chemistry department at three or  
4 four levels below the level that Gordon occupied at Trojan.  
5 Gordon and I know each other. I know where he is in that  
6 organization. He was essentially my counterpart. He was  
7 the corporate manager of chemistry.

8           They brought him into Sequoyah, introduced him to  
9 me to interview with me for a level eight position or level  
10 seven position, which in essence would have been about three  
11 levels below where he was. I was almost certain that  
12 something was wrong at that point.

13          Q     What significance did that have with what was  
14 happening to you?

15          A     I couldn't understand why Gordon Rich would want  
16 to come to work with TVA as a level seven when he was  
17 already the equivalent of a level ten at Trojan.

18          Q     I mean, do you think they were bringing in Rich to  
19 replace you at that point?

20          A     Yes. I can't prove that. I asked Wilson, and  
21 Wilson said no, he is just here to interview for that job  
22 and that's all. I transferred back downtown in March, and a  
23 friend of mine in the personnel department, whom I won't  
24 name unless I am forced to name him, came to me and told me  
25 that I was on Ollie's hit list.

1 Q On Ollie's hit list?

2 A Uh-huh.

3 Q Ollie meaning Kingsley?

4 A Yes, sir. And I was being terminated, both Gary  
5 Fiser and myself. Now, I had known about Fiser because  
6 Wilson had reported that to me, that they wanted to  
7 terminate Fiser. In passing, I said to this individual one  
8 day, "If they ever get around to getting me in that  
9 position, I want you to come and tell me."

10 Three days later I was told. I went to Wilson and  
11 asked Wilson, I said, "Wilson, do I have problems with  
12 Oliver that I don't know about?"

13 He said, "Why do you ask?"

14 I said, "I'm told that he wants me gone." I  
15 said, "If I have problems with this man, I need to see him.  
16 I need to speak with him." I had never spoken to Oliver  
17 Kingsley.

18 He said, "Give me a couple of days to find out."  
19 A couple of days later, Wilson came back to me and told me  
20 there weren't any problems, just to forget about it. A week  
21 after that, this friend in personnel came to me and told me,  
22 he said, "They worked out some kind of a deal to work on  
23 your management style and keep you until October."

24 I said, "Work on my management style?" I said,  
25 "Here's my evaluations. I don't know what the problems are.

1 If I have them, I'm totally unaware of it."

2 He said, "Bill, that's as much as I can tell you."

3 I just chalked the whole thing up to rumor and forgot all  
4 about it. About three weeks later, I was told to rif Gary  
5 Fiser. It was on Friday.

6 Q Told by who?

7 A Wilson McArthur.

8 Q Did Fiser work for you?

9 A Yes. At that point he did.

10 Q Go ahead.

11 A The following Monday I was coming back from lunch.  
12 Wilson called me into his office and said that Oliver didn't  
13 think I was part of the team. I said, "He needs to tell me  
14 that. He needs to be specific and let me know what his  
15 problems are." I said I would like to speak with him. He  
16 said he wasn't available. I said, "Fine. I want to go see  
17 Dan."

18 I went down to see Dan. Dan said it was too late.  
19 He said, "I can't repair any problems."

20 Q This is your second meeting with Dan?

21 A Yeah. This is in April. Dan said, "There are two  
22 pieces of paper being prepared. You'll see them later on  
23 today. One is a voluntary resignation. The other is  
24 termination. Those are your options." I was told that  
25 Wilson, Dan, and Bynum had negotiated this six-month thing



1 to work on my management style, they were not in agreement  
2 with the termination, and that it came directly from Oliver  
3 that I was to go.

4 Q The only reason that you can think of that this  
5 has happened is because you brought to the surface these  
6 problems with the chemistry situation at Sequoyah, and that  
7 put Kingsley in a bad light with Waters?

8 A Because he had asked the right questions. He  
9 asked the questions, and had an honest response been given  
10 and those problems addressed, INPO would not have had the  
11 poor review of the Sequoyah chemistry program that they  
12 provided us with.

13 Q When you were physically at Sequoyah, was Wilson  
14 McArthur in your chain of command at all?

15 A No. He was part of the nuclear safety review  
16 board, and they periodically came around to evaluate the  
17 program. Part of their evaluation would be to sit and  
18 discuss the program with me. And this raises the other  
19 issue, the material false statement.

20 In January when the nuclear safety review board  
21 came around, this was January of '93, they asked me how  
22 chemical traffic control was doing. I said that I didn't  
23 think anybody was taking it seriously because most of the  
24 department managers, in excess of 90 percent of them, had  
25 not taken the requisite training, and that some 400-odd

1 people on the site had not seen the required CTC training  
2 film.

3 Q Out of how many total people on the site?

4 A Probably at that point 1800 maybe.

5 Q So roughly 25 percent or 20 of the people on the  
6 site who per procedure were supposed to have seen this film?

7 A Yes, sir.

8 Q Everybody on the site?

9 A Bar none.

10 Q And this stipulation in the procedure which is  
11 SSP13.2?

12 A SSP13.2 chemical traffic control.

13 Q This stipulation in the procedure had been in  
14 there since at least November of 1992 if not before?

15 A Certainly November of '92, I would say, for sure.

16 Q Do you know whether that stipulation was in  
17 Revision 4 of the procedure?

18 A I can't say. I tend to think that it was.

19 Q Getting back, it's my understanding that your  
20 allegation of the false statement is that in the TVA  
21 response --

22 A Excuse me one second.

23 MR. ROBINSON: It is now 3:35, and we are off the  
24 record for a couple of minutes.

25 [Brief recess.]

1 BY MR. ROBINSON:

2 Q For the record, it is still 3:35, and we are back  
3 on the record. I was in the middle of essentially  
4 describing my understanding of your allegation of the false  
5 statement. The false statement occurred in the TVA response  
6 to the NRC notice of violation with respect to the NRC  
7 inspection that was conducted back in August of 1992 in  
8 which they found unlabeled chemicals stored in improper  
9 areas in the plant.

10 In the response, and I will quote directly from  
11 the response on page 2 from paragraph 2, and I quote.  
12 "Modifications craft personnel were immediately retrained on  
13 the CTC program requirements as they applied to each craft  
14 discipline. Craft specific training for CTC controls was  
15 also provided for the chemistry, maintenance, technical  
16 support, and operations section."

17 In addition, the last sentence of the response  
18 with respect to when full compliance is going to be  
19 achieved, TVA stated, "TVA is in full compliance." Is this  
20 basically a correct description of what you are alleging or  
21 false statements to the NRC?

22 A Yes, sir.

23 Q And would you please now, Mr. Jocher, just explain  
24 to us why these statements are false.

25 A Well, their contention that people were retrained

1 according to the "CTC requirements," one of those  
2 requirements in the standard is that everybody see the  
3 training film.

4 Q To your knowledge as of November 3rd, 1992, which  
5 is the date this letter was submitted --

6 A There were 450 people at that point and time,  
7 including the site vice-president, who is Jack Wilson, and  
8 Rod Beecken, that had not seen the film. I made this public  
9 during a morning meeting with the NRC inspector Phil Holland  
10 present. I told them there were 450 people, including Jack  
11 and Rob, that had not seen the film.

12 Q And this morning meeting was prior to the  
13 issuance?

14 A Yes, sir.

15 Q Of this response to the NOV?

16 A Yeah.

17 Q Do you recall when that morning meeting was  
18 approximately, two weeks, three weeks, a month before?

19 A Only a couple of weeks before the response.

20 Q At that point in time, understanding that the  
21 procedure requires all site personnel to view that CTC film  
22 which, I believe, you described as being approximately an  
23 hour and 15 minutes long, getting more into craft specific  
24 training, could you describe the status of the craft  
25 specific training at that point?

1           A     No, sir, because I was never aware of any lesson  
2 plans that were generated to do this craft specific  
3 training; nor was I ever aware of any documentation  
4 attesting to the fact that it had been done and maintain  
5 today that there is no documentation attesting to one, a  
6 lesson plan or two, people who attended that required  
7 training.

8                     Now, the requirement to do the craft specific  
9 training was requirement one in the incident investigation.  
10 One of the other requirements in the incident investigation  
11 was to see the film.

12           Q     And the incident investigation is an investigation  
13 that was conducted by TVA personnel internally?

14           A     And referenced in the response to the NOV.

15           Q     And a copy of which is also included in the  
16 documents that I referred to earlier as those that you had  
17 given to the NRC inspectors earlier?

18           A     Yes, sir.

19           Q     Aside from the film and the fact that to your  
20 knowledge there are no lesson plans or --

21           A     Attendance rosters.

22           Q     Attendance rosters. Describe to me, if you have  
23 any knowledge, what would or should have taken place in  
24 craft specific training. Define craft specific training  
25 aside from observing the film.



1           A     Well, it was never defined at the site, so I can't  
2     give you a literal interpretation of what craft specific  
3     training is. I can give you what my concept of it should  
4     have been.

5           Q     I want you to do that. To your knowledge, was any  
6     craft specific training accomplished at all?

7           A     No, sir.

8           Q     Okay. What would be your definition of craft  
9     specific training?

10          A     My definition of craft specific training would  
11     have been a lesson plan that would have taken them through  
12     the procedure, the salient points in the procedure. The  
13     second thing would have been viewing the film. The film  
14     would have brought it all home. There were visual examples  
15     that were very readily understood, even by craft people  
16     whose knowledge of chemistry and hazardous materials is  
17     extremely limited.

18          Q     And so the procedure, as you are describing, was  
19     SSP13.2?

20          A     Yes, sir.

21          Q     Which is what, approximately a 39-page procedure?

22          A     Roughly. Maybe 30 or 39 pages; I'm not sure.

23          Q     Craft specific training would have been to train  
24     the various personnel in that procedure?

25          A     Yeah.

1 Q Any other procedures?

2 A No. I don't think so. Basically, what they  
3 should have gleaned from going through the procedure is one,  
4 you don't take a chemical from either the shop or from power  
5 stores into the field unless it has a label on it that tells  
6 you what the application limitations on that product are.

7 Second of all, in every work package there should  
8 be an Appendix B which tells you what the application  
9 limitations are, what the personal safety hazards are using  
10 the material, and what the disposal requirements are.

11 Now, to the best of my knowledge as of today,  
12 those Appendix B's, during the time I was out there, were  
13 never included in any of the work packages. I will venture  
14 to say that I doubt as of even the time of my departure --  
15 and now that they are included, which is also a procedural  
16 requirement.

17 If you're using material out in the field, the  
18 best way to insure that it is adequately and properly used  
19 and disposed of is to put the directions for what you want  
20 to achieve in the hands of the man that is using the  
21 product. That has never been done.

22 So that is two violations, the first one being no  
23 one saw the film or a lot of people did not see the film;  
24 the second one being the lack of Appendix B's which is  
25 critical to using the products appropriately and safely and

1 disposing of them adequately.

2 Q And to your knowledge, there weren't even any  
3 informal or undocumented training sessions where that  
4 procedure was gone through with supervisors or management?

5 A That is correct.

6 Q When the statement at the end of this NOV response  
7 is made that TVA is in full compliance, from your  
8 perspective, why is that statement false?

9 A It is false for the following reasons: One, I  
10 maintain that craft specific training was not accomplished  
11 because there was never any evidence of it. Two, the  
12 requirement to see the film was one of the requirements of  
13 the incident investigation. It was referenced in the  
14 response as was the craft specific training.

15 There were 400-odd people that hadn't seen the  
16 film. Management knew about that before they responded to  
17 this.

18 Q Do you have any indication --

19 A Thirdly --

20 Q I'm sorry.

21 A One week after they maintained or alleged that  
22 they were in full compliance with the procedure, an audit  
23 was performed, which was also part of the incident  
24 investigation by QA, to make certain that we were "in  
25 compliance." That audit was conducted on November the 9th,

1 six days after the response. Six days after the response  
2 they still found materials out in the plant that were not in  
3 compliance with the requirements of the procedure.

4 Six days prior to that, TVA maintains that they  
5 are in full compliance. In full compliance with what?

6 Q The audit report that you're talking about that  
7 was conducted after the response is one of the exhibits in  
8 the --

9 A Yes, sir, it is.

10 Q Do you have any indication that false attendance  
11 rosters and false certifications of training have been  
12 prepared at TVA to support this?

13 A No, sir. I do not. I have no knowledge of it.

14 Q I'm going to show you a document that I let you  
15 review briefly prior to going on the record. I'm going to  
16 make this a part of this record. It is a letter dated July  
17 14th, 1993, addressed to NRC employee Bill Rankin from TVA  
18 employee Jerry Osborne. Do you know Jerry Osborne?

19 A Yes, sir, I do.

20 Q There is a very brief cover page to this memo  
21 indicating that he is supplying data to Mr. Rankin. The  
22 second page of this two-page document is entitled, "SQN  
23 Chemical Traffic Control Craft Training Status of Completion  
24 on 11/5/92."

25 The first paragraph of this page states, and I

1 quote, "Craft specific training was provided to SQN for the  
2 craft groups as shown below. The training was primarily in  
3 the form of safety meeting discussions and/or viewing of a  
4 chemical traffic control video."

5 Underneath that it provides five different groups  
6 within TVA, namely maintenance, modifications, operations,  
7 technical support, and chemistry. And it proceeds to give a  
8 total number craft within each of those groups and another  
9 number of that which allegedly was trained in chemical  
10 traffic control. I'll let you take a look at this document.

11 Do you have any bases to say whether or not that  
12 particular document is true or false in view of the fact  
13 that they are talking either a safety meeting discussions or  
14 the viewing of the film?

15 A I have a document in front of me, in my possession  
16 I would have to examine more carefully before I could render  
17 a judgment on this particular document.

18 Q Let the record reflect this is a computer  
19 printout, I believe, of individuals that had not seen the  
20 chemical traffic control video?

21 A As of January 1993.

22 Q And how was this computer-generated document  
23 developed, to your knowledge, Mr. Jocher?

24 A It was generated at my request by the training  
25 department, and a copy of this was provided to Bob Finick,



1 site vice-president.

2 Q And so the training department -- how would the  
3 training department have come up with those names that did  
4 not see the film? How would they know who had and who had  
5 not seen the film?

6 A They had attendance rosters of people who had seen  
7 the film.

8 Q These films, I understand, were available at  
9 various remote video stations throughout the site?

10 A Yes. There was a memo sent out by me in  
11 September. It says, "Training is scheduled for all site  
12 employees to begin August 3rd at Sequoyah training center.  
13 Time and dates are available." This is to see the film. You  
14 can have that.

15 Q I can have this? Is this part of the original 30?

16 A No.

17 Q But you've got another copy of this? I will  
18 identify this by the number up in the right-hand corner.  
19 S52920730145, addressed to those listed, titled "Chemical  
20 Traffic Control and Environmental Compliance Training Film,"  
21 signed W.F. Jocher.

22 A Now, I am in the process of going through this  
23 computer printout, and I will just point out some highlights  
24 of people who had not seen the film as of the 6th of  
25 January.

1 Jim Bumstark, operations superintendent; Robert  
2 Finick, site vice-president; Tom Nahay, who is a manager  
3 over in modifications.

4 Q How do you spell that?

5 A N-a-h-a-y. If everybody in modifications, as they  
6 maintain -- total number is 124, total number 135 trained --  
7 why was Mr. Nahay's name on my list as having not seen the  
8 film, and he was a manager in that department?

9 Q So when the terminology "craft groups" is used,  
10 your understanding is that it is not only the actual "craft  
11 personnel" that are doing that job, but it's everyone in  
12 that craft group; is that correct?

13 A Yes, sir.

14 Q Is that a normal definition of --

15 A As a manager with a work force within the  
16 modifications group or craft group, I would certainly expect  
17 that a manager would have an intuitive understanding of what  
18 the program was.

19 Here are some additional names of modifications  
20 people whom they claim were fully trained: Martin Bushman;  
21 Barbara Kelch, Lynn Lowery, Kevin Russell, Charles  
22 Vandergriff, Carlan Carpenter, Marcus Gann, Jerry Guess,  
23 Robert Harrington, Ronald West. I can go on.

24 Q To your knowledge, were these people on site back  
25 in November of 1992?

1           A     Yes, sir. The dates that they were employed are  
2 here, also.

3           Q     Did I understand you to say earlier when we were  
4 speaking prior to going on the record that you would make a  
5 copy of that roster for me?

6           A     I won't provide you with this copy. I will  
7 provide you with a copy of it.

8           Q     Thank you. I appreciate that. So what you're  
9 saying is, Mr. Jocher, that this document that I just  
10 described, which I described as being a July 14th memo to  
11 Mr. Rankin, contains inaccurate figures?

12          A     The data that you have, and I am specifically  
13 restricting my remarks to modifications personnel because  
14 that is the only one I have looked at, indicate that the  
15 modifications people are fully trained. That was in July.  
16 I have a document printed in January of the following year  
17 that indicates that that is not true, that there were indeed  
18 many, many more people who were not trained.

19          Q     I want to make sure you understand what this  
20 document says. This document is saying it was supplied to  
21 the NRC in July of '93.

22          A     Yes, sir.

23          Q     But it is giving a status of training as of  
24 November of '92. So what you're saying is your roster,  
25 which is in 1993, still shows --

1           A     They maintain in November of 1992 that all of the  
2 modifications personnel were trained, even above -- they  
3 report 125.

4           Q     They reported that they trained 135 out of a total  
5 of 124 people, but they explain that. They're saying they  
6 have trained 100 percent of their people. They explain that  
7 several personnel had been trained as of 11/5, but then  
8 released from work.

9           A     My contention is that that statement is  
10 inaccurate, and I will provide you with the requisite proof.

11          Q     I think, really, that the key thing we're getting  
12 down to here is, again, your document of folks that have not  
13 seen the video. This document here claims that the training  
14 that was accomplished that is referred to in this document  
15 was either seeing the video or having, quote, "safety  
16 meeting discussions or both." So I still want a copy of  
17 your roster printout.

18          A     Yes, sir.

19          Q     Are you aware of what comprises a safety meeting  
20 discussion? Are those very informal things within the site?

21          A     They are. But normally, people who attend  
22 meetings, a roster is sent around. That is part of the  
23 normal practice at every safety meeting, that you sign an  
24 attendance roster.

25          Q     So --

1           A     And normally for safety meetings, an itinerary is  
2 published as to what is going to be discussed before the  
3 meeting takes place and sent out to all the people who are  
4 expected to attend.

5           If what they allege is true, I would like to see  
6 the rosters. I would like to see at least a memo that  
7 indicates that they intend to discuss chemical traffic  
8 control training.

9           Q     It is your contention that not only will there not  
10 be that documentation, but that training wasn't discussed?

11          A     That's correct. I would like to address the other  
12 groups that are in--

13          Q     Certainly.

14          A     As long as we have a court reporter here.

15          Q     Maintenance group indicated that out of a total  
16 number of 304 craft, 275 were trained. Excuse me. Let me  
17 give you another --

18          A     The maintenance department does not have 300 and  
19 some people in it, sir.

20          Q     Okay.

21          A     Now, they must have been including modifications  
22 in that group.

23          Q     Modifications is a separate thing on this  
24 particular data sheet. Maintenance is one group.  
25 Modifications is another. So they're saying that



1 maintenance -- 304 people are in maintenance and 275 were  
2 trained. Let me give you another example that you might be  
3 able to more easily refer to because it is a 100 percent  
4 example. They are saying that the chemistry group was 100  
5 percent trained.

6 A That is accurate. As proof of the fact that my  
7 direct reports and their direct reports attended that  
8 training, submitted signed training rosters. So I know  
9 everybody in my group had seen the film.

10 Now, as far as the maintenance group is concerned,  
11 I can supply you with proof that indicates that the manager  
12 of the maintenance organization, Larry Bryant, as of January  
13 6th, 1993, had not seen the film, and a significant number  
14 of his people had not seen the film. Some 42 people had not  
15 seen the film.

16 Q As of January of '93?

17 A As of January of '93. There are not 305 people in  
18 the maintenance group, sir. It is considerably smaller than  
19 that.

20 Q Just as a ball park, how many people would you say  
21 are in that group?

22 A Maybe 100.

23 Q So only a third that big?

24 A I believe so. Now, I don't know if they were  
25 talking about contract people, et cetera. I'm talking about

1 permanent TVA people. I want to say there are 100. Of that  
2 100, I can show you that as of January, 42 of them were not  
3 trained including the department manager on the chemical  
4 traffic control film.

5 Q I noticed one note. They make the note, "There  
6 were not craft level personnel within the chemistry and  
7 technical support groups at the time of the training. These  
8 numbers indicate the training of technical staff and  
9 engineers." So they are differentiating a craft level  
10 within a certain group from at least technical staff and  
11 engineers.

12 A So they are saying that 100 percent of the  
13 maintenance technical staff was fully trained?

14 Q No. They are saying that of the 304 -- well,  
15 that statement I just read to you did not apply to  
16 maintenance. That statement applied to chemistry and the  
17 tech support group.

18 A That there were no craft personnel?

19 Q They said there were no craft level personnel.

20 A I agree with that statement. That is how I  
21 responded to it, my obligation to supply craft training to  
22 chemistry. I responded to it and said I have no craft  
23 people in chemistry. I can see why they would respond  
24 similarly in technical support. In the maintenance  
25 department, certainly an electrician, a welder, a machinist,

1 or a repairman is, in fact, a craft person. That is my  
2 understanding of what a craft person is.

3 Q Mine, too. That also lends support to the  
4 knowledge on the part of whoever submitted this in obtaining  
5 the numbers to indicate the percentages of these people  
6 trained. They are putting numbers in there that are not  
7 craft personnel. So they recognize the fact that other than  
8 craft personnel need to be trained according to that  
9 procedure.

10 In the technical support group, they indicate  
11 total number 71, total number trained 68. How does that  
12 compare with your list as far a technical support people  
13 that had not been trained as of January of '93?

14 A Licensing people, you would think, would be aware  
15 of what the sites's requirements are. I have got 11 people  
16 in licensing who had not met the requirements of the  
17 procedure.

18 Q Had not seen the film?

19 A No.

20 Q That is all that lists says, people who have not  
21 seen the CTC film?

22 A Right. Now, I have a similar list of people who  
23 did see the film. It was as of September.

24 Q Do we have those figures?

25 A No, sir.

1 Q Would you do me the honor of making a copy of  
2 that, too, please, for me?

3 A Certainly.

4 Q And my address is on the card there.

5 A As long as this is on the record, I'll provide  
6 them to you directly with the understanding that they will  
7 be returned to me.

8 Q Absolutely. If you need a receipt, I'll give you  
9 a receipt.

10 A Site engineering. Let's see. That wouldn't be  
11 tech support. A bunch of people in site engineering -- just  
12 page after page after page of them.

13 Q The only groups that are named on this sheet are  
14 maintenance, modifications, operations, technical support,  
15 and chemistry.

16 A How many do they maintain in operations?

17 Q Out of 73 people, 69 trained.

18 A I can tell you that is not accurate without even  
19 looking at this.

20 Q How many folks does that list show in operations  
21 that have seen the movie?

22 A I'm getting down to that here shortly. This is  
23 maintenance. Operations 15, operation support 16, 17 -- 29  
24 --

25 Q Would operation support be different than

1 technical support?

2 A Yeah. It's different. The operations support  
3 people are part of the operations part of the department,  
4 but they are -- as opposed to hands-on type, they are more  
5 paper-oriented type.

6 Q So at least you counted 28 or 29?

7 A I lost count, Larry. Let me go back here.  
8 Twenty-nine.

9 Q Does the number 73 sound right for you for the  
10 number of people in operations? Would that include  
11 operations support?

12 A Yes, sir, I believe so. Now, they maintained, for  
13 the record, how many people, 69 out of 73 were trained?

14 Q Correct.

15 A I would like the record to reflect that the  
16 evidence I have is in direct conflict with that statement.

17 Q Specifically with respect to the viewing of the  
18 video, if these various groups were to have conducted safety  
19 meetings without attendance rosters or itineraries, would  
20 you have been aware of them?

21 A Would I have been aware of the fact?

22 Q Would you have been aware of safety meetings that  
23 may or may not have referred to SSP13.2?

24 A Yes.

25 Q That there was no attendance roster taken and



1 there was no itinerary for this safety meeting, they just  
2 held an informal safety meeting. Would you have been aware  
3 of those going on?

4 A Yes. Being the owner of the site standards that  
5 is in question here, 13.2 chemical traffic control, I  
6 certainly would have been aware of most of the group's  
7 efforts to bring their people into compliance or at least  
8 give them an understanding and appreciation for the  
9 procedure.

10 I had people checking on the activities of various  
11 groups on a routine basis. On a weekly basis I knew how  
12 many people had yet not seen the film. I was aware of that.  
13 I would have been aware of any efforts they were making to  
14 be in compliance.

15 Q Even beyond seeing the film?

16 A Yes, sir. As far as craft specific training is  
17 concerned, yes. But as far as other elements in the -- no.  
18 Again, I would respectfully request that this information be  
19 put in the record that the maintenance manager, the man  
20 directly responsible for craft personnel had not seen the  
21 film himself as of January. The manager of operations, Nick  
22 Welch, and Jim Bumstark had not seen the film.

23 The reported number of people that they maintain,  
24 69 of 73 having seen the film, is in direct conflict with  
25 evidence that I have that refutes that.

1 Q So craft specific training would be given to other  
2 than just craft personnel within those groups?

3 A There were people --

4 Q I recognize we also always go back to the fact  
5 that the procedure itself requires that all Sequoyah  
6 personnel are required to see the film, and I'm just trying  
7 to look at this from all possible interpretations of the  
8 words that were given to the NRC.

9 The loosest possible interpretation that I can see  
10 on this is that as a result of these NRC inspectors finding  
11 these unlabeled chemicals stored in the wrong place, TVA  
12 made efforts not only to get all this material labeled and  
13 stored in the proper place, but to do some craft training  
14 along those lines?

15 A But there is no evidence to support that they had  
16 done that. Because one week after they responded and said  
17 they were in full compliance, an audit performed at the site  
18 QA indicated that all the chemicals, in fact, had not been  
19 retrieved from the site and were not adequately labeled.  
20 There is no evidence to support their claim that they  
21 trained craft -- they did craft specific training, even if  
22 you restrict the definition of craft to manual labor.

23 Q To your knowledge, did they ever do another audit,  
24 say, a month or two months later with respect to seeing  
25 whether there was any unlabeled material? To your

1 knowledge, what is the status of that particular situation  
2 when you left the site? Was there still unlabeled material  
3 out there, or had that been pretty well addressed?

4 A I tend to think that there was a subsequent audit,  
5 but I don't recall. The person that you would have to speak  
6 to would be Jim Mullinax in site QA.

7 Q Jim Mullinax?

8 A M-u-l-l-i-n-a-x.

9 Q Okay. I recognize within the narrow scope of the  
10 violation itself, even within that narrow scope, we're  
11 saying that a week later the problem still exhibited itself?

12 A Yes, sir.

13 Q With respect to what was being -- or at least what  
14 was said was being done to alleviate those kinds of problems  
15 in the future with respect to the training, it is your  
16 contention and you believe you have evidence, at least in  
17 those rosters, that nowhere near the amount of training that  
18 was indicated was being done, was being done, much less full  
19 compliance?

20 A That's exactly correct. The document that you  
21 have that purports certain percentages of people trained in  
22 different site groups I pointed out to you was inaccurate,  
23 the count that they claim is accurate. The count that I  
24 claim, two different figures.

25 Q And again this gets to the fact that when I talk

1 to these various group managers and ask them to support  
2 these figures, what I anticipate them telling me is well,  
3 that doesn't mean they all watched a movie. That means that  
4 they either watched the movie or we had a safety meeting on  
5 that chemical traffic control procedure, or they did both  
6 where they attended a safety meeting and they watched the  
7 movie.

8 I'll say well, show me where they attended a  
9 safety meeting on this CTC procedure. They may well show me  
10 some attendance rosters of some safety meetings that were  
11 held.

12 A And if those attendance rosters indicate the names  
13 of people who attended that training and they conflict with  
14 the report that I have, I will maintain that those records  
15 were fabricated, because this is an official Sequoyah  
16 training document.

17 Q Let the record reflect that he is referring to  
18 this computerized list of those that had not seen the CTC  
19 video as of January of 1993.

20 A And this record should be reproducible by the  
21 training department if it's requested.

22 Q Okay. I think we've -- is there anything else  
23 that you would like to add to the false statement issue that  
24 we haven't talked about with respect to full compliance or  
25 craft specific training? By no means is this the last time

1 -- I mean, if you remember something after we leave today,  
2 obviously we can talk again.

3 A I have knowledge of but not proof of the fact that  
4 as of April of 1993 there were approximately 100 to 120  
5 people who had not seen the film. Now, I can tell you where  
6 to obtain proof of that. Mr. Mullinax has that proof. I do  
7 not have that proof. It is in his possession. It's a  
8 company record that was produced after I left the company.

9 Q It is interesting to me that that particular data  
10 was looked for and obtained and established. Are you saying  
11 that Mr. Mullinax did a QA audit on that specific issue or  
12 that issue as part of another audit in April?

13 A I don't know. I don't know how he obtained it or  
14 what the motivation was for obtaining it. I had left the  
15 company by that point and time.

16 Q How do you know he has it, somebody at the site  
17 told you?

18 A Yes, sir.

19 Q Is this somebody whose identity you particularly  
20 do not want to reveal? Is this the personnel person?

21 A No. It is not.

22 Q Different person?

23 A [Witness moves head up and down.]

24 Q But Mullinax has the data?

25 A It is common knowledge that he has it. It's not



1 something that only he knows. It's common knowledge around  
2 the site. For instance, the training people certainly know  
3 that the record was produced for them because they had to  
4 produce it for them. The reason I know it is because one of  
5 the people that worked for me in this particular area told  
6 me of its existence.

7 Q Here's something we haven't pursued. If you were  
8 to develop a training syllabus or outline on SSP13.2, how  
9 many hours would it take you to train a given person on that  
10 procedure roughly, if you can make such an estimate?

11 A I would think that a 45-minute class would be more  
12 than adequate for one procedure. That in conjunction with  
13 seeing the film, you're probably talking about a total  
14 investment of maybe perhaps two hours time per individual.

15 Q Do you have any feel for how long a, quote,  
16 "safety meeting" takes? Do they take various times, however  
17 long it takes, to discuss what they are going to discuss?

18 A I can only speak for myself. I would typically  
19 allocate an hour for a safety meeting.

20 Q It would be possible in one safety meeting if that  
21 entire meeting was diverted to going over the -- just from a  
22 lesson outline, not observing the film, but just going over,  
23 it would be possible to do that in one safety meeting,  
24 discuss the SSP13.2 procedure?

25 A Yes, sir.

1 MR. ROBINSON: Okay. It is now 4:21, and we're  
2 going to go off the record for a minute. I'm going to  
3 review the questions that I wrote down prior to the meeting  
4 and see if there is anything else I want to ask with  
5 reference to the allegation of material false statement.  
6 This will give Mr. Jocher a chance to think of anything else  
7 he might want to add regarding this issue. It is now 4:21,  
8 and we're off the record.

9 [Brief recess.]

10 BY MR. ROBINSON:

11 Q It is now 4:26, and we're back on the record.  
12 When Mr. Wilson McArthur came to you with the option of  
13 either being terminated or resigning, did you feel that Mr.  
14 McArthur had any problem with your management capabilities,  
15 and elaborate on that.

16 A No, sir. None whatsoever. As I say, the only  
17 discussion that Wilson and I ever had was one in passing  
18 that we were going to have to find a way to work with the  
19 chemistry manager down at Browns Ferry.

20 Q And did Mr. McArthur also make comments to you  
21 about a flippant remark that was made in a meeting about not  
22 being paid enough, that somebody didn't like that comment?

23 A Yes. It was made to me on more than one occasion.  
24 On subsequent occasions after he investigated it with Joe  
25 Bynum or Oliver, I don't know who, he came back and told me

1 to forget about it. That same point was resurrected again,  
2 that same flippant comment was resurrected again in the  
3 January-February time frame that this was now a problem  
4 again with Oliver.

5 Q So it had died down and then it was brought back  
6 up again?

7 A Yes, sir.

8 Q When did it first become a little bit of a  
9 problem?

10 A October-November time frame '92. Then it was laid  
11 to rest and reresurrected January-February time frame.

12 Q I am going to quote from a document that is  
13 headed, "Administratively Confidential, to William F.  
14 Jocher, Subject Termination," signed by W.C. McArthur. This  
15 is an undated memo. I will quote one sentence in this memo.  
16 Well, now, I'll quote the first two sentences.

17 "This is to inform you that you will be terminated  
18 from your position as the manager of chemistry technical  
19 programs, operations services, Chattanooga, Tennessee,  
20 effective May 5th, 1993. This action is being taken because  
21 your overall performance in that position has not been  
22 adequate, particularly in the area of your management  
23 skills. These performance issues have been discussed with  
24 you on several occasions, but there has not been sufficient  
25 improvement."

1           You're saying that Mr. McArthur never really  
2 discussed performance issues with respect to your management  
3 skills?

4           A     Bear in mind that I worked directly for Mr.  
5 McArthur from November of 1990 until March of 1992. The  
6 only performance appraisal I was given was for one quarter  
7 of that time, and it was more than adequate. For that same  
8 period of time, I was also given the Nuclear Power Award for  
9 Excellence.

10           Now, I went to work at Sequoyah from March of '92  
11 to March of '93 at which time I did not work for McArthur.  
12 I worked for Patrick Lydon.

13           Q     Right.

14           A     So is he now saying in that memo that my  
15 performance while I worked for him from November of 1990  
16 March of 1992 was inadequate?

17           Q     When did you go back under him, when you went back  
18 to --

19           A     I was there a month when I went back under him.  
20 Which period in time is he referring to? Is he referring to  
21 the first period in time from November 1990 to March of '92,  
22 or is he referring to the one month after I returned from my  
23 assignment at Sequoyah to work directly for him again? I to  
24 this day do not have a clear understanding of that.

25           Q     If you were to take this literally, it's talking

1 about while you were in the position in Chattanooga,  
2 Tennessee, manager of chemistry, technical programs,  
3 operations services, Chattanooga, Tennessee.

4 A There is no evidence that he can produce or anyone  
5 else can produce at TVA to substantiate that allegation.

6 Q In addition to that, you feel that he didn't  
7 really want to make this statement to you?

8 A That's correct.

9 Q That he was pressured to do it?

10 A He indicated to me in the presence of Ben Easley,  
11 human resources person, that the allegations in that memo  
12 were untrue, and that if he had to in court, he would not  
13 support them.

14 Q Did he tell you who pressured him to do this?

15 A He told me that this came directly from Oliver.  
16 Set up a meeting with Dan Keuter that very afternoon. Dan  
17 Keuter reaffirmed that.

18 Q How many people are in between McArthur and  
19 Kingsley in the chain of command?

20 A One.

21 Q Just Dan Keuter?

22 A Yes. I would also like the record to reflect that  
23 the TVA supervisory manual pay grades one through ten, of  
24 which I was at the highest, ten, there was a prescribed  
25 course of action that you must take if you have performance



1 problems with people. It is very carefully delineated in  
2 that section of the supervisory manual, copies of which you  
3 have. None, and I state that term unequivocally, none of  
4 those steps were taken with me.

5 Q Prior to your forced resignation\termination?

6 A Yes.

7 Q You have withdrawn your resignation?

8 A I sent them a letter requesting that my  
9 resignation be withdrawn, and they responded and told me  
10 that would not happen.

11 Q And after you had initially filled in October for  
12 your resignation and that was indicated to you that that was  
13 too long or unsatisfactory, and McArthur came back to you  
14 with, I guess, the April 6th date --

15 A The next day.

16 Q That was the next day?

17 A Yes, sir.

18 Q His proffer to you was that if you signed that,  
19 you would get letters of recommendation?

20 A No.

21 Q Explain that to me.

22 A I was concerned. He knew that I was going to sign  
23 for voluntary resignation. I've got 28 years in this  
24 industry. I am not going to run the risk of destroying 28  
25 years of an excellent reputation. So there was never any

1 doubt in my mind I was going to resign.

2 To make absolutely certain that in seeking other  
3 employment, if TVA made any other statements to the contrary  
4 to prospective employers, I would at least have proof from  
5 my immediate supervisor that he was fully satisfied with my  
6 performance. That is when Wilson gave me the letter of  
7 recommendation. He didn't have to give me anything. That  
8 was his own choosing.

9 Q So that was not part of a, quote, "deal" that was  
10 kind of given to you that hey, if you sign this resignation  
11 -- that was kind of the way I understood it from your DOL  
12 complaint -- if you go ahead and resign, there will be no  
13 blemish on your record and you'll get letters of  
14 recommendation?

15 A That's true. If I voluntarily resigned, TVA  
16 maintained that they would respond positively to anything,  
17 to any potential inquiries from prospective employers. I  
18 said how will I know that, give me proof of that. Wilson  
19 produced this memo.

20 Q Just from him?

21 A Yes, sir. Now, I maintain that they have not  
22 lived up to that obligation. I can prove that, also. I  
23 applied for a position at Palo Verde, Arizona Public  
24 Service. It was communicated to the technical support  
25 manager there, a man by the name of Branges, from Bob

1 Beecken that, quote, "I was a nice guy, I was technically  
2 very strong, but a loaded cannon."

3 I have that on tape. Now, I won't provide you  
4 with the tape, but I will allow you to listen to it.

5 Q Who was the guy at Palo Verde that told you this?

6 A A Mr. Branges, the manager of technical support  
7 group. The information was conveyed to Mr. Branges. Mr.  
8 Branges conveyed it to a third party whom I worked with for  
9 about 10 or 15 years. He conveyed it to me.

10 Q Mr. Branges received that comment from Mr. Beecken  
11 at TVA?

12 A Uh-huh.

13 Q Is he personnel?

14 A Rob Beecken is the plant manager.

15 Q That's right, at Sequoyah.

16 A Uh-huh.

17 Q Excuse me. There are a lot of names running by  
18 me, and I have been away from TVA for a while.

19 A I allege they have not maintained their commitment  
20 to me which was to give me adequate references. They also  
21 told some other people that I was let go as opposed to  
22 having resigned. I also have that on tape.

23 Q What you have on a tape is this third party  
24 telling you that Branges told him that; right?

25 A Yes. I have two other incidents. A

1 representative of Betts Industrial was at Browns Ferry. His  
2 name is Jack Lambert. Jack in a discussion with Browns  
3 Ferry over a potential treatment program mentioned my name  
4 and said, well, this isn't what Bill wanted. They said I  
5 was no longer with the company, that TVA let me go.

6 That I have on tape, and I have that directly from  
7 Jack Lambert. I have the names of the individuals that told  
8 him I was let go from Jack Lambert.

9 Q Who are those individuals?

10 A They are employees of the technical support group  
11 at Browns Ferry.

12 Q You don't want to give me those names now?

13 A Sure. John Woodward, Arnie Kemp. The last  
14 incident occurred out in California at a Canberry Users  
15 Group meeting. The president of Canberry Industries, Jerry  
16 Gorman, approached Gene Sinclair, who is a member of  
17 Canberry Industries, and John Stewart, from Sequoyah  
18 chemistry who was attending the conference.

19 According to the conversation I had with Mr.  
20 Stewart, Mr. Stewart asked him, "What is this I hear that  
21 TVA fired Bill Jocher?" I also have that on tape. I will  
22 press this to the maximum constraints that the law will  
23 allow me.

24 Q I understand.

25 A Because they have damaged 28 years of a reputation

1 I have worked very hard to acquire in breach of our  
2 agreement.

3 Q A couple of other names that I saw while I was  
4 going through your exhibits there, R.E. Richie?

5 A Yes.

6 Q With relation to you, where was he in the  
7 organization?

8 A Rob Richie was my second in command at Sequoyah.

9 Q Sam Harvey?

10 A Sam Harvey worked for me downtown in chemistry as  
11 a program manager.

12 Q I saw the copy of your Chemistry Improvement Plan  
13 Status Report. Who all would receive copies of that?

14 A The nuclear safety review board for starters, all  
15 of senior management.

16 Q At Sequoyah further on the way up, Kingsley?

17 A Uh-huh. Certainly all senior management at  
18 Sequoyah, all senior management downtown would have seen it.  
19 As a matter of fact, I made a presentation to all of TVA's  
20 senior managers in January of 1992 prior to my assignment to  
21 Sequoyah.

22 Q I have got your appraisal that is dated September  
23 of 1992.

24 A Yes, sir.

25 Q I noticed that on the last page of this exhibit,



1 and I'm not sure whether this -- I'll show it to you. It's  
2 dated September 8th, 1992 which would have been about the  
3 time of that appraisal. McArthur wrote a separate page on  
4 your strengths and weaknesses. Are you familiar with the  
5 document I'm talking about?

6 A Uh-huh.

7 Q So in September of 1992, he is saying that your  
8 weakness is that support with others sometimes requires some  
9 work. Do you know what he meant by that?

10 A I think what he was referring to was my  
11 association with a chemistry manager at Browns Ferry.

12 Q Okay. Number two, "He has no desire to work with  
13 those he assumes to be unqualified." What would make him  
14 say that?

15 A I don't know. That is a pretty vague statement,  
16 but I think he also makes mention of the fact that I was  
17 fully acceptable and could remain and should remain a member  
18 of either the site team or his personal team.

19 Q Let the record reflect that on the first page of  
20 your Exhibit 17 signed by Mr. Lydon and Mr. Beechen, the  
21 narrative description of your performance potential is --  
22 there are no negative aspects. It says, and I quote,  
23 "Bill's performance and leadership has strengthened Rob  
24 Richie's experience and performance."

25 A I would also like the record to reflect that all

1 of the ingredients that a manager is evaluated against,  
2 without exception in every category I was marked above  
3 average. There are some 12 or 13 different  
4 management-related categories.

5 What I would like to establish for the record is  
6 that from November of 1990 up until the time that I left to  
7 report to Sequoyah in March of 1992, I was given a quarterly  
8 evaluation which was more than fully adequate. I was given  
9 the Nuclear Power Award for Excellence.

10 Q Who was responsible for recommending you for that?

11 A Wilson McArthur.

12 Q Go ahead.

13 A My assignment at Sequoyah starting in March of  
14 '92, from March of '92 to September or October of '92, my  
15 evaluations were well above average. So I can only assume  
16 their contention is that my management style severely  
17 deteriorated due to various reasons from September or  
18 October of '92 until April of 1992.

19 Q April of 1993.

20 A I suggest that that is pretty feeble.

21 Q Seems to coincide with the INPO situation.

22 A Doesn't it.

23 Q Yes. Let the record reflect that what Mr. Jocher  
24 was referring to earlier, the part two of the evaluation of  
25 behavioral standards: flexibility, dependability, decision

1 making, self-motivation, influencing others, problem solving  
2 and analysis, technical professional competence, innovating,  
3 oral communications, written communications, supervising,  
4 teamwork, planning and organizing, supervisory impartiality;  
5 the majority of the markings were high.

6 The lowest marking was, of the four divisions  
7 between low and high, <sup>the</sup> the lowest marking was that next to  
8 the highest marking.

9 So you don't really -- you're not really sure what  
10 Wilson McArthur was referring to when he talked about not  
11 being able to work with people that were --

12 A Were not qualified.

13 Q Were there some folks that --

14 A The only thing that was ever brought to my  
15 attention was the relationship I had with the manager at  
16 Browns Ferry. That relationship was not the best of  
17 relationships because it was the Browns Ferry chemistry  
18 manager's contention that, quote unquote, "He didn't need  
19 corporate chemistry for anything." There are witnesses to  
20 that conversation. Dr. Adams --

21 Q Who is the Browns Ferry chemistry manager?

22 A John Sabados.

23 Q S-e-b-a-t-i-s?

24 A S-a-b-a-d-o-s. Dr. Adams was a witness to that  
25 conversation which I found particularly offensive since this

1 man was a number of levels below me and had the courage to  
2 look me right in the eye and tell me that he didn't need me  
3 or any of my people. I found that particularly offensive  
4 and in very poor taste and indicative of what I consider was  
5 poor judgment.

6 Q What was the status of Browns Ferry's chemistry  
7 program?

8 A Of all the chemistry programs, Browns Ferry was  
9 probably in the best shape, but by my standards, no where  
10 near where it should have been. That is why I focused my  
11 efforts on Sequoyah. That was the genesis of the  
12 deterioration of the relationship. He went to Bynum and  
13 indicated that I was an intrusive force that he really  
14 didn't need in his life and this and that.

15 I called a friend of mine at a utility where he  
16 worked to find out more about John, his approach to life and  
17 how he thinks. I got a very negative report on him.  
18 Apparently that got back to him. He took offense at that.  
19 I can understand why he took offense at it. It was  
20 certainly well within my responsibility and within my  
21 prerogative to contact people that I knew he had worked  
22 with.

23 That was the only basis for a strained  
24 relationship between him and me. Because he enjoyed Joe  
25 Bynum's favor, I had to work on that relationship. Other

1 than that, there is no other reason to make that statement.

2 Q This is something that, I'm glad I went over these  
3 questions, struck me while I was reviewing your DOL  
4 statement and the exhibits. During the period of time  
5 between November of 1992 and April of 1993, did you ever  
6 directly assert to anyone in TVA that TVA had made a false  
7 statement in their response to the NOV?

8 A Yes, sir, I did.

9 Q Who did you talk to?

10 A The nuclear safety review board.

11 Q Who specifically?

12 A Wilson McArthur, Dick Maleaf, and Gary Fiser was  
13 along with them for that meeting. I was asked directly to  
14 comment on the performance of the program. I said that it  
15 was not being taken seriously, that there were 400-odd  
16 people who had not seen the film as required by site  
17 standard procedure and the incident investigation.

18 Q Did you go so far as to say --

19 A That this was a material false statement, no, sir,  
20 I did not.

21 Q You didn't. Okay. You didn't directly allege to  
22 anyone in TVA that a false statement had been made to the  
23 NRC?

24 A I did not volunteer the information to anyone, but  
25 when I was asked the questions, I responded directly to it.



1 Q Yes. Okay. Who was it that asked you the  
2 question?

3 A It was either Wilson McArthur or Dick Maleaf for  
4 the nuclear safety review board.

5 Q When was this about?

6 A In January of 1993. That was three months after  
7 the response to the commission on notice of violation. You  
8 have a copy of those meeting minutes. I supplied them to  
9 you.

10 Now, I don't want any misunderstanding. It ought  
11 to be patently obvious that if a chemistry manager tells you  
12 that 400-odd people, including the site vice-president and  
13 site manager, have not seen the film, I shouldn't have to  
14 tell the senior manager that that constitutes a material  
15 false statement.

16 Q I understand that --

17 A I mean, if someone leaned forward and said to me,  
18 Bill, these people have not seen the film -- and that  
19 constitutes, by the way, a material statement -- I might  
20 have taken offense to that.

21 Q I understand. I just wanted to know. I'm not  
22 saying you should or should not have. I'm just indicating  
23 that I wanted to know if, in fact, you had used that  
24 language.

25 A No. I did not raise my hand or I did not

1 volunteer this information to anyone that I was in  
2 possession of until I was asked the question. I want people  
3 to understand that. When I was asked the question, I  
4 responded honestly and accurately to it and prior to that,  
5 had not volunteered the information to anyone.

6 Q If you don't want to know the answer, don't ask  
7 the question, right. I think I have pretty well filled in  
8 the holes that I needed to fill in from my review of your  
9 documentation. I would ask, since this is on the record, I  
10 can give you a receipt for your list. I'll make copies and  
11 return them to you.

12 A No. As long as the record indicates that there  
13 are significant discrepancies between the alleged  
14 percentages of people who were in full compliance with the  
15 requirements with reference to the film as reported to you  
16 in July of 1993, as long as the record reflects that there  
17 were significant differences between what they purport and  
18 what I maintain, I won't ask you for a receipt.

19 Q What I'll do, and I'm telling you right now on the  
20 record that I'll make copies of what you're giving to me and  
21 return the originals to you.

22 A As of September, this tells you everybody who had  
23 seen it.

24 Q Okay. Let the record reflect that what Mr. Jocher  
25 is identifying as the list that will tell you everybody that

1 had seen it --

2 A As of September.

3 Q Is a packet of documents approximately half an  
4 inch thick, a listing of names. The documents are headed,  
5 "Nuclear Employee Training/Periodic Sequoyah Nuclear Plant  
6 Course Status Report." The date of the documents up in the  
7 upper right-hand corner is 9/23/92. These are, as Mr.  
8 Jocher has described, the name of individuals who had, in  
9 fact, seen --

10 A Met the requirement to see the chemical traffic  
11 control training film.

12 Q Right.

13 A As you can see, there is a significant number of  
14 people that did see it. So there was obviously some efforts  
15 made to be in compliance with the procedure. My question is  
16 why did all of the managers sign that off as saying it was  
17 complete. The record which you have, the Troy Action  
18 Tracking List, all seven site managers maintain that the  
19 item is closed when, in fact, it was not closed.

20 Q That was as of September 28th, I believe?

21 A I believe it was September 28th. My memory is a  
22 little shady on that. But it said they all signed off.

23 Q The other document I'm taking is a computer  
24 printout, approximately three-quarters of an inch thick, the  
25 first page of which has the description "NTFY2H31," and

1 indicates in the center of the page on the right-hand side,  
2 Start Date 6 January '93.

3 A This document tells as of 1/6/93 who had not seen  
4 the film. It indicates by name, by organization, and their  
5 start date. Their hire date is also indicated.

6 Q So every name on this computer printout --

7 A Had not seen the film.

8 Q So the two documents I have show all those that  
9 had seen the film as of September 23rd. The other listing  
10 is those who have not seen the film as of January 6th, 1993.

11 A Now, there is another document that is not in my  
12 possession, but as of April, I think, maybe even May, shows  
13 that there was still a significant number of people --

14 Q Mr. Mullinax.

15 A Mr. Mullinax has that documentation.

16 Q He is QA?

17 A Uh-huh.

18 Q Are there any other documents that are pertinent  
19 that I don't have in this original group that you feel I  
20 should have today?

21 A I will give you a copy of -- I think I gave it to  
22 you -- the letter that requests everybody see the film.

23 Q Yes. I got that one.

24 A The other thing I might suggest, Larry, is QA  
25 routinely examined my program. I would suggest that you

1 contact QA, if you want, as a measurement on my  
2 effectiveness. There is nothing written that I'm aware of,  
3 but I'm sure verbally they would be glad to give you some  
4 assessment as to --

5 Q Anyone specific other than Mullinax?

6 A His boss, Sonny Pruett. Those were the only two  
7 people that I had contact with in QA.

8 Q Any other documents in that group that you have  
9 there that I don't have that you feel are pertinent?

10 A No. You have a copy of the QA report that was  
11 numbered 92446 and dated 11/17/92. That is the document  
12 that shows that there were chemicals as of the 9th of  
13 November out in the plant that were not adequately labeled.

14 Q Okay.

15 A I'm pretty sure.

16 Q You indicated, your Exhibit 21 was a QA audit, but  
17 this is titled -- it's a two-page document.

18 A I don't think that's it.

19 Q It's a chemistry and environmental improvement  
20 plan status.

21 A Yes. That's the status of the improvement plan.  
22 There should be another document there. That tells you the  
23 status of the improvement plan. There should be an audit.  
24 Here's the Troy list.

25 Q Let the record reflect that we're looking at



1 Exhibit Number 29 in the original group of exhibits that Mr.  
2 Jocher gave.

3 A There are six or seven requirements on this  
4 document to see the training film, and they are assigned to  
5 the various site managers. There's one for me. It shows  
6 that I completed it in October. I don't know who that is,  
7 but they completed it. Charles Kent claims that he  
8 completed it. He signed it off.

9 Charles Kent is one of the people in that printout  
10 that I gave you that had not seen the film, the manager of  
11 radiation protection. Technical support, I don't know who  
12 that initial is, but they closed it out as of October. They  
13 all show it closed out. Now, the documents I have given you  
14 are in direct conflict with that.

15 Q We were looking at the audit that showed that  
16 there were still chemicals out in the plant.

17 A Here it is right here.

18 Q Let the record reflect that that audit is part of  
19 Exhibit 29 which is labeled in the accordion folder as the  
20 Troy printout. That audit is also part of that.

21 All right, Mr. Jocher, are there any final  
22 statements that you would like to make either regarding the  
23 material false statements or with regard to your  
24 discrimination complaint that we haven't talked about that  
25 you think is pertinent? While you're thinking, remember

1 what I said before is true that just because we complete an  
2 interview here today, if you remember anything, you have my  
3 card. Give me a call. Any supplemental information, of  
4 course, is just as valuable.

5 A I would like to say had it not been for that  
6 friend of mine in human resources, I would not have known I  
7 had a problem until the day they decided to terminate me. I  
8 would also like to state for the record that I feel that the  
9 case that I have put together supports my contention that  
10 information supplied to the NRC was deliberately false.

11 Secondly, as far as my discrimination complaint is  
12 concerned, I feel that the information I provided you also  
13 supports my contention that I was discriminated against for  
14 doing my job to the best of my ability. That embarrassed  
15 Oliver Kingsley.

16 MR. ROBINSON: At this point and time, I don't  
17 have any further questions. It is now 5:05 p.m., and this  
18 interview is completed. I appreciate your time.

19 [Whereupon, at 5:05 p.m., the above-entitled  
20 interview was concluded.]

21  
22  
23  
24  
25

REPORTER'S CERTIFICATE

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

NAME OF PROCEEDING: Interview of William Jocher

DOCKET NUMBER:

PLACE OF PROCEEDING: Dayton, TN

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

*Conrad Carpenter*  
\_\_\_\_\_  
Official Reporter  
Ann Riley & Associates, Ltd.

# EXHIBIT 4

REPORT OF INTERVIEW  
OF  
WILLIAM P. JOCHER

On August 24, 1994, JOCHER was interviewed by Senior Investigator Larry L. Robinson, Office of Investigations (OI), NRC, at JOCHER's residence, [REDACTED]

The nature of the interview pertained to the facts and circumstances surrounding JOCHER's allegation that he was forced to resign from his position as Chemistry Manager, Tennessee Valley Authority (TVA) because he expressed nuclear safety concerns to TVA Senior Management. This interview was supplementary to a previous OI interview of JOCHER on July 28, 1993.

JOCHER advised that he had just completed his Bachelor of Professional Technical Sciences, Nuclear Engineering, degree from Elizabethtown (NJ) College, in [REDACTED] while he was working at the South Texas Project. He stated that it appeared to him that there was no upward mobility opportunity at South Texas, and he heard from Gene SINCLAIR, Canberra Industries, telephone (404) 577-5480, that there were opportunities at TVA. JOCHER stated that he had known SINCLAIR for years, both professionally and personally. JOCHER advised that SINCLAIR recommended that JOCHER call Jim BATES, then the Manager of Corporate Chemistry at TVA. JOCHER stated that BATES was a trusted personal friend of his.

JOCHER advised that soon after he contacted BATES, BATES interviewed him for a Chemistry Manager position at TVA which would have been one level beneath BATES. JOCHER stated that, a few months after this interview, BATES called him and told him not to come to TVA because there was an impending Reduction in Force (RIF). JOCHER advised that he stayed at South Texas.

JOCHER stated that, approximately one year later, in about September, 1990, BATES told JOCHER he (BATES) was leaving TVA

[REDACTED]

JOCHER advised that at that time James BARKER was the TVA Corporate Manager of Health/Physics & Chemistry, and was BATES' immediate Manager. JOCHER stated that he called BARKER, and BARKER remembered JOCHER from having interviewed JOCHER for the Chemistry position in 1989. JOCHER advised that he again went up to TVA and interviewed with BARKER, was selected for the Corporate Chemistry Manager job, and reported to TVA in November, 1990.



JOCHER stated that in July, 1991, BARKER told JOCHER that he (BARKER) would soon "be gone" from TVA because Oliver KINGSLEY, Manager of Nuclear Power At TVA, was angry with him. JOCHER stated that BARKER told him KINGSLEY was angry because BARKER had made a statement to representatives of the Institute of Nuclear Power Operations (INPO) that he was not certain what his mission was as Corporate H/P Chemistry Manager. JOCHER stated that in October, 1991, BARKER was "gone". JOCHER advised that he did not know the details of BARKER's departure from TVA, but that BARKER was currently at EG&G, Idaho Falls, telephone (208) 526-8621. JOCHER advised that BARKER had been on the TVA Corporate Nuclear Safety Review Board (NSRB), and, in JOCHER's view, was excellent at cutting to the heart of the issues brought before the NSRB. JOCHER advised that Wilson McARTHUR, BARKER's immediate Manager, took BARKER's place on the NSRB when BARKER left TVA.

JOCHER advised that he mentioned BARKER's situation because it appeared to be similar to the circumstances surrounding his (JOCHER's) forced resignation. He stated that one of the reasons he was forced to resign was because KINGSLEY was angry at him for having drawn INPO's attention to Chemistry problems at the Sequoyah Nuclear Plant, resulting in KINGSLEY being berated over those problems by John WATERS, TVA Board Chairman. JOCHER advised that Mike LLEWELLEN, with INPO, was a witness to WATERS criticism of KINGSLEY.

JOCHER stated that he became aware that he was on "Ollie's (KINGSLEY's) hit list" through Ben EASLEY, TVA Personnel. JOCHER stated that, in March 1993, EASLEY told him that Joe BYNUM, then the TVA Vice-President of Nuclear Operations, had made the statement to EASLEY that he (BYNUM) and KINGSLEY wanted JOCHER "gone". JOCHER advised that soon after EASLEY told him this, he (JOCHER) went to Wilson McARTHUR and asked McARTHUR if BYNUM and/or KINGSLEY had any problems with him (JOCHER). JOCHER said that, approximately one week later, McARTHUR told him that KINGSLEY and BYNUM did not have any problems with him. JOCHER advised that McARTHUR did mention that JOCHER was going to have to work on getting along with John SABADOS, the Chemistry Manager at Browns Ferry Nuclear Plant.

JOCHER advised that he was Corporate Chemistry Manager for about a year when, in a rotation of assignments, Gary FISER became the TVA Corporate Chemistry Manager while he (JOCHER) was assigned as the Chemistry Manager at Sequoyah. JOCHER recalled that Dan KEUTER, then the TVA Vice-President of Operations Services, told him that his going to Sequoyah was an opportunity for him (JOCHER) to do something besides criticizing the Sequoyah chemistry program. JOCHER said that during the Spring of 1994 time frame, FISER told him that, in January 1993, EASLEY had told FISER that "Jocher will never return from Sequoyah." JOCHER advised that when FISER told him this, he (JOCHER) realized that the decision to get rid of him had been made as early as January 1993.

EXHIBIT 4

PAGE 2 OF 6 PAGE(S)

JOCHER advised that he felt that the primary reason that he was forced to resign from TVA under threat of termination was because he was the first to place Sequoyah's Chemistry problems into the formal Corrective Action process, which required a documented disposition and QA review, as opposed to merely writing interoffice memos about the problems. JOCHER advised that some of these problems were long-standing problems, such as the training of the lab technicians and the PASS instrumentation issues. He stated, however, that the problems with instrumentation setpoints and with the radiation monitors had been discovered as a result of his initiatives since being hired at TVA.

JOCHER stated that another prime reason for his forced resignation was the fact that he had alleged the material false statement by TVA in their November 1992 Response to Notice of Violation (NOV) regarding Chemical Traffic Control.

JOCHER stated that other events which he believes were reasons for his forced resignation took place in the June-September, 1992 time frame. He stated that in June, 1992, there was a pre-INPO, Sequoyah self-assessment briefing attended by WATERS, KINGSLEY, and BYNUM. JOCHER stated that at this briefing, Charles KENT, then the Radiation Protection Manager at Sequoyah, started his portion of the program by jokingly introducing himself as the "underpaid Manager of Radiation Protection." JOCHER said that there did not appear to be any adverse reaction to KENT's joking comment by the Senior TVA executives, so when he (JOCHER) introduced himself after KENT's presentation, he introduced himself as the "underpaid Manager of Chemistry." JOCHER stated that, at that time, he was not aware of any adverse reaction to his introduction, and he went on to complete his briefing which included the issues of training inadequacies regarding the taking of PASS samples, and instrumentation problems. JOCHER stated that a few months later, in October or November, 1992, Wilson McARTHUR telephoned him and told him that KINGSLEY was angry about the remark he had made about being underpaid.

The other instance that JOCHER related was at a meeting in September, 1992, just prior to the final INPO exit meeting, which was attended by himself, BYNUM, Pat LYDON (Sequoyah Operations Manager), and others unrecalled. JOCHER stated that, at this meeting, he attributed the long-standing chemistry problems at Sequoyah to be management problems at a level above Chemistry Management because the problems had been identified for years, and had not been budgeted for correction by upper management. JOCHER advised that after the meeting, LYDON approached him and told him that he (JOCHER) had just put a "bullet through his (JOCHER's) forehead" because he (LYDON) saw that BYNUM was angry at JOCHER's comment about upper management being to blame for Sequoyah's chemistry problems. JOCHER stated that from that point, BYNUM turned noticeably cold, almost rude, to JOCHER. He stated that prior to that time, BYNUM seemed to have respected his (JOCHER's) ideas and capabilities, and had even asked JOCHER to "draw up" the organization and program he (JOCHER) thought was needed to fix the

EXHIBIT 4

PAGE 3 OF 6 PAGE(S)

chemistry problems. JOCHER recalled, however, in November, 1992, having a meeting with KEUTER in the Sequoyah cafeteria and telling KEUTER about BYNUM's rudeness and change of attitude toward him (JOCHER). JOCHER advised that KEUTER recontacted him (JOCHER) approximately two weeks after their meeting in the cafeteria and told JOCHER that BYNUM did not have any problem with him (JOCHER).

JOCHER stated that he only received two written performance appraisals while he was at TVA, and they were both satisfactory. He advised that BARKER signed the first appraisal around October, 1991, and LYDON signed the second, in October, 1992.

JOCHER stated that the reason given by TVA for forcing him to resign, under threat of termination, was that his management style needed improvement. JOCHER emphatically stated that he was never counseled by anyone at TVA regarding his management style. He stated that he became aware, through his attorney, that Wilson McARTHUR produced notes that purportedly documented such a counseling session. JOCHER reiterated that neither McARTHUR nor anyone else at TVA ever counseled him on his management style.

JOCHER stated that the only conversation he ever had with McARTHUR that even resembled counseling by McARTHUR was in February, 1993, in his (JOCHER's) office, after a quarterly NSRB meeting. He advised that McARTHUR, in the presence of FISER, told him (JOCHER) that he and McARTHUR were going to have to find a way to work with John SABADOS, the Chemistry Manager at Browns Ferry Nuclear Plant, and that they (JOCHER & McARTHUR) would work together on doing that. JOCHER explained that SABADOS did not appreciate the fact that JOCHER was trying to have his (JOCHER's) chemistry improvement ideas implemented at TVA's nuclear plants, to include Browns Ferry, and there was some conflict between him and SABADOS over that issue.

JOCHER stated that the real reason he was forced to resign from TVA was that KINGSLEY and/or BYNUM were not receptive to "bad news" or negative or critical comments from their subordinates about the TVA nuclear program. JOCHER advised that he recognized that situation, and did not "volunteer" that type of information, but when his management asked for his evaluation or opinion, he gave an honest, direct answer, regardless of whether it was good or bad. JOCHER stated that McARTHUR and KEUTER were the primary interface between himself and BYNUM and KINGSLEY in his forced resignation. JOCHER stated that, in his opinion, both McARTHUR and KEUTER had no real problems with his (JOCHER's) "management style", and would tell the truth about the circumstances of this forced resignation, if placed under oath and asked the right questions. JOCHER stated that he believed that the truth was that both BYNUM and KINGSLEY wanted him (JOCHER) out of TVA because he had angered them by expressing his concerns about the problems and lack of corrective action in the Chemistry area of TVA's nuclear plants. He stated that he believed the "poor management style" justification for forcing his resignation was not real, and had been fabricated and exaggerated by BYNUM, with input from Rob BEECKEN, former Sequoyah Plant

EXHIBIT 4

PAGE 4 OF 6 PAGE(S)



Manager. He stated that he believed that McARTHUR and KEUTER were pressured by BYNUM, against their will, to support the "poor management style" justification. JOCHER stated that he believed that BYNUM was the willing implementor of KINGSLEY's direction to force him (JOCHER) out of TVA, but that BYNUM would cover for KINGSLEY.

JOCHER advised that, as an example of KINGSLEY's attitude toward him (JOCHER), TVA Sequoyah employee John STEWART told JOCHER that he (STEWART) had attended a program that KINGSLEY had initiated called "Lunch with KINGSLEY", in which KINGSLEY would have lunch with a cross-section of nuclear plant employees and communicate directly with them. JOCHER stated that STEWART told him that KINGSLEY had mentioned JOCHER, in some context, and had pronounced JOCHER's name as "joker". JOCHER advised that STEWART told him he (STEWART) told KINGSLEY the correct pronunciation of JOCHER's name, and KINGSLEY replied, "I know how to pronounce his name."

JOCHER advised that he knew some former TVA managers that may be able to provide some pertinent information regarding discriminatory management practices by Senior managers in the TVA Nuclear Program. JOCHER stated that, in addition to BATES and BARKER, LYDON had left TVA after only having been there for about one year. He advised that LYDON's phone numbers were [REDACTED] at home, and (209) 772-8208 at work.

JOCHER also mentioned that John GARRITY, former Site Vice-President at TVA's Watts Bar Plant, was now the Site V-P at Indian Point 3, telephone (914) 736-8001.

JOCHER stated that Ken POWERS, former Site V-P at Sequoyah, retired and still in the Chattanooga, TN area might have some information that would be pertinent. JOCHER stated that Jerry WARD, a current TVA employee, who lives on Sunset Drive, Signal Mountain, TN, knew some of the details about KINGSLEY forcing POWERS out, and WARD had called JOCHER and told him he (WARD) was thinking about calling a news reporter and providing the information to implicate KINGSLEY in POWERS' departure. JOCHER advised that he had no problem with NRC OI contacting WARD regarding this phone call to JOCHER.

JOCHER advised that Martha "Bunny" ROLLINS, the Corporate Chemistry Manager at TVA prior to BATES, had been "run off" (meaning forced to leave TVA) by Larry JACKSON. JOCHER stated that ROLLINS was living in Hixson, TN, and that TVA employee Jim MULLENIX, phone No. [REDACTED], would be able to locate ROLLINS for OI. JOCHER commented that ROLLINS impressed him with her knowledge in the Chemistry area.

JOCHER advised that Lou MEYERS, former Plant Manager at Browns Ferry might have some pertinent information. JOCHER provided MEYERS' phone No. as (512) 972-8447. He stated that MEYERS had just started working at the South Texas Project.

EXHIBIT 4

PAGE 5 OF 6 PAGE(S)

JOCHER stated that Glen HUDSON, the Corporate Radiation Protection Manager when JOCHER came to TVA, was now a consultant with S.E.G, in Oak Ridge, TN, telephone (615) 899-6276, and could possibly provide some pertinent information.

This Report of Interview was prepared on September 7, 1994.

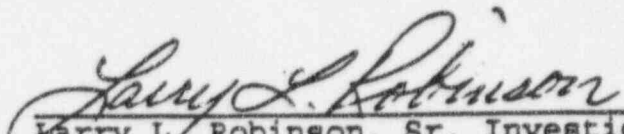
  
Larry L. Robinson, Sr. Investigator  
Office of Investigations  
Field Office, Region II

EXHIBIT 4

PAGE 6 OF 6 PAGE(S)



# **EXHIBIT 5**

# ALLEGATION REPORT

CASE FILE: RII-93-A-0070

FACILITY: SEQUOYAH

ALLEGER: BILL JOCKER

ADDRESS: [REDACTED]

HOME PHONE: [REDACTED]

WORK PHONE: NONE

CONCERN NO: 1,2,3,4,5,6

DOCKET NO: 50-327, 328

DATE RCVD: 4/7,8/93

EMPLOYER: TVA

TITLE: MANAGER NUCLEAR CHEMISTRY

CONFIDENTIALITY REQUESTED: (N)

## SUMMARY OF INFORMATION

RAC was advised by KELLOGG that HOLLAND was called by the ALGR who was reporting that his employment was terminated on 4/6/93, and that he had some concerns pertaining to chemistry practices at the Sequoyah Plant.

RAC phoned the ALGR to ascertain the scope, details and confirmation of his concerns. The ALGR said that he started employment in 11/90 and that he was given the option of a resignation or termination on 4/6/93. The ALGR said that he chose the forceful resignation because it included a 90 day pay period until 7/6/93. The ALGR said that he was initially hired as the Corporate Nuclear Chemistry Manager and was later assigned to Sequoyah as the Plant Nuclear Chemistry Manager to resolve some of the issues that he had identified.

The ALGR said that he felt that his employment was terminated because he had raised significant safety issues of which most were known to the NRC as part of his normal duties. The ALGR said that he was told by DON VETAL of NUS, that the Plant Manger, ROB BEECHEN, told VETAL that they had to get rid of the ALGR because the ALGR identified too many problems. The ALGR said that this was stated in the presence of a co-worker/E.S. CHANDRASEKARON on 4/6/93, the day of his employment termination.

The ALGR was advised of the DOL reporting requirements and was provided with the necessary information to file a complaint with DOL. The ALGR indicated that he would be filing a complaint with DOL. In the DOL complaint letter he would be detailing his technical concerns. RAC advised the ALGR that upon receipt of his letter, it would be reviewed by the staff and that he would be contacted if we needed additional clarification.

EXHIBIT 5

The following are the ALGR's technical concerns:

PAGE / OF 4 PAGE(S)

WHAT IS THIS AN ISSUE OF? <SAFETY> \*\*<DISCRIMINATION>

Ask all above questions, do not leave any blanks. Complete one sheet for each issue. Forward this form to: RII/RAC, P.O. BOX 845 Atlanta, GA 30301. Do not retain any file copies subsequent to receipt by RAC. RAC phone numbers are (404) 331-4193 & 331-4194.

\*\* ADVISE ALLEGERS OF THE 180 DAY DOL REPORTING REQUIREMENT FOR DISCRIMINATION COMPLAINTS - (INITIAL) YES <X>, NO \_\_\_\_\_

2-93-015

PREPARED BY: OSCAR DEMIRANDA

DATE PREPARED: APRIL 9, 1993

# ALLEGATION REPORT

CONTINUATION SHEET

PAGE 2

CASE FILE: RII-93-A-0070

FACILITY: SEQUOYAH

## 1. TECHS UNAWARE HOW TO OPERATE THE PLANT ACCIDENT SAMPLING SYSTEM

The ALGR said that there were only 3 people who were capable of operating the system that was after extensive measurements were taken to assess the technicians capability to draw a sample in under 3 hours. He identified that there was a 3 hour limit on taking a sample when the decision was made that a sample was needed. The ALGR said that he brought this matter to the NRC through Corporate Nuclear Licensing, SID SPENCER and the NRC agreed on the 3 hour interpretation. The ALGR said that he documented this in a Significant Corrective Action Report. The ALGR said that "the Plant Manager, ROB BEECHEN, Plant Operations Manager, PAT LYDON were absolutely furious for him contacting the NRC through licensing. This was reported to the ALGR through the Chemistry Manager at Sequoyah, GARY FISER" with the full knowledge of the ALGR's supervisor, WILSON C. MCARTHOUR. SCAR 920004 was generated because of the techs inability to perform the test in 3 hours. The ALGR conducted 6 months of training to retrain the techs. Officially this SCAR is closed but the ALGR still doesn't think the techs can get a sample under 3 hours. There may be 7 at the most that can perform the test under 3 hours. This matter was also documented in NSRB meeting minute 138 on page 5.

## 2. UNQUALIFIED CHEMISTRY TECHS

The ALGR said that he was concerned that his techs were unqualified and he administered basic testing for which the average passing grade was %50-60. The low score in primary chemistry was an "8." The highest score in secondary chemistry was an 89. The ALGR said that he brought this matter to the attention of the Nuclear Safety Review Board (NSRB) and when asked by INPO during their visit as to what he thought some of the problems were, he told them about the techs being unqualified. That was done in the presence of JIM BATES of INPO, LARRY MILLER of INPO and ROB RICHIE, Chemistry Program Manger, of TVA. This was brought to the NSRB and documented in NSRB meeting June 5, 1992, minutes 138 on page 18 of the report.

## 3. INSTRUMENT SET POINTS WERE INCONSISTENT WITH PLANT SCALING DOCUMENTS

The ALGR said that as part of the routine evaluation of any program the ALGR takes over, he evaluates how set points are determined and if they are consistent with plant scaling documents. What he found was that some of the instruments yearly PMs had not been conducted since 1985 and that a large portion of the instrument set points were inconsistent with plant ITABS - instrument calibration set point card.

### ACTION REQUIRED

SEE PAGE 4

PREPARED BY: OSCAR DEMIRANDA

DATE PREPARED: APRIL 9, 1993

# ALLEGATION REPORT

CONTINUATION SHEET

PAGE 3

CASE FILE: RII-93-A-0070

FACILITY: SEQUOYAH

The ALGR generated SCAR 920009 about 9 months ago. When the ALGR left Sequoyah on March 8, 1993, the set points had not been corrected or the PMS performed. The ALGR brought this to the attention of the NSRB in November 1992 and they had not picked it up as an item which surprised the ALGR. The ALGR said that MCARTHOUR was very concerned over this issue (he's a member.) The ALGR said that this item does not appear anywhere in the NSRB meeting minutes.

#### 4. QUESTIONABLE PRIMARY CALIBRATIONS ON THE EFFLUENT MONITORS

The ALGR said that the calibrations on the effluent monitors is being performed by a calibration standard that is not traceable and only has one point of reference. The ALGR said that the licensee is committed to Reg Guide 4.15 which indorsed ANSI 13.10 and the primary cal requirements of ANSI 13.10 have not been met. They have not been met because the plant tech support staff was unaware of the ANSI requirements of 13.10 until the ALGR handed the system engineer, JOE MACHEREFORD, a copy of the standard in the presence of ROB RICHIE in about June 1992. And after subsequent evaluations of the ANSI standard by the plant technical support staff, they maintain that they're not bound by those requirements and that the existing single point monoenergetic nontraceable calibration was adequate.

#### 5. NONCOMPLIANCE WITH CHEMICAL TRAFFIC CONTROL STANDARDS

As a result of an NRC finding, there was an Incident Investigation which basically required all managers to have their people trained against the requirements of the standard and to view a film as part of that training. It also required them to immediately clean up their areas of chemical products that were not in conformance with the site standard procedure 13.2. This was to be documented by returning to the chemistry manager a signed form that their areas had been cleaned up and that they were in full compliance with the requirements of the procedure and had had their people trained. Some 8 months later, the ALGR determined that 450 people including the plant manager and site vice president had not received the required training per the requirement of the II. So the ALGR subsequently sent memos out to each department manager on multiple occasions identifying the names of the people in their organizations that had not been trained. The ALGR also on multiple occasions sent a computer list of all the individuals that had not been trained to the plant manager and the site vice president who coincidentally, their names appeared on the list. These activities were carried out by THOMAS LEACH, the Chemistry Traffic Control/Environmental Engineer.

#### ACTION REQUIRED

SEE PAGE 4

PREPARED BY: OSCAR DEMIRANDA

DATE PREPARED: APRIL 9, 1993



# ALLEGATION REPORT

CONTINUATION SHEET

PAGE 4

CASE FILE: RII-93-A-0070

FACILITY: SEQUOYAH

The ALGR said that this is a big issue at the plant right now because QA has found in excess of 100 violations of this procedure. In the Last 141 minutes of the NSRB, page 5, para 4, the minutes document that this matter was not properly escalated and the ALGR contends that this is not true because of the aforementioned information.

## 6. INAPPROPRIATE COPPER TRANSPORT TO THE STEAM GENERATOR

In early 1990, prior to working for TVA, a decision to go to morpline chemistry was made which was implemented completely in 1991. That decision was made with the full knowledge that condensate polisher operations would be significantly hampered due to decreased run lengths caused by morpline chemistry. "The decreased run lengths and operations personnel's inability to support during routine work hours, timely regenerations of the polishers, reduced full flow polishing down to 1 polisher in service and at the most 2 polishers. Diminished condensate polishing in ALGR's opinion, was resulting in increased copper transport to the steam generators thereby increasing the tracer IGA/SCC." In June of 1992, the ALGR requested or suggested that the plant return to ammonia hydrazine chemistry to preclude a potential attack of copper on the steam generator tubes. "Politically the ALGR's decision flew in the face of the steam generator manager, DAVID GOETCHEUS, who had made the decision to implement morpline chemistry. He stated publicly in front of ROB RICHIE that that would be going back 20 years in time."

NOTE: The ALGR requested that his identity be protected until he files a DOL complaint. The ALGR said that this would give him the opportunity to seek and obtain employment without introducing the fact that he is a whistleblower. The ALGR is aware that once he files with DOL, his identity will be made known to the licensee through the DOL process. The ALGR said that he is classified as "None work with pay status" and is afraid that TVA will stop paying him if they find out he filed a complaint with DOL.

## ACTION REQUIRED

1. RAC mail ALGR letter with Statement of Concerns
2. ARP required.
3. Briefed KELLOGG on 4/7/93 - HE SAID HE WAS AWARE OF THESE ISSUES

PREPARED BY: OSCAR DEMIRANDA

DATE PREPARED: APRIL 9, 1993



# EXHIBIT 6



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
901 MARIETTA STREET, N.W., SUITE 2800  
ATLANTA, GEORGIA 30333-0198

OCT 14 1993

ATTACHMENT  
3

Mr. Bill Jocher  
[REDACTED]

Dear Mr. Jocher:

SUBJECT: RII-93-A-0070 - QUESTIONABLE CHEMISTRY PRACTICES


This refers to our letter to you dated April 23, 1993, and your discussions with our staff, in which you expressed concerns related to chemistry practices at the Sequoyah Nuclear Plant.

Our inspections regarding this matter have been completed and our findings are documented in the enclosed allegation summary and inspection reports. Based on the information provided, your allegations concerning the number of personnel capable of operating the post-accident sampling system, chemical traffic control training, and the secondary water chemistry program were substantiated. Your allegations concerning effluent monitor setpoints and calibrations were not substantiated; however, one unresolved item regarding effluent monitor calibrations was identified and that issue will be further reviewed. Your allegation concerning unqualified chemistry technicians was partially substantiated.

We are continuing to monitor the licensee's chemistry practices; however, no violations or deviations from regulatory requirements were identified as a result of the inspections we have conducted to date.

We appreciate your cooperation and assistance.

Sincerely,

  
George R. Jenkins, Director  
Enforcement and Investigation  
Coordination Staff

Enclosures:

1. Allegation Summary
2. Inspection Report No. 50-327,  
328/93-08
3. Inspection Report No. 50-327,  
328/93-19
4. Inspection Report No. 50-327,  
328/93-28
5. Inspection Report No. 50-327,  
328/93-29

Certified Mail No. P 291 261 182

2-93-015

EXHIBIT 6

PAGE 1 OF 1 PAGE(S)

# EXHIBIT 7



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
101 MARIETTA STREET, N.W., SUITE 2800  
ATLANTA, GEORGIA 30323-0189

JAN 28 1994

Mr. William F. Jocher  
[REDACTED]

Dear Mr. Jocher:

SUBJECT: RII-93-A-0070 - QUESTIONABLE CHEMISTRY PRACTICES

This refers to your letter dated October 21, 1993, and your subsequent discussions with our staff in which you provided clarification of one of your concerns related to chemistry practices at the Sequoyah Nuclear Plant.

Our review regarding this matter has been completed and our findings are documented in the enclosures to this letter. Based on the information provided, your allegation concerning delinquent calibration and set point adjustment of secondary water chemistry instrumentation was substantiated.

A Notice of Violation was issued on April 22, 1993, for delinquent calibration of numerous safety-related instruments, including the instruments identified in your letter of October 21, 1993. The details regarding that violation were documented in the NRC Resident Inspector's report for the period February 28-April 3, 1993 (Reference Inspection Report Nos. 50-327, 328/93-09). No new violations or deviations from regulatory requirements were identified during the inspection conducted on November 15-19, 1993, and documented in NRC Inspection Report Nos. 50-327, 328/93-53).

We are continuing to monitor your Department of Labor complaint and the licensee's ongoing corrective actions for the referenced violation. We appreciate your cooperation and assistance in this matter.

Sincerely,

  
Bruno Uryc, Acting Director  
Enforcement and Investigation  
Coordination Staff

Enclosures:

1. Allegation Summary
2. Inspection Report No. 50-327/93-05  
and 50-328/93-05
3. Inspection Report No. 50-327/93-09  
and 50-328/93-09
4. Inspection Report No. 50-327/93-53  
and 50-328/93-53

Certified Mail No. P 291 117 003

2-93-015

EXHIBIT 7

PAGE 1 OF 1 PAGE(S)

# EXHIBIT 8



William Jocher Vs. Tennessee Valley Authority  
Investigation Report  
Wage and Hour Division Compliance Action  
Public Law 95-601, Section 210  
Energy Reorganization Act (ERA)

COVERAGE

The Tennessee Valley Authority (TVA) is a U. S. Government corporation which, in connection with its responsibilities for federal control and management of water resources in the Tennessee Valley region, has been a major supplier of power through its construction and operation of hydroelectric dams and more recently, nuclear power plants. These plants are licensed by the Nuclear Regulatory Commission (NRC). By virtue of its construction and operation of these nuclear facilities, TVA is covered under the Energy Reorganization Act (ERA), Public Law 95-610, 42 USC 5851.

The main office of the TVA is located at 400 West Summit Hill Drive, Knoxville, TN, 37902. TVA's nuclear program is managed by its Office of Nuclear Power (ONP). O. D. Kingsley, Jr. is the president, Generating Group, Chattanooga, TN. ONP's central offices are located at 6A Lookout Place, Chattanooga, TN, 37402.

In 1985, TVA shut down all of its operating nuclear units because of various safety concerns and management and ceased pursuing NRC approval to continue construction on new units. Since then, TVA has engaged in a massive recovery program to resolve these problems and put its nuclear power units back in operation.

At the time TVA ceased operating nuclear power in 1985, it had two operating units at the Sequoyah Nuclear Plant (SNP), three at the Browns Ferry Nuclear Plant (BFNP), two completed but not in operation at the Watts Bar Nuclear Plant (WBNP), and one or more under construction at its Bellefonte Nuclear Plant (BNP).

Efforts for restart were aimed at first getting the two units at SNP restarted. Both of these units were restarted by early 1989 and have been shut down and restarted several times since that date. BFNP was next on the agenda, and WBNP third, but efforts were going on at all three locations simultaneously. One unit at BFNP is now on line. Major problems at WBNP continue and its units are not yet on line.

2-93-015

EXHIBIT 8  
PAGE 1 OF 15 PAGE(S)

**William Jocher Vs. Tennessee Valley Authority**  
**Investigation Report**  
**Wage and Hour Division Compliance Action**  
**Public Law 95-601, Section 210**  
**Energy Reorganization Act (ERA)**

Construction of WBNP began in 1972. Major safety concerns and management problems has caused construction to be halted several times.

### Complaint

On June 29, 1993, the Wage and Hour Division of the U.S. Department of Labor, Knoxville, Tennessee, received a complaint from William F. Jocher, Route 2 Box 545, Dayton, Tennessee, 37321. Mr. Jocher alleged that the Tennessee Valley Authority (TVA) had violated the employee protection provisions of the Energy Reorganization Act (ERA) as contained in Section 210 of the ERA in that they had terminated his employment with TVA in retaliation for his having filed nuclear safety concerns. These concerns dealt with TVA's noncompliance with the Nuclear Regulatory Commission's (NRC) regulated safety standards.

By mutual agreement of the parties, the date for a decision was extended several times to April 29, 1994.

Conciliation action was initiated as required by the Act, and in an effort to resolve the complaint.

Phil Reynolds, TVA, was contacted by the writer on November 11, 1993. Subsequently, several other conciliation contacts were made telephonically to Reynolds, however, it became obvious that TVA wasn't interested in conciliating or resolving the matter involving the complaint.

On November 26, 1990, William Jocher was initially hired to come to Chattanooga as the Manager of Corporate, Chemistry and Environmental Protection, Nuclear Assurance and Services (NA&S); the position was a M-10. In 1992 he was transferred to Sequoyah Nuclear Plant (SQNP) as site Chemistry Manager, PG-10, on a temporary basis not to exceed one year. In 1993 Jocher

William Jocher Vs. Tennessee Valley Authority  
Investigation Report  
Wage and Hour Division Compliance Action  
Public Law 95-601, Section 210  
Energy Reorganization Act (ERA)

returned back to corporate in his position as Chemistry Manager, PG-10.

Jocher's supervisors at corporate during this period were: Wilson C. McArthur, Technical Programs Manager, and Dan R. Keuter, Vice President, Nuclear Readiness. McArthur and Keuter reported to Joseph Bynum, Vice President Nuclear Operation at TVA. Bynum in turn reported to Oliver Kingsley, President of this Generating Group.

Prior to re-organization of SQNP in January 1993, during Jocher's temporary assignment at SQNP, his supervisors during that period were: Pat Lydon, Operations Manager, reported to Robert Beecken, Plant Manager, reported to Robert Fenech, Vice President of SQNP, reported to Joseph Bynum, Vice President Nuclear Operations, who in turn reported to Oliver Kingsley.

Secondly, after the reorganization at SQNP and the combining of Radiological Control and Chemistry occurred, thereafter, Jocher reported to Charles Kent, Jr., Radiological/Chemistry Control Manager, reported to Robert Beecken, who reported to Robert Fenech, in turn reported to Joseph Bynum, who in turn reported to Oliver Kingsley.

In 1988 prior to Jocher's gainful employment with TVA, SQNP had a magnitude of problems with their Chemistry program. According to Jocher, in a memorandum dated November 27, 1990 (D-1), to John Waters, former Chairman of the Board of Directors/TVA. Requested an assessment of the SQNP technicians training, instrumentation availability and calibration programs. It appeared that Waters was concerned about the low marks that the Chemistry program had received. Waters requested Oliver Kingsley prepare a report, addressing his concerns as: (1) do we have a good program; (2), are TVA people who perform Chemistry Control well trained and maintaining a quality process; (3), what is the condition of our Chemistry monitors relative to maintenance and calibrations.

On January 16, 1991, Kingsley responded to Waters memorandum. Kingsley, according to his memorandum, stated that in his observation the Chemistry Programs at SQNP and BFNP were receiving the necessary attention to improve performance, however, there were problems with SQNP equipment (hardware), the contributing factors were on-line sampling did not meet

William Jocher Vs. Tennessee Valley Authority  
Investigation Report  
Wage and Hour Division Compliance Action  
Public Law 95-601, Section 210  
Energy Reorganization Act (ERA)

current industry standards, due to the age and lack of replacement parts, maintenance of the Chemistry monitors were a problem and many instruments remained out of service for long periods of time. Lastly, a multi - year Chemistry Upgrade project to correct the problems had been initiated. Work on the project for fiscal year 1991 was in the engineering phase. Hardware upgrades would be ordered and installed over the following two-year period (D-2).

According to Jocher, Kingsley's memorandum dated January 1991 in response to Waters was inadequate. Kingsley was aware of technician job knowledge and process instrumentation problems at SQNP. Sometime in 1988 and 1989 these problems were reported to management by Operational Readiness Review (ORR) and Nuclear Management Review Groups (NMRG) (D-4 pg 2)..

Additionally, the ORR addressed the Design Change and Field change requests which was submitted to management in order to provide the necessary equipment to enhance Chemistry control and resolve longstanding Chemistry problems. Jocher, stated that the equipment upgrade was never funded, therefore, the upgrading of the equipment did not occur (D-3 pg 36).

Further, NMRG conducted a follow-up review of ORR corrective action and in their summarization report (D-4 pg 1) it listed various concerns in which additional attention for resolutions were needed. Subsequently, training for Chemistry and RADCON personnel on plant systems was not completed as scheduled. Accordingly, the action plan to correct this concern was to provide RADCON and Chemistry personnel with system training. Nevertheless, the majority of these personnel had not been trained; approximately seventy-nine (79) percent of Chemistry personnel had not completed scheduled training, and no new schedule had been implemented (D-4 pg 14).

Jocher, felt that Kingsley could have told Waters that the training problems were the result of:

- 1) Management's decision to RIF all degree instructors and only keeping non-degree personnel.



**William Jocher Vs. Tennessee Valley Authority**  
**Investigation Report**  
**Wage and Hour Division Compliance Action**  
**Public Law 95-601, Section 210**  
**Energy Reorganization Act (ERA)**

- 2) Closing of the SQNP Chemistry training laboratory.
- 3) Funding allocated for the SQNP instrument upgrades were systematically cut from the budgets.

However, according to Jocher, Kingsley elected not to advise Waters of these factors.

February 20, 1991, Jocher submitted to Wilson McArthur his site Chemistry assessment report on SQNP. The report identified BFNP and SQNP as problem areas, weaknesses and strengths (D-6 pg 1).

Further evaluations conducted by Jocher and SQNP staff revealed significant safety related issues in the area of technician job knowledge, procedure deficiencies and process instrument availability (D-7, 8). According to Jocher, these findings were reported to the Nuclear Safety Review Board (NSRB) in November 1991, to R. J. Beecken and W. C. McArthur in a memorandum report (D-9). Thereafter, management requested Jocher to compile all historical audit findings, along with exiting problems into a comprehensive Chemistry Improvement report (D-10). In compiling the report, Jocher determined that their findings and those reported in 1988 and 1989 by the ORR and NMRG were similar, which involved instruments availability, technician job knowledge and deficient procedures. Sometime in February 1992, Jocher presented these findings to the Nuclear Oversight Board, that was comprised of upper senior TVA management.

March 2, 1992, Jocher was temporarily reassigned from Corporate to SQNP as Chemistry Manager to establish a stronger Chemistry program. The temporary assignment wasn't to exceed a year, whereas an agreement was made between Jocher and TVA management, that Jocher would return to his original position and pay grade on or before March 4, 1993 (D-37).

As Chemistry Manager, Jocher accumulated more information relating to problems within



William Jocher Vs. Tennessee Valley Authority  
Investigation Report  
Wage and Hour Division Compliance Action  
Public Law 95-601, Section 210  
Energy Reorganization Act (ERA)

SQNP Chemistry Department. Accordingly, he offered solutions to resolving these problems, that were included in his report to management, along with NSRB. Jocher, discovered that the Chemistry technicians could not draw or analyze a Post Accident Sample System (PASS) from the reactor coolant under three hours as required by NUREG 0737 for the purpose of assessing core damage. A significant Corrective Action Report (SCAR) SQSCA920004 was initiated addressing the problem (D-12 pg 4). Secondly, there was an investigative report addressing NUREG 0737, and how SQNP failed to meet the requirements (D-12 pg 65, 66 & 67) addressing PASS. Also, there were minutes of a meeting held with NSRB on May 21 & 22, 1992 which further documented the issues involving PASS (D-11 pg 1, 2, 5, 18 & 19). Simultaneously, Jocher along with his staff discovered that 40% of the processing instruments were out of service and beyond repair. A review of the instrumentation log revealed that yearly, scheduled maintenance and calibration found a number of equipment that had not been calibrated since 1984. They further found that a significant number of instrument set points monitoring chemistry processes in the Nuclear plant were incorrect. A corrective action process was initiated and again the problems were documented (D-13).

In August 1992, Jocher, and Rob Richie met with the Institute of Nuclear Power Operation (INPO) at management's request to discuss program problems and solutions. According to Jocher, he advised J. Bates and L. Miller, representatives of INPO of the various problems at SQNP Chemistry: (1) technical job knowledge (2) technical training, (3) lack of process in instruments (4) PASS sampling requirements not being met, (5) incorrect instrument set points and instrument repair.

INPO, according to Jocher, administered a job proficiency examination in September 1992, to SQNP technicians and their instructors. The results of that examination reflected a 90% failure rate and INPO questioned SQNP training accreditation.

INPO's report of SQNP Chemistry program summarized their findings (D-15 pg 17-28), which was published in October 1992 with similar findings in 1988 and 1989 ORR and NMRG reports (D-3, D-4).

**William Jocher Vs. Tennessee Valley Authority**  
**Investigation Report**  
**Wage and Hour Division Compliance Action**  
**Public Law 95-601, Section 210**  
**Energy Reorganization Act (ERA)**

In October 1992 Jocher received his performance evaluation from McArthur and Pat Lydon, Site Manager. Jocher was recommended for promotion to Manager both site Chemistry and Radiation protection (D-17 pg 1). Included in that evaluation was a memorandum dated September 8, 1992, which was signed by McArthur, expressing Jocher performance "I place Bill in the category of someone that I would want to have on my team either at Corporate or at the site. His weakness should be worked on but demonstrates a desire for high standards." (D-17 pg 13). There was no reference to Jocher having a bad job performance.

Sometime in November 1992, TVA management had an independent audit of SQNP Chemistry program, conducted by an outside consultant firm. Jocher learned from two of the auditors that Robert Beecken wanted him off SQNP site (D-18, 19); Jocher confronted McArthur about what he heard. McArthur told him that Kingsley was upset about the low salary statement, that he (Jocher) made at the board meeting (B-6a). Jocher also spoke with Keuter about the matter; Keuter, according to Jocher, advised that he was unaware of any problems. However, his interview statement reflected differently (B-5e).

Charles Keuter, Jr., Radiological/Chemistry Control Manager stated that TVA management was aware that Jocher was feeding INPO information about SQNP deficiency, because there was no way that INPO could discover the deficiencies within a week time frame (B-4B, 6A). TVA was aware of the problems at SQNP; however, implementation of upgrading the program never occurred due to funding.

In the process of reviewing the Chemistry Program, Jocher discovered (D-20 pg 6) additional problems involving training and technical specification radiation monitors. The radiation monitors had their setpoints calculated in a non-conservative manner, which was prohibited by plant technical specifications (D-20 pg 3). This action resulted in a Nuclear Regulatory Commission (NRC) violation, in which TVA was cited (D-20, pg 9).

In November 1992 Jocher agreed to administer proficiency examination to the technicians at

William Jocher Vs. Tennessee Valley Authority  
Investigation Report  
Wage and Hour Division Compliance Action  
Public Law 95-601, Section 210  
Energy Reorganization Act (ERA)

the request of NSRB, to determine the extent of weaknesses to the Chemistry Program (D-22 pg 20). Inasmuch, the test results were similar (unsatisfactory) to those that INPO received during there proceeding September Survey (D-25). However, SQNP site training invalidated (D-26 pg 3, 5 & 17). Jocher's test result, because it was not a valid indicator of performance, and only should be used to identify potential training needs (D-26 pg 3).

Further, SQNP had not complied with incident investigation event report (D-27) used to close chemical traffic control violation. Additionally, SQNP agreed to have all personnel at site to review a training on Chemical Traffic Control by September 28, 1992 (D-28). Accordingly, Jocher reported to NSRB that SQNP was not in compliance with Chemical Traffic Control (D-26).

Although closure of the training requirement was reported to Tracking and Reporting Open Items (TROI) by all site manager (D-29), SQNP officially reported to NRC on November 3, 1992, that TVA was in compliance with IIER and site standard (D-30). This was contradictive; accordingly, there was numerous of personnel who had not reviewed the training film, including the site Vice President (Beecken) along with the Plant Maintenance and Operations Manager (D-31).

March 10, 1993, according to Jocher, McArthur informed him that Kingsley felt he wasn't a team player, and he might need to look for employment. Jocher contacted Keuter, who advised him that there was two letters that were being prepared, (1) termination letter and (2) voluntary resignation letter. Shortly thereafter, Jocher was contacted by Ben Easily and McArthur and presented the two letters to him (D-33 and D-34). Jocher stated that McArthur advised him that the decision had been made to terminate him or he could resign with a unblemished record, and promise good recommendations for the future. Feeling that he had no options, Jocher signed the voluntary resignation, to take effect October 5, 1993 (B-6b).

McArthur contacted Jocher the following day and advised him that the date of his resignation was unacceptable. McArthur presented Jocher with another letter of resignation with the effective date of July 6, 1993 (D-35). Jocher signed the letter and the following day he received

William Jocher Vs. Tennessee Valley Authority  
Investigation Report  
Wage and Hour Division Compliance Action  
Public Law 95-601, Section 210  
Energy Reorganization Act (ERA)

the letter of recommendation (D-36) from McArthur.

According to McArthur, there was a meeting held with Joe Bynum, Dan Keuter and himself. At this meeting Bynum informed McArthur and Keuter that he wanted Jocher to resign from TVA (B-6b). Keuter recollection of the March 1993, meeting, was that Bynum told them (Keuter and McArthur) that he did not want Jocher to return back to corporate and he wanted to get rid of Jocher. His (Bynum) reason was because of Jocher's management style and unable to function in the job as corporate Chemistry manager. Keuter offered Bynum a six month performance improvement plan for Jocher, since they hadn't supervised Jocher for a year. Keuter wanted to give Jocher an opportunity to prove himself (B-5b, c).

Sometime later, there was a second meeting held where Bynum expressed that Jocher would not change and advised Keuter and McArthur to get rid of Jocher. Keuter wanted to give Jocher six months severance pay; however, Bynum disagreed with six months, but agreed to three months (B-5c). Bynum, also agreed that Jocher's resignation date would be three months and not six months, as originally requested by McArthur (B-2c).

According to Bynum's interview statement, he admitted that he wanted Jocher out of TVA, because of his management style (B-2a). Although, he had very little observation of Jocher's management style. Secondly, he made the decision to terminate Jocher after conferring with his managers (McArthur and Keuter) who were in agreement with terminating Jocher (B-2b).

Thirdly, McArthur, according to Bynum gave Jocher a performance evaluation, upon his return back to corporate. Supposedly, McArthur made documentation in that performance evaluation that Jocher could not do the job as Corporate Chemistry Manager (B-2b, D-17). Lastly, McArthur told him that he had a counseling session with Jocher about his performance; however, there was no formal documentation (B-2b).

Bynum stated that he was unaware that the lack of documentation to support Jocher's termination had been questioned by TVA General Council. Bynum failed to understand why Human Resource did not advise him of insufficient documentation to support Jocher's



William Jocher Vs. Tennessee Valley Authority  
Investigation Report  
Wage and Hour Division Compliance Action  
Public Law 95-601, Section 210  
Energy Reorganization Act (ERA)

termination. Bynum admitted ~~to be~~ <sup>he began</sup> the final process in terminating Jocher, but he depended on his lower level management (McArthur & Keuter) to advise him (B-2e).

According to McArthur, it appeared that Jocher had a performance style problem when Jocher came on board with TVA. However, Jocher's performance evaluations were good, but in McArthur's interview statement, he stated that Jocher had performance problems with management skills and management style (B-6b). However, in the same statement McArthur stated that Jocher had no weak management style, if that were so, he would have followed the progressive procedures for performance problems (D-16). McArthur considered Jocher to be intelligent, competent and a qualified manager (B-6c). Lastly, McArthur made no documentation as to Jocher having prior management style problems. McArthur stated further that if he were considering terminating Jocher, he would have maintained documentation about Jocher's performance. According to McArthur, he would not have fired Jocher (B-6c).

Robert Fenech, Vice President of SQNP, was unhappy with Jocher's performance at SQNP, because Jocher lacked the ability to implement TVA programs. Fenech expressed to Bynum that he was unsatisfied with Jocher's performance. Accordingly, Fenech promulgated his unhappiness with Jocher's performance to McArthur. Fenech could not recall specifics that were discussed with McArthur, however, he recalled that McArthur wasn't satisfied with Jocher's performance (B-3) as well.

McArthur, did not recall any documentation in reference to Jocher's work performance from any manager, neither having a conversation with Robert Fenech about Jocher's performance (B-6c).

Bynum, stated that McArthur nor Keuter never advised him that they want to keep Jocher. On various occasion, McArthur related to him the feeling that Jocher wouldn't fit in as Corporate Chemistry Manager, because of his (Jocher) management style (B-2b). He found McArthur's statement to be absolutely contrary to what McArthur advised him.

Mike Pope, Human Resource, recalled McArthur requesting his assistance in preparing a letter



William Jocher Vs. Tennessee Valley Authority  
Investigation Report  
Wage and Hour Division Compliance Action  
Public Law 95-601, Section 210  
Energy Reorganization Act (ERA)

of termination and a resignation letter for Jocher. Pope advised that there was prior discussion, approximately one to two months before McArthur finally came to him, about Jocher performance. Pope quoted McArthur to say "Jocher had a team work, lack of motivation of his employees due to his management style, not only his employees felt that way, but his peers felt the same way." Accordingly, McArthur advised him that he had counseled Jocher on several occasions. Pope contacted Maureen Dunn of TVA General Counsel and discussed the matter with her. Dunn was concerned because (1) Jocher was not classified as Senior Management and (2) there was no documentation to substantiate the personnel action. Further, Pope discussed other options with McArthur (1) demotion or (2) transfer to another job. According to Pope, McArthur was adamant about discharging Jocher (B-7b). Furthermore, Pope could not understand why McArthur gave Jocher a letter of recommendation (D-36).

#### FINDINGS AND CONCLUSIONS

Mr. Jocher was employed as the Corporate Chemistry Manager at TVA. He was empowered to oversee various programs within the Chemistry division. One significant program involved the providing of support, direction and oversight to SQNP, BFNP, WBNP and their Chemistry program.

In a Chemistry assessment report, Jocher identified pre-existing problems that were previously brought to the attention of TVA management in previous reports. Jocher in that report identified SQNP as needing immediate attention, because there was significant programmatic problems with SQNP Chemistry program.

Upon this WHI review of various documents, it is obvious that TVA was aware of these problems at SQNP. TVA management had recognized these problems to be stumbling blocks, basically a costly capital venture to resolve. However, TVA chose to place those problems on the back burner, by not allocating funds to resolve the problems at SQNP.

Jocher, while at SQNP, was constantly bringing to TVA management, problems that exist with the Chemistry programs. Jocher brought to management attention, that the Chemistry personnel

William Jocher Vs. Tennessee Valley Authority  
Investigation Report  
Wage and Hour Division Compliance Action  
Public Law 95-601, Section 210  
Energy Reorganization Act (ERA)

was woefully inadequate in drawing a pass sampling chemical traffic control, technical training and knowledge, and incorrect instrument set points. Subsequently, the NRC substantiated two problems identified by Jocher. TVA management was unwilling to admit that there was serious problems which needed a thorough review.

Interview statements indicated that Jocher was knowledgeable, competent and performed adequate work as Chemistry Manager at SQNP (B- 6, 5).

Jocher fit the pattern of the typical whistleblower. He was someone who pointed out technical and management problems. He had experience in his field and confidence in his ability; he was persistent in his concern for TVA Chemistry Program. His invariable persistence, ultimately <sup>led</sup> to his termination from TVA.

Management undoubtedly resented Jocher contacting the INPO. Although other employees knew about this, TVA managers acted as though they did not know. It obvious that Jocher was a thorn in the side of TVA management, and their feelings were that Jocher wasn't a team player. Therefore, management began singling out Jocher's management skills and his job performance as a camouflage in order to terminate Jocher.

On 02-08-94 WHI Stripling held a conciliation conference telephonically with TVA representative Brent Marquand. The conversation dealt with conciliatory resolution involving Jocher. Marquand, advised WHI that "I would not want to work at a company that did not want me." WHI accepted this response as referring to Jocher, since Jocher was the topic of the conversation. This attitude further strained belief in TVA credibility to resolve this matter. Marquand statement gave the impression that regardless of the issues, they (TVA) did not want Jocher at TVA under any circumstances.

WHI found it ironic that Bynum wanted Jocher out of TVA, because of Jocher's management style. Bynum admitted that he did not supervise Jocher, and his observation of Jocher was limited. Even more so, ironic, when Bynum advised WHI that he had been looking for a job for

William Jocher Vs. Tennessee Valley Authority  
Investigation Report  
Wage and Hour Division Compliance Action  
Public Law 95-601, Section 210  
Energy Reorganization Act (ERA)

Jocher within his organization, to settle the issue with Jocher. WHI asked Bynum if there was a performance problem with Jocher, why was he attempting to locate Jocher a job? Bynum replied he rather not answer.

Furthermore, McArthur was Jocher's immediate supervisor, he was instrumental in coercing Jocher's resignation. In fact, he was adamant with HR that the situation could not be resolved with Jocher staying at TVA, due to his performance. This is contradictory to McArthur's memorandum (D-36). McArthur gave Jocher a letter of recommendation, highly appraising Jocher.

In order to establish a prima facie case of discrimination, the evidence must indicate the following:

- (A) The party charged with discrimination is an employer subject to the act;
- (B) The complainant was an employee under the act;
- (C) The complaining employee was discharged or otherwise discriminated against with respect To his or her compensation, terms, conditions or privileges of employment;
- (D) The employee had engaged in "protected activity";
- (E) The employer knew or had knowledge that the employee engaged in protected activity;
- (F) The adverse action against the employee was motivated at least in part by the employee's engaging in protected activity.

The first five points are clearly delineated by the facts section of the narrative, TVA is an employer subject to the Act; Mr. Jocher was an employee under the Act; Mr. Jocher was discharged and refused reemployment; Mr. Jocher had engaged in protected activities by virtue of the employee concerns he had filed and by virtue of his involvement in the Chemistry Program; TVA was aware of his having engaged in these protected activities (D-38).

The question then rested on whether TVA's termination of Jocher's employment and subsequent refusal to rehire him was motivated even in part by his having engaged in the protected

William Jocher Vs. Tennessee Valley Authority  
Investigation Report  
Wage and Hour Division Compliance Action  
Public Law 95-601, Section 210  
Energy Reorganization Act (ERA)

activities. The investigation focused on Jocher's performance and termination.

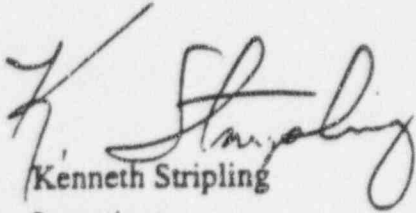
It appears that TVA in any way was unable to document that Jocher's performance was lacking. To the contrary, it was documented that Jocher's overall performance was exemplary. In review of his last employee appraisal, Jocher had made significant improvements to SQNP Chemistry Department; he aggressively worked to correct problems, once identified; Chemistry performance improved site-wide; instituted an instructor, loanee program to upgrade training for all departments; and approached all work as a member of SQNP team.

While another supervisor had the same sentiments, "I place Bill in the category of someone that I would want to have on my team either at corporate or at the site (D-17 pg 13)." Further, it is puzzling that TVA has in place policies which are used to govern an individuals performance. These policies cover, progressive procedures for correcting performance problems (D-16, 10-5); taken action on a performance problem (D-16, 12-3 & D-16, 12-8). However, the procedures were not followed, there was no documentation that reflected any type of progressive performance problem involving Jocher. It appears that TVA did not follow their own procedures in dealing with an employee that has performance problems.

Lastly, if we review the reason for terminating (coerced resignation) Jocher, Management Style, and eliminate that reason, Then there remains one other conclusion, that there was pressure from management (higher up) to remove Jocher, due to his voicing safety concerns. If not Bynum; then who?

Given the significance of safety issues raised by Jocher and the above factors, the preponderance of the evidence would, therefore, seem to indicate that discrimination was a factor in Jocher's being coerced to resign.

**William Jocher Vs. Tennessee Valley Authority  
Investigation Report  
Wage and Hour Division Compliance Action  
Public Law 95-601, Section 210  
Energy Reorganization Act (ERA)**

  
Kenneth Stripling  
Investigator



# EXHIBIT 9



April 29, 1994

Airport Executive Place  
1321 Murfreesboro Road, Suite 511  
Nashville, TN 37217  
(615) 781-5343

Certified SP 091 959 747  
Return Receipt Requested

Mr. O. D. Kingsley, President  
Generating Group  
Tennessee Valley Authority  
1101 Market Street, 6A Lookout Place  
Chattanooga, TN 37402

Re: William F. Jocher v. Tennessee Valley Authority

Dear Mr. Kingsley:

This letter is to notify you of the results of our compliance action in the above case. As you know, William F. Jocher filed a complaint with the Secretary of Labor under the Energy Reorganization Act, Public Law 95-601, Section 210, 42 USC 5851. This complaint was received in this office June 29, 1993.

By mutual agreement of the parties the time for issuance of a decision was extended until April 29, 1994.

Our initial efforts to conciliate the matter did not result in a mutually agreeable settlement. An investigation was then conducted. Based on our investigation, the weight of the evidence to date indicates that William F. Jocher was a protected employee engaging in a protected activity within the scope of the Energy Reorganization Act and that discrimination as defined and prohibited by the statute was a factor in the actions which compromise his complaint. The following information was persuasive in this determination:

1. The Tennessee Valley Authority is an employer subject to the Act.
2. William F. Jocher was discriminated against by being forced by TVA to resign from his position as Manager, Chemistry, Technical Programs, Operations Services, Nuclear Operations, Operations Services, Nuclear Operations, Chattanooga, TN.
3. These adverse actions were directly linked to nuclear safety issues raised by Mr. Jocher in relation to revealing deficiencies in the plant chemistry programs within TVA's overall nuclear program and

2-93-015

EXHIBIT 9  
PAGE 1 OF 3 PAGE(S)

Re: William F. Jocher v. Tennessee Valley Authority

revealing inconsistencies between actual facts and TVA management reports to the Nuclear Regulatory Commission, the Institute Nuclear Plant Operations, the TVA Board of Directors, and internal review groups.

4. The complaint was filed within a period of one hundred and eighty (180) days following the discriminatory action.

This letter is notification to you that the following actions are required to remedy the violation.

1. Restore William F. Jocher to his position or a comparable position with all compensation, terms, conditions and privileges of his employment;
2. Compensate him for lost back pay from the end of his employment with TVA, July 6, 1993, and for any costs incurred as a result of his loss of income;
3. Cease all discrimination against him in any manner with respect to his compensation, terms, conditions and privileges of employment because of any action protected by the Energy Reorganization Act.
4. Pay to Mr. Jocher a sum equal to the aggregate amount of all costs and expenses (including attorney's fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for or in connection with the bringing of the complaint upon which this order is issued.

This letter will also notify you that if you wish to appeal the above findings and remedy, you have a right to a formal hearing on the record. To exercise this right you must, within five (5) days of receipt of this letter, file your request for a hearing by telegram, facsimile or overnight courier to:

The Chief Administrative Law Judge  
U. S. Department of Labor  
Suite 400  
800 K Street, N. W.  
Washington, D. C. 20001-8002.  
FAX: (202) 633-0325

Unless an appeal request is received by the Chief Administrative Law Judge within the five-day period, this notice of determination and remedial action will become the final order of the Secretary of Labor. A copy of this letter and the complaint have also been sent

Re: William F. Jocher v. Tennessee Valley Authority

to the Chief Administrative Law Judge. If you decide to request a hearing, it will be necessary for you to send copies of the telegram to Mr. Jocher and/or his Attorney, Charles W. Van Beke, and to me at the U. S. Department of Labor, ESA, Wage and Hour Division, Airport Executive Plaza, 1321 Murfreesboro Road, Suite 511, Nashville, TN 37217. After I receive the copy of your request, appropriate preparations for the hearing can be made. If you have any questions, do not hesitate to call me at (615) 781-5343.

It should be made clear to all parties that the the U.S. Department of Labor does not represent any of the parties in a hearing. The hearing is an adversarial proceeding in which the parties will be allowed an opportunity to present their evidence for the record. The Administrative Law Judge who conducts the hearing will issue a recommended decision to the Secretary based on the evidence, testimony and arguments presented by the parties at the hearing. The Final Order of the Secretary will then be issued after consideration of the Administrative Law Judges's recommended decision and the record developed at the hearing and will either provide for appropriate relief or dismiss the complaint.

Sincerely,

*George Friday*  
CRH  
George Friday  
District Director

cc: The Chief Administrative Law Judge

Mr. Charles Van Beke  
Wagner, Myers & Sanger  
P. O. Box 1308  
Knoxville, TN 37901-1308

✓ Mr. William F. Jocher  


Phil Reynolds  
Keith Fogleman  
George Prosser  
Edward Christenbury  
Hudson Ragan  
NRC, Washington  
NRC, Atlanta

# **EXHIBIT 10**



MAR 17 1994

Oliver D. Kingsley, Jr., LP 6A-C

TVA MANAGEMENT  
WILLIAM F. JOCHER, FORMER CORPORATE CHEMISTRY MANAGER  
COMPLAINANT  
DEPARTMENT OF LABOR - ENERGY REORGANIZATION ACT MATTER  
OIG FILE NO. 2D-133

We have completed our investigation of the circumstances surrounding a June 29, 1993, complaint which William F. Jocher, former Corporate Chemistry Manager, Generating Group, filed with the U.S. Department of Labor (DOL). In his DOL complaint, Jocher alleged that TVA violated Section 211 of the Energy Reorganization Act of 1974, as amended, by discriminating against him because he reported safety concerns. More specifically, Jocher alleged that after he reported safety concerns, he was forced to resign from TVA. (During March 1993, management asked Jocher to resign or be terminated. Subsequently, he resigned effective during July 1993. The managers involved in Jocher's resignation were Joseph R. Bynum, then Vice President, Nuclear Operations; Dan R. Keuter, then Vice President, Operation Services; and Wilson C. McArthur, Jocher's immediate supervisor and Operations Services Manager.)

We found no direct evidence showing that Jocher was asked to resign because he raised safety concerns. Rather, management consistently stated Jocher was removed because of performance problems, and there is evidence supporting management's position. However, there are inconsistencies in his managers' statements regarding Jocher's removal. Specifically, these inconsistencies include (1) McArthur's and Keuter's statements that they were following orders from Bynum when they terminated Jocher, and (2) Bynum's account that Jocher was terminated due to McArthur's and Keuter's wish to fill Jocher's position with another individual. Moreover, there is contradictory evidence regarding the extent of Jocher's performance problems. While it appears Jocher was asked to resign because of performance concerns, this conflicting evidence makes it difficult to determine the specific reasons for Jocher's proposed termination. Regardless, in our opinion, there is insufficient evidence to conclude by a preponderance of evidence that Jocher was asked to resign because he engaged in a protected activity.

2-93-015

EXHIBIT 10

PAGE 1 OF 31 PAGE(S)

SENSITIVE

Oliver D. Kingsley, Jr.

Page 2

MAR 17 1994

Since our report contains no recommendations for administrative or disciplinary action, we are providing you a copy of our report only for your information. Our investigation of this matter is closed.

Original Signed By  
George T. Prosser

George T. Prosser  
Assistant Inspector General  
(Investigations)  
ET 4H-K

EHS:LU

Attachment

cc (Attachment):

Edward S. Christenbury, ET 11H-K  
\_OIG File No. 2D-133\_

MKings.doc

00002

SENSITIVE

Tennessee Valley Authority  
Office of the Inspector General

# Report of Administrative Inquiry

TVA MANAGEMENT  
WILLIAM F. JOCHER, FORMER CORPORATE CHEMISTRY MANAGER  
COMPLAINANT  
DEPARTMENT OF LABOR - ENERGY REORGANIZATION ACT MATTER

OIG File No. 2D-133

APPROVED BY: Original Signed By  
George T. Prosser  
George T. Prosser

DATE ISSUED: MAR 17 1994

00003

TABLE OF CONTENTS

INTRODUCTION ..... 1

SUMMARY OF INVESTIGATION ..... 1

    Background ..... 2

    Jocher's Alleged Concerns ..... 3

    Alleged inaccurate Response To Waters From Kingsley ..... 4

    Jocher's Visit to INPO ..... 5

    Chemical Control Training ..... 6

    Jocher's Resignation..... 8

    Jocher's Statements About His Resignation ..... 8

    Information Kingsley Provided About Jocher's Resignation ..... 12

    Information Keuter, McArthur, and Bynum Provided About Jocher's Resignation ..... 12

        Keuter and McArthur ..... 12

        Bynum ..... 13

    Evidence Concerning Jocher's Performance ..... 15

        Documentation ..... 15

        Statements From Bynum, Keuter, and McArthur About Jocher's Performance ..... 17

        McArthur ..... 17

        Keuter ..... 19

        Bynum ..... 21

RECOMMENDATIONS ..... 21

REMARKS ..... 21

APPENDIX A ..... 22

APPENDIX B ..... 28

## INTRODUCTION

We have completed our investigation of the circumstances surrounding a June 29, 1993, complaint which William F. Jocher, former Corporate Chemistry Manager, Generating Group, filed with the U.S. Department of Labor (DOL). In his DOL complaint, Jocher alleged TVA violated Section 211 of the Energy Reorganization Act of 1974, as amended, by discriminating against him because he reported safety concerns. More specifically, Jocher alleged that after he reported safety concerns, he was forced to resign from TVA.<sup>1</sup> (During March 1993, management asked Jocher to resign or be terminated. Subsequently, he resigned effective during July 1993. The managers involved in Jocher's resignation were Joseph R. Bynum, then Vice President, Nuclear Operations, Dan R. Keuter, then Vice President, Operation Services, and Wilson C. McArthur, Jocher's immediate supervisor and Operations Services Manager.)

We investigated Jocher's allegations to determine whether any current or former TVA employee engaged in misconduct. We did not address whether any Section 211 violation occurred since such determinations are, by statute, entrusted to DOL.

## SUMMARY OF INVESTIGATION

We found no direct evidence showing Jocher was asked to resign because he raised safety concerns. Rather, management consistently stated Jocher was removed because of performance problems, and there is evidence supporting management's position. However, there are inconsistencies in his managers' statements regarding Jocher's removal. Specifically, these inconsistencies include (1) McArthur's and Keuter's statements that they were following orders from Bynum when they terminated Jocher, and (2) Bynum's account that Jocher was terminated due to McArthur's and Keuter's wish to fill Jocher's position with another individual. Moreover, there is contradictory evidence regarding the extent of Jocher's performance problems. While it appears Jocher was asked to resign because of performance concerns, this conflicting evidence makes it difficult to determine the specific reasons for Jocher's proposed termination. Regardless, in our opinion, there is insufficient evidence to conclude by a preponderance of evidence that Jocher was asked to resign because he engaged in a protected activity.

---

<sup>1</sup>Jocher also alleged TVA management officials told people in the nuclear power industry that Jocher was terminated. However, we did not investigate this issue because our investigation might have, in effect, spread the word in the nuclear power industry that Jocher was forced to resign.



Background

The following is an outline of significant events concerning Jocher and his tenure at TVA.

<u>Date</u>	<u>Action</u>
November 1990	TVA hired Jocher as Corporate Chemistry and Environmental Program Manager. <sup>2</sup>
November 27, 1990	Chairman John B. Waters requested status on the Sequoyah Nuclear Plant (SQN) Chemistry Program.
January 16, 1991	Oliver D. Kingsley, Jr., President, Generating Group, responded to Waters' request.
February 19, 1992	McArthur counseled Jocher about improving rapport with the sites and being a "team player."
March 1992	Jocher temporarily assigned to SQN as Chemistry Manager and Gary Fiser, SQN Chemistry Manager, was assigned to Jocher's position. <sup>3</sup>
August 1992	Nuclear Regulatory Commission (NRC) issued Notice of Violation (NOV) against SQN Chemical Traffic Control (CTC) program. In addition, Jocher and Robert E. Richie, Jr., SQN Chemical Operations Manager, met with the Institute of Nuclear Power Operations (INPO) prior to its evaluation of SQN.
October 1992	INPO evaluation of SQN identified significant problems of long standing in chemistry equipment and instrumentation.
November 1992	TVA responded to NRC on CTC violation. An independent contractor audited SQN to verify INPO's findings.
January 1993	SQN Radiation Protection and Chemistry combined under Kent.
February 25, 1993	McArthur counseled Jocher to improve relations with sites.

<sup>2</sup>McArthur, Jocher's supervisor, stated that Jocher's main job was to provide oversight technical support to TVA's nuclear plants. Specifically, he was to: (a) evaluate each site and identify problem areas; (b) provide technical support; and (c) develop chemistry manuals and policies.

<sup>3</sup>According to Jocher, he was sent to SQN to "strengthen the (chemistry) program." Bynum, Keuter, McArthur, Robert J. Beecken, then SQN Plant Manager, and Charles E. Kent, Jr., Radiological and Chemistry Control Manager, stated that while Jocher was Corporate Chemistry Manager he was identifying problems at SQN and management decided to allow Jocher to go to SQN to fix the problems he had been identifying. In addition, Beecken stated he wanted to see if Fiser's management ability was better at the corporate level. However, several months later, Fiser was demoted and Sam L. Harvey, III, Program Manager, became the Acting Corporate Chemistry Manager until Jocher returned from SQN.

SENSITIVE

<u>Date</u>	<u>Action</u>
March 1, 1993	SQN units shutdown because of secondary side problems. <sup>4</sup>
March 10, 1993	Jocher returned as Corporate Chemistry Manager. No one took his place at SQN pending reorganization of Radiation Protection and Chemistry.
April 1993	Management asked Jocher to resign or be terminated.

Jocher's Alleged Concerns

In his DOL complaint, Jocher stated that TVA's threat to terminate him if he did not sign the resignation letter was "based entirely on [his] record of causing embarrassment to the highest levels of TVA's nuclear power organization by reporting the true status of TVA's nuclear chemistry program to various oversight groups, reports which cast doubt upon their own reports to members of TVA's Board of Directors, the NRC, and INPO."<sup>5</sup>

During a subsequent OIG interview, Jocher provided the following additional information about the reasons management asked him to resign.

1. Kingsley provided an inaccurate response to Waters, former Chairman of the Board, following Waters' November 1990 request for a status report on TVA's nuclear chemistry problems. Jocher prepared an initial draft which pointed out the training problems, but the final version said there were no problems.
2. During September/October 1992, INPO conducted an evaluation at SQN and identified significant training problems in the chemistry program. In a subsequent meeting, INPO informed Waters about the problems and Waters "publicly castigated" Kingsley because of the problems. Kingsley was

---

<sup>4</sup>Bruce S. Schofield, Nuclear Licensing and Affairs Manager, stated the shutdown had nothing to do with chemistry. In fact, Schofield stated the NRC inspectors did not even look at any chemistry issues. Rather, the inspectors looked very closely at the event which caused the shutdown (a hole blown in a pipe) but they did not look at chemistry in relation to this issue. Keuter, who was involved in Jocher's resignation, stated Jocher's resignation had "nothing to do with the problems at SQN."

<sup>5</sup>McArthur stated he does not believe Jocher identified "safety concerns" during his tenure but he found new "technical issues." According to McArthur, the areas that Jocher identified regarding issues such as deficient training and instrument problems had previously been reported to management by other groups or individuals. However, Jocher stated he also raised new safety issues. According to Jocher, he identified a new issue regarding inaccurate containment radiation monitor set points which resulted in an SQN incident investigation and subsequent NRC Licensing Event Report. Although SQN was not fined by the NRC, Jocher stated the findings were reported throughout the nuclear industry and resulted in "a considerable level of embarrassment" for TVA. In addition, Jocher stated he identified incorrect process instrumentation set points in the non-nuclear secondary system. Jocher alleged that 60 percent of the chemistry instruments were not working and the remaining 40 percent had incorrect set points according to industry standards.

embarrassed following INPO's evaluation of SQN and Jocher believed this led to his termination.

3. During summer 1992, the NRC identified some problems at SQN with CTC. During November 1992, TVA management responded to NRC. Although he did not say anything at the time, he believed TVA's response was inaccurate. Later, during a January 1993 interview with the Nuclear Safety Review Board (NSRB), Jocher told NSRB that Kingsley's response was inaccurate. Jocher's statements about the response appeared in the NSRB meeting minutes which Jocher alleged Kingsley and other senior Generating Group managers received.

Each reason is discussed further below.<sup>6</sup>

#### Alleged Inaccurate Response To Waters From Kingsley

Jocher stated he and Fiser (former SQN Chemistry Manager) initially prepared a response for Kingsley to Waters after Waters' 1990 request for a status of TVA's chemistry programs. In their response they were very explicit about the training problems at SQN. However, Jocher stated that after they turned in the initial response to McArthur (Jocher's supervisor) the report was rewritten and the details were omitted. According to Jocher, the final response, which Kingsley submitted to Waters, stated there were no training problems. Jocher stated no one ever told him why the details were omitted and he did not ask. Although he did not tell anyone that the response was inaccurate, he believed the training issue was "completely falsified" to give the impression that everything was being adequately addressed.

McArthur stated he did not believe Kingsley submitted an "inadequate" report to Waters. According to McArthur, although Jocher wanted the response to be detailed, Waters wanted an "industry viewpoint" of the chemistry programs and he did not want a lot of details.

Kingsley stated he considered his response to Waters to be "very direct and truthful." In addition, Kingsley stated that several individuals initialed the report as being accurate before Kingsley signed it. According to Kingsley, Waters never told him the report was inadequate or that he needed more information. Waters

---

<sup>6</sup>Jocher also stated that during one presentation before the Board of Directors, he made a statement which he later heard put him in hot water with Kingsley. According to Jocher, during the meeting, he made a statement about being underpaid. However, he intended it to be a joke. Bynum and Keuter stated Jocher's statement at the meeting embarrassed them. Keuter further stated Kingsley later told him that he was embarrassed by Jocher's statement. Kingsley stated Jocher's comment did not embarrass him or make him angry. Rather, he stated Jocher's comment was inappropriate and led to an "awkward situation." However, Kingsley, Bynum, and Keuter stated Jocher's comment did not have any influence on the decision to ask Jocher to resign.

SENSITIVE

stated he asked Kingsley to provide him with a general comment about the chemistry programs at TVA and Kingsley's response was satisfactory.

Jocher's Visit to INPO

Jocher stated that during August 1992, he and Richie (SQN Chemistry Operations Manager) went to INPO's headquarters to discuss SQN's chemistry program prior to INPO's evaluation of SQN. During their meeting, Jocher detailed various problems with SQN's chemistry program. During its subsequent evaluation, INPO found three problem areas in SQN's Chemistry Program.<sup>7</sup> According to Jocher, Kingsley was embarrassed following INPO's evaluation of SQN and Jocher believed this led to his termination. Jocher made the following additional statements.

1. He believed management wanted him to be up front and tell INPO if he had identified a problem and how he planned to fix it. However, in hindsight, he believed management was saying the words (for people to talk freely with INPO) but would "execute" anyone who actually did it.
2. Although he was not present when INPO reported their findings to TVA top management, Mike Llewellyn, an INPO evaluator who took notes at the meeting, later told Jocher that Waters "castigated" Kingsley publicly about INPO's findings. According to Jocher, Llewellyn told him that during the meeting, INPO characterized the Chemistry department problems as mostly upper management resource issues of a long-standing nature. Waters was allegedly surprised because Kingsley had told him during January 1991 that the problems were being adequately addressed. Jocher stated Llewellyn told him that Waters told Kingsley that he (Waters) thought Kingsley had told him these problems were fixed. Kingsley allegedly responded by saying he guessed he was in trouble.

Richie, Jim Bates (INPO evaluator), and Larry Miller (former INPO evaluator) confirmed Jocher met with INPO personnel prior to INPO's evaluation of SQN and discussed problem areas at SQN's chemistry program. The INPO employees made the following additional statements.

1. Bates stated Jocher told them that the SQN technicians were not properly trained and the chemistry program continued to experience difficulties with monitoring systems because of equipment problems. Bates stated the

---

<sup>7</sup>In its October 1992 report, INPO reported its evaluators found: (a) several long-standing chemistry equipment and instrumentation problems reduced station effectiveness in monitoring important fluid systems; (b) knowledge weaknesses existed in several areas among technicians responsible for chemistry sampling and analysis; and (c) chemistry data review and evaluation frequently did not identify and resolve some system chemistry problems and data anomalies.



equipment problems had been documented in INPO reports as far back as 1985. Although he acknowledged that the September/October 1992 INPO evaluation confirmed Jocher's statements that SQN Chemistry suffered from a lack of technician knowledge and equipment setpoint problems, he did not believe Jocher's discussion with INPO about these issues resulted in the findings.

2. Miller stated he was the only one evaluating the chemistry program during that evaluation and Jocher did not target areas for him to evaluate. Rather, he stated INPO had a pre-arranged evaluation schedule based on past problems and Jocher's visit did not impact INPO's findings against SQN.
3. Llewellyn stated he was not involved in INPO's evaluation of SQN. In addition, he denied he was present at the private meeting during which INPO discussed its evaluation with TVA. In fact, he stated the only INPO personnel who attend exit meetings are the team leader and a senior Vice President. Llewellyn also stated he had not talked to Jocher since 1991 and did not tell Jocher about any confrontation between Waters and Kingsley.

Similarly, Kingsley and Waters denied Waters "publicly castigated" or criticized Kingsley during the exit meeting. In fact, Waters stated he believed INPO's evaluation was "fair" and he was pleased with the report.

In addition, Bynum and Keuter—two of the three managers involved in the decision to terminate Jocher—stated they did not know Jocher targeted specific problems to INPO before INPO's evaluation. Bynum also stated it was "perfectly appropriate" for Jocher to tell them where to specifically look for problems. McArthur, Jocher's immediate supervisor, stated he believed Jocher told INPO about additional issues when INPO asked if there were any other problem areas.

### Chemical Control Training

Jocher made the following statements.

1. During June or July 1992, the NRC gave SQN a NOV for having improperly labeled chemicals in the plant. A subsequent investigation revealed that one of the root causes was the lack of training about the requirements of the chemical traffic control program. Accordingly, a 45-minute film was created in order to explain these requirements. Jocher set up various areas around the plant to show the film. Once an employee saw the film, the employee had to sign an attendance roster.



SENSITIVE

2. Between the time of the NOV and management's response, he told management during three meetings that not all plant personnel had seen the film. In one meeting--held about two weeks before the response was due--he told them that six main managers, including the Site Vice President and Plant Manager, and about 450 plant personnel had not seen the film.
3. About three to four days later, he saw a tracking list where all managers had signed off the issue indicating all personnel had seen the film. The final reply to NRC--during November 1992--stated SQN was in full compliance with the chemical traffic control training. However, he saw a printout and noted that there were still many people who had not seen the film. Even though the response to the NRC was inaccurate, he did not tell anyone because no one asked him and he was "afraid to say anything."
4. During January 1993, the NSRB conducted a routine interview with Jocher about various issues at the plant. When they asked him about CTC, he told them that no one had taken the program seriously and there were 450 people who had not seen the film, including the main managers. His statements were "made public in the meeting's minutes" and as a result "everybody realized that an inaccurate response had been made to the commission and that [Jocher] was responsible for identifying it."<sup>8</sup>

According to the NSRB minutes for the February 25-26, 1993, meeting, "approximately 20 percent of site personnel (approximately 400) have not completed chemical traffic control training. The Chemistry and Environmental Manager believed the issue may not be taken seriously enough. Site management has been made aware of those people not trained. Presently, Chemistry is providing reminders to those not meeting site requirements." The minutes were distributed during March 1993 to Kingsley, the Board of Directors, and several senior managers, including Beecken, McArthur, and Keuter.

Bynum, McArthur, and Keuter stated they did not know the NSRB meeting minutes contained a statement made by Jocher regarding the CTC and they never heard anyone discussing it. In addition, they stated Jocher's statement recorded in the minutes had nothing to do with his termination. In fact, Keuter stated he did not know Jocher had a question about the inadequacy of the CTC. McArthur stated he knew Jocher was concerned about the training but it never stood out to him that Jocher was claiming TVA had made a material false statement to the NRC.

---

<sup>8</sup>Debra J. Bodine, SQN Environmental Supervisor, said the training requirement could be fulfilled through craft-specific training without seeing the film. Nuclear Power management has asked the OIG to investigate Jocher's concern that TVA's response to the NRC on this issue may have been inaccurate. We also understand the NRC is investigating this same issue.

Mark O. Medford, Vice President, Nuclear Assurance, Licensing and Fuels, stated he could not remember Jocher making any comments to the NSRB about CTC at SQN. After being told that his comments were documented in the NSRB meeting minutes in Attachment D, Medford stated Jocher's comments did not stand out in his mind.

### Jocher's Resignation

The three managers involved in Jocher's termination (Bynum, Keuter, and McArthur) stated the decision to terminate Jocher was based on his poor management skills. However, Bynum, Keuter, and McArthur made numerous inconsistent statements concerning their decision to terminate Jocher. In fact, Keuter and McArthur stated Jocher should not have been terminated while Bynum stated he had no reason to terminate Jocher but was relying on Keuter's and McArthur's statements. There was insufficient evidence to resolve the inconsistent statements about Jocher's termination and there was conflicting evidence regarding the extent of Jocher's performance problems. However, there was also insufficient evidence to show Jocher was asked to resign because he expressed safety concerns. The bases for our conclusions are outlined below.

### Jocher's Statements About His Resignation

Jocher stated no one told him of problems with his performance. He further stated that his managers said Kingsley wanted Jocher fired. However, in some instances the managers denied the statements Jocher attributed to them. Below are summarized Jocher's statements and the cited manager's response.

1. The first time he had an idea that something was wrong occurred during November 1992 when Bynum asked a contractor to independently audit SQN's chemistry program to verify INPO's report. Two of the company's auditors told Jocher that Beecken (then SQN Plant Manager) told the team leader that he (Beecken) wanted Jocher off the site. However, according to Jocher, the team leader would not confirm the auditors' statement because he did not want to be put in the middle.
2. Subsequently, he talked to Beecken who said he did not have any problems with him. In addition, he asked McArthur if there were any problems and McArthur told him that Kingsley was "peevied" about a low salary wisecrack he had made to the board.<sup>9</sup>

---

<sup>9</sup>Jocher made the statement about being underpaid during a presentation before the Board of Directors. We discussed the statement in footnote 6 of this report.

SENSITIVE

(Beecken stated he never told Jocher that he was unhappy with Jocher's performance. In fact, Beecken stated Jocher was successful as SQN's site chemistry manager and Beecken was satisfied with Jocher's performance. H. Keith Fogleman, former SQN Human Resources Officer (HRO), also stated Beecken never expressed to him any disfavor with Jocher or his performance. McArthur could not remember Jocher asking him about Beecken wanting him off site.)

3. In a subsequent meeting with Keuter, Keuter assured him there were no problems and Bynum had confidence in Jocher's technical judgment.

(Keuter confirmed that when Jocher came to him during November 1992, he told him there were no problems.)

4. During January or February 1993, he talked with Robert Fenech, SQN Site Vice President, about applying for the combined Radiological Control and Chemistry position. Fenech told him there were problems between him and Beecken. Subsequently, he asked Beecken about the problem and Beecken told him that there were no problems except he had been a little slow in getting the INPO responses back to him.

(Beecken told the OIG that no one complained to him about Jocher and his only complaint was that Jocher "pontificated" about his beliefs and concerns and would go outside his chain of command to voice his issue.)

5. During February 1993, Gordon L. Rich, Chemistry Manager at another nuclear plant, came to SQN to interview for a job in chemistry—a job which was below the stature of the position he had at that plant. Since Rich was a contemporary and Jocher was suspicious, he asked McArthur if there were any problems. McArthur told him "in an offhand manner" that he was going to have to work on getting along with John W. Sabados, Browns Ferry Nuclear Plant (BFN) Chemistry Manager. According to Jocher, he had not talked to Sabados for about a year and he believed they "were going to work on it [getting along] together."

(Sabados confirmed his conflicts with Jocher occurred about two years ago and he could not remember any specific problems with Jocher since then. [See footnote 13 for a further discussion of the problems between Jocher and Sabados.] According to McArthur, during February 1993, he told Jocher that he would have to improve his rapport with the sites in order for him to fulfill his responsibilities as the Corporate Chemistry Manager.)

SENSITIVE

6. Around March 12 or 13, 1993, Ben G. Easley, Employee Relations and Development HRO, told him "Kingsley wants you gone." Jocher went to McArthur and asked him about it. McArthur told him not to worry. About two weeks later, Easley told him management decided to work on Jocher's management problems. However, McArthur never told him that they were going to work on his (Jocher's) management style.

(Easley denied telling Jocher that Kingsley wanted Jocher to leave TVA. Easley stated he had no knowledge Kingsley was involved in Jocher's resignation. In addition, Easley could not remember telling Jocher that management had decided to work on Jocher's management skills.)

7. On April 5, 1993, McArthur told him Kingsley did not think he (Jocher) was a team player and he was going to have to look for a job.

(Sam L. Harvey, III, who was Acting Corporate Chemistry Manager while Jocher was at SQN, stated that shortly after Jocher was terminated, McArthur told him Kingsley wanted Jocher terminated. Kingsley denied he told anyone Jocher was not part of the team. However, Kingsley stated McArthur may have used Kingsley's name when talking to Jocher about the proposed termination because he had used his name in the past. McArthur denied he told Jocher that Kingsley said he was not a part of the team. In fact, McArthur stated he and Kingsley had never discussed Jocher.)

8. Immediately following that conversation, he asked Keuter and Keuter told him it was too late for him to resolve his problems with Kingsley. Keuter told him they were preparing two memorandums, one for his termination and one for his resignation. Keuter told him they had tried to make a deal with Kingsley to keep Jocher but Kingsley had reneged on the deal. McArthur and Keuter told him Bynum did not want to terminate Jocher and Bynum tried to negotiate with Kingsley to keep Jocher.

(McArthur and Keuter denied they told Jocher that Bynum tried to negotiate with Kingsley. Keuter also denied he told Jocher that Kingsley had reneged on a deal to keep Jocher or that Bynum wanted to keep Jocher. Bynum also denied that he ever tried to negotiate with Kingsley to keep Jocher. McArthur stated he had no knowledge of Bynum ever talking to Kingsley about terminating Jocher or that Kingsley was involved in Jocher's termination. However, he stated Jocher believed Kingsley was involved because Bynum, Keuter, and McArthur agreed to give Jocher a six-month trial period and Kingsley would have been the only one who could override their decision. According to Keuter, he never discussed Jocher's termination with Kingsley



SENSITIVE

and the only contact he can remember between Kingsley and Jocher occurred at a February 1993 meeting at SQN in which Jocher made a presentation about the site's chemistry program to the Board of Directors.)

9. Shortly after his conversation with Keuter, he met with McArthur and during the meeting McArthur gave him the two letters. (According to the proposed termination letter, Jocher was being terminated because his "overall performance . . . has not been adequate, particularly in the area of [his] management skills. These performance issues have been discussed with [him] on several occasions, but there has not been sufficient improvement.") McArthur told him (in the presence of Easley) that the statement that Jocher had performance problems was not true and he would stand up in court to the fact.

(McArthur denied he told Jocher that the statement regarding his performance problems were untrue or that he would stand up in court to that fact. Rather, McArthur stated he told Jocher that his management style was not working at the sites. Similarly, Easley stated he could not remember McArthur telling Jocher that the statements about his performance problems were untrue. However, he stated he remembered McArthur telling Jocher that he (McArthur) would be glad to give Jocher a reference. Easley further stated that when they presented the termination letter to Jocher, Jocher stated that he did not know why this was happening to him because nothing had been said to him before. According to Easley, McArthur told him that they had "talked about this before" and Jocher responded that he "didn't think it was this severe.")

10. This was the first time that he had "even the subtlest of hints" that his performance needed improvement. No one discussed any performance problems with him before this meeting. McArthur never told him he needed to be a team player or to develop rapport with the people at the sites. He "absolutely" does not remember McArthur telling him anything about a six-month probation period.
11. McArthur told him that the decision had already been made and there was nothing to discuss except the date he was leaving. He told him that if he wanted to leave with an unblemished record with good recommendations, he should fill in the date and sign the resignation letter. He had to make the decision on the spot and he signed the resignation and dated it October 5, 1993--six months from the date of the meeting.
12. The next day, McArthur told him the October date was unacceptable and gave him another resignation letter with July 6, 1993, as the effective date. On June 10, 1993, he sent a letter to Wilson withdrawing his resignation and requesting to be reinstated.



13. He could not understand why he was terminated when his service reviews were excellent and he had received a Power of Excellence Award. In fact, McArthur and Patrick M. Lydon, Jocher's supervisor while he was at SQN, completed his performance review and recommended him for promotion to manage SQN's chemistry and radiation protection. This occurred before Kingsley's November 1992 meeting with INPO.

(According to Jocher's performance appraisal for fiscal year 1992, Lydon stated that "TVA would be best served by [Jocher] returning to Corporate Chemistry Manager's position or as a Chemistry and Radiological Manager at a site.")

#### Information Kingsley Provided About Jocher's Resignation

Our investigation revealed no evidence Kingsley had anything to do with Jocher's resignation.

Kingsley denied Jocher's actions in providing information to INPO or NRC that anyone ever embarrassed him or "put him [Kingsley] in the hot seat." In addition, he denied ordering Bynum to terminate Jocher and stated he had nothing to do with the decision to terminate him. Kingsley stated that to his knowledge, none of the actions which occurred to Jocher were taken because he expressed safety concerns.

Bynum, Keuter and McArthur--the three managers involved in Jocher's resignation--stated Kingsley was not involved in the decision to terminate Jocher. According to McArthur, Jocher mistakenly thought Kingsley was "after him." McArthur stated that Jocher's identification of technical issues has never embarrassed Kingsley.

Similarly, Keuter stated that no one, including Bynum, ever told Keuter that Kingsley was unhappy with Jocher.

#### Information Keuter, McArthur, and Bynum Provided About Jocher's Resignation

##### Keuter and McArthur

Keuter and McArthur stated Jocher was terminated for having a poor management style and for not being able to function as Corporate Chemistry Manager because of his conflicts with the sites. However, they stated Bynum ordered them to terminate Jocher and they did not agree with his decision or have any input into the decision. Keuter and McArthur made the following additional statements

SENSITIVE

about Jocher's resignation. (Their and Bynum's statements concerning Jocher's performance are discussed in a subsequent section of this report.)

1. During March 1993, Bynum called a meeting to discuss Jocher's performance. Bynum stated he felt Jocher was not working out because of his management style which did not allow him to receive support from the site Chemistry managers. Although Keuter agreed with Bynum that Jocher had problems interacting with the sites, Keuter recommended giving Jocher a six-month probation period to allow McArthur to work with Jocher because Jocher was "very technically good." Bynum agreed with Keuter's recommendation.
2. According to McArthur, he then told Jocher they would be evaluating his performance for the next six months. McArthur stated he intended to establish a written plan of action to improve Jocher's performance problems but there was never anything written down. According to McArthur, Jocher said he was "willing to work" to improve his performance.
3. According to McArthur, during two or three previous meetings, Bynum asked him how Jocher was doing and if he fit into the program. McArthur said he told Bynum that Jocher was the best technical person he had and although he had some management weaknesses, he believed Jocher's technical expertise overruled this and he would keep Jocher.
4. During April, they had another meeting and Bynum stated Jocher was not working out and should be asked to leave in 30 days. Bynum did not say why he had changed his mind about the probation period and they could not remember any specific incident occurring which could have prompted the dismissal. In fact, they were surprised by Bynum's decision.
5. McArthur stated that after the meeting, he and Keuter talked about Bynum's decision and Keuter stated that "we've been given our marching orders, let's do what we have to do." Keuter stated that at the second meeting he (Keuter) had no input into Jocher's termination and he was following the orders of his manager.

Bynum

Bynum stated Jocher was asked to resign because of poor management skills and his inability to implement plans to correct the SQN chemistry problems. However, he denied he ordered Jocher's termination. Rather, he stated McArthur and Keuter wanted to terminate Jocher so that they could hire Rich. In fact, Bynum stated that since he had minimal contact with Jocher he saw no reason to terminate Jocher. He made the following additional statements.

SENSITIVE

1. He could not remember any specific meetings with McArthur and Keuter concerning Jocher. However, he remembered having discussions with McArthur and Keuter about Jocher's inability to perform the necessary functions as Corporate Chemistry Manager. It "wasn't really as clean" as a specific person recommending that Jocher be terminated. Rather, there were discussions ongoing between himself and Keuter about decreasing the size of Corporate Chemistry.
2. In addition, around the same time, McArthur and Keuter wanted to hire Rich as Corporate Chemistry Manager and he told them they could not hire another manager when they had two managers who were poor performers (Jocher and Fiser). He told them they would have to deal with Jocher and Fiser before hiring Rich.<sup>10</sup> He believed Jocher's termination occurred because Keuter wanted to bring Rich to TVA and he could not do it with Jocher and Fiser on board.
3. He did not remember giving Jocher six months to improve his performance. He remembered discussing that they needed to watch Jocher's actions very carefully when he first returned from SQN. However, he did not remember having a definite timeframe on it. He remembered asking McArthur if Jocher knew he needed to look for another job and McArthur told him that Jocher knew management did not have any confidence in his abilities. In his mind, when Jocher returned to the Corporate staff from SQN, he was on a trial period in order to give him time to find another job. (Keuter stated he is surprised that Bynum does not remember giving Jocher a six-month probation period and he is "shocked" Bynum denied telling Keuter and McArthur to terminate Jocher.)
4. Although he did not order Jocher's termination, he approved it based on input from Jocher's supervisors (i.e., McArthur and Keuter). They never told him that Jocher should not be terminated. In addition, he received performance feedback from David F. Goetcheus, Operations and Maintenance Manager, Sabados, BFN Chemistry Manager, and Ike Zeringue, then BFN Vice President.

(Goetcheus and Zeringue could not remember ever telling Bynum that Jocher was a poor performer. However, Goetcheus stated he may have indirectly given Bynum that impression because Bynum often talked to him about fixing the problems in the chemistry program. Goetcheus characterized Jocher as having performance problems and stated Jocher had trouble interfacing with other site organizations because "tact was not one of his [Jocher's] strong points." Zeringue stated that although he had "very little interface" with

<sup>10</sup>Keuter and McArthur denied that Rich was a factor in Jocher's termination. There was insufficient evidence to show a connection between Jocher's resignation and Rich's hiring. Relevant information concerning Rich's hiring is contained in Appendix A.

Jocher, he was not very impressed with Jocher because he did not seem to support the sites in his position as Corporate Chemistry Manager.)

Evidence Concerning Jocher's Performance

Our investigation revealed the following information concerning Jocher's performance.

Documentation

1. For the fiscal year ending 1991, Jocher was rated next to the highest in all categories except he received no rating for his oral communications skills. According to the review, Jocher had met all of his goals in a timely, professional manner and his potential with TVA was good. In addition, "He and his staff have technical credibility with corporate and site organizations and have worked to establish a good team relationship." (Jocher's review was signed by Michael R. Harding, Jocher's immediate supervisor, and McArthur, Harding's supervisor.)
2. During September 1991, Jocher received a Power of Excellence Award.<sup>11</sup> The award is given to employees "who have made outstanding contributions to the success of Nuclear Power. They have gone the extra mile, created something new, completed something faster and better than expected, or gone beyond the normal scope of expectation." (Harding, Jocher's supervisor at the time, nominated Jocher for the award.)
3. During March 1992, Jocher was temporarily transferred to the SQN Chemistry Program and his supervisor was Lydon, former SQN Operations Manager. There is no mention of Jocher being on probation when he was sent to SQN.
4. On September 8, 1992, McArthur sent Lydon a memorandum regarding Jocher's annual employee appraisal. In the letter, McArthur stated that he would rate Jocher's performance as Corporate Chemistry Manager as fully

---

<sup>11</sup> According to Nuclear Power records, from July 1991 through June 1992, 827 employees received a Power of Excellence Award. (The recipients receive either a coffee cup or pen and a certificate.) The award recipients from July 1991 through June 1992 were published in a booklet which was released during spring 1993. Bynum stated the award has been given to hundreds of people. According to Bynum, any supervisor can give the award for a specific event and it is not an indication of sustained performance. In fact, he stated several of the senior managers' wives, including his wife, had received the award for their acceptance of the long hours that their husbands put in at TVA.



SENSITIVE

meeting expectations. He noted that his strengths were (a) technical knowledge and experience; (b) commitment to completing the job; and (c) openly identifying problems and seeking resolutions. He also noted that his weaknesses were (a) "his support with others sometimes require some work" and (b) "he has no desire to work with those he assumes to be unqualified." He stated Jocher's "weaknesses should be worked on but demonstrates a desire for high standards." McArthur indicated he found Jocher to be "someone that I would want to have on my team at Corporate or at the site."

5. For the fiscal year ending 1992, Jocher was rated next to highest or highest in all categories, including oral communications and teamwork. In the summary statement, Lydon, Jocher's supervisor at SQN, wrote that "TVA would be best served by Bill returning to the Corporate Chemistry Manager's position or as a Chemistry and Radiological Manager at a site." Lydon also noted that Jocher established high standards for himself and the Chemistry department.

(Lydon stated Jocher was highly qualified for his position and a very thorough and analytical manager. He also stated Jocher was extremely competitive and believed in the team concept. According to Lydon, he did not have a problem with Jocher's management style or skills and no one complained about him to Lydon. In fact, Lydon stated that if the opportunity arose again, he would hire Jocher.)

6. During 1992, Jocher received an Individual Increase Program (IIP) award in the amount of \$3,814. Although he could not specifically remember recommending Jocher for an IIP, McArthur stated that at that time he would have marked Jocher as "high on the list" of people getting IIPs. He based his opinion on Jocher's technical ability and because he believed Jocher would be an integral part of solving SQN problems. He would have given Jocher an IIP even though he had management problems because of his technical ability.

7. According to McArthur and his handwritten notes which he provided, he counseled Jocher on the following dates.<sup>12</sup>

- On February 19, 1992, McArthur talked with Jocher about being a team player and being less aggressive.
- On May 17, 1992, McArthur told Jocher that Sabados was not happy and Jocher needed to "develop better rapport--be a team player."

<sup>12</sup>Don E. Adams, II, SQN Chemistry Program Manager, also provided notes from his personal planner which illustrated Jocher's interpersonal problems.



SENSITIVE

- On February 25, 1993, McArthur "discussed return to Corporate" and told Jocher that "his rapport with sites would have to improve to fulfill responsibility as Corporate Chemistry Manager."
  - On March 10, 1993, McArthur told Jocher that he would have about six months to "enhance/correct his management style problems." McArthur noted the following problems: (a) arrogant attitude toward site chemistry managers; (b) recognize he is a support position and needs to get buy-in; (c) not to resolve problems by memorandum—needs to make contact; and (d) be a team player. McArthur indicated he reiterated that the corporate function was support. "Bill was committed to developing a better attitude."
8. On April 7, 1993, after Jocher signed his resignation letter, McArthur provided Jocher a letter of recommendation. In the letter McArthur stated that he would "personally hire him [Jocher] as a chemistry manager if the situation occurred." (McArthur stated that he did not show Keuter or Bynum the recommendation letter he prepared for Jocher. Bynum confirmed he had not seen the recommendation letter before it was released. According to Bynum he had a problem with the letter and if he had known about it sooner he "would have stopped it.")

Statements From Bynum, Keuter, and McArthur About Jocher's Performance

The following is a summary of the statements McArthur, Keuter, and Bynum made about Jocher's performance. (Other managers' statements about Jocher's performance are summarized in Appendix B.)

McArthur

McArthur acknowledged that Jocher's performance appraisals were always good and he believed Jocher was good at his job technically. However, he stated Jocher acted arrogant and made decisions too rapidly. McArthur also stated that although he and Jocher had a good working relationship, Jocher "ran into problems in dealing with guys above his level" and had problems with his rapport with the sites. He made the following additional statements.

SENSITIVE

1. Immediately after Jocher arrived at TVA, he had some problems with Sabados. Sabados felt Jocher treated him like a subordinate even though Sabados did not report to Jocher. Sabados told him and Bynum on a couple of occasions that he did not want Jocher involved in BFN site chemistry program. However, he acknowledged that Jocher's problems with Sabados occurred before Jocher went to SQN.<sup>13</sup>
2. Jocher also alienated Fisar because Jocher found an abundance of problems at SQN. In addition, Beecken and Keuter believed Jocher was good at finding problems but not good at correcting them. However, he does not believe Jocher had enough time to resolve the problems at SQN. Rather, there was only enough time to identify the problems and put together plans to fix them.

(Beecken stated he never formally complained about Jocher's management style and he does not believe he talked to McArthur about Jocher in a negative way. In fact, Beecken told the OIG that he would have been willing to keep Jocher at SQN because Beecken believed Kent (Radiological Control and Chemistry Manager) would have been able to focus Jocher's ability. Beecken further stated that he was "kind of surprised" when Jocher was forced to resign.

3. John A. Scalice was also upset because Jocher allegedly told a candidate for BFN's Chemistry Manager's position, who was not selected, that he would help the candidate file a grievance. (Scalice confirmed that he talked to McArthur about Jocher's alleged involvement with one of the candidates for BFN's Chemistry Manager's position. According to Scalice, he told McArthur that if Jocher told the person that he should have been selected for the position, then Jocher's comment was inappropriate and could stir up problems. Scalice stated McArthur said he would talk to Jocher about the problem.)<sup>14</sup>

<sup>13</sup>Sabados stated his conflicts with Jocher—which occurred about two years ago—were not a reason for management to request Jocher to resign. Sabados stated that on one occasion, Jocher saw Sabados "raise his eyes" as Jocher was discussing an issue. According to Sabados, Jocher took this body language "very personal" and complained to McArthur. Sabados also stated Jocher was not a team player. The Corporate Chemistry Manager's role was to provide oversight and let site management make the final decision, but Jocher wanted his ideas implemented. Eventually their style differences led to more problems and Sabados complained to Don Smith, BFN Chemistry, and McArthur about his difficulties with Jocher. However, during June 1992 Sabados and Jocher participated in a pre-evaluation at SQN and got along "fairly well" with one another and they "shook hands." In addition, Sabados stated that during March 1993, Jocher visited BFN and during the meeting they got along reasonably well and the meeting was "congenial." Based on the meeting, Sabados believed he could have worked effectively with Jocher.

<sup>14</sup>Harvey stated McArthur told him that Scalice had expressed his displeasure with Jocher's participation in supporting one of the candidates for BFN's Chemistry Manager position. According to Harvey, McArthur stated that Jocher "might as well resign if he wasn't going to be a team player." In addition, on another occasion, McArthur asked Harvey to talk to Jocher because Jocher had threatened to escalate an issue to Kingsley and McArthur believed the issue should be resolved at the site level. Subsequently, Harvey drove to SQN and tried to convince Jocher to be a team player by taking issues up the normal chain of command. According to Harvey, Jocher told him that he believed he had hurt himself with senior management over this issue.

Keuter

Keuter stated he never saw documentation supporting Jocher's termination.<sup>15</sup> In addition, Keuter stated he never saw Jocher's 1992 service review or had any input into Jocher's service reviews. In addition, he was unaware that Jocher received an IIP during 1992. He made the following statements.

1. He believed Jocher did a "pretty good job" of identifying weaknesses and implementing corrective action plans at SQN. Jocher was "very good technically." The chemistry problems that did not get solved at SQN involved Jocher's management of his subordinates. They did not willingly implement Jocher's plans because they disliked him.
2. Lydon (Jocher's supervisor at SQN) told him that there were a lot of confrontations between Jocher and his technicians.

(However, Lydon stated no one complained to him about Jocher. According to Lydon, Jocher would reward employees who performed outstandingly and would confront and counsel those employees who were not giving their best effort.)

3. Harvey and Beecken also gave him feedback regarding Jocher's inability to get along with the technicians.<sup>16</sup>

(Beecken stated he did not remember complaining to Keuter about Jocher's management style. Harvey stated that although he knew Jocher had problems getting along with some of the SQN chemistry technicians, he did not remember talking to Keuter about those problems.)

---

<sup>15</sup>Mike Pope, Human Resources Manager, Nuclear Central Office, and Easley, HRO who was involved in Jocher's resignation, stated they were not aware of any documentation to support Jocher's termination. The only supporting information management provided was that McArthur said he verbally counseled Jocher concerning his lack of management skills and there were discussions with his supervisors supporting the decision to terminate Jocher.

<sup>16</sup>Bodine (SQN Environmental Supervisor) stated that many of the shift supervisors and lab technicians did not like working for Jocher for various reasons.

SENSITIVE

4. Initially, Keuter would have agreed to let Jocher continue as SQN Chemistry Manager if it was mutually agreeable to both parties. However, McArthur told him that SQN did not want Jocher.<sup>17</sup> Keuter wanted Jocher to stay on as Corporate Chemistry Manager because although Jocher had some management problems, it was "hard if not impossible" to find someone with Jocher's background. In addition, he did not believe Jocher should have been terminated because he was "convinced" that McArthur could have fixed Jocher's performance during the six-month timeframe.
5. Jocher had a management problem interfacing with people at the sites. Jocher's run-ins with Sabados were an example of Jocher's inability to get along with other people. Jocher was "very prescriptive" of the way Sabados should be running BFN Chemistry program even though Jocher was only to be acting in an oversight role.
6. Around January 1993, Harvey—who became Corporate Chemistry Manager after Fiser was demoted—told him that it was impossible for him to work with Jocher. According to Keuter, this followed an incident where Harvey visited Jocher at SQN and Jocher got "very upset" and "verbally abused" Harvey. Jocher allegedly told Harvey that Harvey was trying to get Jocher's job. Keuter stated he told Harvey to "settle down" and "things will work out."  
  
(Harvey confirmed that on one occasion, he and Jocher had a difference of opinion concerning an audit conducted at SQN. According to Harvey, Jocher became so upset that he told Harvey that he was going to terminate Harvey when Jocher returned to Corporate. Subsequently, Harvey stated he met with McArthur and Keuter and they assured him there was nothing to worry about. Harvey further stated that sometime later Jocher admitted he was wrong.)
7. McArthur counseled Jocher on his management style. In addition, Keuter remembered a conversation he and Jocher had in SQN's cafeteria. He told Jocher that the move to SQN was not to be perceived as an award or a demotion. Jocher knew he had a problem and it was common knowledge that he and Sabados did not get along. He never documented any of his discussions with Jocher because he was not Jocher's immediate supervisor.

---

<sup>17</sup>However, Becken, former SQN Plant Manager, stated he would have been willing to keep Jocher as the SQN Chemistry Manager. Lydon, Jocher's immediate supervisor at SQN, stated he did not have any problems with Jocher's management style and would hire him again if the opportunity arose.



SENSITIVE

Bynum

Bynum made the following statements about Jocher's performance.

1. Although Jocher did very good in some areas of SQN chemistry program, he did not adequately deal with all the issues that had procedure problems. As an example, Bynum said that during June 1992 Jocher indicated 10 or 11 procedures were critical problems that would be corrected by September 1992. According to Bynum, Jocher received complete support but still had not finished the revisions in October 1992 when Bynum checked.
2. He never discussed Jocher's performance with him. In fact, he only remembered having one conversation with Jocher after Jocher began performing the duties of Chemistry Manager. According to Bynum, the conversation concerned an organization structure which Jocher wanted to implement. Bynum did not implement Jocher's plan and he and Jocher discussed it one time in the cafeteria for about five to ten minutes. According to Bynum, he did not consider the conversation to be counseling, but rather a difference of opinion.
3. Jocher was good at dissecting issues but did not know how to get people to support him or how to accomplish things. For example, he knew Jocher had problems with Sabados and since Sabados is a "very accommodating individual, Jocher's inability to get along with Sabados was an indication of Jocher's problems."

RECOMMENDATIONS

Based on our investigative findings, no recommendations are warranted.

REMARKS

Our investigation of this matter is closed.

R20133.DOC



SENSITIVE

Appendix A

Joseph R. Bynum, former Vice President, Nuclear Operations, stated William F. Jocher, former Corporate Chemistry Manager, was terminated because Dan R. Keuter, former Vice President, Operation Services, and Wilson C. McArthur, Operation Services Manager, wanted to hire Gordon L. Rich, Chemistry Manager at the Trojan Nuclear Plant (TNP). Keuter and McArthur denied Jocher's termination was connected to the hiring of Rich and our investigation revealed insufficient evidence to link the two events (i.e., Jocher's resignation and Rich's hiring). Our conclusion is based on the following information.

The following is a chronological listing of the pertinent dates concerning Rich's hiring and Jocher's termination.

Date                      Event

- January 4, 1993    McArthur contacted Rich at TNP about possible TVA employment.
- February 4, 1993    Keuter and Mike Pope, Nuclear Central Office Human Resources Manager, visited TNP for job fair. Pope, Keuter, and Rich have breakfast and Rich agreed to come to TVA for interview.
- February 8, 1993    Rich interviewed with McArthur and Charles E. Kent, Jr., SQN Radiological and Chemistry Control Manager, at TVA.
- Early March        McArthur, Keuter, and Bynum discussed Jocher's future. Kent gave Rich verbal offer for TVA employment as SQN Technical Programs Manager.
- March 8, 1993        Keuter sent a memorandum to Bynum recommending Rich as SQN Chemistry Manager.
- March 10, 1993      Jocher returned to Corporate Chemistry.
- March 16, 1993      Rich had second interview at SQN.
- Late March 1993    According to Rich, McArthur told him that he may get Jocher's position.
- March 25, 1993      Rich submitted application for TVA employment and provided Keuter's name as a reference.
- March 31, 1993      Rich volunteered for the first available reduction in force at TNP.
- April 6, 1993        Jocher resigned.
- April 14, 1993      Kent offered Rich SQN Technical Programs Manager position.
- April 15, 1993      McArthur made verbal offer to Rich for Jocher's position.
- May 6, 1993         Rich hired as Corporate Chemistry Manager.
- August 1993         Rich transferred to SQN as Manager of Chemistry Program.

SENSITIVE

Jocher stated that during February 1993, he learned Rich was interviewing for a PG-7 position in SQN's chemistry program. According to Jocher, he found it hard to believe that Rich was interviewing for such a low position. However, he did not believe he was terminated so management could hire Rich. Rather, he believed Rich was available and it was a great opportunity for Rich.

Bynum stated Keuter really pushed to bring Rich to TVA and it was evident to Bynum that Keuter and McArthur wanted to hire Rich as the Corporate Chemistry Manager. According to Bynum, he told Keuter that he could not hire Rich because Jocher and Gary Fiser, former SQN Chemistry Manager, were still at the management level.

Rich acknowledged that it was possible that Keuter and McArthur wanted him for Jocher's position before Jocher left. However, he stated he was never promised the position before Jocher resigned nor did he ever formally interview for the position. Rich further stated he did not believe Jocher was asked to resign so that TVA could hire him. He also made the following statements.

1. He initially spoke with McArthur about a TVA position shortly after TNP's announcement on January 4, 1993, that the plant was closing. During the conversation, McArthur stated he was considering combining the Chemistry and Radiological Control manager positions at SQN and Rich was a potential candidate. (McArthur confirmed he initially talked to Rich around beginning of the year to ask for a copy of his resume. During the conversation, he told Rich they were looking for a chemistry manager.)
2. On February 4, 1993, Keuter and a human resources officer participated in a job fair at TNP. Rich had breakfast with Keuter at his hotel on the morning of the job fair and they discussed TVA and the SQN position. Keuter did not mention Jocher or the Corporate Chemistry Manager's position until they were on a return flight following the job fair. (Pope confirmed he attended the job fair at TNP with Keuter and Rich had breakfast with them. During breakfast, they discussed Rich coming to TVA but no specific position was discussed.)
3. During the airline flight to Chattanooga after the job fair, he and Keuter discussed SQN's position and Keuter mentioned that Jocher had experienced difficulties in both the Corporate and SQN position. Keuter told him that Jocher was out of favor with senior management because of some rash statements he had made and Jocher had been unable to bring the team together. (Keuter could not remember telling Rich that Jocher was having performance problems prior to Jocher's resignation.)
4. McArthur met Rich at the airport and told him Rich would be interviewing with Kent (SQN Radiological Control and Chemistry Manager). During this visit, McArthur also told him Jocher was in disfavor with senior management

SENSITIVE

because of his boasting. (McArthur stated that before Jocher returned to Corporate, he could have told Rich that Rich may fill the Corporate Chemistry Manager's position if Jocher stayed at SQN. However, he stated the goal of Rich's first interview was to fill the SQN position. During this visit, Jocher told him that he was in disfavor with management because he was telling the truth about SQN's chemistry program. Rich further stated that he believed Jocher had problems because of his inability to act like a team player.)

5. In early March, Kent told Rich that he wanted him for SQN's Technical Programs Manager position "right away." Although it was a step down for Rich, he (Rich) believed SQN would reinstate the site Chemistry Manager position and Rich would be selected for it.
6. During late March 1993, Rich contacted McArthur to find out why he had not received a written offer for the position at SQN and McArthur told him that Jocher's position was "tenuous" and there was a possibility Rich would be offered Jocher's position.
7. Around April 14, 1993, Kent made him an offer for the Technical Programs Manager. The next day, McArthur offered him the Corporate Chemistry Manager position. McArthur told him there was a meeting between Keuter and Bynum and as a result Jocher's position was opened. He accepted the Corporate position because it was a PG 10.

Keuter denied he agreed to Jocher's termination so he could hire Rich. Rather, Keuter stated he wanted to have Jocher as Corporate Chemistry Manager and Rich as SQN Site Chemistry Manager. He made the following additional statements.

1. Keuter denied he (a) tried to contact Rich before Trojan announced it was closing the plant or (b) asked McArthur to contact Rich once Trojan announced it was closing.
2. During February 1993, he went to TNP to seek out potential employees. Initially, he stated he thought Rich stopped by when Keuter was at the job fair. However, in a later interview after he was specifically asked if he had breakfast with Rich the morning of the fair, Keuter acknowledged they had breakfast together because Rich was unavailable during the day. In addition, initially he did not remember if Rich was on the same airplane with him to Chattanooga following the fair. However, later he stated he was "surprised" to see Rich coming back on the same plane.
3. After Kent offered Rich SQN's Technical Programs Manager's position, he offered Rich the corporate position. He would not have offered Rich the corporate position if Kent had offered him the site Chemistry Manager position. However, it was a waste of Rich's ability to put him in a lower position.

4. He denied recommending to Bynum prior to Jocher's resignation that Rich would be a good corporate manager and he denied making any offers to Rich before Jocher resigned. Rather, he stated he first talked to Rich about the corporate Chemistry Manager position during May 1993.

(In a memorandum stamp-dated March 5, 1993, to R. A. Fenech, SQN Site Vice President, Keuter provided Rich's resume and recommended hiring Rich. In addition, in a note, stamp-dated March 8, 1993, Keuter provided Bynum with Rich's resume and noted that he felt "Gordon would be an excellent choice for Chemistry Manager at Sequoyah." Bynum confirmed he received the March 8 memorandum around the time Jocher was returning to the corporate Chemistry Manager position. However, Bynum stated he never interviewed Rich but suggested that Rich interview with SQN.)

5. During July, after the SQN Chemistry Manager position was reinstated, Keuter recommended Rich for the position even though Rich was in the Corporate position because Rich was more valuable at SQN.



APPENDIX B

The following are statements Jocher's coworkers and subordinates made about his management style.

Mark O. Medford, Vice President, Nuclear Assurance, Licensing and Fuels, stated Jocher was asked to resign because he was a poor performer. Although he never supervised Jocher, one of Medford's subordinates told him that there were three problems areas in the chemistry program at SQN—inadequate hardware, training, and procedures. According to Medford, while the hardware problems may not have been within Jocher's ability to fix, he could have done more in the other two areas. He further stated that it was a general consensus among the management team that Jocher's performance was "less than expected."

Debra J. Bodine, former SQN Chemistry Process Control Manager, stated she liked working for Jocher once he became SQN's site manager. According to Bodine, Jocher seemed to be the hardest on people he knew the least but he seemed to get along with those with whom he worked closely. She stated Jocher was technically competent and most of the time he was receptive to her ideas but his mind would often be set and his ideas were difficult to change. She stated she never felt threatened by Jocher and she did not believe his management style was a terminable offense, although he needed training for his aggressiveness.

E. S. Chandrasekaran, Corporate Chemistry Program Manager, stated he liked Jocher's management style. However, he stated Jocher upset senior management because he would not "back off" issues unless it was resolved his way.

Betsy Eiford-Lee, Environmental Protection Program Manager, worked for Jocher when he was Corporate Chemistry Manager. According to Lee, she did not like Jocher and requested to be moved out of Chemistry.

Don E. Adams, II, SQN Chemistry Program Manager, stated Jocher was "forceful" and "direct" and could "intimidate" individuals. Adams stated he could tell Jocher he disagreed with one of his technical views. However, Jocher would ignore it or disagree with him. According to Adams, Jocher was good to get things "stirred up and going" but he "attacked necessary team players" and he had a problem delegating responsibility.

Donald R. Matthews, Watts Bar Nuclear Plant Chemistry Program Manager, stated he never had any problems with Jocher. According to Matthews, he sent some technicians to SQN under Jocher's supervision and no one complained about Jocher. Robert E. Richie, Jr., SQN Chemical Operations Manager, stated Jocher was real good to work with and was technically correct in most areas. However, he had a way of intimidating upper management.



SENSITIVE

H. Keith Fogleman, former SQN Human Resources Officer, stated that after Jocher worked at SQN for a while, some people did not like Jocher because he was direct, abrupt, and would intimidate people because of his size and demeanor. However, Fogleman stated he believed Jocher was "more bark than bite" and he (Fogleman) did not have any problems working with Jocher. According to Fogleman, the deficiency in the Chemistry group was very frustrating to Jocher because he could not get the proper head count and type of qualified people that he needed to manage Chemistry. Fogleman stated that in his opinion, one of Jocher's problems at SQN was that Jocher had a plan which would require SQN to invest more money in head count and equipment than SQN was willing to spend. When Jocher could not influence his upper management to invest and spend as he wanted, Jocher would become upset and vocal and this may have alienated his supervisors.

# **EXHIBIT 11**

SIGNIFICANT CORRECTIVE ACTION REPORT

Page 1 of \_\_\_\_\_

SCAR No. 920142

Rev. No. 0

USE AND ATTACH SCAR CONTINUATION SHEETS IF NECESSARY

To be completed by Initiator

(I) Unit(s) / Org. Affected Chemistry (II) System(s) Z60.CH3 (IC) Unit 1+2

(ID) Component ID and Description U1+U2 POST ACCIDENT SAMPLING SW. (IE) Location R 706 AVX

(IF) Requirement Violated NUREG 0737 (IG) ASME Code Related Section  Yes  No  III  XI

(IH) Source of Requirement Violated: NUREG 0737 (IJ) Reference \_\_\_\_\_

(IK) Description of Condition: SEE ATTACHED PER # SQPER 920142

(L) Discovery: Date 4-23-92 Time 0700 Method PERFORMANCE OF T1 - U1.1

(M) or GREG TAYLOR Date of Occurrence (If Known) N/A at R16/AE

(N) Initiating Supv. W. F. FUCHER Date 5/11/92 Phone 6714 Org. CEM

(O) Immediate action(s) taken  Yes  No If yes, document actions on continuation sheet.

STEP 2 - By Operations (For operating plants only)

(A) Affects Unit Operability  Yes  No If yes, actions necessary \_\_\_\_\_

(B) Signature Pat Hyden Date 5/12/92

STEP 3 - By Duty Plant or Licensing Manager as applicable

(A) Deficiency Reportable:  Yes  No Specify LER 30 day Report 50.73 utilizate per 5/12/92

(B) License Event Report No. 4.2. VI.D incident

(C) Potentially affects operability at other sites  Yes  No Location \_\_\_\_\_

(D) Signature Pat Hyden Date 5/12/92

STEP 4 - By Management Reviewer

(A) Meets SCAR Criteria  Yes  No - Justification \_\_\_\_\_

(B) Reasonable Organization \_\_\_\_\_

(C) Corrective actions taken  Yes  No If yes, document actions on continuation sheet.

(D) Management Reviewer \_\_\_\_\_ Date \_\_\_\_\_

*This copy denotes completion of p. 3*

19584 (1/7/92)

Circle RIMS No. \_\_\_\_\_

EXHIBIT 11

2-93-015

PROBLEM EVALUATION  
REPORT (PER)

PER No. SPER 20192  
Revision 0  
Page 1 of 3

No. \_\_\_\_\_

PART A:

INITIATOR

1A Component ID <u>U1 and U2 PASF</u> and Description <u>Post Accident</u> <u>Sampling Systems</u>	2A Plant(s) Orgs. Affected <u>Chemistry</u> System(s) <u>43 and 31</u> Units Affected <u>U1 and U2</u>	3A ASME Sec III ( <input type="checkbox"/> ) ASME Sec XI ( <input type="checkbox"/> ) Non-ASME ( <input checked="" type="checkbox"/> )
--	--	--

4A Building <u>Auxiliary</u> Elevation <u>706</u> Room No. <u>U1 PASF and U2 PASF</u>	5A Ref. Documents <u>NUREG 0737 and Reg. Guide 1.97, Rev. 2</u>
---	--

6A Requirement Violated Item #1: The combined time allotted for sampling and analysis should be three hours or less from the time a decision is made to take a sample.  
Item #2: Equipment provided for backup (grab) sampling shall be capable of providing at least one sample per day for seven days following onset of accident and at least one sample per week until accident condition no longer exists.

7A Source of Requirement Violated MUREG 0737

*These people are the staff*

8A Description of Condition Item #1: Boron analysis/method cannot be performed in three hours or less even with the most proficient personnel. Approximately 25% of personnel are capable of meeting time restrictions of three hours or less excluding B analysis.  
Item #2: Number of personnel capable of performing sampling of PASS and analyses of PASS samples satisfactorily is not sufficient to provide for the frequency required. Restrictions on dose levels allowed prohibit repeat performance of sampling under accident conditions.

9A Initiator Gregory D. Taylor Organization Chemistry Date 4/14/92 Phone No. XB697

SUPERVISOR

10A Confirmed Adverse Condition: Yes (  ) No (  ) If no, a justification must be attached.

Potentially Affects Operability: Yes (  ) No (  )

Potentially Reportable: Yes (  ) No (  ) *4/23/92*

Meets SCAR Criteria: Yes (  ) No (  ) If yes, SCAR No. \_\_\_\_\_

Assigned Responsible Organization Chemistry Coordinated With Bill Fischer Date 4-16-92

Supervisor's Approval R.E. Fischer Date 4-16-92

WAP: SA Miller 4-16-92  
TAX 80210 (WP 3-91) [10-91] - PLO20201765475

EXHIBIT 11

PROBLEM EVALUATION REPORT (PER)  
Continuation Sheet

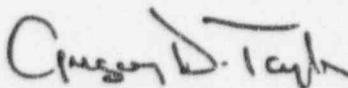
PER No. SOEPER920142  
Revision 0  
Page 3 of 3

PER CONTINUATION

Identify the information that is being continued on this sheet. (For example: Description or Condition.)  
NOTE: Entries made on this sheet shall be signed and dated.

6A. Item 3: The post accident reactor coolant and containment atmosphere samples should be representative of the reactor coolant in the core area and containment atmosphere following an accident or transient.

6A. Item 3: Diluted PASS samples do not meet comparison criteria when compared with hot sample room results.



Gregory D. Taylor

4/1/92



# EXHIBIT 12

# SIGNIFICANT CORRECTIVE ACTION REPORT

SCAR No. 503CA920009 Rev. No. 0

USE AND ATTACH SCAR CONTINUATION SHEETS IF NECESSARY

1 - To be completed by Initiator

- (I) Plant(s) / Org. Affected SAMP (1B) System(s) Sampling (Y3) (1C) Unit 0, 1, 2
- (II) Component ID and Description Sampling System Instrumentation (1E) Location Aux. Bldg. Turb. Bldg.
- (1F) Requirement Violated See attached PER form (1G) ASME Code Related Section  Yes  No  III  XI
- (III) Source of Requirement Violated: See attached PER form (1J) Reference See PER form
- (1K) Description of Condition: See attached PER form

- (1L) Discovery: Date 6/15/92 Time 1400 Method Procedure Development  
(Walk-down, audit, inspection, etc.)
- Initiator Johnny Barker Date of Occurrence (if known) \_\_\_\_\_
- (1) Initiating Suprv. W.F. Jahan Date 6/15/92 Phone 6714 Org. Chemistry
- (1O) Immediate action(s) taken  Yes  No If yes, document actions on continuation sheet.

### STEP 2 - By Operations (For operating plants only)

- (2A) Affects Unit Operability  Yes  No If yes, actions necessary \_\_\_\_\_
- (2N) Signature \_\_\_\_\_ Date \_\_\_\_\_

### STEP 3 - By Duty Plant or Licensing Manager as applicable

- (3A) Deficiency Reportable:  Yes  No Specify \_\_\_\_\_
- (3B) License Event Report No. \_\_\_\_\_
- (3C) Potentially affects operability at other sites  Yes  No Location \_\_\_\_\_
- (3I) Signature \_\_\_\_\_ Date \_\_\_\_\_

### STEP 4 - By Management Review

- (4A) Meets SCAR Criteria  Yes  No - Justification \_\_\_\_\_
- Process or ACP No. N/A
- Responsible Organization SQO/MIG (4C) Coordinated with MRC on 6/23/92
- (4D) Management Reviewer W.A. Paultz, Jr. Date 6/23/92



502SCA920009  
P 4 of 3  
4/14/12

PROBLEM EVALUATION  
REPORT (PER)  
CONTINUATION SHEET

PER No. \_\_\_\_\_  
Revision \_\_\_\_\_  
Page 2 of 2

PER CONTINUATION

Identify the information that is being continued on this sheet (For example: Description of Condition)  
Note: Entries made on this sheet shall be signed and dated.




This problem was determined to require a significant  
corrective action report based on programmatic  
breakdown of the sampling system instrument  
calibration program.

=

# **EXHIBIT 13**



TENNESSEE VALLEY AUTHORITY  
Office of the Inspector General  
RECORD OF INTERVIEW

Name: Robert E. Richie, Jr.  
Position: Chemical Operations Manager  
Office: Chemistry  
Sequoyah Nuclear Plant (SQN)  
Nuclear Power  
Generating Group  
Work Tel.: (615) 843-7436  
Residence:   
Home Tel.:   
SSN/DOB: 

11

Robert E. Richie, Jr. was interviewed at Sequoyah Nuclear Plant (SQN) by Fred P. Vichich and Beth B. Thomas, who identified themselves as Special Agents (SA) with the Office of the Inspector General (OIG). Richie was advised that the nature of this interview concerned an investigation of a Department of Labor (DOL) complaint filed by former TVA employee, William Jocher.

Richie stated that he has been at SQN for approximately 12-1/2 years, and during that time, he has always worked in some form of the chemistry program.

Richie stated that approximately October 1991, his supervisor, Gary Fiser, who was at that time the chemistry manager, was sent on temporary assignment to work the outage at the nuclear plant. While Fiser was away working this outage, Richie was appointed as the acting chemistry manager. Richie held his position for approximately 8 months when Fiser returned as the chemistry manager approximately January 1992. Fiser continued to operate as the chemistry manager at SQN from approximately January 1992 until March 1992, when he was ultimately swapped with Bill Jocher.

Richie stated that his understanding of why Jocher and Fiser were swapped in positions are as follows. Richie stated that in his opinion Bill Jocher, who had been the corporate chemistry manager in Chattanooga, had pointed out a number of problems in the Chemistry program to TVA management, both at corporate level and site level. Because Jocher had so strongly criticized the chemistry program at SQN, Richie believes that TVA upper management decided to swap the positions of Bill Jocher and Gary Fiser. TVA upper management was namely Rob Beecken, SQN Plant Manager, Jack Wilson, SQN Site director, Dan Keuter, Technical Services Programs and Joe Bynum, Vice President Nuclear Operations. Once Jocher became the chemistry manager at SQN, Richie then began reporting directly to Jocher. While Jocher was the chemistry manager at SQN, Richie, worked in the position of Chemical Programs Manager at SQN.

EXHIBIT 13

(Continued)

PAGE 1 OF 6 PAGE(S)

2-93-015

INVESTIGATION ON: August 18, 1993 AT: Sequoyah Nuclear Plant

BY: SAs Fred Vichich and Beth B. Thomas: FPV:DG FILE: 2D-133-40

Richie was asked to comment on Jocher's management style and stated that Jocher was real good to work with and that Jocher was technically very capable in most areas. Jocher showed that he had confidence towards Richie. Richie further advised that Jocher worked well with the small group in the chemistry unit; however, he had a way of intimidating upper management. Richie liked working with Bill Jocher.

Richie stated that Jocher was a very uncompromising individual with people that Jocher did not have confidence in; namely, shift supervisors in the chemical group. Richie stated that Jocher was a very opinionated person and would let others know what his opinions were. Richie stated that Jocher had a "You will do it because I said do it" type of attitude towards shift supervisors.

Richie was asked whether in his opinion Jocher received support from the Operations Group under which Jocher was organized. Richie stated that in his opinion Chemistry is a long-term look at the plant, while Operations is a short-term operational look at the plant. Richie stated that he believes Jocher got support from both Bill Logerin and Pat Lydon concerning various chemical programs going on at SQN. Richie noted that Jocher reported to both Logerin and Lydon, who both occupied the same positions but at different times at SQN as the Operations Manager. Because of the long-term and short-term differences between Chemistry and Operations, Richie believes chemistry did not get the financial support needed for the long-term planning which was necessary in the chemistry side of the programs.

Richie stated that many of the problems or issues identified by Jocher were problems that were long term in nature, not like the daily operational plans and operations of the chemistry laboratory unit. As an example, Richie stated that the Chemistry Upgrade Program (CUP) was a long-term drawing plan concerning chemistry which plans were initiated in approximately 1984. Richie stated that Jocher did not push any harder for this program than any other; however, this program had an estimated price of approximately \$10 million. This program concerned upgrading the online instrumentations and refurbishing of the laboratory.

Just shortly before Jocher returned to Chattanooga as the corporate chemistry manager (3/93), Richie stated that Jocher had trouble trying to rejustify various financial aspects of chemical programs for the upcoming budget year. Jocher "pushed" for these programs fairly hard, and Richie believes that Jocher may have brought undue attention to SQN upper management and may have angered them by pushing for his chemical programs. Richie stated that just prior to Jocher leaving SQN, Jocher stated to Richie that maybe some upper management was not happy with him and his ideas because of the chemical issues that he had raised while he was at SQN.

Jocher stated to Richie that one of these issues was the radcon monitoring issue. Jocher stated to Richie that he (Jocher) believed this radcon monitoring program to be more important than SQN management thought it was important. Jocher stated to Richie that he never felt threatened by bringing up issues to management; however, Jocher felt that management just did not take the importance of these various issues to the same level that he felt they were important.

Continued

In Richie's opinion, Jocher could not have fixed many of the previously identified chemical program problems at SQN in the one year's time that he was given at SQN. Richie believes that Jocher was doing a good job at correcting some of the overall problems, but that these overall problems could not be resolved in one year's time. Some of the strengths of Jocher as identified by Richie were that Jocher is very high in pushing the issues that concerned raw cooling water and had a high sense of awareness in the radiation monitoring systems and their importance at the plant.

Jocher stated to Richie at one time that he (Jocher) had been sent to SQN for the purpose of fixing the problems identified in the chemistry programs at SQN. Richie further stated that he was never told by Jocher what these problems were and whether or not Jocher had ever had them fixed.

As to the manner in which Jocher presented his various concerns, programs, or issues to SQN upper management, Richie stated that Jocher did have the management style to pontificate his issues to upper management. Richie believes that this way of getting his issues addressed or across to upper management depended on who the audience was as to whether it was well received or was ill received.

Richie stated that he has no knowledge of Jocher either upsetting the TVA board or Oliver Kingsley, President Generating Group, at any meeting in INPO or otherwise. He has never heard that Kingsley was upset at Jocher because of issues that Jocher raised concerning chemistry problems at SQN. Richie further stated that as a hobby, Jocher was a local actor in the acting circuit around Chattanooga. Because of his acting abilities, Jocher loved to present his appeals in a very positive way, and he loved an audience.

Approximately 2 months after Jocher had come on site at SQN, Richie remembered a meeting that took place in Chattanooga with various vice presidents who either reported to Dan Keuter, Mark Medford, and others concerning problems at SQN. During this meeting, Jocher stated to these individuals that he would be able to fix these problems when he was in SQN; however, in Richie's opinion, these problems were not fixed or resolved while Jocher was at SQN.

While Jocher was at SQN, and because of his "football macho" personality, Jocher would often antagonize some people intentionally. As an example, Richie stated that the chemistry lab people didn't like Jocher, because Jocher liked to push his football "authoritative" attitude on these people and in their work product. As a result of this personality style, many lab technicians and employees became upset with Jocher.

However, Richie does not believe Jocher was the kind of a person who liked to just get on peoples' back for no purpose or no reason. Richie stated that he is very well aware of Jocher's management style because he (Richie) was watching Jocher intensely to see if maybe Jocher's management style was a more successful way of managing than Richie's former management style itself.

Continued

Jocher told Richie, shortly after Jocher's forced resignation, that he (Jocher) thought it was a total surprise that he was terminated, because he had never been advised that his management of the chemistry problems at SQN were deficient. Richie stated that in his opinion he did not think "they" would terminate Jocher for Jocher's performance at SQN.

Richie stated that he has no knowledge concerning any misconduct in the way Gordon Rich was hired by corporate chemistry and put in Jocher's position at SQN. Richie has no knowledge of the recruitment program or policy concerning Gordon Rich.

Richie discussed the following issues which have been raised or escalated by Jocher while Jocher was the chemistry manager at SQN.

1. Jocher raised the issue of shortcomings in the chemistry training program at SQN to a level of much higher exposure than had previously been done. Richie stated that Jocher's interpretation was that the SQN plant was not able to have enough people qualified in order to pull a post 3-hour accident sampling and accomplish that task satisfactorily. Richie stated that he also believes there was a problem in this area, and that it was certainly in Jocher's purview to escalate this issue of training so it could be addressed by upper management. Richie believes that Jocher had an SCAR written to address this issue. Richie stated that this was not a safety issue, nor was it a protected activity, as it was only a monitoring activity.
2. Richie stated that Jocher had escalated the issue that approximately 40 percent of the instruments at SQN were either obsolete or out-of-repair tolerances and needed to be changed. Richie explained that the instrument problems were "nothing new" and, in the past, the figure had ranged from 20% to 60%. Richie stated that he does not doubt this complaint to be true and that it was within Jocher's purview to escalate this to higher management's attention so that corrective action could be instituted. Richie stated that this is a significant problem at SQN. Richie stated that the calibration mechanisms for these instruments at SQN were different from other plants.
3. Richie stated that the primary radiation monitoring calibrations were an issue that had been kicked around at SQN and other utilities. Richie stated that Jocher did not identify this issue at SQN and that the issue had already been identified previous to Jocher's time at SQN. Jocher did escalate this issue once he came to SQN and tried to make it part of a significant action plan. Richie advised that the problem with these calibrations was that the instruments had been set by the original manufacturers many years ago and as the state-of-the-art of chemistry control had continued to grow within the nuclear industry, these calibration setpoints were not modified. Richie stated that the setpoints in these monitors were still set at the vendor recommendations years ago and had not been changed to update the current technology. Richie advised that Jocher and many other people at SQN were well

Continued



aware that the setpoints on these instruments were not correct; however, Richie tempered that statement by saying there was a large discussion throughout the nuclear utilities as to what would be the proper setpoints for these calibration monitors.

Richie stated, concerning the primary radiation monitoring calibrations, he believes that Jocher escalated that issue through the proper channels by writing an SCAR.

While Jocher was at SQN, Jocher instituted a program called the CIP which stands for Chemistry Improvement Program. Richie stated that the improvement program was to improve certain areas in the chemistry program overall as opposed to an overall chemistry upgrade program (CUP), which was to upgrade various identified instruments in the chemistry program.

Jocher had told Richie that he was "tasked" to implement the CIP program at SQN.

In August 1992, Richie and Jocher traveled to the Institute of Nuclear Power Operations (INPO) in Atlanta to meet the people who would be conducting the SQN evaluation. Typically, an evaluation is conducted every 18 months by an INPO team made up of paid staff and industry peers. Richie stated that a member of plant management (exact individual unknown) had asked them to go. Richie denied that McArthur was involved in sending them to INPO. Richie and Jocher were supposed to be "putting their best foot forward" and discuss what the chemistry program was doing and where it was heading. However, once they were speaking with the future evaluators, Jocher began detailing the problem issues in the chemistry program. Richie "was surprised at the time that Bill (Jocher) told them the problem areas." Richie cannot recall if the INPO personnel asked Jocher specific questions or if Jocher volunteered the information. About 2 months later, INPO came to SQN to conduct their evaluation and reviewed in more detail the specific issues Jocher had raised. Richie believes INPO put management on the spot when they asked "why have these issues not been fixed?" Richie denied telling anyone about Jocher detailing the issues to INPO.

Richie advised that TVA hired some contractors, namely NUS, who are technical assistants and support people to various nuclear utilities. TVA had asked NUS to look at the chemistry program at SQN; and after reviewing this program, the NUS assistants identified many of the same problems which had been identified by Jocher over the last year. This NUS group recommended changes for improvement in the chemistry program and stated that the chemistry program at SQN was basically sound; however, there were areas that needed to be worked on. NUS further went on to state that they did not believe the chemistry program at SQN got the proper support from the other groups, namely Operations at SQN, in the implementation of various programs for improvement.

Continued



Richie stated that after Jocher had been transferred back to the corporate chemistry manager in Chattanooga, the plant manager, Rob Beecken, came up to Richie and asked Richie where Jocher was. Richie advised Beecken that Jocher had been transferred back to the corporate level as the corporate chemistry manager in Chattanooga; and Beecken was surprised, stating that he did not know Jocher had left SQN.

FPV:DBG

0881D

# EXHIBIT 14

TENNESSEE VALLEY AUTHORITY  
Office of the Inspector General  
RECORD OF INTERVIEW

I1

Name: Jim Bates  
Position: Evaluator  
Office: Institute of Nuclear Power Operations (INPO)  
Atlanta, Georgia  
Work Tel.: (404) 644-8216

Bates was contacted at INPO headquarters in Atlanta, Georgia and advised of the identities of the interviewing agents. Angie Howard, Communications Director, INPO, was also present during the interview (Howard's statements are contained in a separate Record of Interview). Bates was advised that this interview concerned the termination and subsequent Department of Labor (DOL) complaint filed by William F. Jocher, a former Tennessee Valley Authority (TVA) Chemistry Manager. Bates provided the following information.

1. According to Bates, Larry Miller was the evaluator for the chemistry program during INPO's September/October 1992 evaluation of TVA's Sequoyah Nuclear Plant (SQN). With the exception of meeting with Jocher and Rob Richie, a SQN Program Manager, prior to the evaluation, Bates was not involved in the actual evaluation process. However, Bates did assist Jocher in the preparation of responses to INPO's draft reports following the evaluation.
2. Typically, utility representatives will contact INPO by telephone prior to an evaluation to see if data needs to be exchanged or additional help given. Bates stated it was "not normal" for someone to come to Atlanta to talk with the evaluators prior to the evaluation; however, it has been done in the past so Jocher's visit was acceptable. Jocher told Bates that the purpose of the trip was to allow Jocher, Richie and the evaluators to get acquainted and discuss where SQN's chemistry program stood. Bates has no knowledge of who sent Jocher and Richie to INPO.
3. When Jocher and Richie visited INPO to discuss the upcoming 1992 evaluation, a meeting was held between Jocher, Richie, Bates, Miller and other individuals (Bates could not recall specific names). Bates advised that Miller was only present for approximately 1 hour of this meeting. In this meeting, Jocher did discuss the problem areas in SQN's Chemistry Program. However, Bates explained these areas were longstanding issues which had previously been identified by INPO and Jocher was merely giving a status report. Furthermore, Bates does not believe Jocher was describing the problem areas in great detail, but rather was providing an overview. According to Bates, no documentation or minutes are available because the meeting was informal.

EXHIBIT 12

Continued

PAGE 1 OF 2 PAGE(S)

INVESTIGATION ON: September 22, 1993 AT: Atlanta, Georgia

BY: Beth B. Thomas and G. Donald Hickman: BBT

FILE: 2D-133-46

2-93-015

0940D

4. During the meeting, Jocher stated that the SQN technicians were not properly trained and that the SQN chemistry program continued to experience difficulties with monitoring systems because of equipment problems. Bates stated that problems with equipment, specifically on-line monitors, had been documented in INPO reports from as far back as 1985. Bates acknowledged that INPO's September/October 1992 evaluation confirmed Jocher's statements that there was a lack of technician knowledge and equipment setpoint problems; however, Bates does not believe Jocher's discussion with INPO about these issues resulted in the findings.
5. Jocher also stated in the meeting that he had been unsuccessful in getting the Chemistry Upgrade Program (CUP) funded. Bates explained that the CUP is approximately a \$12 to \$17 million program which is a "fix" for many of the SQN chemistry problems.
6. According to Bates, the 1992 INPO evaluation resulted in three findings against the SQN Chemistry Program. These findings were 1) technician knowledge deficiencies, 2) equipment problems and 3) accuracy of data sent to INPO was impossible.
7. Bates stated that he received feedback that, at INPO's 1992 SQN-based exit meeting following the evaluation of SQN, John Waters, Chairman, TVA Board of Directors, told Oliver Kingsley, President, Generating Group, that "I thought those (the chemistry problems) were fixed." Bates, who was not at the exit meeting, could not recall who told him about Waters' statement. Bates stated it "could have been from Jocher or Larry Miller."
8. Bates advised that he has known Jocher since the mid-1970s through industry meetings and evaluations. Bates described Jocher's technical abilities as "absolutely excellent" and stated that Jocher was "sought after by utilities." Bates is not aware of Jocher having management skill problems. Bates indicated that he talked to Jocher about 3 weeks prior to this interview in order to advise him on some open job positions.

BBT

0940D

# **EXHIBIT 15**



TENNESSEE VALLEY AUTHORITY  
Office of the Inspector General  
RECORD OF INTERVIEW

(1)

Name: Larry Miller  
Position: former: Evaluator, Institute of Nuclear Power Operations (INPO)  
          current: Sr. Staff Chemist, Virginia Power  
Work Tel.: (804) 273-3108

Miller was telephonically contacted at his office and advised of the identity of the interviewing agent. He was interviewed concerning his knowledge of William F. Jocher's claim that he (Jocher) identified problem areas in the Sequoyah Nuclear Plant (SQN) chemistry program to INPO. Miller provided the following information.

Miller recalled that Jocher traveled to INPO headquarters in Atlanta prior to the evaluation at SQN to meet with INPO personnel. However, Miller advised that he missed most of the meeting with Jocher (he attended only about 5 to 15 minutes). The only issue Miller can recall Jocher bringing up was a problem with training.

Miller stated that Jocher did not target areas for INPO to evaluate. Rather, INPO has a pre-arranged evaluation schedule based on past problems. Jocher explained that if there had been a previous finding in another evaluation, they had to revisit that issue. Miller can only recall a previous finding about instrumentation problems; however, he routinely evaluates training (even if it is not a prior finding) because of his tradition of watching technicians collect samples and simultaneously asking knowledge-based questions as part of the evaluation.

When questioned if Jocher's visit to INPO in any way impacted the findings against SQN, Miller advised "absolutely not."

Miller stated he was the only evaluator who looked at Chemistry during the 1992 evaluation.

---

Investigation On: December 6, 1993

At: Knoxville, Tennessee  
(telephonic)

By: SA Beth B. Thomas

File: 2D-133 - 78

02MILLER.DOC  
OIG-02 (10/93)

2-93-015

EXHIBIT 15

PAGE 1 OF 2 PAGE(S)

Miller did not attend the October 1992 exit meeting. Furthermore, he has no knowledge of any problems or confrontations between John Waters, former Chairman, TVA Board of Directors, and Oliver Kingsley, President, Generating Group at this exit meeting.

BBT

# **EXHIBIT 16**

TENNESSEE VALLEY AUTHORITY  
Office of the Inspector General  
RECORD OF INTERVIEW

Name: Wilson C. McArthur  
Position: Manager  
Office: Operation Services  
Chattanooga, Tennessee  
Work Tel.: (615) 751-8715  
Residence: [REDACTED]  
Home Tel.: [REDACTED]  
SSN/DOB: [REDACTED]

McArthur was contacted at his office and advised of the identities of the interviewing agents. He was interviewed concerning his knowledge of an allegation that William Jocher, former Corporate Chemistry Manager, was forced to resign from TVA for identifying safety-related issues in TVA's nuclear chemistry program. McArthur provided the following information.

1. McArthur stated that Jocher originally came to TVA in November 1990 to fill the position of Corporate Manager of Chemistry. In this position, Jocher's main job duty was to provide oversight technical support to TVA's nuclear plants. Specifically, Jocher served three functions: 1) evaluate each site and identify problem areas, 2) provide technical support, and 3) put together chemistry manuals and policies.
2. McArthur does not believe that Jocher identified "safety concerns" during his tenure at TVA, but rather that Jocher found new "technical issues." In addition, McArthur stated that it was Jocher's "responsibility" to ensure that programs at the plant were running properly. McArthur commented that he had requested that Jocher develop a Chemistry Improvement Program (CIP). As a part of the CIP, Jocher was specifically asked to look at the history of TVA's nuclear program and see what problems had been identified in the past. According to McArthur, it "took a lot of effort to get him (Jocher) to do this (complete the CIP)." With the exception of a new finding regarding the importance of primary calibration, the areas that Jocher identified regarding issues such as deficient training and instrument problems had previously been reported to management by other groups or individuals.
3. In March 1992, Rob Beecken, Plant Manager, Sequoyah Nuclear Plant (SQN) requested that Jocher be moved to SQN for a one-year assignment as the Site Chemistry Manager in order to rectify the problems he (Jocher) had identified. Gary Fiser, Outage Manager, SQN, became the Acting Corporate

(Continued)

EXHIBIT 16

PAGE 1 OF 4 PAGE(S)

INVESTIGATION ON: July 26, 1993 AT: Chattanooga, Tennessee

BY: SAs Beth B. Thomas and Andrew R. Derryberry:BBT:JMF FILE: 2D-133-9

2-93-011

0457D

Chemistry Manager in Jocher's absence. However, Fiser was removed from this position after approximately three months because of a lack of technical knowledge. Following Fiser's removal, Sam Harvey, Program Manager, Chattanooga, became the Acting Corporate Chemistry Manager.

4. McArthur acknowledged that Jocher and Rob Ritchie, Program Manager, SQW, traveled at his (McArthur's) request to the Institute of Nuclear Power Operations (INPO) (exact date unknown). McArthur stated that he had sent Jocher to INPO to clarify information that INPO had discovered in a prior evaluation. McArthur believes that Jocher told INPO about additional issues when INPO asked if there were any other problem areas.

#### JOCHER'S MANAGEMENT STYLE

1. As the Corporate Manager of Chemistry, Jocher directly supervised three program managers: Harvey, E.S. "Chandra" Chandrasekaran, and Don Adams. In addition, Jocher had originally been responsible for the Environmental Group. However, McArthur reorganized the reporting structure after Betsy Eiford-Lee, Program Manager, Environmental Protection, reported to him that members of the group were saying they "could not work for him (Jocher)." McArthur stated that he had been considering reorganizing the Environmental Group even before his meeting with Eiford-Lee.
2. Jocher immediately had some problems after he arrived at TVA with John Sabados, Site Chemistry Manager, Browns Ferry Nuclear Plant (BFN). Sabados felt that Jocher treated him as a subordinate even though Sabados did not report to Jocher. According to McArthur, Sabados considered Jocher "his enemy."
3. McArthur indicated that Jocher also alienated Fiser because Jocher found an abundance of problems in the SQW chemistry program. In addition, Beecken felt that Jocher was good at identifying problems at SQW, but could not help him come up with solutions.
4. According to McArthur, John Scalice, Plant Manager, BFN, was also upset with Jocher because he (Jocher) had allegedly told a candidate, who was not selected for a position, that he would help the candidate file a grievance. McArthur believes that Jocher was upset because Sabados sat on the selection committee.

#### McArthur's Response to Jocher's Allegations

1. McArthur stated that he does not believe that Oliver D. Kingsley, President, Generating Group, submitted an "inadequate" report to former Board Member, John Waters. According to McArthur, Waters was not looking for a lot of details, but rather for an "industry viewpoint." McArthur believes that Jocher wanted the response to be more detailed.

(Continued)



2. McArthur could not recall Jocher questioning him regarding the claim that two auditors from WUS, an outside company brought in to audit the SQW chemistry program, told him (Jocher) that Beecken wanted him offsite. McArthur had no knowledge of Beecken wanting Jocher to leave SQW.
3. McArthur stated that he did not know the details of Jocher's allegation that TVA falsified a report to the Nuclear Regulatory Commission by stating that all of the SQW employees had seen a training film. McArthur stated that Licensing would have been responsible for sending an accurate report.
4. McArthur denied that he has told anyone associated with other utilities that Jocher was "let go" or terminated.

#### Jocher's Resignation from TVA

1. On March 10, 1993, Jocher returned to his position as Corporate Chemistry Manager in Chattanooga. Soon after Jocher's return, McArthur met with Dan Keuter, Vice President, Nuclear Operations Services, and Joe Bynum, Vice President, Nuclear Operations. Keuter made the decision (with Bynum's consent) to "let him (Jocher) go for six months" in order to see if Jocher's management style improved. McArthur told Jocher that they would be evaluating his performance for the next six months. Approximately one month later, Keuter and Bynum told McArthur that they wanted him to ask Jocher to resign. McArthur stated that he does not know why Bynum and Keuter changed their minds about giving Jocher a six-month trial period. Furthermore, McArthur cannot recall any event which would have prompted the dismissal.
2. McArthur stated that Jocher has gotten the mistaken impression that Kingsley was "after him." McArthur stated that he did not tell Jocher that Kingsley said he (Jocher) was not part of the team, nor has McArthur and Kingsley ever discussed Jocher. To McArthur's knowledge, Jocher's identification of technical issues never embarrassed Kingsley. The only time McArthur believes that Jocher embarrassed Kingsley was when the Board of Directors visited SQW (date unknown) and Jocher made the comment to them that if "he (Jocher) was a consultant, he would be getting paid three or four times the amount he was paid now." Keuter told McArthur that Kingsley was "very upset" about Jocher's statement. Jocher heard that Kingsley was upset and always felt Kingsley held this against him; however, McArthur stated that he never saw Kingsley act any differently toward Jocher.
3. McArthur stated that Jocher's performance appraisals were always good. McArthur felt that Jocher was good at his job technically, but "ran into problems in dealing with guys above his level." Jocher acted "arrogant" and "made decisions too rapidly." McArthur stated that he counseled Jocher on several occasions concerning his inability to get along with other employees. McArthur agreed to go through his personal notebooks and provide the Office of the Inspector General with a copy of his notes concerning the counseling sessions.

(Continued)

4. According to McArthur, Keuter also told Jocher on several occasions that he (Jocher) was having performance problems. Specifically, McArthur recalls Keuter telling Jocher in meetings that "You don't have a perfect record here" and "You have your own problems."
5. McArthur and Ben Easley met with Jocher and gave him the option of resigning or being terminated. Bynum wanted the resignation to be effective in 30 days, but Jocher demanded six months because that was the time that an employee in the Employee Transition Program had to find another position. McArthur negotiated Jocher's demand to Bynum and a compromise was reached that the resignation would be effective in 90 days. The negotiation concerning the effective date took approximately two days; therefore, McArthur disagrees with Jocher's claim that he was not given time to make an informed decision.

#### Miscellaneous

1. According to McArthur, Gordon Rich became the Corporate Chemistry Manager approximately two months after Jocher's resignation. Rich had originally been interviewed for the SQW Chemistry Manager position. However, Keuter knew Rich and when he (Keuter) found out that Rich would actually be offered a position that was a "level down" from Rich's qualifications, Keuter offered Rich the Corporate Chemistry Manager position.
2. McArthur stated that recently Harvey relayed a message from Jocher in which Jocher indicated that if McArthur would help him find a job, Jocher would drop the Department of Labor complaint. McArthur, on the advice of Mark O. Medford, Vice President, Nuclear Assurance, contacted Jocher by telephone on the evening of July 25, 1993, and Jocher told him personally of his willingness to drop the complaint if McArthur cooperated with the job search. In addition, Jocher stated that he had taped information of people critical of his (Jocher's) position at TVA to support his claim of damage to his reputation. McArthur did not ask Jocher to elaborate on this statement.
3. McArthur commented that around the time Jocher resigned, he (Jocher) told McArthur that if he (Jocher) didn't find a job soon, he would be forced to file a suit.
4. McArthur is aware that Jocher received the Nuclear Excellence Award in March 1993. However, he stated that he has no specific knowledge of who recommended him for the position. McArthur confirmed that he could possibly have recommended Jocher for the award.
5. McArthur stated that he and Jocher had a "good working relationship."

BBT:JMF

0457D

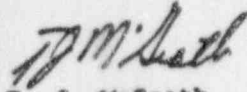
# **EXHIBIT 17**

March 11, 1993

Those listed

MINUTES OF MEETING NO. 141 OF THE SEQUOYAH NUCLEAR SAFETY REVIEW BOARD,  
FEBRUARY 25-26, 1993

Attached for your information is a copy of the minutes of the subject meeting. Copies have been forwarded to the President, Generating Group, and the Board of Directors.



T. J. McGrath  
Chairman  
Nuclear Safety Review Board  
LP 3B-C

R. R. Calabro, BR 6A-C  
M. A. Cooper, OPS 4C-SQN  
E. A. Fenech, OPS 4A-SQN  
T. A. Flippo, SB 1C-SQN  
N. C. Kazanas, LP 3B-C  
W. C. McArthur, LP 5D-C  
D. E. Moody, MOB 2R-WBN  
G. R. Muller, BR 5D-C  
J. N. Ward, OPS 4H-SQN

W. R. Cobean, Jr.  
G. H. Neils  
G. Toto

JMP:RMW

Attachment

cc (Attachment):

Mr. Paul D. Krippner  
TVA Account Engineer  
Town Center, Suite 3008  
29 South Main Street  
West Hartford, Connecticut 06107-2445

E. J. Beecken, POB 2B-SQN  
M. J. Fecht, LP 5B-C  
W. Holland, NRC-SQN  
D. R. Keuter, LP 3B-C  
J. P. Maciejewski, LP 4A-C  
M. O. Medford, LP 3B-C  
RIMS, MR 2F-C (Re: L42 930304 801)

08891

2-93-015

EXHIBIT 17  
PAGE 1 OF 5 PAGE(S)

SEQUOYAH NUCLEAR SAFETY REVIEW BOARD  
MINUTES OF MEETING NO. 141  
FEBRUARY 25-26, 1993

EXECUTIVE SUMMARY

Sequoyah Nuclear Safety Review Board (NSRB) Meeting No. 141 was held on February 25-26, 1993.

Key items from the meeting are discussed below:

Site Improvement Plan

Sequoyah has developed a site improvement plan to address concerns raised by Sequoyah self-assessments, the Nuclear Regulatory Commission, the Institute of Nuclear Power Operations, the NSRB, other oversight reviews, and recent operational problems. The NSRB considered the plan comprehensive and focused on the right problems. The Site Vice President emphasized the importance of achieving the desired results and particularly emphasized his focus on improving ownership and teamwork. Subcommittee interviews found that site personnel were familiar with the plan, that sensitivity to the issues has been raised, and that teamwork between site groups is improving. Resources and owners are currently being assigned to the program activities. The NSRB emphasized that improvement in Operations standards and performance is critical to the plan's success and further noted the importance of all site organizations supporting Operations. The NSRB will closely follow the effectiveness of the site improvement plan.

Chemistry Improvement Program

At the November 1992 meeting, the NSRB recommended that the chemistry improvement program be combined into a single prioritized list to ensure focus on actions necessary to establish and maintain a strong fundamental chemistry program. The chemistry improvement program is being incorporated into the overall site improvement program. Scheduling, prioritization, and accountability clearly appear to be key elements in the process. The NSRB noted that significant progress has been made in Site Chemistry.

Probabilistic Risk Assessment

At the last meeting, the NSRB discussed the results of the Sequoyah probabilistic risk assessment and requested Corporate Engineering to develop evaluation criteria for using probabilistic risk assessment results for prioritizing plant improvements. Three utilities were contacted and were reported using NUMARC 91-04 guidelines for integrating probabilistic risk assessment into the change process. However, the Corporate Engineering recommendation to incorporate probabilistic risk assessments into several routine activities (e.g., procedure revisions and configuration changes) appeared excessive. Site Licensing and Corporate Engineering were requested to develop a position on the use of probabilistic risk assessments for all nuclear sites. The NSRB emphasized the need for appropriate senior management review of this position.



MINUTES

SEQUOYAH NUCLEAR SAFETY REVIEW BOARD  
MEETING NO. 141  
FEBRUARY 25-26, 1993

Members:

T. J. McGrath, Chairman  
R. E. Calabro (February 25 only)  
M. A. Cooper  
F. A. Fenech (February 26 only)  
T. A. Flippo  
E. C. Kazanas (February 25 only)  
W. C. McArthur  
D. E. Moody (absent)  
G. E. Mullee  
J. H. Ward

Advisors:

W. E. Cobean, Jr.  
G. E. Neils  
G. Toto

Technical Administrator:

J. M. Pleva

Also in Attendance:

D. E. Keuter (February 26 only)  
(Vice President, Operations Services)

E. J. Beecken  
(Plant Manager, Sequoyah Nuclear Plant)

E. M. Eytchison (February 26 only)  
(Manager, Operational Readiness)

W. Holland (February 26 only)  
(Nuclear Regulatory Commission Resident Inspector)

M. J. Fecht (February 26 only)  
(Manager, Nuclear Experience Review/Independent  
Safety Engineering)

P. D. Krippner (February 26 only)  
(American Nuclear Insurers)

Attachment to Minutes:

A - Action Items  
B-F - Subcommittee Reports

### Radiological Control and Chemistry Subcommittee

Personnel contamination reports, contaminated areas, radwaste volumes, and radiation exposure trends were reviewed. In 1992, Sequoyah was equal to or better than the industry average in all areas except radiation exposure. The trend has continued in 1993 except for projected improvements in radiation exposure. Currently, daily radiation exposures are evaluated by Radiological Control to help reduce personnel radiation dosage.

The dose reduction action plan was considered good. The plan will be incorporated into the site improvement plan. Efforts to reduce cobalt are ongoing but slow. A prioritized list of valves to be considered for replacement has been completed. A schedule for some valve replacements has been developed.

The subcommittee surveyed hot spots in the plant. Thirteen hot spots were identified where contact dose rates exceed 1,000 millirem/hour and are being evaluated for possible shielding, including seismic considerations. Due to priority, Site Engineering is moving slowly to shield these hot spots. Plant management is considering raising priority of this work. The subcommittee will review this item at the next meeting.

About 20 percent of site personnel have not completed chemical traffic control training. Chemistry is reminding personnel to complete training. Supervisors will be given one week to comply before personnel that are not trained have their badges pulled. The subcommittee believed that this problem should have been more effectively escalated. This has been recognized by responsible site management.

### Engineering Subcommittee

The subcommittee reviewed the upcoming ten-year inservice inspection program. The goal is to analyze the data within eight hours so that additional inspections can be performed if necessary. The inspection plan appears to be well planned.

The subcommittee reviewed effectiveness of system engineers, the post-trip review improvement plan, and equipment aging. The subcommittee discussed involvement of system engineers in all aspects of their systems, including maintenance, modifications, and an understanding of the design basis. System engineers appear to be proactive in operation, maintenance, and modification activities on their assigned systems.

### Safety Assessment/Safety Evaluation Subcommittee

No unreviewed safety questions were identified in the safety assessments/safety evaluations reviewed by the subcommittee. Four potential technical weaknesses identified will be followed up with the preparers and responsible line managers.

The NUMARC group (which includes TVA) met in February to resolve utility and NRC comments on draft guidelines to address 10 CFR 50.59 safety aspects of replacing analog with digital instrumentation. These guidelines will be published by the Electric Power Research Institute and can be used to generically address this issue.

**II. Chemistry (Contacts: C. E. Kent and W. F. Jocher)****A. Chemistry Improvement Plan**

The effectiveness of the chemistry improvement program (A136-1) was reviewed. The current chemistry improvement program is being incorporated into the site improvement program which indicates that higher visibility to this problem will occur. A presentation to site management regarding some rework discussing chemistry items (chemistry upgrade project, condenser, boric acid, and the use of ethanalamine) is now scheduled for March 4, 1993. It is clear that chemistry is now receiving direction from the recently selected RADCON and Chemistry Manager. Scheduling, prioritization, and accountability appear to be a definite part of the process. Therefore, the subcommittee believes that the chemistry improvement program is going in the right direction.

**ASSESSMENT**

Once all of the improvement concerns are prioritized and placed in the site improvement plan, a copy will be provided to the NSRB for review. At that time, the adequacy of the complete improvement program will be reviewed. Action item A136-1 should remain open pending final review.

**B. Chemical Traffic Control**

Approximately 20 percent of site personnel (approximately 400) have not completed chemical traffic control training. The Chemistry and Environmental Manager believes the issue may not be taken seriously enough. Site management has been made aware of those people not trained. Presently, Chemistry is providing reminders to those not meeting site requirements. (The chemistry laboratory tour report further verified concerns for chemical traffic control.)

**Assessment**

There appears to be a problem with supervision and escalation on this issue. However, the RADCON and Chemistry Manager is expected to give supervisors one week to comply, and then he will ask that badges be pulled. The NSRB will review this issue at the next meeting.

# **EXHIBIT 18**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

+ + + + +

OFFICE OF INVESTIGATIONS

INTERVIEW

-----X

IN THE MATTER OF: :  
INTERVIEW OF : Docket No.  
JOSEPH BYNUM : (Not assigned)

-----X

Tuesday, February 7, 1995

TVA Headquarters,  
1101 Market Street,  
Chattanooga, Tennessee

The above-entitled interview was conducted at  
3:04 p.m.

BEFORE:

LARRY L. ROBINSON Investigator

EXHIBIT 18



1 APPEARANCES:

2 On Behalf of Tennessee Valley Authority  
3 and Witness Joseph Bynum:

4  
5 BRENT R. MARQUAND, Senior Litigation Attorney,  
6 400 West Summit Hill Drive,  
7 Knoxville, Tennessee 37902-1499  
8 615/632-4251

9  
10 On Behalf of the Nuclear Regulatory Commission:

11  
12 LARRY L. ROBINSON, Investigator,  
13 101 Marietta Street, Suite 2900,  
14 Atlanta, Georgia 30323  
15 404/331-6509

16  
17  
18  
19  
20  
21  
22  
23  
24  
25

GRB

PROCEEDINGS

1  
2 MR. ROBINSON: Let's go ahead and go on the  
3 record.

4 For the record, this is an interview of Mr.  
5 Joseph Bynum, a TVA employee. It is Tuesday, February 7th,  
6 1995, the time is 3:04 p.m.

7 The interview pertains to an allegation by Mr.  
8 William Jocher that he was discriminatorily terminated from  
9 TVA as a result of surfacing nuclear safety concerns to his  
10 management.

11 Present at the interview of course are Mr.  
12 Bynum, Mr. Brent Marquand of the TVA Office of General  
13 Counsel, Larry L. Robinson, NRC Office of Investigations,  
14 and this interview is being recorded by a court reporter.

15 Mr. Bynum, would you please stand and raise  
16 your right hand?

17 MR. BYNUM: Yes, sir.

18 WHEREUPON,

19 JOSEPH BYNUM

20 being first duly sworn, was examined and testified as  
21 follows:

22 EXAMINATION

23 BY MR. ROBINSON:

24 Q. Mr. Bynum, the reason that I made arrangements  
25 for these interviews through the Office of General Counsel

GRB

RB

1 was I was aware that the Office of General Counsel  
2 represented you at the Department of Labor hearing --

3 A. That's correct.

4 Q. -- and I just have a couple of things. Did you  
5 ask that General Counsel represent you in this interview  
6 here today?

7 A. Yes, I did.

8 Q. If you were to have any adverse or negative  
9 information regarding any TVA employee during the course of  
10 this interview, would you feel hesitant to give me that  
11 information as a result of Mr. Marquand's presence here?

12 A. No, I would not.

13 MR. ROBINSON: Mr. Marquand, would you just  
14 briefly state the nature of your representation of Mr.  
15 Bynum here?

16 MR. MARQUAND: Mr. Bynum and I have discussed  
17 the matter, and TVA's interest and his are coextensive, and  
18 therefore in this instance I represent both TVA and Mr.

19 Bynum. MR. ROBINSON: All right. Thank you.

20 BY MR. ROBINSON:

21 Q. I'll just get right to it, Mr. Bynum. Why was  
22 Bill Jocher terminated from TVA?

23 A. Well, first I guess he resigned.

24 Q. Why did he resign under the <sup>ALTERNATIVE</sup> ~~alternative~~ of being  
25 terminated?

RB

1           A.     We asked for Mr. Jocher to resign because  
2 through the years that he, at the time he was here when he  
3 was both in the corporate office and he was at Sequoyah he  
4 did not demonstrate the ability to do, you know, the type  
5 of work, or the level of work, you know, that we expected  
6 of him.

7                     Basically in the corporate job, we had him in  
8 the corporate job and, you know, as a corporate support  
9 organization, you know, it was his responsibility to give  
10 guidance to the site, to help them, you know, with problems  
11 and solutions, and really with numerous sites to work among  
12 the sites and bring consensus in to trying to standardize  
13 as much as we can, when you have BWRs and PWRs, you know,  
14 policies and practices.

15                    One of the things, in the corporate role he was  
16 just not able to get that kind of consensus. His  
17 relationship with the plants, you know, was not good. He  
18 just did not -- his personality, he just did not have the  
19 ability to bring that kind of consensus.

20                    We sent him to Sequoyah because of some other  
21 problems at Sequoyah in that they didn't have a very strong  
22 individual out there.

23                    Mr. Jocher, you know, we felt like it was an  
24 opportunity to put him into a situation where maybe he with  
25 his traits of being more directive that maybe we could put

JB

QRB

1 him in a situation he could be more successful. Sequoyah  
2 seemed to need something like that, and at the same time we  
3 would take the Sequoyah individual and bring them downtown,  
4 and they were, you know, not as directive, not as a  
5 directive-type person. We felt like that situation might  
6 work out better.

7 It turns out that was not successful either.

8 Q. Why wasn't that successful?

9 A. Well, a couple of reasons. One is the things  
10 that, you know, Bill, one, just didn't seem to be able to  
11 get things done.

12 You know, he had a lot of ideas, but as far as  
13 real improvement, maybe in a couple of areas there was some  
14 improvement. Overall, you know, the improvement was not  
15 there. He had some of the same difficulties  
16 at the plant that he had had back in the central office as  
17 far as getting along with the people. He had personnel  
18 problems in his own organization.

19 Q. What were some of the things, or some of the  
20 problems out at Sequoyah that he was kind of tasked to  
21 solve when he went out there?

22 A. Well, there were various issues. The issues  
23 that I can remember, there were some issues with regard to  
24 in-line instrumentation, and having the proper  
25 instrumentation and monitoring; there were some issues on

QRB-3



1 some training, personnel training issues that had come up  
2 with regard to basic knowledge; there were some procedural-  
3 type issues which I guess actually that came up after he  
4 was there, he raised an issue on procedures that we  
5 subsequently looked into.

6 Q. And he wasn't getting these problems fixed?

7 A. That particular problem he didn't get fixed.

8 Q. Which one was that one, the procedural problem?

9

10 A. Procedural problem.

11 Q. How about the training problem?

12 A. The training problem, some of it he did. I

13 think some of it he was successful at.

14 There were some rocky roads to getting there,  
15 though, the way he went about doing that. Some of our  
16 training people had problems with that.

17 In-line instrumentation, we had a chemistry  
18 upgrade program, and that got prioritized, and so that was  
19 pretty well laid out from a replace-the-instrumentation. I  
20 think on the -- we did put some additional emphasis on the  
21 maintenance of the existing instrumentation. There seemed  
22 to be even some difficulties in working that relationship  
23 with maintenance, even though, you know, maintenance  
24 clearly had the direction.

25 Q. Was this Bryant?

QB

1           A.     Yeah, Larry Bryant. And in fact I think  
2 Larry -- my view, and my discussion with Larry, I think  
3 Larry, you know, was really trying to do the right thing  
4 and the appropriate thing, but again, you know, Bill just  
5 had a hard time dealing personally with that.

6           Q.     You were getting input from Bryant and the  
7 various folks out there at the plant directly that they  
8 were having problems with Jocher, or how were you getting -  
9 -?

10          A.     Yeah, basically I got my information of course  
11 primarily from Keuter, Dan Keuter and Wilson McArthur,  
12 because they -- you know, Dan reported directly to me,  
13 Wilson reported directly to Dan.

14                 So I got a lot of information just basically,  
15 you know, "How is he doing? Can he do the job?", you know,  
16 that kind of information I got from Dan and from Wilson.

17          Q.     Were they coming to you, or were you going to  
18 them?

19          A.     It's really hard to say, because we -- you  
20 know, the way we do business we have a lot of interaction  
21 with each other, and it might not have even started as an  
22 issue on chemistry, an issue on Bill, but the conversation  
23 would take place, and I'm not sure -- there were a couple  
24 of occasions where we had specific meetings, you know, to  
25 address it. But I primarily got my information from there.

JB

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

DB

The other information I got was pretty much first-hand from other individuals, just in passing comments for some reason or another, or an issue would come up, or I would sit in a meeting and hear things, you know, that kind of information.

I didn't have a lot of direct contact with Bill. There were three or four occasions, maybe half a dozen probably at the most direct contact with Bill.

Q. But his name kind of kept coming up from these various --

A. From these other sources, and a whole variety of different people. You know, it's not like -- you know, sometimes you have personality conflicts just because of the way one manager might be as opposed to another, you know, more laid back, you know, more aggressive, but I got it from such a variety of different people.

Also -- and sometimes that's not unusual with technical people anyway, because there is some pride of, you know, technical ownership.

Q. And knowledge.

Q. Yeah. And I also got it from the human resource people, too, you know, from a concern about the number of complaints in his organization, and in one instance the way he treated some of the people in that

DB

1 organization.

2 Q. These were the Sequoyah human resource people?

3 A. That's correct, yeah, Sequoyah. <sup>Jill QB</sup> ~~Joe~~ Wallace in  
4 particular, and Keith <sup>EQB</sup> Vogelmann in particular.

5 One thing, I spent a lot of time at Sequoyah,  
6 you know, personally. I was there a lot, you know, a lot  
7 of the time.

8 Q. I understand that.

9 A. I spent a lot of Saturdays, like Saturday  
10 morning it was pretty much routine I would be out at the  
11 plant, and so people felt fairly comfortable with me, and  
12 of course I had gone through all of the restart with them,  
13 and had known them when I was here the first time, so I had  
14 a tendency to get a lot more of that information maybe than  
15 you would normally get.

16 Q. How long were you the VP nuc-ops?

17 A. Essentially -- this is kind of difficult  
18 because, you know, we changed organizations about three  
19 times, and I was the assistant manager in nuclear power,  
20 and then I was the vice president of nuclear production,  
21 and then I was the vice president of nuclear operations,  
22 all kind of in a row, but I --

23 Q. In the same job basically?

24 A. Yeah, essentially it was pretty much the same,  
25 although the first job when Steve White was here everybody

QB

1 reported to him, and so I was one of many.

2 When Steve left and Oliver Kingsley came in,  
3 which I guess was '89, early '89, then I had line  
4 responsibility for Sequoyah and Brown's Ferry, so really  
5 probably from '89 until ~~1992~~<sup>1993</sup> '93, early '93.

6 Q. You mean under White the individual site VPs  
7 were reporting directly to White?

8 A. That's correct.

9 Q. Is that right?

10 A. That's correct.

11 Q. And your position now is VP fossil operations?

12 A. Fossil operations.

13 Q. And when did you come here?

14 A. I came over to fossil and hydro in May of '93,  
15 and I became the VP of fossil operations in January of '94.

16

17 Q. Did you request to come over here, or were you  
18 assigned?

19 A. It was really -- yes, it was really a mutual I  
20 guess agreement between Oliver Kingsley and myself, and at  
21 that time he also had fossil and hydro, and it was really a  
22 mutual agreement between Oliver and myself. But I very  
23 much had wanted to come to fossil and hydro, you know,  
24 prior to that.

25 Q. Did you go to him and ask him to do it, or did

ZAB



1 he assign you and you were just happy to do it?

2 A. No, it was kind of a discussion. It really  
3 came to be over a period of several weeks' discussion, you  
4 know, he and I talking about, you know, how we were doing,  
5 you know, his confidence in me, you know, my comfort level  
6 with working in that organization, you know, under the  
7 pressure and under the circumstances and, you know, again  
8 his confidence level in what was, you know, what was going  
9 on and, you know, we decided that it probably would be  
10 better all around, you know, if we made a change, and so  
11 then we talked about "Well, what would you like to do?",  
12 you know, that kind of thing.

13 Q. Was his confidence level okay with respect to  
14 what was happening?

15 A. No, I don't think it was, no. You know, again  
16 looking at the problems that, you know, Sequoyah was having  
17 and things like that, his confidence was lower than it  
18 should have been.

19 Q. So this is when Eytchison came in?

20 A. That's when Eytchison replaced me, right.

21 Q. Did Kingsley have anything to do with Jocher's  
22 termination, or I'll say resignation?

23 A. No, sir, he did not.

24 Q. Regarding your interface with Keuter and  
25 McArthur, was that a situation of them bringing indications

*JB*

1 of bad Jocher performance to you, or was that a situation  
2 of you bringing indications of bad Jocher performance to  
3 them, and them essentially agreeing?

4 A. I think it was -- it was some of both. I  
5 raised some questions, you know, again based on, you know,  
6 the number of inputs I had, I frankly raised some  
7 questions. They also at times, you know, gave, made  
8 indications to me, you know, that they were having problems  
9 with Jocher, and, you know, basically I would say that I  
10 did, you know, I did force the issue as far as saying, you  
11 know, "I've heard these things, you know, what are we going  
12 to do?" you know, "If this is a problem, we need to deal  
13 with it," and so from that aspect I probably forced it. I  
14 did ask some questions, and asked them, you know,  
15 particularly when Jocher was getting ready to come back,  
16 you know, "Do you really think -- okay, we sent him out <sup>he can perform on the</sup> there," again our hopes were that his style would fit out  
17 there, that he could be successful out there, you know,  
18 really help us bring that program, you know, improve that  
19 program.  
20

Corporate  
Client  
Manager  
job.  
JB

21 When he was getting ready to come back I asked  
22 Wilson and Dan, you know, point-blank, "He's coming back to  
23 the corporate organization," we were putting a lot of  
24 emphasis, we had down -- the whole corporate organization  
25 we had downsized considerably, and we were putting a lot of

JB

1 emphasis on support and aligning the corporate office to  
2 good, solid plant support where they were a real value  
3 added with a small number of people, smaller number of  
4 people.

5           And I had discussions with both of them, you  
6 know, "Do you really think that Bill Jocher can come in  
7 here and give, you know, the corporate organization the  
8 kind of leadership, the emphasis and the consensus-  
9 building," and I'll keep using the term "consensus-  
10 building" because, you know, that individual does not have  
11 the authority to tell the plant chemistry manager to go do  
12 something.

13           At the same time, though, you know, he is the  
14 corporate chemistry manager, and he should be able to, you  
15 know, to really help those plant sites and lend some  
16 consistency.

17           So I asked that question and, you know, they  
18 both told me very honestly no, and in asking the question  
19 said I think particularly in Wilson's case I told Wilson,  
20 you know, "You've got to think about how much of your  
21 management time, you know, you're going to have to spend  
22 supervising him," an inordinate amount of time, you know,  
23 supervising him and dealing with the issues, you know, the  
24 personality issues that are going to come up.

25           Q.     Was Jocher one of the worst performers at that

gob

1 level that you've ever had to deal with?

2 A. As far as personality and dealing with people  
3 at all levels, he's one of the worst that I've seen.

4 Q. Is that right?

5 A. Yes.

6 Q. Okay. And even though you may have kind of  
7 thought that that direct, strong I'll say abrupt manner  
8 might work out well going out at the Sequoyah --

9 A. Better.

10 Q. I mean we determined that it didn't work that  
11 way.

12 A. It certainly had a better chance there than at  
13 corporate as a consensus-builder.

14 And we even discussed at one time, you know,  
15 just purely a technical position, you know, with no  
16 managerial,  
17 no --

18 Q. Who is "we," you and McArthur?

19 A. McArthur and I discussed that.

20 Q. At what point was that, while he was still in  
21 corporate, or right at the time he was getting ready to --?

22  
23 A. That was at the time he was getting ready to  
24 come back.

25 Q. Getting ready to come back.

JB

1 A. Yeah. Wilson basically thought Bill would not  
2 accept that, he would not be able to accept that.

3 Q. Did Wilson ever approach him with that?

4 A. I don't know the answer to that.

5 Q. You never did?

6 A. I never did, no, sir.

7 Q. Yeah, if you've got a guy that doesn't have  
8 people skills and good technical knowledge, I would think  
9 if you could find a place technically that, you know, he  
10 makes the money that he's going to be willing to --

11 A. Well, I think that was the other part.  
12 Obviously we couldn't have left him at his same level, and  
13 he was a, you know, fairly highly paid manager, so we could  
14 not have left him at that level.

15 Q. What's the highest technical chemistry position  
16 you've got?

17 A. We have some specialists, you know, PG  
18 specialists, and I honestly don't know what the highest  
19 level is. It's probably two levels below what he would  
20 have been at.

21 Q. Okay. He was a ten, wasn't he?

22 A. I believe that's correct, a ten.

23 Q. So the specialists would be eights or sevens?

24 A. Eights. There are some eight specialists.

25 Q. Okay. But I don't know, if the alternative of

OB



1 having to resign might not be --

2 But to your knowledge you don't know if  
3 McArthur even broached that subject with him --

4 A. I do not.

5 Q. -- because he just kind of thought he would  
6 never accept it?

7 A. I don't know whether he actually talked to him  
8 about it or not. I do not know.

9 Q. It seems to be -- I mean I am aware of the  
10 tendency of shall we say TVA to reorganize, but even in  
11 light of that there seems kind of to me, and you correct me  
12 if I'm wrong, to be kind of an inordinate amount of  
13 turnover within the past four or five years and, you know,  
14 I guess I'll talk about say the Sequoyah site VP position -  
15 - Wilson, Fenech, Powers and --

16 A. Yeah.

17 Q. Do you have any idea why?

18 A. I can't say that I've got a definitive answer  
19 and, you know, INPO and others have raised that issue --

20 Q. Oh, have they?

21 A. -- the high rate of turnover, you know, has  
22 been an issue that certainly INPO has raised.

23 I know Stu Ebnetter, the regional  
24 administrator, has raised that issue, so I think it's  
25 recognized as an issue.

EBB

1 I think as far as the reasons go, you know,  
2 it's been a tough position, you know, bringing those units  
3 back in service and then going through the problems that we  
4 went through trying to return the units to service, get  
5 them running, and at the same time, you know, do the same  
6 thing other utilities are doing with regard to holding  
7 costs and things like that. It's a difficult challenge to  
8 manage, and it's a difficult job.

9 Q. So are you saying these guys weren't managing?

10 A. And I think each one of them almost had their  
11 own reasons, at least the ones that I know did.

12 You know, Jack Wilson essentially had retired  
13 once already and, you know, he was an older fellow and did  
14 not really have to work, need to work.

15 You know, Fenech and Powers -- of course Powers  
16 went to work for Fenech, you know --

17 Q. Oh, yeah?

18 A. Yeah. And I think that was an opportunity.

19 I don't know that you can really draw any real  
20 broad conclusions.

21 I think it's recognized, though, that there's  
22 more turnover than you would normally see, I would agree  
23 with that.

24 Q. But you think it's because of the problems at  
25 that plant and the difficulty --

JB

JB

QJB

1 A. It's a tough job. It's a tough job.  
2 Q. Tougher than Brown's Ferry?  
3 A. Yes.  
4 Q. How about inside the corporate structure?  
5 Let's see, how long -- let's see, you were in those kind of  
6 three different title positions, and yet the same position  
7 starting under White, and then -- Okay. It was Eytchison,  
8 and now Eytchison is gone; right?  
9 A. Right.  
10 Q. Did he retire, did he resign or --?  
11 A. I don't know the details to be honest, I really  
12 don't.  
13 Q. Now it's Zeringue.  
14 A. Ike Zeringue is in there now.  
15 Q. Where is Zeringue from?  
16 A. He was the site VP at Brown's Ferry.  
17 Q. Has he been a long-term TVA employee?  
18 A. He was like me. I worked for TVA for ten  
19 years, and then I went to Arizona for five years.  
20 Ike worked for me at TVA, and I brought him to  
21 Arizona. When I came back I brought him back, so he's been  
22 with TVA once before.  
23 He came back in '89. I came back in '87, or  
24 late '87, almost '88. He came back in '89.  
25 Q. Did Wilson and Beecken request that Jocher come

QJB

1 out to Sequoyah?

2 A. I don't know exactly how that got initiated.  
3 Wilson came to me and said this is what we want to do, we  
4 want to move Fiser, you know, from Sequoyah to here, we  
5 want to take Jocher out there, and I said "Sounds like a  
6 good idea to me," and we talked about it, so I can't tell  
7 you that I know really who initiated it, but it came to my  
8 attention through Wilson. Wilson came to me and said "This  
9 is what we want to do."

10 Q. Okay.

11 A. And he said "Is this okay?" and I said "That's  
12 fine," I said "I think it's a good idea."

13 Q. It wasn't your idea to send him out there?

14 A. No, sir, it was not my idea.

15 Q. Did Wilson seem to think that Jocher would be  
16 able to solve the problems? I mean did he think that  
17 Jocher was going to help?

18 A. I think initially certainly in my conversations  
19 with Wilson and with Keuter both, you know, we were --

20 Q. I mean Jack Wilson.

21 A. Oh.

22 Q. Did Jack Wilson -- ~~say~~ wait a minute, let me  
23 make sure I'm clear.

24 A. Okay. Wilson McArthur brought it to me --

25 Q. He came to you, not Jack Wilson?

GBB

1 A. No. Wilson McArthur brought it to me and said  
2 "This is what we want to do."

3 You know, I talked to Jack Wilson, you know,  
4 Jack supported it, Rob Beecken supported it.

5 Q. That was after McArthur came to you?

6 A. When McArthur came to me I said "Now you've  
7 talked to Jack and Rob and all those guys?" and he said  
8 "Yeah, you know, everybody agrees," and I said "Well, you  
9 know, let's do it."

10 I think both Wilson McArthur and Jack Wilson,  
11 and Keuter and Beecken -- I think everybody was, you know,  
12 cautiously optimistic. You know, Bill had some rough  
13 spots, but, you know, different people respond to different  
14 kind of stimuli, and the plant environment is different  
15 than the corporate environment.

16 Q. And he was finding problems.

17 A. And so I think people were -- The other thing  
18 is you've got to contrast that against what they had. They  
19 had an individual out there that just was not aggressive at  
20 all, was very, very passive --

21 Q. Fiser?

22 A. Yeah, Fiser. He just -- I think certainly the  
23 expectation was that this is going to be a lot better. No  
24 question, the expectation was this is going to be a lot  
25 better. Q. And was the expectation that Fiser was

RB



1 going to be better in corporate?

2 A. Probably not as high. There probably weren't  
3 as high expectations for Fiser as there were for Jocher  
4 because, one, I think a lot of people, you know, really  
5 questioned Fiser's technical capability, too, so there was  
6 not as much confidence for Fiser, but there certainly was  
7 more -- the confidence was that Jocher would do a better  
8 job than Fiser.

9 Q. Tell me about the meeting at Sequoyah with Gail  
10 DePlanque and the underpaid statement.

11 A. Oh. We had a briefing for Chairman DePlanque,  
12 and I guess it was our board, Oliver -- and our board at  
13 that time was John Waters and Bill Kennoy, we just had two  
14 board members -- it was our board, Oliver Kingsley, myself,  
15 Mark Medford, VP of licensing -- we've changed those titles  
16 so many times -- but anyway, Mark Medford, and then we had  
17 of course the plant, you know, the key plant managers, the  
18 plant manager, his direct reports, and we had different,  
19 you know, presentations.

20 Q. What was the occasion?

21 A. Just the commissioner's visit, just a standard  
22 commissioner visit, if there is any such thing as a  
23 standard commissioner visit.

24 Q. Right. I mean she wasn't coming out there  
25 because Sequoyah was in trouble or --?

JRB

1           A.     No. She had never been -- no, she had not been  
2 to Sequoyah, and generally all the -- when I say there's no  
3 such thing as a standard, all the commissioners visited  
4 Sequoyah. In fact, everyone on the commission since I can  
5 remember has up until the time I left has made it a point  
6 to visit there. So, you know, we handled these -- it's not  
7 routine, but we handled them relatively routine.

8           Q.     I understand.

9           A.     So each of the departments had, you know,  
10 specific -- you know, Oliver would do a welcome, and the  
11 board, and I can't even recall, I generally said a few  
12 words just to talk about where the operating plants were, I  
13 can't recall whether I did in this case or not, but then we  
14 had different presentations by the plant manager, ops  
15 manager, maintenance manager --

16          Q.     RADCON manager?

17          A.     -- RADCON, chemistry, you know, the basics.

18                     And it was in that meeting that Bill kind of  
19 got carried away with himself, and along towards the end of  
20 his presentation he was talking about, you know, how he was  
21 training the people and, you know, he was like a professor,  
22 and at the end he made a comment that he, you know, he was  
23 really doing all of these good things, you know, for  
24 Sequoyah and for TVA, and he just was not getting paid  
25 enough money for them.

DBB

1                   And, you know, everybody just -- it just  
2 shocked everybody and, you know, everybody kind of hung  
3 their heads. It embarrassed everybody.

4                   Q.     He didn't stand up right at the beginning of  
5 his presentation and introduce himself as the underpaid  
6 manager of chemistry at Sequoyah?

7                   A.     That's not the way I remember it. The way I  
8 remember it was it was actually at the end, along towards  
9 the end of his presentation, because he -- the reason I  
10 remember that, he kind of seemed building momentum and, you  
11 know, he was more ad libbing.

12                   The things were fairly well structured, you  
13 know, we had slides that were presented and, you know, we  
14 had had dry runs and those kinds of things, and he was  
15 clearly in the ad lib. He was --

16                   Q.     Outside the envelope?

17                   A.     Yeah, gone over his comfort level.

18                   Q.     Do you remember Charles Kent making any kind of  
19 a comment in his presentation about being underpaid?

20                   A.     No.

21                   Q.     You don't remember that?

22                   A.     No. I don't remember any other comments like  
23 that during that presentation.

24                   Q.     Before today were you aware that that was even  
25 being indicated by Mr. Jocher that Mr. Kent had said that,

JJB

1 so he got up and said it?

2 A. I was asked the same question I think by Mr.  
3 Van Beke.

4 Q. Oh, were you?

5 A. I have heard that, yes, and I believe it was --  
6 I believe Mr. Van Beke asked me that same question.

7 Q. Have you talked to Kent?

8 A. No.

9 Q. You haven't talked to Kent about it?

10 A. No, ~~but I would have~~<sup>Q.B.</sup> -- I mean that would have  
11 just stood out. I mean Jocher's comment stood out, you  
12 know, so vividly that had anybody else said anything like  
13 that it would have stood out the same way.

14 Q. But might it have stood out in your mind  
15 because at that point in time you were maybe a little keyed  
16 on Jocher; right?

17 A. It wouldn't have stood out in my mind --  
18 anybody that would have made a comment like that before the  
19 board, and Oliver and --

20 Q. And the chairman?

21 A. -- the chairman of the NRC would have stood  
22 out, you know, if anybody had said it.

23 Q. Did Kingsley make any comment about that to  
24 you?

25 A. I don't recall any. He very well may have. A

Q.B.

1 lot of people made comments, you know, after the meeting,  
2 you know, kind of -- so he very well may have, but I don't  
3 recall.

4 Q. Did you sense any irritation on the part of  
5 Kingsley?

6 A. I think everybody -- you know, and I can't say  
7 that I remember any specific reaction, but I would assume  
8 just everybody's normal reaction was they were embarrassed,  
9 were basically embarrassed by it. But I can't say that I  
10 recall specifically any reaction by Oliver, but I'm sure he  
11 was.

12 Q. Okay. Everybody was?

13 A. Everybody was.

14 Q. Different meeting. Pre-exit meeting to an INPO  
15 evaluation in around September of '92 before -- I guess it  
16 was before INPO came and formalized their findings  
17 regarding chemistry at Sequoyah. You don't remember?

18 A. Generally pre-exit meetings I did not go to.  
19 The pre-exit meeting, you're talking about the meeting with  
20 the plant manager and his directs?

21 Q. Well, that's how it's been characterized to me  
22 as a pre-exit meeting.

23 A. No, I did not attend those meetings, and  
24 generally that was at INPO's request that only the plant  
25 manager -- that's really a debrief with the plant manager,

JB



1 and that's kind of the plant's last opportunity, you know,  
2 to clarify issues and things like that, and generally  
3 management is not invited, so I did not attend.

4 Q. Okay. Let's take that title off. Let's just  
5 say some meeting that was attended by you and Jocher and  
6 other Sequoyah people, I think it was a Sequoyah meeting,  
7 on any subject. Okay?

8 A. Okay.

9 Q. The subject was chemistry problems at Sequoyah,  
10 and Jocher was asked, or Jocher was evidently blamed by  
11 someone in this meeting for the chemistry problems at  
12 Sequoyah, or the chemistry managers in the past were blamed  
13 for the chemistry problems at Sequoyah, and Jocher reacts  
14 and says "No, it's not the chemistry management problem,  
15 it's an upper level management problem." You don't  
16 remember a meeting like that?

17 A. No, I do not remember a meeting like that, no.

18 Q. Okay.

19 A. And I went to probably a large number of the  
20 site meetings. We had site meetings, you know, sometimes  
21 every two weeks, sometimes every week. I went to a lot of  
22 those that a lot of topics were discussed.

23 I don't recall anything like that, I don't  
24 recall a statement like that.

25 The only meeting -- I remember one meeting, a

JB

1 site meeting where Jocher -- the only site meeting I  
 2 remember having, that I remember any input from Jocher was  
 3 a site meeting we had, and Jocher raised an issue about  
 4 chemistry procedures, and he made a comment, made a  
 5 statement that chemistry procedures were in bad shape, and  
 6 it was going to take two and a half years and a dozen  
 7 people to get them fixed. That's the only comment I  
 8 remember.

9 And I talked to Wilson and I didn't raise an  
 10 issue in the meeting, but I grabbed Wilson McArthur after  
 11 the meeting and said "Wilson, what's going on? We just did  
 12 a procedure upgrade process, what's going on?"

13 And Wilson looked into it and got back to me  
 14 about a week later and said "No, it's not anything like  
 15 that, there are two or three procedures that need some work  
 16 now. We've loaned them some people, you know, by the end  
 17 of the month we can get those fixed. The others we can go  
 18 through the normal cycle."

19 That's the only interaction with Jocher that I  
 20 can recall at the site meetings, or at any other meetings.

21 Q. You don't recall any occasion on which he  
 22 blamed upper management for not supporting Sequoyah  
 23 chemistry with funds and people to get the problem solved?

24 A. I don't recall it. He may very well have done  
 25 it. I don't recall that.

JB

1 Q. Okay. And of course my next question would  
2 have been if you recalled the meeting you remember being  
3 angry at that, but obviously if you don't recall the  
4 meeting --

5 A. I really don't recall.

6 Q. -- you don't recall ever being angry at  
7 something like that.

8 A. No.

9 Q. Did you ever talk to Jocher directly about your  
10 data points that you were getting that he wasn't able to  
11 get along with the sites? This goes back to the corporate.  
12

13 A. No.

14 Q. You didn't?

15 A. No.

16 Q. Did you specifically direct either Keuter or  
17 Wilson McArthur to talk to him about that?

18 A. I didn't specifically direct them. I certainly  
19 asked Wilson, you know, if he were talking to Jocher and  
20 Jocher -- I also talked to Keuter specifically when Jocher  
21 went to Sequoyah, I remember Jocher came into, stuck his  
22 head in my office one day and proceeded to, you know, kind  
23 of toot his horn about all the things he was doing. He  
24 hadn't been there too long, and --

25 Q. Top gun team?

QRB

1           A.     Yeah, that's about right. That's one of the  
 2 things he discussed with me, and I remember after that  
 3 meeting I talked to Keuter about "Hey, does Jocher  
 4 understand that he's kind of on trial here, you know, with  
 5 regard to his performance, that he's -- you know, while  
 6 we've got expectations, you know, he's not the knight in  
 7 shining armor that's come to lead Sequoyah out of the  
 8 darkness, that, you know, his performance is being watched  
 9 very closely and, you know, his performance is under very  
 10 critical review during this period," and Keuter later came  
 11 back and assured me that he had had that conversation with  
 12 Bill. But I never confronted him directly.

13                     In fact, even in that interchange there were  
 14 some things that I just fundamentally had problems with,  
 15 but I didn't feel like -- one, I didn't want to just, you  
 16 know, punch holes in his sails at that time and, you know,  
 17 I felt like that was something that I had better funnel  
 18 back through, you know, through Dan and Wilson, and the  
 19 site people, Beecken and Jack Wilson.

20                     There was one conversation later where I guess  
 21 the only direct negative feedback that I gave Bill, he had  
 22 some ideas about organizing the shift chemistry  
 23 organization, doing away with the shift supervisor, and  
 24 Wilson had brought it to me and said, you know, "Jocher  
 25 wants to do this," and I said "Wilson, this doesn't make

JB

1 sense, this is" -- in fact, we thought long and hard to get  
2 that position out of the union and into management some few  
3 years before anyway, so I thought it was a dead issue.

4 Jocher approached me in the cafeteria one day  
5 and said, you know, "You need to listen to this, we need to  
6 do this, you know, this is the right thing," and I just  
7 told him, I said "Bill, this is a done deal, you know, I'm  
8 not going to support that. It's contrary, you know, to  
9 good organizational practices. There needs to be a <sup>chemistry</sup> supervisor,  
10 somebody needs to be in charge. You've got two <sup>operations</sup> chemistry  
11 labs there," and I specifically said if the <sup>operations</sup> shift  
12 supervisor, you know, wants to get something done who does  
13 he call. Well, whoever has that specific area, and I said  
14 "No, the <sup>operations</sup> shift supervisor needs to call one person for  
15 whatever he needs in chemistry, and that one person gets it  
16 done."

17 So that was the only direct I guess negative  
18 feedback that I gave Bill.

19 Q. Did Keuter or Wilson McArthur ever have a  
20 problem with Jocher kind of going around them to you?

21 A. No, because he -- Well, I say no. They never  
22 expressed it to me.

23 That was the only occasion where Bill ever  
24 raised an issue with me that I had discussed with Wilson  
25 and with Dan. That's the only issue that I know of.

JJB



1 Now, they may have had some -- I did go back to  
2 Wilson and said "Wilson, you know, I thought that was a  
3 done deal, you know, we've talked about that before and it  
4 doesn't make sense," but, you know, I didn't blame Wilson.

5 Q. You ended up having to kind of be the decision-  
6 maker, or really the guy to make the decision to finalize  
7 the thing with Jocher; right?

8 A. Yes.

9 Q. Did you get Kingsley's okay on that?

10 A. No, I did not.

11 Q. You just -- you didn't discuss it with him, you  
12 made the decision?

13 A. I made the decision. I think I later told him  
14 what we were doing, you know, as I would normally do on a  
15 position of that level.

16 Q. You think you told him before Jocher was gone,  
17 or did you --?

18 A. I really can't say whether it was -- it  
19 probably was during the time, right at the time that Wilson  
20 and I and Keuter were having the discussion about let's go  
21 ahead and, you know, talk to him about resigning.

22 One thing you need to understand from my  
23 perspective, you know, Wilson came to me, you know, and I  
24 said

25 "What are we going to do about Jocher? We all agree, he

JJB

1 cannot perform that job, you know, it's an inordinate  
 2 amount of management time from you, you know, what are we  
 3 going to do?"

4 Wilson told me "Jocher will resign." He told  
 5 me specifically, he said Jocher had told him that if  
 6 management didn't have any confidence in him that he would  
 7 resign.

8 Q. Okay.

9 A. And so I said, you know, I said "Wilson," I  
 10 said "Will Jocher resign?" He said "Yes," and I said "We  
 11 need to do that, we need to go ahead and deal with Jocher."

12 Again, we were getting this, you know, focus on  
 13 corporate support organizations and trying to get them to  
 14 be more effective in dealing with the sites. Bill couldn't  
 15 do that. So, you know, I said "Let's go ahead and do  
 16 that."

17 At the same time, and Wilson assured me that  
 18 Jocher would resign. I did ask him, I said "Wilson," I  
 19 said "If he is not willing to resign," I said "are you  
 20 prepared to terminate him?" because Wilson has a tendency  
 21 to tell you what you want to hear, and he has difficulty  
 22 dealing with situations like this."

23 And that's one of the reasons I was pushing the  
 24 issue, there was plenty of information, they felt it  
 25 themselves and --

JRB

1 Q. Well, even with that it's a tough decision,  
2 it's always a tough decision when you're going to --

3 A. It is, particularly when you interface with  
4 that individual, you know, as constantly as Wilson did, so,  
5 you know, I felt like --

6 Q. Even for you?

7 A. I felt like it was, you know, the issue needed  
8 to be pursued.

9 Q. But the bottom line is that even though -- I  
10 mean I assume Wilson said "Yes, if he doesn't resign I'm  
11 prepared to terminate him" --

12 A. Yes, he said that he was.

13 Q. But the strategy of just saying "Hey, Mr.  
14 Jocher, your management doesn't have confidence in you" and  
15 seeing what he would do was never tried; right?

16 A. What I actually thought was going to happen --  
17 actually what I thought was going to happen was based on  
18 what I had understood from Wilson, Wilson was going to go  
19 talk to Jocher and say "Bill, you know, we talked about you  
20 resigning before, management doesn't have any confidence in  
21 you, you know, we think you ought to resign."

22 And my expectation was that Jocher would say  
23 "Okay, you know, how much time do I have?" because we -- in  
24 the earlier conversation I had had with Wilson I told  
25 Wilson, you know, "We will give him time to find a job."

JJB

1 Q. So you didn't think that right away both the  
2 termination and the resignation letter was going to be  
3 presented?

4 A. I did not -- I did not realize that a  
5 termination letter had been prepared.

6 Q. Were you coordinating at all with Easley and  
7 human resources?

8 A. I was not involved in that.

9 Q. So it was Wilson and Keuter?

10 A. I was not involved in that. In fact, I had to  
11 go back later and ask the question who in human resources  
12 was involved.

13 Q. Okay. Are there any other comments that you  
14 would like to make regarding the circumstances of Jocher's  
15 resignation that would be pertinent to my investigation?

16 A. No, other than certainly, you know, it was in  
17 no way because, you know, he raised safety issues, or he  
18 raised management issues or, you know, problems.

19 Q. And it wasn't because he made Kingsley mad at  
20 the meetings?

21 A. No, sir, and Oliver Kingsley basically was not  
22 involved in the decision.

23 Q. It wasn't because he made you mad at the  
24 meetings?

25 A. No, sir.

JTB

1 Q. Because he was criticizing upper management?

2 A. No. I have learned over the years that, you  
3 know, criticism is something that you have to deal with,  
4 and in fact sometimes it's beneficial. You have to look at  
5 it as --

6 Q. It wasn't because all of a sudden he was  
7 putting things in the formal corrective action system that  
8 had traditionally been handled by memorandum?

9 A. No. And in fact I had no knowledge that he was  
10 putting those in there. I had no direct knowledge that he  
11 was putting things in that system.

12 You know, I do not look at the individual  
13 items. No one brought to my attention that he was  
14 entering, you know, SCARs or CARs or whatever.

15 You know, I looked at the trends and reviewed  
16 those, but I did not review individual ones, did not know --  
17 -- in fact, a number of the issues that he raised I did not  
18 know that they were issues <sup>raised by</sup> ~~with him~~ until I read his <sup>initiated</sup>  
19 complaint. I simply did not know that he had <sup>A</sup> those issues. <sub>A</sub>

20  
21 The issue he raised with the safety review  
22 board, I didn't know that he had raised that issue until I  
23 read it in his letter.

24 Q. All right. I don't have any more questions.

25 You came to this interview voluntarily; right?

JB



GRB

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

A. Absolutely. Yes, I did.

MR. ROBINSON: It is now 3:53, and the  
interview is terminated. Thank you very much.

(At 3:53 p.m., Tuesday, February 7, 1995, the  
interview was concluded.)

+++

Joseph R. Byrum 7/6/95

GRB

C E R T I F I C A T E

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

Name of proceedings: Interview of James Bynum

Place of Proceedings: Chattanooga, Tennessee

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

*L. V. Partain*

\_\_\_\_\_  
L. V. Partain,  
Certified Court Reporter,  
Official Reporter,  
Neal R. Gross & Co., Inc.

# **EXHIBIT 19**

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

APPEARANCES:

On Behalf of Tennessee Valley Authority  
and Witness Dan Keuter:

BRENT R. MARQUAND, Senior Litigation Attorney,  
400 West Summit Hill Drive,  
Knoxville, Tennessee 37902-1499  
615/632-4251

On Behalf of the Nuclear Regulatory Commission:

LARRY L. ROBINSON, Investigator,  
101 Marietta Street, Suite 2900,  
Atlanta, Georgia 30323  
404/331-6509

PROCEEDINGS

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

MR. ROBINSON: Let's go ahead and go on the record.

MR. KEUTER: Can I get a copy of the transcript?

MR. ROBINSON: You will get a copy of the transcript after the field work in the investigation is completed.

Now, I will -- if it is necessary for you, I will make arrangements for you to review the transcript as quickly as possible for possible corrections.

MR. KEUTER: Okay.

MR. ROBINSON: But I will sit with you, and you'll do it, and then I'll take it, and then after the field work is over, then you will get a copy.

MR. KEUTER: Okay.

MR. ROBINSON: It is now 10:23 a.m., Tuesday, February 7th, 1995. This is an interview of Mr. Dan Keuter, an employee of TVA, regarding the circumstances surrounding the resignation from TVA of Mr. Bill Jocher.

Present at the interview are Mr. Keuter, Mr. Brent Marquand of the TVA Office of General Counsel, and Investigator Larry L. Robinson of the NRC Office of Investigations. This interview is being recorded by a court reporter.

dy



1 Mr. Keuter, would you please stand and raise  
2 your right hand?

3 WHEREUPON,

4 DAN KEUTER

5 being first duly sworn, was examined and testified as  
6 follows:

7 EXAMINATION

8 BY MR. ROBINSON:

9 Q. Before we get into the substance of the  
10 interview, Mr. Keuter, the reason I made arrangements for  
11 this interview through the Office of General Counsel was  
12 because I was aware that you were represented by the Office  
13 of General Counsel at the DOL hearing. Okay.

14 But with respect to today, have you chosen to  
15 have Mr. Marquand represent you, or has he volunteered to  
16 represent you? How did that come about?

17 A. I asked him to.

18 Q. Okay. I don't have any knowledge that you  
19 might make any comments that would be adverse to TVA or  
20 upper TVA management, but in view of the fact that Mr.  
21 Marquand also represents TVA as a corporate entity, would  
22 you feel inhibited in any way to make comments like that if  
23 you had any in this interview?

24 A. No.

25 Q. Okay.

RR

1 Mr. Marquand, would you just briefly explain  
2 the nature of your representation of Mr. Keuter?

3 MR. MARQUAND: As you stated, I am employed by  
4 TVA's Office of General Counsel. I represent TVA.

5 In this case TVA's interests are coextensive  
6 with Mr. Keuter's, and I am representing Mr. Keuter and  
7 TVA.

8 MR. ROBINSON: Do you anticipate any potential  
9 conflict of interest with respect to Mr. Keuter's testimony  
10 here today?

11 MR. MARQUAND: I do not. I have discussed it  
12 with him, and we do not anticipate that.

13 MR. ROBINSON: Thank you.

14 BY MR. ROBINSON:

15 Q. How long have you been at TVA, Mr. Keuter?

16 A. I came to TVA in September of 1991, so just  
17 over three years.

18 Q. And where were you before that?

19 A. I was at Sacramento Municipal Utility District  
20 in California.

21 Q. And how did you come to apply for the position  
22 at TVA?

23 A. I was made aware of a position when I was  
24 working in Sacramento available here at TVA, I was  
25 contacted and --

DD

1 Q. Somebody contacted you, or did you read about  
2 it?

3 A. Somebody contacted me.

4 Q. Who was that?

5 A. I don't remember who the original contact was.

6 Q. A TVA employee?

7 A. I think it was a headhunter told me about it.

8 Q. I see. And what is your current job title?

9 A. My current job title is manager of nuclear  
10 readiness.

11 Q. And how long have you been in that position?

12 A. I originally came to TVA as vice president of  
13 nuclear operations, <sup>SERVICES</sup> which I was in that position until  
14 March or April of '93, and at that time I became vice  
15 president of nuclear readiness.

16 And then last year, even though it's the same  
17 position, they eliminated some of the vice president titles  
18 and I became manager level.

19 Q. Okay. What was your original title again?

20 A. Vice president of operation services.

21 Q. Operation services.

22 And in that capacity was Wilson McArthur a  
23 direct report to you?

24 A. Yes, he was.

25 Q. And at the time you first assumed that

1 position, was Jim Barker immediately under McArthur?

2 A. No.

3 Q. Do you remember, did Jim Barker work here at  
4 all when you were here?

5 A. No.

6 Q. Do you know Jim Barker?

7 A. No.

8 Q. When you came in, was Mr. Jocher already  
9 employed by TVA?

10 A. Yes, he was.

11 Q. Was he reporting directly to Mr. McArthur?

12 A. Yes, he was.

13 Q. I believe from reading the DOL transcripts you  
14 indicated that you had had contact with Jocher at  
15 Susquehana at one time before?

16 A. I was on a <sup>INPO EVALUATION</sup> V- in the spring or winter of '84 on  
17 an employee evaluation at Susquehana, and I was the lead  
18 operations evaluator there.

19 Q. So you were with INPO at that time?

20 A. Yes, on loan to INPO from Portland General  
21 Electric.

22 Q. And you just remembered him from having made  
23 contact with him there?

24 A. Yes.

25 Q. Just in your own words, Mr. Keuter, did --

*WJ*

1 Well, let me ask you this:

2 Did you have much direct interface with Mr.  
3 Jocher during the period of time he was here at corporate  
4 as a corporate chemistry manager?

5 A. No.

6 Q. No?

7 A. No. Very little direct. Mainly working  
8 through Wilson.

9 Q. Did you have occasion to ask Mr. McArthur about  
10 Mr. Jocher's performance?

11 A. The performance reviews, basically they come  
12 out October 1st, so when the first set of performance  
13 reviews came out I had only been here a couple of weeks.

14 Q. Okay.

15 A. And I don't remember -- performance reviews for  
16 Wilson's direct reports would have to go to me for  
17 signature, and I don't remember, you know, anything  
18 specific on those reviews. I don't even remember if I  
19 signed them, or if my predecessor signed them, and so I  
20 don't remember anything specific to performance reviews.

21 Q. So that would have been around in October of  
22 1991?

23 A. Correct.

24 Q. And you would have just been here for a few  
25 weeks at that point?



1 A. Correct.

2 Q. Soon after that the arrangements were made for  
3 Mr. Jocher to go to Sequoyah, and for Mr. Fiser to come to  
4 corporate; is that correct?

5 A. That's correct.

6 Q. Can you in your own words describe the  
7 circumstances about ~~how~~ that happened?

8 A. I ~~don't~~ think Wilson had contacted me, and  
9 there was a suggestion out there that Bill Jocher and Gary  
10 Fiser switch positions. I thought it was a good idea.

11 They had some chemistry issues at Sequoyah that  
12 didn't seem to be being addressed. I thought it would be  
13 an opportunity for Jocher to go out to Sequoyah to prove  
14 that he could solve issues, not just point issues out.

15 It also gave an opportunity for Gary Fiser to  
16 come and see if he could work better in the corporate  
17 environment more as an oversight and support versus direct  
18 line management, so I thought it was <sup>GOOD IDEA</sup> - I think both  
19 managers were struggling in their current positions, and it  
20 would give them an opportunity to do something else.

21 Jocher had in my opinion probably a credibility  
22 issue with the sites, and this would give him an  
23 opportunity to prove himself.

24 Q. How was he struggling in his position? Just  
25 describe that.

DD

1           A.     My impression was that as part of -- his job  
2 was mainly three things in the corporate operation support.  
3 One is to provide technical support to the sites; two is to  
4 provide oversight to the sites; and three was, you know, to  
5 provide standard processes for the sites to work with.

6                     My impression is Bill was very strong in  
7 pointing out issues to the sites, but relatively weak in  
8 helping them solve them.

9                     A lot of times he was very hard ~~and~~ fast about  
10 what the solution should be, and there might be several  
11 ways to solve a problem, but he seemed to think, you know,  
12 his way was the right way.

13                    This would give him a chance to actually go out  
14 there and prove himself.

15            Q.     Okay. And how was Fiser -- what was the  
16 feeling that you had that this move would help him? Why  
17 was he having a problem?

18            A.     Gary was probably -- my impression at the time  
19 was probably just the opposite. Gary is a lot more  
20 reserved, not as likely to see issues or problems, and jump  
21 in and solve them.

22                    He's more of a consensus builder, and coming  
23 into a corporate position that might be good for him,  
24 because then this might be where his strength is in working  
25 with the sites, and building consensus and solving the

DD

1 problems, and we would give him a chance to see if that  
2 was, you know, if he could, you know, prove himself.

3 Q. Was this switch your idea, or whose idea was  
4 it?

5 A. I don't know whose idea it was. I don't know  
6 if it was -- my impression at the time was it was from the  
7 site, they wanted help, they wanted -- basically, you know,  
8 they wanted a stronger chemistry person, and my impression  
9 was it was suggested from the site. <sup>Who</sup> ~~Why~~ specifically I  
10 don't know.

11 Q. You don't know?

12 A. No.

13 Q. I mean did the idea come from Wilson, or you  
14 don't know --

15 A. It was communicated to me from Wilson, so I  
16 don't know whose original idea it was. It seemed to be a  
17 good idea, I thought it was a good idea, everybody thought  
18 it was a good idea, so just make it happen.

19 Q. Was it your feeling that Sequoyah management  
20 sincerely wanted someone like Bill out there who was, you  
21 know, known to you to maybe be a little prescriptive in his  
22 dealings with people?

23 A. Yeah.

24 Q. I mean you sincerely think Sequoyah wanted a  
25 hard-charger out there to identify and solve problems?

dd

1 A. Yes.

2 Q. How much interface did you have, if any, with  
3 Mr. Beecken about first Mr. Jocher coming out there, and  
4 then Mr. Jocher's performance after he got out there?

5 A. Very little. I can't remember any.

6 Q. No comments one way or the other?

7 A. No.

8 Q. Beecken never talked to you about whether  
9 Jocher was doing a good job or a bad job out there?

10 A. The only time I can remember talking to Rob was  
11 probably in the February or March '93 time frame when it  
12 was time for Bill to come back into corporate, and I was  
13 very concerned about their intent not to fill the chemistry  
14 manager position.

15 I felt they had significant problems that  
16 needed to be addressed, and to take and eliminate that  
17 chemistry manager position I thought was the wrong  
18 position.

19 Q. So you had some discussions with Beecken about  
20 that?

21 A. Yes.

22 Q. What was his rationale for eliminating the  
23 position?

24 A. Basically his rationale was he was supportive  
25 of his person, which was Charles <sup>KENT</sup> ~~Temp~~, that Charles felt

1 that he could handle all those positions.

2 And I have a very high opinion of Charles in  
3 the radiation protection area, he has very little  
4 experience in chemistry, and that's where most of the  
5 issues were. The other sites had chemistry managers, and  
6 Sequoyah would be inconsistent with that, and I thought  
7 that's where the majority of the chemistry issues were. I  
8 just thought it was the wrong decision.

9 Q. Was it that Beecken wanted to eliminate the  
10 chemistry manager position, or that he just didn't want  
11 Fiser to come back out there?

12 A. I don't know.

13 Q. Did you ever talk to him about Fiser? You  
14 know, when you were getting ready to make the switch back  
15 and Jocher was going to be coming back in to corporate  
16 chemistry, did you ever engage in <sup>ANY HR</sup> ~~my~~ conversations with  
17 Beecken about what you were going to do with Fiser?

18 A. I don't remember any specific conversation  
19 concerning Fiser. My impression all along was that the  
20 deal that was made in the year before was that Bill Jocher  
21 was going to go out there for a year and then come back,  
22 and Fiser would <sup>GO BACK TO THE SITE</sup> -- so they would just rotate for a year,  
23 and if there was, you know, performance issues with Gary  
24 they were going to handle them.

25 I made the deal for a year, and I thought it

ad



1 was clean, Bill went out there for a year and was coming  
2 back.

3 Q. Did Gary do all right in here during the year?

4 A. No.

5 Q. He didn't?

6 A. No.

7 Q. What was his problem?

8 A. Gary is reserved, he's not an outgoing person,  
9 and in the corporate, you know, if you give him a single  
10 project by himself he can handle that, but as far as  
11 getting involved in interfacing with the sites and setting  
12 up a bigger picture plan that interfaces with them, he just  
13 wasn't that dynamic.

14 After he had been here for about six months we  
15 put him down to a lower level manager position, and put Sam  
16 Harvey who is a lot more outgoing, interfacing a lot more  
17 with the sites, in as the acting corporate chemistry  
18 manager.

19 Q. "We" being you and McArthur, or who made the  
20 decision on it?

21 A. Wilson and I discussed it, and I don't remember  
22 -- I'm sure we told Joe.

23 Q. Joe Bynum?

24 A. Joe Bynum. And so we put Gary at a lower level  
25 position, I didn't know of any issue there, and put Sam up

DD

1 as the acting corporate chemistry manager.

2 Q. Did Gary accept that?

3 A. As far as I know.

4 Q. He never expressed any problems to you about  
5 it?

6 A. No.

7 Q. Mr. Keuter, why was Jocher forced to resign  
8 from TVA?

9 A. Bill was asked to resign mainly because of his  
10 management style. He has a very large ego when it comes to  
11 interfacing with the sites and supporting the sites. It  
12 didn't work, and it was felt that he wasn't going to  
13 change, and that he would still struggle in that corporate  
14 position, and he was asked to resign for that reason.

15 Q. Did you talk to him about changing?

16 A. I didn't talk to him.

17 Q. You didn't talk to him?

18 A. No.

19 Q. No? I mean --

20 A. I talked to him one time before he went out to  
21 Sequoyah and said "You are viewed as somebody that points  
22 out a lot of issues," and in fact I remember the statement  
23 was that "This is an opportunity where you can put your  
24 money where your mouth is," because the criticism the sites  
25 seem to have is "He's out here criticizing everything we

1 do, but he isn't there to help support in solving the  
2 problems."

3 Q. Did you ever ask him to -- I mean you're  
4 getting this information regarding the site criticism  
5 coming in to you. Who's that coming from?

6 A. Mainly through Wilson.

7 Q. Wilson? And did you ever ask to hear Jocher's  
8 side of the story regarding that site criticism?

9 A. I talked to him when I had this conversation.

10 Q. That was at the time where you had already made  
11 up your mind you were going to send him out; right?

12 A. Yes.

13 Q. How long had you been hearing the criticism  
14 from the sites about his dealings with them?

15 A. I had only been here for about six months when  
16 that happened.

17 Q. Had you -- during that six months had it kind  
18 of been a stream of criticism about Jocher's relations with  
19 the sites?

20 A. It seemed to be every once in a while there was  
21 an issue that would flare up with how they do hydrogen  
22 chemistry control at Brown's Ferry, and Bill would want to  
23 do it one way, and the site wanted to do it another way, or  
24 it would be a conflict he would have with the environmental  
25 group, Betsy Iford-Lee, or something like that, so it would

1 seem to be issues that would flare up here and there. It  
2 wasn't a continuous flow.

3 Q. Did you pretty much let Wilson handle any  
4 corrective actions with Jocher that needed to be done? Did  
5 you discuss with Wilson that "Hey, you know, this guy is  
6 creating some waves out at the sites, what's happening  
7 here?"

8 A. I pretty much let Wilson handle it. Wilson has  
9 a very high respect at the sites.

10 Q. For the sites?

11 A. The sites for him, and him of the sites.

12 Q. I see. Do you have a high respect for Wilson?

13 A. Yes.

14 Q. Do you have a high respect for Jocher?

15 A. Technically, yes.

16 Q. Do you have any indication that Joe Bynum was  
17 angry at Jocher?

18 A. He didn't seem angry.

19 Q. And when you say that, just kind of in general,  
20 or even at these late meetings, or the meetings that took  
21 place in late March, early April it did not seem like an  
22 extremely urgent thing to Bynum that Jocher go?

23 A. No, it didn't.

24 Q. Do you have any indication that because Jocher  
25 was putting the pressure on upper management in the form of

1 putting issues in the formal corrective action system which  
2 require a resolution, and forcing management to address  
3 chemistry issues at Sequoyah, do you have any indication  
4 that that played a part in Bynum's decision to force Jocher  
5 to resign?

6 A. Definitely not. In fact, just the opposite.  
7 It was viewed as one of his strengths to identify those.

8 Q. It was?

9 A. Yes.

10 Q. In your opinion?

11 A. In my opinion. That was, you know, I said the  
12 three things. One is oversight, and that was his strength.

13  
14 You know, I was sent out with a team of people  
15 in the summer of '92 to do a pre-INPO assessment out there,  
16 to find issues. So, no, I would say just the opposite,  
17 that was viewed as one of his strengths.

18 Q. I recognize you indicated to Bynum at the time  
19 of the resignation that Jocher probably wouldn't change,  
20 but if Bynum had not essentially directed that Jocher be  
21 given the option of termination or resignation, would you  
22 have done that?

23 A. Probably not at that point.

24 Q. What would you have done?

25 A. I would have gone through the six-month plan to

WQ



1 see if his performance, to see if his interface with the  
2 sites improved. I would have given him more of a chance.

3 I probably would have if he didn't change --  
4 the answer to the question was that Joe gave me "Do you  
5 really think he's going to change?" and honestly I didn't  
6 think he would, and that we would probably be doing it  
7 later on, but at least we gave him one last chance.

8 So I guess I would have said eventually, but  
9 not at that point.

10 Q. If Bynum had never come to you with any  
11 complaints about Jocher, would you have been -- I'm going  
12 to say satisfied -- would you have continued to manage  
13 Jocher and he would have continued his employment with TVA?  
14

15 A. I had some things that I would have watched  
16 very closely. There was <sup>OTHER ISSUES</sup> -- not only did he have a problem  
17 interfacing with the sites, he had problems with some of  
18 his own employees.

19 Q. Okay.

20 A. In fact, one of his biggest supporters was Sam  
21 Harvey. When Bill came, he brought Sam Harvey I think from  
22 one of the Texas utilities, and Sam and Bill were very  
23 close, and Sam was a staunch supporter of Bill.

24 But before Bill came back downtown, Sam came in  
25 to me and was very upset, you know, you could just tell by

Handwritten initials or signature in the bottom right corner.

1 his composure, and he told me he didn't think he could work  
2 for Bill if Bill came back downtown.

3 Q. Why?

4 A. Basically there was an incident where Sam went  
5 out to Sequoyah, and Bill Jocher accused him of sabotaging  
6 him, of not supporting him, of trying to make him look bad,  
7 which -- you know, accused him of several things.

8 Q. Is this what Sam is telling you, or what you  
9 knew independently?

10 A. This is what Sam is telling me.

11 Q. Did you ever get any information about that  
12 issue from anyone else other than Sam?

13 A. I talked to Wilson about it. I don't know --  
14 you know, I think it was, you know, that this had happened,  
15 that Sam had come down and talked to me, but I think it was  
16 a part of a conversation between Jocher and Sam where  
17 apparently Jocher got very upset.

18 I mean there's no doubt in my mind that it  
19 happened, because you could just tell by the way that Sam  
20 was actually almost deep red, upset, you know, just didn't  
21 know if he was even going to stay with TVA.

22 Q. Did either you or McArthur approach Jocher with  
23 this issue, get his side of the story?

24 A. I think this was shortly before Bill was to  
25 come downtown. I didn't, I don't know if Wilson did or

WDS

1 not.

2 Q. You didn't direct Wilson to get that issue  
3 clarified, or smoothed over or anything?

4 A. The discussion I had with Wilson is "Hey, Sam  
5 has agreed to stay, and if it gets into a bigger problem it  
6 looks like we're going to have to address it."

7 Q. So you did have a conversation with Wilson  
8 about what Sam told you?

9 A. Yes. But I got Sam calmed down, and he agreed  
10 to see if we could work it out with Bill.

11 But this really kind of, I guess in my own mind  
12 said "Hey, this is probably a lot more serious management  
13 style issue than I had perceived it before."

14 Q. You thought that back then at the time Sam came  
15 to you, or you're thinking that now?

16 A. Back then. That's when I really started  
17 questioning seriously whether Bill would work out.

18 Q. Without Bynum's input?

19 A. Without Bynum's input. I'm not even sure if  
20 Joe knew about this.

21 Q. Well, without Bynum's input regarding other  
22 instances involving Bill. In other words, you're saying  
23 that when Harvey came to you, that's when you really  
24 started questioning in your own mind whether Jocher was  
25 going to work out; right?

1 A. Yes.

2 Q. And at that point in time had Bynum given you  
3 any input, negative input regarding Jocher?

4 A. Not that I remember.

5 Q. Okay.

6 A. See, Jocher worked under Wilson, or under me  
7 for about six months after I got here. Then he went out to  
8 the site, and basically I didn't have --

9 Q. Didn't interface with him?

10 A. That's right, he wasn't in the chain. The only  
11 real interface was when I was the team leader and went out  
12 there and did the assessment, and even then I didn't  
13 directly interface with Bill, it was done through the  
14 evaluator on the team.

15 Q. And you weren't getting any input from Beecken,  
16 or really were you getting any input?

17 A. I was getting some input from Wilson that, you  
18 know, there was -- I think it was from Wilson, I can't  
19 remember who else it would have been -- about, you know,  
20 there was conflicts between Bill and the technicians.  
21 There was a test that Bill had given the technicians, and  
22 the technicians didn't think it was a fair test.

23 And one of the other inputs I was getting was  
24 that Bill managed by memo, I remember the exact statement,  
25 and that rather than getting out in the field and getting

WOO

1 in the lab and communicating with employees, he was  
2 shooting off these memos all the time and sitting in his  
3 office.

4 Q. Who gave you that input?

5 A. I can't remember exactly who it was. Most of  
6 the input was coming through Wilson. It might have been  
7 somebody that was on the evaluation team in '92 or, you  
8 know, I just can't remember specifically. I can rem<sup>em</sup>ber  
9 the statement, but I can't remember who said it.

10 Q. During your tenure here at TVA, have you ever  
11 taken progressive discipline and terminated anyone?

12 A. Yes, I have.

13 Q. Was that person of a level of -- what was the  
14 pay grade of that person?

15 A. That was a senior manager.

16 Q. A senior manager? Who?

17 A. His name was Bob York, and he was one of my  
18 direct reports.

19 Q. So when you see poor performance, you take the  
20 proper action. Do you feel -- I mean your experience prior  
21 to TVA, how much nuclear industry experience did you have  
22 prior to TVA? How many years?

23 A. Well, I went to college majoring in nuclear  
24 engineering from '69 to '73, so I've been working in the  
25 industry since '73.

DE



1 Q. Right out of college you went into the  
2 industry.

3 Are there more, I'll call them hoops to go<sup>all</sup>  
4 through, personnel hoops to go through before you can take  
5 personnel action at TVA than there are at other public  
6 utilities, or does that parallel?

7 A. It's parallel.

8 Q. About the same?

9 A. Yeah.

10 Q. You can't just arbitrarily fire someone on a  
11 whim, you've got to show that there's been an effort to  
12 correct this person's performance. You know, I mean  
13 obviously not taking into account if the person has  
14 committed a criminal act or something like that, I'm just  
15 talking performance.

16 A. Yeah, it's the same, same thing, you know,  
17 document, coach him, document and coach him, and if it  
18 really doesn't work out, and that's really where I came up  
19 with -- the six-month was my suggestion.

20 Q. And Bynum didn't buy that, did he?

21 A. I thought he did at the first meeting. I  
22 thought there was an agreement.

23 Q. But then a month later, right?

24 A. In retrospect now what the was hearing was  
25 "We'll give Jocher six months to find a job," and at least

*del*

1 in my mind and in Wilson's mind it was six months to  
2 improve or find another job.

3 And I do remember one of the things that Joe  
4 said as we were leaving, "Jocher is going to start looking  
5 for a job."

6 Q. As you were leaving the first meeting?

7 A. Yeah, the first meeting. So I didn't think of  
8 that at the time. I took that as, well, if it doesn't work  
9 out he's looking for a job, but in his mind I think in  
10 retrospect it was saying "Hey, we'll give him six months to  
11 find a job."

12 Q. In Bynum's mind?

13 A. Yes.

14 Q. Did Bynum tell you why he was so adamant about  
15 telling Jocher to look for a job?

16 A. He just didn't think he would get along with  
17 the sites, could support the sites, and that he had  
18 credibility, they would accept his technical support or  
19 oversight.

20 Q. Were you present at the meeting where Jocher  
21 stood up and said he was underpaid?

22 A. Yes, I was.

23 Q. Tell me about that. What did he say? What was  
24 his demeanor when he said it?

25 A. He was giving a presentation on chemistry.

Dee

1 Basically he stood up, and the best I remember he said "I'm  
2 Bill Jocher, I'm chemistry manager," and something to the  
3 effect that he's highly qualified, and if you had to pay a  
4 contractor do this job, you'd have to pay him twice as  
5 much, and that "You're getting a bargain with me."

6 Q. Who all was present at that meeting in upper  
7 management?

8 A. There was at least -- I think Waters was there,  
9 Kingsley was there, Bynum was there, the site vice  
10 president was there, I was there, I believe Wilson was  
11 there.

12 Q. Was it all TVA employees, or were there INPO  
13 people, were there outside people there?

14 A. It was all TVA.

15 Q. TVA people.

16 A. This was a presentation to Waters on our  
17 preparation for INPO.

18 Q. In your opinion was Jocher serious when he made  
19 that statement, or was he kind of joking?

20 A. I didn't know. I thought it was totally  
21 inappropriate. I guess I thought he was serious. He  
22 didn't say it in a joking manner.

23 Q. Do you remember Charles Kent making a  
24 presentation at that meeting?

25 A. No.

*WJ*

1 Q. You don't?

2 A. No.

3 Q. Who else made presentations at that meeting?

4 A. I think the major department managers, ops,  
5 maintenance, et cetera, technical support.

6 Q. Do you remember Charles Kent standing up and  
7 saying that he was kind of underpaid?

8 A. No.

9 Q. Have you -- before today and me talking to you  
10 about it, had you heard of that possibility before?

11 A. No, I didn't.

12 Q. You haven't? That's kind of a surprise to you  
13 today that that may have happened, if in fact it did?

14 A. If it did, it didn't --

15 Q. You don't remember it?

16 A. It didn't register with me.

17 Q. I realize it's about two and a half years ago,  
18 but I'm going to talk about a meeting in September of 1992  
19 that was just prior to an INPO exit --

20 A. Just prior to an INPO exit --

21 Q. -- regarding, I think the INPO was Sequoyah.

22 A. Okay.

23 Q. Do you remember attending any meetings like  
24 that that would have been prior to an INPO exit that Bynum  
25 would have attended, and Jocher and --?

Handwritten initials or signature in the bottom right corner.

1 A. I don't remember any.

2 Q. You don't remember?

3 A. I remember this meeting.

4 Q. The underpaid meeting you remember?

5 A. Yeah.

6 Q. Do you remember any meeting at any time where  
7 Bynum was present that Jocher kind of blamed the chemistry  
8 problems at Sequoyah on upper management because they  
9 weren't supporting the site with money and resources?

10 A. I don't remember that.

11 Q. You don't remember anything like that?

12 A. No.

13 Q. Do you know why -- Okay. Barker was gone  
14 before you came on before you came on board, right?

15 A. Correct.

16 Q. Have you heard anything, any rumors about why  
17 Barker had to leave TVA?

18 A. The only thing I heard was he didn't work out.

19 Q. Nothing specific?

20 A. No.

21 Q. Nothing about a conflict with Kingsley or  
22 anything?

23 A. No.

24 Q. Do you know a man by the name of Pat Lydon?

25 A. Yes.

WA



1 Q. Do you know why Pat Lydon left TVA?

2 A. My impression was that Pat and Rob Beecken just  
3 didn't mix, the chemistry didn't mix.

4 And I know Pat quite well, I know Rob quite  
5 well, and they're both strong, headstrong managers, and I  
6 can visualize why that didn't work.

7 That's what my impression is. I haven't heard  
8 anything specific.

9 I'm a big supporter of Pat Lydon, I'm a big  
10 supporter of Rob Beecken both. My impression is that they  
11 just didn't mix.

12 Q. Any indication that Lydon got crossways with  
13 Bynum?

14 A. Not that I know of, no.

15 Q. So the fact that Jocher was managing by memo,  
16 or -- and I guess maybe you would differentiate managing by  
17 memo and putting things in the formal corrective action  
18 system as being two kind of diametrically opposed ways of  
19 correcting problems; right?

20 A. No. I would say managing by memo versus just  
21 going out there and talking to the people and coaching them  
22 is --

23 Q. I see. So I would be talking about two  
24 different subjects, then? I would be talking about  
25 correcting problems versus managing people?

WLL

1 A. Correct.

2 Q. The managing by memo, you're talking about he  
3 would do that instead of making personal contact with his  
4 people, and getting out with his people?

5 A. That's correct.

6 Q. Okay. He would just kind of write memos to his  
7 subordinates and say "You need to be doing this" and "You  
8 need to be doing that"?

9 A. Yeah. Which is -- the reason I have a problem  
10 with it, that's one way of communication. There may be a  
11 reason why they're not doing that.

12 Unless you go out and talk to them and get a  
13 two-way communication, you really won't know.

14 Q. When you were getting all this input, negative  
15 input about Jocher's performance, did you talk to Jocher  
16 about it and get his side of the story on it?

17 A. The time that I did was when he went out to  
18 Sequoyah. I wanted to make it clear to him that, you know,  
19 this was a trial period. You know, I wanted him to  
20 succeed, but that he had some issues that he had to solve.

21 Q. Did you tell him that one of the reasons that  
22 he was going out there was because he identified too many  
23 problems and didn't do anything about them?

24 A. No. My feeling is just the opposite.

25 Q. Okay.

WA

1 A. You know, to me that's what our job is.

2 Q. To identify problems, and correct them?

3 A. Identify problems and help the sites correct  
4 them.

5 Q. All right. So as far as you were concerned, no  
6 problem with him digging in and identifying all kinds of  
7 chemistry problems at any of the sites while he was  
8 employed?

9 A. No. That's what I want.

10 In fact, you know, that's what I do also. I  
11 mean when I went out before INPO came in in '92, I headed  
12 up a team to go out there, and we had 65 findings.

13 We had eight in chemistry, which was about  
14 average for -- I think ops had ten, maintenance had ten, RP  
15 was good, they had four. But that's what our job is.

16 Q. Do you have any indication that we'll say in  
17 addition to the fact that Jocher got a little bit  
18 prescriptive with the plants about how to correct their  
19 problems, was there any indication that other than the  
20 underpaid meeting that Jocher embarrassed upper management,  
21 criticized upper management in kind of a public forum? Did  
22 you have any indication like that?

23 A. No.

24 Q. You didn't?

25 A. No.

*DeQ*

1 Q. Do you have any indication that Kingsley wanted  
2 Jocher terminated or forced to resign?

3 A. No.

4 Q. No indication at all?

5 A. No.

6 Q. You never talked to Wilson about the fact that  
7 Kingsley was unhappy with Jocher?

8 A. Not that I remember. I wouldn't have any basis  
9 for it.

10 Q. Okay.

11 A. Other than the one we were at reception, and  
12 Oliver asked me what I thought of what the chemistry  
13 presentation, or the presentation, and I said I was  
14 embarrassed by what Bill had said, and Oliver just kind of  
15 thought for a minute, and just "So was I," and then the  
16 conversation went on to something else. I mean it wasn't a  
17 stand-out comment, it was just like he was agreeing with  
18 me, not that he had any feeling one way or the other.

19 Q. You kind of brought that issue up, your  
20 embarrassment with that issue first before he --

21 A. Yeah.

22 Q. He just kind of agreed with you?

23 A. Yeah. I didn't take it as a big deal.

24 Q. And you don't remember talking with Wilson  
25 about that interchange?

*WJD*

1           A.     What I'm saying is if I did, that would have  
2     been the only one, because that's the thing I have to base  
3     anything on.

4                     So I guess what I'm telling you is if I did,  
5     that's what we would have talked about.

6           Q.     To just kind of recap, when you came on board  
7     with TVA -- and as I go along here I'm just trying to piece  
8     together not only what I've read in the DOL documentation,  
9     but what we've talked about here today -- you came on board  
10    with TVA, Jocher was already on board reporting to  
11    McArthur, it was only about six months before the trade  
12    between Jocher and Fiser/  
13    Sequoyah and corporate, you didn't initiate that trade, but  
14    you didn't disagree with it, to the best of your knowledge  
15    that the idea kind of came from Wilson, and not necessarily  
16    from the site; is that correct?

17          A.     I think it came from the site. I got the  
18    impression it came either from the site or from Joe. I  
19    don't think Wilson initiated it.

20          Q.     But you didn't get direct input from the site,  
21    anyone from the site saying "Hey, can we have Jocher out  
22    here?"

23          A.     No. That's what my impression was, but I think  
24    I got that input from Wilson.

25          Q.     Okay.

WA



1 Q. And Wilson wanted to know if I had a problem,  
2 and I said "No. I think it's a good idea."

3 Q. And then you called Jocher in and kind of told  
4 him about the basis for him going out to the site?

5 A. Actually I met him out at Sequoyah in the lunch  
6 room there.

7 Q. Okay.

8 A. He had already gone out there, and I wanted to  
9 make sure he knew that this was a trial period. You know,  
10 we didn't have any preconceived, you know, that he was --

11 Q. He was not the knight in shining armor to go  
12 out and rescue Sequoyah?

13 A. That's right. My impression was in talking to  
14 Wilson that he visualized himself as the knight in shining  
15 armor to go out there and slay the dragons, and I wanted to  
16 make sure that that was not true, that he was going out  
17 there to put his money where his mouth was.

18 Q. Okay. And while he was out there, you didn't  
19 get any significant input from the site people, Beecken or  
20 Jack Wilson, or those folks regarding Jocher's performance?

21  
22 A. I think the input I got was either through  
23 Wilson, or through the team assessment we did in May of  
24 '92. But other than that, I didn't really have that much  
25 involvement.

WJC

1 Q. Was Wilson part of that team assessment?

2 A. I think he was. Yeah, he was.

3 Q. That's the one where you had the 65 findings, a  
4 eight in chemistry?

5 A. Yeah. I think Rob Ritchie was doing chemistry,  
6 Wilson was doing chemistry and radiation protection.

7 Q. Okay.

8 A. Seems like it was somebody else, too. I can't  
9 remember.

10 Q. Do you remember if Jocher was unhappy at the  
11 eight findings, or did you sit down and kind of like have a  
12 mock exit meeting on the assessment, or a real exit  
13 meeting?

14 A. We had an exit with the management team, and  
15 were they brought in -- you know, we do like operations,  
16 and the operations manager would come in, and Rob would be  
17 there, and Wilson, Jack Wilson would be there, and just the  
18 same way that INPO does, and discuss the findings, and  
19 don't remember Jocher disagreeing.

20 Q. Okay. Was he there?

21 A. When they did the chemistry part I'm sure he  
22 was

23 Q. Okay. So he didn't disagree with the findings?

24 A. Not that I know.

25 Q. Okay. How long had he been out there before

*Handwritten initials*

1 you did that assessment, about?

2 A. Probably three months.

3 Q. He wouldn't have had much time, really, to do  
4 much correcting of problems.

5 A. Right.

6 Q. Did your findings find any new problems,  
7 surprises?

8 A. Well, I remember a few of them in the chemistry  
9 area, one that was the big issue was the upgrading of the  
10 chemistry instrumentation, which had been identified  
11 previous by INPO.

12 And we did have one on technician knowledge,  
13 was basically system knowledge, plant knowledge.

14 We had one on --

15 Q. Was the technician thing, was it a surprise to  
16 you?

17 A. I don't remember if it was a surprise. I would  
18 have categorized it as knowledge that was nice to know; it  
19 was like background knowledge.

20 I mean the technicians had the knowledge to  
21 take the samples, analyze the samples, but they didn't  
22 necessarily know the system that they were sampling, how it  
23 operated or what it did, so I call it background knowledge.

24 It doesn't really interfere with, you know,  
25 their specific job, but it's stuff that is nice to know if

DD.

1 something goes wrong we can tell how urgent it is or what,  
2 you know, communicate that to operations.

3 Q. But it was enough for you to call it a finding.  
4 Were you being kind of picky on the findings in that  
5 assessment, or --?

6 A. I wanted to be more critical than INPO did. I  
7 didn't want any -- when INPO came in I didn't want any  
8 surprises. I wanted it to be thorough enough so that, you  
9 know, it would cover the bases before INPO came in, and  
10 give them a chance to solve them before INPO came in. So,  
11 yeah, I guess some of them were picky.

12 Q. Did you correlate in your mind at all any of  
13 those findings to Jocher's performance out there?

14 A. No.

15 Q. So you didn't kind of think that those problems  
16 were his fault --

17 A. No.

18 Q. -- for not correcting, or that type of thing?

19 A. No.

20 Q. Okay.

21 A. He had only been there a short time.

22 Q. And between the assessment --

23 A. One of the --

24 Q. Go ahead.

25 A. We did call out chemical traffic control, I

*Dee*

1 knew that one was one I did get involved in because I was  
2 out on tour, and in one of the intake structures there were  
3 a lot of chemicals that weren't labeled, controlled, and  
4 that's one I do specifically remember.

5 And I guess I was -- later on that summer after  
6 we had had our finding NRC made it a violation.

7 Q. Yeah. So it still hadn't been corrected?

8 A. Right.

9 Q. But between your assessment -- any other  
10 findings that may have been kind of a surprise to you in  
11 your assessment?

12 A. No, I don't think so.

13 Q. Between your assessment and the time you  
14 started having meetings with Bynum and McArthur about  
15 getting rid of Jocher, what, if any, input did you have  
16 about Jocher's performance out at Sequoyah?

17 A. The only input I had is that they didn't want  
18 him to stay there.

19 Q. They being?

20 A. Rob Beecken, or the plant, the site. I don't  
21 know if it was Rob or Charles Kent, or Jack Wilson.

22 Q. And you got that input from?

23 A. Wilson.

24 Q. Not directly from Kent or Beecken or Wilson, or  
25 Jack Wilson?



1 A. I did talk --

2 Q. Let's make sure we make it clear, Jack Wilson  
3 and Wilson McArthur.

4 A. I never -- I can't remember ever talking to  
5 Jack Wilson about Bill Jocher.

6 I did have a conversation with Rob Beecken, but  
7 that was initiated by me mainly about not filling the  
8 chemistry manager position.

9 I didn't really care that they weren't filling  
10 it with Bill Jocher, because I was planning on bringing him  
11 downtown, but filled with somebody. I thought there were  
12 problems there that needed to be addressed, and I just  
13 thought they would get lost if they didn't have a chemistry  
14 manager.

15 I did have a conversation with Charles Kent on  
16 the same issue, not filling the chemistry manager, and he  
17 got very upset with me, that he felt I was forcing my  
18 opinion on him, and I had no right to do that, I was a  
19 corporate person coming on site and telling him what to do,  
20 and he got very upset with me.

21 He came back later and apologized, and said  
22 that was the right decision, but at the time he was very  
23 upset.

24 Q. The right decision meaning to <sup>KEEP his</sup> ~~make~~ the  
25 chemistry manager out at Sequoyah?

1 Q. Yeah. He was adamant against it at that time,  
2 and Rob was mainly supporting Charles Kent, and Bob Fenech  
3 was mainly supporting, you know, Rob and Charles.

4 Q. Did Gordon <sup>RICH</sup> ~~Ritchie~~ eventually get the chemistry  
5 manager at Sequoyah job?

6 A. Correct.

7 Q. But initially he was interviewing for the  
8 corporate chemistry manager job?

9 A. Initially he interviewed for a chemistry  
10 program manager position that Sequoyah brought him in  
11 initially.

12 I didn't -- in fact, I had gone out to Trojan,  
13 I had worked there and I knew most of the people, and found  
14 out that Gordon was flying out to here to interview. I  
15 didn't know that, and it was -- I think that I assumed at  
16 the time it was for the chemistry manager position, I don't  
17 know, but I hadn't set it up.

18 Q. So that had already been done before you even  
19 knew he was coming out?

20 A. Yeah. I had been contacted about, you know,  
21 "Is there a good chemistry manager out there?" I said  
22 "Yeah, one of the best in the nation is at Trojan," so  
23 apparently they acted on that, I didn't know that they had.

24

25 Q. Human resources contacted you, or who contacted

*RR*

1 you about that asking your opinion on that?

2 A. Wilson.

3 Q. Wilson?

4 A. Yeah.

5 Q. Just one more time for the record, Mr. Keuter,  
6 why was Jocher forced to resign?

7 A. Bill was asked to resign because of his  
8 management style, and ability not to get along with the  
9 sites, which would have hindered him in being corporate  
10 chemistry manager. That's essentially it.

11 Q. And you agree with that?

12 A. Oh, yes. The sites and his own people, you  
13 know, and it wasn't only Sam. I mean there was a conflict  
14 apparently earlier with Betsy Iford-Lee who worked for Bill  
15 in chemistry, and Wilson recommended that we move her over  
16 to the environmental section just because she didn't get  
17 along with Bill Jocher.

18 Q. I mean it's interesting that a lot of people  
19 are coming, I'm getting a lot of input about people that  
20 they don't like the way Jocher deals with them, but I don't  
21 hear a lot about you or Wilson going to Jocher and asking  
22 him for his side of that story.

23 You would not accept -- I mean you would not  
24 have a problem with Jocher being strong with employees that  
25 were not performing, would you?

WJ

1 A. No.

2 Q. You wouldn't? Do you have any indication that  
3 the environmental group was not really performing well?

4 A. No. It was just the opposite. They were  
5 performing real well.

6 Q. Your indication was that they were performing  
7 real well?

8 A. Yes.

9 Q. Were you getting that from Wilson?

10 A. I was getting it from Wilson, and the sites  
11 also would, you know, express "Hey, thanks for the people  
12 that came out and helped us on this or that."

13 Q. The environmental people, did they also have  
14 some oversight responsibility?

15 A. Yes.

16 Q. Do you think maybe the sites were happy because  
17 the environmental people weren't coming out and identifying  
18 a lot of problems out there?

19 A. No.

20 Q. Were they doing that?

21 A. Yes. I think they were happy because they were  
22 helping them solve them, too.

23 Q. Okay.

24 A. There was another incident, now that I remember  
25 where apparently there was a selection committee to select

dx

1 a chemistry manager --

2 Q. At Brown's Ferry?

3 A. -- at Brown's Ferry, and I can't remember who  
4 told me, if it was Scalice or -- I think it was John  
5 Scalice said that Bill was asked to be on the selection  
6 committee and didn't show up, and then after they selected  
7 somebody he said he didn't agree with it, and John's  
8 opinion, which I agree with, is if he doesn't even show up  
9 for the selection committee, how can he express his  
10 displeasure afterwards and criticize the decision.

11 Q. Sabados was acting, and he got selected?

12 A. Correct.

13 Q. Kind of a shoo-in, or was there serious  
14 consideration given to the other candidates?

15 A. I think there was serious consideration. There  
16 was -- I can't remember his name -- anyways, he was on the  
17 team that I did at Sequoyah, he was on the team and he was  
18 strongly considered.

19 Q. Okay. But your input regarding even that  
20 selection came primarily from Scalice?

21 A. Yeah, it was after the fact. I didn't know it  
22 before the fact.

23 Q. Didn't know what was going on or --

24 A. No. But your comment that we weren't  
25 addressing it with Bill I don't think is totally correct.

*WJ*



1 Q. Okay. Tell me about that.

2 A. Well, the one that I thought was, you know,  
3 where I specifically wanted to make sure that Bill got the  
4 message was when I sat down with him when he went out to  
5 Sequoyah. You know, even though that was emphasized  
6 through Wilson, I wanted to make sure he got the message,  
7 so I made an extra effort to do that.

8 Q. But do you think the message to put your money  
9 where your mouth is, in other words when he was -- I mean  
10 if he's at corporate and he's identifying problems, he's  
11 not supposed to be going out -- I mean he's supposed to be  
12 helping the plant solve them -- right? -- but he's not  
13 supposed to be implementing or forcing his own ideas on the  
14 sites to solve those problems; right?

15 A. The charter that we had was three things, you  
16 know, technical support, oversight and process improvement.  
17 And, you know, oversight is, you know, one of the main  
18 things we were doing.

19 Now, you've got to work with the sites to solve  
20 the problem. You can't go out there and dictate to them,  
21 you know, if there are six ways to solve it they've got to  
22 do it your way, but Bill had a propensity to do that. He  
23 wanted it done his way.

24 Q. Yeah, but my original point is that, you know,  
25 if you're telling him "Now you can put your money where

DD

1 your mouth is," that to me essentially says "Hey, you can  
2 solve the problems your way, you get a chance to solve the  
3 problems your way."

4 Do you think that that kind of a statement or  
5 conversation with him indicated that you thought he had a  
6 performance problem?

7 A. As part of that I said "You have a credibility  
8 problem with the sites."

9 Q. Okay.

10 A. You know, that was what my intent was, "Hey,  
11 you have a credibility with the sites, and this will give  
12 you an opportunity to prove yourself, so that when you do  
13 come back you've got credibility now."

14 Q. So the credibility problem would have been the  
15 fact that he can see these problems, but he doesn't really  
16 know how to fix them?

17 A. Yeah.

18 Q. Okay. Other than that, and we keep coming back  
19 to that, any other conversations between you and Jocher  
20 negative about his performance?

21 A. We had conversations. You know, I can't  
22 remember the specifics.

23 He came to me one time saying "Hey, is Bynum or  
24 Kingsley upset with me?" I said "Not that I know of,  
25 nobody has talked to me about it, but I think you've got to

WR

1 improve your relationship with John Sabados."

2 Q. So other than just telling him that you didn't  
3 know anything about any problem Kingsley might have with  
4 him, you took that opportunity to talk to him about  
5 problems that you had with him?

6 A. Yes.

7 Q. Okay.

8 A. Now, I didn't document these, and I probably  
9 should have. I wasn't his direct supervisor.

10 Q. I recognize that -- I mean you don't know  
11 what's coming down the line at that point in time, I mean  
12 as a manager you're talking to a subordinate and indicating  
13 that there might be some rough edges here. I understand  
14 that, and I'm not here to second-guess and say you should  
15 have documented and put in a memo every time that there was  
16 the slightest hint of a performance problem with Jocher.

17 A. The fact that we moved Betsy Iford-Lee under  
18 environmental, I mean he has to know that there was an  
19 issue there.

20 I didn't get personally involved in that, but I  
21 mean for him to not think that there was an issue there to  
22 take one of his five people and move her under a different  
23 manager just because of a conflict between him and her --

24 A. Is there any truth to the fact that the  
25 environmental people were kind of sitting on their butts

DL

1 here in corporate and not getting out to the site and doing  
2 the job? Is there any truth to that?

3 A. Not that I know of. In fact, just the  
4 opposite. They were probably the ones that did get out  
5 there, get out and handle it.

6 Q. They were doing -- I mean did they kind of have  
7 a regular schedule like once a quarter they needed to do a  
8 site review, or something like that? Was there any  
9 guidelines like that?

10 A. Well, they were expected to interface with  
11 their counterparts. Like Betsy was doing all the  
12 environmental reports for the sites.

13 Q. No indication that they weren't doing their  
14 job?

15 A. No, not that I know.

16 Q. It was quite to the contrary?

17 A. To the contrary.

18 Q. Okay.

19 A. And if I would have, I would have addressed  
20 that, because there's not a need for a corporate  
21 organization that doesn't support the sites.

22 Q. Is there anything else that you would like to  
23 add that pertains to Mr. Jocher's resignation that we  
24 haven't discussed that you feel is pertinent to this issue?

25

*Del*

1 A. Not that I know of.

2 Q. You've given this interview freely and  
3 voluntarily, haven't you, Mr. Keuter?

4 A. Absolutely.

5 Q. There hasn't been any pressure on you to do  
6 this interview?

7 A. No.


8 Q. I don't have any further questions at this  
9 time. I just want you to understand that during the course  
10 of my interviews with other folks I may need to talk to you  
11 again, so don't absolutely consider this the last time we  
12 talk, but it may happen. Okay?

13 A. Okay.

14 MR. ROBINSON: Thank you for your time. It's  
15 now eleven-thirty, and the interview is completed.

16 (At 11:30 a.m., Tuesday, February 7, 1995, the  
17 interview was concluded.)

18 + + +

19   
20 7/21/95  
21  
22  
23  
24  
25



C E R T I F I C A T E

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

Name of proceeding: Interview of Dan Keuter

Place of Proceeding: Chattanooga, Tennessee

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

*L. V. Partain*

\_\_\_\_\_  
L. V. Partain,  
Certified Court Reporter,  
Official Reporter,  
Neal R. Gross & Co., Inc.

# EXHIBIT 20

3.U  
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

+ + + + +

OFFICE OF INVESTIGATIONS

INTERVIEW

-----X

IN THE MATTER OF: :

INTERVIEW OF : Docket No.

WILSON McARTHUR : (Not assigned)

-----X

Tuesday, February 7, 1995

TVA Headquarters,  
1101 Market Street,  
Chattanooga, Tennessee

The above-entitled interview was conducted at  
8:33 a.m.

BEFORE:

LARRY L. ROBINSON Investigator

2-93-015

EXHIBIT 20  
PAGE 1 OF 65 PAGE(S)

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

APPEARANCES:

On behalf of Tennessee Valley Authority  
and Witness Wilson McArthur:

ERENT R. MARQUAND, Senior Litigation Attorney,  
400 West Summit Hill Drive,  
Knoxville, Tennessee 37902-1499  
615/632-4251

On Behalf of the Nuclear Regulatory Commission:

LARRY L. ROBINSON, Investigator,  
101 Marietta Tower, Suite 2900,  
Atlanta, Georgia 30323  
404/331-6509

PROCEEDINGS

MR. ROBINSON: Let's go on the record.

For the record, this is an interview of a TVA employee, Wilson McArthur.

It is Tuesday, February 7th, 1995. This interview is being conducted in TVA's offices in Chattanooga, Tennessee. The time is 8:33 a.m.

Present at the interview are Mr. McArthur, Mr. Brent Marquand of the TVA Office of General Counsel, Investigator Larry L. Robinson from NRC Office of Investigation, and this interview is being transcribed by a court reporter.

The nature of the interview pertains to the circumstances surrounding the resignation from TVA by Mr. William F. Jocher.

A couple of administrative questions, Mr. McArthur, before we get into the interview.

Do you have any objections to being sworn to your testimony here today?

THE WITNESS: No.

MR. ROBINSON: The reason that I made the arrangements for these interviews of course through the TVA Office of General Counsel was that I was aware that their office had represented you in your Department of Labor transcripts.



1 I may ask you some questions today that there may  
2 be some negative or adverse responses in your knowledge  
3 regarding certain people here at TVA. Are you going to feel  
4 reluctant to make those responses in any way in view of Mr.  
5 Marquand's presence here today?

6 THE WITNESS: No, I don't think so.

7 MR. ROBINSON: And I have no knowledge that you  
8 have such responses, I just want to -- Did Mr. Marquand  
9 volunteer his services as your representative?

10 THE WITNESS: I requested it.

11 MR. ROBINSON: You requested it. Okay.

12 I'll ask you, Mr. Marquand, to just briefly state  
13 the nature of your representation of Mr. McArthur here today.

14 MR. MARQUAND: Obviously I am employed by TVA, and  
15 in this situation we feel that Mr. McArthur's interests and  
16 TVA's interests are coextensive, and to that end I represent  
17 both TVA and Mr. McArthur, or Dr. McArthur.

18 MR. ROBINSON: And do you foresee any potential  
19 conflict of interest between those two representations at this  
20 time?

21 MR. MARQUAND: I do not.

22 WHEREUPON,

23 WILSON C. McARTHUR

24 was examined, and testified as follows:

25 EXAMINATION

W C M

1 BY MR. ROBINSON:

2 Q. All right. Briefly, Mr. McArthur, I believe before  
3 we went on the record you indicated that you are the manager,  
4 corporate manager of RADCON at TVA currently.

5 A. Right.

6 Q. You have been with TVA since, when is it, 1990?

7 A. April the 1st, 1990.

8 Q. I see. And you had come in from where?

9 A. A company called Quadrex.

10 Q. Quadrex. Okay.

11 And just briefly run through your positions here at  
12 corporate between the time you reported on board and now.

13 A. Okay. When I came on board I came on as manager of  
14 technical programs, that's RADCON, chemistry, environmental,  
15 fire protection, the instrumentation laboratories, the  
16 environmental monitoring -- I know I'm missing something --  
17 that's basically it.

18 I remained in that position until corporate was  
19 downsized about, some time last year in '94, and the position  
20 of manager of technical programs was eliminated.

21 And then I bid for the job of manager, corporate  
22 RADCON -- and I think you had heard something about being  
23 acting -- I was acting for some period of time.

24 Q. I believe you were acting at the time you were  
25 deposited in the DOL --

1 A. That's correct.

2 Q. -- in September of last year.

3 A. Right.

4 Q. Okay. Did you know Mr. Jocher before he came to  
5 TVA?

6 A. No. I had heard his name, but I didn't know him.

7 Q. Okay. You hadn't worked with him before, or had  
8 any experience with him?

9 A. No.

10 Q. Did you interview him when he came on board for the  
11 job, or when he came up to be interviewed for the job?

12 A. I was one of those who interviewed him, yes.

13 Q. And what was your initial appraisal of Mr. Jocher  
14 just from that interview, if you recall?

15 A. He was recommended by a fellow by the name of Jim  
16 Barker who worked for me, he was the manager of RADCON  
17 chemistry and environmental at that point in time, and he felt  
18 pretty strongly that he was the guy he'd like to have in that  
19 position.

20 I interviewed him recognizing that this fellow felt  
21 pretty strongly about Bill.

22 Q. Barker felt strongly?

23 A. Yeah, he felt pretty strongly about he being the  
24 right guy for the position.

25 I remember the interview was more of a just getting

1 to know who he was, some of the experience and those kind of  
2 things, and I had stated some concern about the number of  
3 different positions he had had, and I had talked to Jim Barker  
4 about that, that I was concerned about the movement to  
5 different locations and different utilities and that kind of  
6 thing, and he assured me that he felt that Bill was looking for  
7 a place to settle down. That was basically my main concern.

8 I looked at Jim to be more the person to ascertain  
9 if he was the most qualified person, unless there was something  
10 that bothered me.

11 Q. Okay. During your interview of Mr. Jocher did you  
12 talk to Mr. Jocher directly about his number of different  
13 locations, et cetera?

14 A. I don't remember specifically if I did or not. I  
15 just remember talking to Jim Barker about it. I don't remember  
16 if I did with Bill or not.

17 Q. You pretty much agreed with Barker's assessment,  
18 and didn't see any immediate problems in the interview that  
19 would have made Barker's assessment seem inconsistent?

20 A. No.

21 Q. Okay. And Jocher came on board and reported  
22 directly to Barker?

23 A. That's correct.

24 Q. And Barker reported to you? —

25 A. Right.

1 Q. And you reported to Dan Keuter at that time?

2 A. Let's see. I believe that's correct. There was a  
3 period in time there I was the acting VP of operations support.  
4 I don't remember if that was the time frame or not. But it was  
5 either I was acting in that position, or Dan Keuter was there.

6 Q. So if you had been acting, you would have reported  
7 directly to Bynum, Joe Bynum?

8 A. That's correct, during that period of time, yes.

9 Q. Do you remember whether or not during any of the  
10 period of time that Jocher was here that you reported directly  
11 to Joe Bynum?

12 A. Yeah, I was acting -- a couple of times I was the  
13 acting --

14 Q. Yeah, I understand, and I guess if Keuter was going  
15 to take an extended vacation or something, I mean kind of on a  
16 permanent basis.

17 A. Just prior to Keuter coming on board, I was acting  
18 as the VP of operations for -- I don't remember, it was like  
19 six months, something like that.

20 Dan came on board, and there were a couple of times  
21 after that that I acted in that position, not for vacations,  
22 but after Dan left, for example, but that's after Jocher had  
23 left. I'm pretty sure that's the case.

24 A. Okay. During Mr. Jocher's first year at TVA while  
25 he was still in a corporate chemistry position, was his title

wcm



1 corporate chemistry manager, or corporate chemistry supervisor?

2 A. Manager.

3 Q. Manager. What was your general assessment of his  
4 performance?

5 A. Well, I guess it's in two parts. Technically we  
6 talked quite a bit on a technical basis. I felt that Bill was  
7 well qualified, and he exhibited that in our discussions. He  
8 knew what he was talking about from a technical standpoint.

9 The other thing would be that he had some problems  
10 with some of the people at the sites, principally John Sabados  
11 down at Brown's Ferry.

12 Q. And I'm very familiar with at least the fact that  
13 he and John Sabados had some disagreements.

14 A. That was initially at the very beginning.

15 Q. Okay. Did Barker have any problem with Jocher  
16 interfacing with you directly without Barker being there, or  
17 was that acceptable to Barker?

18 A. We were pretty open in that regard. There was a  
19 point in time there where Jim Barker left, we did a downsizing  
20 which eliminated that particular position that he was in. And  
21 the he reported, Jocher reported directly to me. I don't know  
22 the exact time frame for that.

23 But when Barker was reporting to me and Jocher was  
24 reporting to him, I don't remember any problems at all.

25 Q. Barker didn't express any concerns to you about

W L W

1 Jocher communicating with you directly and leaving him out of  
2 the communication?

3 A. I don't think it was a leaving out. We were pretty  
4 good at communicating with each other.

5 You know, I expected the guys who reported to me to  
6 make their manager aware if they had a discussion and that kind  
7 of thing, but I felt that -- I didn't feel any antagonism  
8 whatsoever.

9 Q. To your knowledge why did Barker leave TVA?

10 A. Why did he leave TVA? We eliminated his position.  
11 The decision was made to eliminate the position of corporate  
12 RADCON chemistry manager.

13 Q. To your knowledge there were no adverse  
14 circumstances surrounding Barker's departure?

15 A. Not that I'm aware of.

16 Q. I understand from my reading of the documentation  
17 in this -- and you correct me if I'm wrong -- that Jocher may  
18 have been a little bit strong, and perhaps dictatorial in how  
19 the sites were going to implement certain chemistry programs.  
20 Is that one of the things that caused the problems with the  
21 site managers?

22 A. Let me say it my way.

23 Q. Okay.

24 A. I'll just give you an example of -- at Brown's  
25 Ferry we were looking at hydrogen water chemistry, zinc

WCH

dlc

WCM

1 addition for the Brown's Ferry plant.

2 Bill had the opinion that it should be implemented  
3 immediately, by the way and I agreed with that concept.  
4 Brown's Ferry senior management looked to John Sabados to  
5 provide them input, felt they needed a lot more information  
6 before we proceeded in that direction.

7 Bill was of the opinion that if we didn't do  
8 something fairly soon that we would start having some corrosion  
9 problems and that kind of thing.

10 The industry was having some difficult times. Some  
11 places it had implemented hydrogen water chemistry and  
12 radiation exposure levels had gone up so high that they were  
13 very concerned, it had an impact on operations and that kind of  
14 thing.

15 It was a -- it was more of a process that "I have  
16 made up my mind, and I'm right, so therefore I expect you to  
17 follow suit and implement it." And that was not the way Ike  
18 Zeringue who then was the site VP would implement things. He  
19 wanted to know the whole, all the facts before he would make a  
20 decision.

21 That's an example of the kind of thing that Bill  
22 just felt we were not moving fast enough.

23 Q. I see. Okay. Anything else that you wanted to say  
24 about that?

25 A. Well, there were a number of those kind of things

WCM

W

1 that took place over a period of time with Brown's Ferry, and  
2 some with Sequoyah.

3 Q. Where Bill kind of wanted to get some things  
4 moving, and Brown's Ferry management, or even Sequoyah  
5 management kind of wanted to look at them a little bit longer  
6 and evaluate them?

7 A. Each, because at Brown's Ferry there had been a lot  
8 of <sup>DCP's?</sup> ~~PANCS~~ additional equipment, some safety concern, hydrogen  
9 in tanks, those kind of things -- a lot of things you have to  
10 take a look at, and there was just some concern that that was  
11 just moving too rapidly to implement without a detailed safety  
12 analysis and those kind of things, and that's the way we would  
13 have proceeded anyway.

14 Q. From your experience in the chemistry area in the  
15 nuclear industry, how big of a role, how big of a factor is  
16 chemistry to a nuclear power manager, the manager of a plant,  
17 or an operations manager? Is chemistry important to him, or I  
18 mean on a scale of one to ten?

19 A. I wouldn't even try to guess on a scale of one to  
20 ten, but I would say it's changed over a period of time.

21 Fifteen years ago or so RADCON always reported to -  
22 - chemistry always reported to RADCON, so chemistry was like a  
23 weak sister.

24 Over the years with the steam generator problems,  
25 with PWRs and that kind of thing, there have been some

W

Went

1 indications and desires to elevate chemistry to a higher level,  
2 so we've seen it happen over the last say five to ten years,  
3 very specifically where chemistry is on a parallel with RADCON,  
4 and, yes, it has a major contribution to the operation of the  
5 plant, there's no question about that. So it's receiving a lot  
6 more attention today than it did years back.

7 Q. Is that because of the increased attention by NRC  
8 on it, or why is it receiving more attention?

9 A. I think if you look at steam generators, we  
10 expected those to be a forty-year life of the plant, and now  
11 we're saying <sup>of</sup> ~~it~~ most -- I guess the average now is about twelve  
12 years, so it's a lot of money, you spend a lot of money to  
13 change those steam generators out, so with the PWR that's a  
14 big, big concern, so water chemistry becomes very important.

15 Q. Why did Jocher go out to Sequoyah?

16 A. In his position, at the corporate position he was  
17 looking at a lot of problems at Sequoyah -- and all this is  
18 what I think took place -- the site was having problems with  
19 the fellow that was in that position --

20 Q. Fiser?

21 A. <sup>GRAY</sup> Jerry Fiser. -- and there was some desire to  
22 replace him.

23 Somewhere along the line Rob Beecken came to myself  
24 and Dan Keuter, and I don't know who he came to first, and said  
25 "We would really like to have Bill come out here and see if he

Went



becken

1 can solve some of these problems."

2 Q. What was the tone of that request? In your  
3 estimation I mean was that a sincere request by Beecken to have  
4 a trouble-shooter come out and fix problems, or was that kind  
5 of a request by Beecken to put some pressure on Jocher to see  
6 if he could put his money where his mouth is, so to speak?

7 A. I heard those comments by others saying that Rob  
8 Beecken was just saying "Okay, you complain a lot, so therefore  
9 I'm going to put you out here." I never got that feeling from  
10 Beecken myself, or Dan Keuter.

11 My feeling was, and what I told Bill Jocher was he  
12 was going out there to solve problems, that's the reason he was  
13 going out there, he was looked upon as somebody who could do  
14 that.

15 I believe that Bill had some suspicions along this  
16 line, because he had talked with Dan Keuter. Dan talked to him  
17 before he went out and said "Look, we're not sending you out  
18 there because you're the hero, we're sending you out there  
19 because we feel that you deserve a chance to attack some of  
20 these problems and see what you can do, but, you know, nobody  
21 is saying that you're going to be the hero out there." I don't  
22 know the words that Dan said to him, but it was something along  
23 that line.

24 Q. You didn't hear that conversation?

25 A. No, it was conversation between the two of them.

WCM

1 Bill was kind of surprised, because he came back to  
2 my office and said, you know "It's kind of a surprise how Dan  
3 approached this with me," you know, that there was some  
4 concern. See, I was concerned about Gary coming back downtown.  
5 I had gotten information that he was going to come back as the  
6 corporate chemistry manager, and from what I knew about Gary  
7 and my dealings with him in the NSRB, I wasn't really sure that  
8 he was the guy to be in the corporate chemistry position.

9 So that was my involvement at that point in time.  
10 In fact, both Jocher and myself went down to visit with Dan  
11 Keuter and said, you know "This is probably not the right thing  
12 to do, you ought to really consider it before you put Gary into  
13 this position, because this is a pretty important position  
14 dealing with the sites.

15 And Dan related a story about some fellow at --

16 Q. Trojan?

17 A. -- Trojan or, I can't remember if it was Trojan or  
18 Rancho Seco, one of the two plants he had been at, in which the  
19 guy just wasn't working out well, but he stood behind him and  
20 made it work, so what he was telling me is, "You know, stand  
21 behind this guy and make it work."

22 Q. Stand behind Fiser?

23 A. Fiser, yeah, and also stand behind Jocher because  
24 being the corporate guy he and I would relate to each other  
25 quite a bit, so he said, you know, both cases stand behind

wcm

1 Fiser make him successful, help him be successful, and to work  
2 with Bill Jocher very closely to make him successful. So that  
3 was the directions from Dan Keuter.

4 But Bill was a little sensitive about it because of  
5 the discussion he had had with Dan Keuter.

6 Because, see, all of my input to him before that  
7 was "You're going out to solve the problems. You've got a big  
8 job here to do, chemistry at Sequoyah is not in good shape.  
9 We really need some close attention to the real details, the  
10 procedures, people, everything else as far as the program was  
11 concerned."

12 Q. Was Jack Wilson involved in requesting Jocher to  
13 come out to Sequoyah?

14 A. I don't know. If he was, I was not involved in it.  
15 The only person I dealt with directly was Rob Beecken in that  
16 regard.

17 Q. Do you remember being involved in a conversation  
18 with Jocher regarding him wanting licensing to contact NRR  
19 about a time limit on obtaining <sup>PASS</sup> ~~PASS~~ samples?

20 A. I remember his concern. I don't remember him  
21 saying that he wanted to get in contact with anybody. He was  
22 concerned about the time, the three-hour time frame.

23 Q. Did Jocher ever kind of request permission from you  
24 to coordinate with licensing and call NRR regarding clarifying  
25 the time that was necessary to obtain the <sup>PASS</sup> ~~PASS~~ samples?

1 A. That would not be his normal process. He would go  
2 through the plant.

3 I was his -- I would be more of the consultant or  
4 advisor to him, but I don't remember having that discussion.

5 Q. You don't remember that?

6 A. No.

7 Q. And to your knowledge Jack Wilson was not a major  
8 player in requesting Jocher to come out to Sequoyah?

9 A. Not that I'm aware of.

10 Q. When Jocher went out to Sequoyah, what was his  
11 reporting chain?

12 A. Let's see. I believe -- all this has changed now -  
13 - I believe he reported to the operations superintendent.

14 Q. Who was Pat Lydon?

15 A. Pat Lyden. I don't remember the time sequence,  
16 because Pat replaced Bill Lagergren, but I don't know that Bill  
17 ever reported <sup>to</sup> Bill Lagergren or not, but I know he did report  
18 to Pat. But he went through the operations superintendent,  
19 where now it has changed.

20 Q. Okay. And even though the Jocher-Fiser swap was  
21 kind of documented as being a year-long thing and a temporary  
22 thing, officially Jocher was now reporting as if he was the  
23 site chemistry manager, and not just a corporate chemistry  
24 manager on loan to the site; right?

25 A. That is correct.

WCM

1 Q. Did Beecken ever talk to you about Jocher's  
2 performance out at Sequoyah?

3 A. A couple times, not -- we didn't have any real  
4 detailed conversations other than he was concerned about Bill's  
5 response.

6 There was an INPO evaluation that took place, and  
7 he was concerned about the time that Bill was taking in  
8 preparing the response, and he asked me to help work with Bill  
9 and see if we couldn't get the response completed in a more  
10 timely fashion.

11 I guess it had been submitted to him a couple of  
12 times, he wasn't satisfied with the responses.

13 Q. Beecken wasn't?

14 A. Beecken wasn't satisfied, so he asked me to get  
15 involved. And I did, I went out to the site and spent a lot of  
16 time with Bill and some of his staff, helping prepare the  
17 responses. We talked about that.

18 Anything else specific -- Probably most of my  
19 communications were with Bynum as opposed to Beecken in regards  
20 to -- well, there was another instance in regards to procedures  
21 in which Bill had said the procedures are gummed up, and  
22 Beecken had come to me and said "Is that really the case?" He  
23 said "I want you to take a good close look at procedures."

24 And so from the NSRB we looked at the procedures  
25 and didn't find -- we took a sample of the procedures and

wcm



1 looked at them, and found them to be very cumbersome, but not  
2 inaccurate.

3 Let's see. There was a point in time that Bill  
4 came to me, he was concerned about chemistry instrumentation,  
5 percentage of chemistry instrumentation was out of service, he  
6 said "I need help. Can you get to Rob Beecken and talk to  
7 him?", so I went to Rob and talked to him about that, said, you  
8 know, "We need to get, you know, more attention paid to getting  
9 the instruments on line."

10 Q. Bill was having trouble getting to Beecken at that  
11 point?

12 A. He just asked me to help him. He just said "I  
13 would appreciate your help if you could talk to Rob."

14 Q. Did you do that?

15 A. I did, yeah.

16 Q. How was that resolved?

17 A. I remember that I met with Rob, we had some kind of  
18 a key managers' meeting down here and I talked with Rob at that  
19 meeting.

20 He left right then and made a phone call out to  
21 Bill. I don't know what took place in the conversation, but  
22 Bill called me later and said he appreciated it, that he felt  
23 that Rob was going to get more <sup>I & C</sup> ~~INCP~~ people involved, and those  
24 kind of things. So we had continuous problems with the  
25 instrumentation, getting <sup>I & C</sup> ~~INCP~~ people out, and so it was an

WU

wlc  
1 ongoing thing.

2 Q. Okay. You indicated that you got some input from  
3 Bynum, that most of your input was from Bynum regarding  
4 Jocher's performance at Sequoyah. Explain that to me.

5 A. Well, Bynum, I met with him quite often. I would  
6 be at the site, he'd say "Come in, let's sit down and talk  
7 about things," and he would want to know how things were going.

8 We were going through a -- at that point in time we  
9 were going through a major look at the organization. That's  
10 when -- you remember I indicated while ago about chemistry  
11 being elevated -- I was trying to get it where we had RADCON,  
12 chemistry, the environmental rad waste reporting directly to  
13 the RADCON chemistry manager.

14 Q. And about what period of time was this?

15 A. It's been about two years ago.

16 Q. Two years ago?

17 A. Well, let's see. Let me think a minute.

18 It was about -- it was in the time frame when  
19 Jocher left. I can't remember the exact date.

20 Q. The early '93 time frame?

21 A. Somewhere along in there, because we were looking  
22 very closely at the organization.

23 And for that reason I had a lot of conversations  
24 with Joe Bynum during that period of time.

25 And Bill quite often, which I felt that Joe didn't

wlc

1 like a whole lot, I'd be in the office and Bill would drop by  
2 and take the advantage to talk to both of us, and I got -- it  
3 was more my feeling than anything specifically that was said  
4 Joe felt that Bill Jocher should be going to the operations  
5 superintendent rather than coming into his office, so he was  
6 not very pleased that he would step in and --

7 Q. Jocher was kind of side-stepping the chain of  
8 command there?

9 A. Yeah, that was the feeling. That comes more from a  
10 feeling of knowing Joe Bynum than anything specific that he  
11 said.

12 Q. Did you know Joe before you came to TVA?

13 A. I had met him at Palo Verde. I had my own company  
14 out on the West Coast, and I did consulting work for him there.

15 Q. How long has Bynum been with TVA, do you know?

16 A. I know he came, left and went to Palo Verde and  
17 came back. I don't know the sequence, but I know he's been  
18 with Palo Verde for a period of time. Both he and Ike Zeringue  
19 were over there.

20 I think he started here, went to Palo Verde, then  
21 they brought him back, but I don't know the time frames.

22 Q. Did he spend a lot of -- I mean he was -- was his  
23 main office here at Chattanooga?

24 A. Yeah, but Joe was a plant man, he stayed in the  
25 plants. You would expect him -- if somebody was removing a

W L

1 pump or a valve, or doing any major piece of work, Joe was  
2 there, so he -- if you wanted to see Joe, the best thing to do  
3 was go to the plants and see him.

4 Q. So he spent a lot of time at Sequoyah?

5 A. Yes, he did, or Brown's Ferry.

6 Q. And you must have, too, huh? You were kind of out  
7 in the plants a lot?

8 A. Yes.

9 Q. What percentage of your time were you, or are you  
10 out at the plants?

11 A. Then it was probably more than it is now, because  
12 I'm involved in some other problems, with resolving this  
13 problem with the resource group, and that kind of thing. I'd  
14 say two to three days a week.

15 Q. Do you have any knowledge of why Pat Lynden left  
16 TVA?

17 A. No. That's one I didn't get involved with. I knew  
18 Pat, Pat and I got along very well. I talked with him quite a  
19 bit in regards to Bill Jocher's performance, and helping that  
20 communications back and forth.

21 I was not really involved in that, I didn't really  
22 ever know very much about it.

23 Q. Lydon and Barker were the only two people that  
24 ended up writing performance appraisals on Jocher, weren't  
25 they? I mean there were some other I guess concurrences or

W.C.M.

*W*

1 agreements on them, but tell me about what you know about that.

2 A. I know that we do a quarterly evaluation and an  
3 annual evaluation.

4 Now, that has changed, because that was one of my  
5 major concerns when I first came with TVA, because I felt like  
6 our evaluation process was fairly <sup>weak</sup> ~~weak~~, everything was  
7 positive, and in working with Dan Keuter and others -- I'm kind  
8 of getting <sup>off</sup> ~~off~~ the subject here, but I think it's important, we  
9 did some -- not only us, it was other people that were  
10 concerned about it too -- felt that the evaluation should be  
11 more accurate towards weaknesses, strengths and those kind of  
12 things, because nobody is perfect, except for me and Brent, but  
13 other than that -- I'm worried about Brent now -- so there's  
14 been a major effort in the last few years to have employee  
15 appraisals to be more accurate, more honest, more open, and  
16 I've seen a major change. It's been a really good thing for  
17 TVA.

18 Q. Are you saying that the 1991 and 1992 appraisals of  
19 Jocher were more positive than they should have been?

20 A. I don't know if I could say that or not. I know  
21 that the environment was different. We were even getting  
22 hounded by Oliver Kingsley and others to say "Gosh, every time  
23 a secretary gets a review she's always better than fully  
24 adequate, and they can't have all their secretaries be better  
25 than fully adequate," just as an example, and he was really

*W*



1 pushing, and so were others to get us to be more honest and  
2 open in our employee appraisals.

3 I would say that the environment was different, so  
4 therefore you didn't spend a lot of time putting down what all  
5 the weaknesses were and that kind of thing. It was more -- I  
6 guess I would have to say it was more superficial.

7 Q. But if you're trying, I mean if Kingsley is  
8 stressing the fact that, if I understand you correctly he's  
9 stressing the fact that not everybody can be great; right?

10 A. That's right.

11 Q. And if he's trying to establish a little bit more  
12 of a bell curve, so to speak, on the performance appraisal --

13 A. I didn't think he was looking for a bell curve, I  
14 felt that he was looking for more openness and honesty in what  
15 you felt about an individual, and how that person could grow.

16 I look at it as a very positive thing, how you  
17 could help the individual grow.

18 Q. And I'm not real clear about the time frame, I mean  
19 that was after the '92 time frame, or was that during the '92  
20 time frame?

21 A. It was probably going on during '92. Like I said,  
22 when I first came here I was asked to do some employee  
23 appraisals after about three to six months, something like  
24 that, and I remember doing some, and people coming to sit down  
25 with me and say "Gosh, I've never had an evaluation like this

Wm

1 before, you know, I can't believe you're saying these kind of  
2 things," so I began to start looking at this, and talking to  
3 the human resources people and saying, you know, "Give me some  
4 input on how to do employee appraisals" and that kind of thing,  
5 and so others -- I talked to Dan Keuter quite a bit, and Dan  
6 was very much in favor of "Let's be more honest and open in the  
7 employee appraisal process."

8 I would write one for a secretary, and they would  
9 come back and say "If everybody else, all the other girls here  
10 are better than fully adequate, and you give me adequate, then,  
11 you know, it's going to hurt me." And so you found it was very  
12 difficult to say exactly what you really felt the situation to  
13 be, so it took a time for that to turn around.

14 Q. It just hit me that prior to starting this  
15 interview I indicated that you would be sworn to your  
16 testimony, and I didn't do that.

17 A. Okay.

18 Q. At this point in time I would like you to stand and  
19 raise your right hand.

20 A. Okay.

21 Q. Mr. McArthur, do you swear that the testimony that  
22 you have given in this interview, and the testimony that you  
23 will give in the future shall be the truth, the whole truth,  
24 and nothing but the truth, so help you God?

25 A. Yes.

1 Q. Thank you.

2 Were you just as happy to see Jocher go out to the  
3 site, go out to Sequoyah since he was having these problems  
4 under you with the various site managers?

5 A. No, I wouldn't say that. I enjoyed working with  
6 Bill. We had a lot of detailed, in-depth technical discussions  
7 about problems, I felt that we had a good relationship. To me  
8 I just saw an opportunity to help the sites, so that's what I  
9 felt.

10 Q. Okay.

11 A. In reality, I really hated to see the guy go.

12 Q. You didn't really want the decision of termination  
13 or resignation to be put to him at the time it was, did you?

14 A. I don't understand what you're --

15 Q. The decision to either be terminated or resign, you  
16 didn't really want that decision to be put to him as quickly as  
17 it was, did you?

18 A. Let me give you a little bit of thought here.

19 Q. Talk to me about that.

20 A. Bill and I had a number of conversations over time.  
21 He was -- I don't know if the right word was suspicious or  
22 what, but he felt that management didn't back him -- that's not  
23 the right way to say it -- that there were some weaknesses that  
24 he had that he needed to work on, and so we periodically talked  
25 about it.

WCM

W.C.M.

1 He would say to me "Wilson, if management doesn't,  
2 or you don't feel I'm working out, I'll resign." He said "I'm  
3 a professional, I'll resign."

4 So all along I felt in my mind, and that's the way  
5 I feel -- you know, if my boss comes to me and says "I don't  
6 like what you're doing, we're not getting along well," I come  
7 from the consulting world where you just resign. The boss is  
8 the right guy, you know.

9 And so we had those conversations periodically we  
10 would discuss that.

11 When the time came and I was talking to Joe, and  
12 Joe said, you know, had given his direction that we wanted to  
13 replace Bill, or get Bill out of the organization, I told him,  
14 I said "Look," I said "Bill is a professional, he will resign.  
15 If I go to him and tell him that management is not supportive  
16 of him because of weaknesses or whatever the case may be, I  
17 believe he'll resign." In fact, I felt strongly that was the  
18 case.

19 And in fact the day -- I guess it was on that  
20 Friday, but I can't remember the exact day, but just before he  
21 was presented with the letters Bill made that comment to me, he  
22 said "Look, if the people don't want me here, I'll resign," so  
23 I felt pretty strongly that that's the position he would take.

24 Now, if you asked the question you led to in the  
25 way you stated things, I would not have asked him to resign, or

W.C.M.



WCU

1 fired him. I may have over a period of time with some  
2 documentation or something, and we had indicated there was  
3 going to be a six-month period in which we were going to take a  
4 look at Bill, I would look at it very closely during that  
5 period of time, I at that point in time would not have done  
6 either.

7 Q. At that time did you feel he needed a close look,  
8 or did you feel you knew what he was doing out there? I mean,  
9 you know, Mr. Jocher would say the only time he could recollect  
10 anything that even resembled a counseling by you is when you  
11 talked to him about you and him having to get along, finding  
12 some way to get along with Sabados.

13 Tell me about your counseling sessions with Mr.  
14 McArthur.

15 A. Again, we talked about, I think if I remember  
16 correctly the notes, there were like four or five different --  
17 I can't remember the exact number -- cases where I wrote down  
18 something. I'm always one to keep very brief notes, not  
19 detailed notes.

20 We had a lot of conversations in which we talked  
21 about performance, and it was mixed with technical things, and  
22 we'd not always be talking about Bill. you know.

23 Bill was very sensitive about how he was perceived.  
24 In my opinion Bill had a big ego, and he expected people to  
25 listen to him.

WCU



WJ

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

A good example with Sam Harvey, he felt Sam Harvey was one step below him, and he expected him to listen to what he had to say, he was the guy that knew, and Sam was the guy that would always report to him.

When he became aware that Sam might be going out to Sequoyah, or some indication that he might go out to Sequoyah at some point in time, he was very concerned that he would -- no, going to a corporate position, that's what it was, be going to a corporate position -- he did not like the idea of thinking that he could be on a peer level with him. And Bill told me that, he said "I'm kind of surprised you're thinking about Sam in that kind of a position." I had a lot of respect for Sam's technical ability, but again not a very strong manager.

I don't know if I'm answering. Maybe I didn't get to your question.

Q. Do you think that those kind of conversations that you were talking to me about were received by Bill as kind of counseling, "Hey, you'd better do a better job along these areas"?, or was this just kind of a state of the current politics conversation, "Hey, you know, this is the way things are going right now"? Do you understand the distinction I'm trying to make there?

A. I think he understood he had some problems. A good example I had with him was when they were hiring the chemistry manager for Brown's Ferry, Sabados was one of the guys -- I

WJ

1 think a guy by the name of Smith had been there before, and  
2 Sabados was acting -- I believe that's correct --

3 Q. Yes.

4 A. -- and they advertised the position, and Sam  
5 Harvey, I can't remember who all bid the position, but Sabados  
6 bid the position, and Sabados won. And I remember Bill coming  
7 in to me and saying, you know, "This is fixed, it's canned,  
8 they were going to put Sabados in that position anyway."

9 And I said "Well, how do you know that?" He was  
10 supposed to be on the review board, and something happened he  
11 couldn't go, and so he had -- somewhere along the line a  
12 comment was made by Bill that got to John Scalice who was the  
13 site VP that said some of the other people that were bidding  
14 for the job that, you know, you weren't treated fairly, that  
15 John Sabados was going to be the guy, and John Scalice called  
16 me in his office -- in fact, he called me down particularly, he  
17 said "I want you to come to me at Brown's Ferry and talk to  
18 me," so I took a trip down to Brown's Ferry and went to  
19 Scalice's office. He says "This guy is interfering in things  
20 he shouldn't interfere in. We're going to take the best person  
21 for this position, but Jocher is off base."

22 Q. And what was he doing, what was Jocher doing  
23 according to Scalice?

24 A. What he was doing was saying -- again, I don't  
25 remember the exact words --

WCM

WCM

1 Q. According to Scalice?

2 A. According to John Scalice that he was making the  
3 comment that "I'll help you file a grievance because you didn't  
4 get the job," and the decisions had been made before the  
5 interview took place, something along that lines.

6 John said "That is absolutely not the case" -- John  
7 Scalice -- "we will pick the best person," the committee would  
8 pick the best person and recommend the best person. So he felt  
9 like he was interfering in -- he was not very happy with Jocher  
10 at that point in time.

11 Q. Earlier you said that regarding your conversations  
12 with Mr. Jocher where he indicated that if he wasn't wanted  
13 around here, he would resign, what do you think caused him to  
14 make those kind of statements to you?

15 A. One of which is a situation which I, every time I  
16 talk about it I feel uncomfortable because I don't know the  
17 real bottom line, okay -- we had a meeting out at Sequoyah with  
18 John Waters who was then the chairman, and I think a couple of  
19 the other board members -- I think all three of them were  
20 there, but I'm not real sure of that -- Kingsley was there, and  
21 Jocher made some comments in that meeting that had something to  
22 do with being underpaid, and I remember when those comments  
23 were made I just slid under the chair, I mean I just couldn't  
24 believe he was saying that.

25 I looked at Kingsley, and I couldn't tell if he was

WCM

1 mad or not, because he's a guy you can look at usually and say  
2 I can tell this guy is upset about something.

3 I didn't hear anything more about that for a while,  
4 and I just took it was "Well, this is something he said, and  
5 nobody is very happy about it."

6 Q. Did you perceive any reactions on the part of  
7 Kingsley or Bynum when he said that?

8 A. No, other than I was uncomfortable with the comment  
9 myself.

10 Q. You were?

11 A. Yeah, I was uncomfortable with what was said. I  
12 guess I was more uncomfortable -- and me knowing Jocher I  
13 wasn't surprised, but I was more uncomfortable with the fact of  
14 how Kingsley and others might perceive what was said.

15 I forgot about it, and then somewhere along the  
16 line either Joe Bynum or Dan Keuter mentioned to me about the  
17 comment, Kingsley was concerned about it. I didn't hear this  
18 from Kingsley.

19 Q. Okay.

20 A. There's some accusation from Bill that I heard it,  
21 but I didn't, I never heard it from Kingsley. But some concern  
22 saying that that comment was not well taken.

23 There were several times that I talked to Bynum or  
24 Dan Keuter in which that topic came up. So finally one day I  
25 addressed Joe Bynum with it, and I said "Look," I said "is

WLM

1 Kingsley really concerned about this?, because, you know, if he  
2 is I need to let Bill know," and Joe Bynum said "Just put this  
3 thing to bed, Oliver is not concerned about it.

4 And I went back to Bill, and I told him that, I  
5 said "He's not concerned about it."

6 Q. Did you think Bynum was concerned about it?

7 A. I don't know. That's the reason I say the whole  
8 thing was mystifying me, because I knew that when the comment  
9 was made how it hit me that that's not the right thing to say.

10 Q. Do you recall in that same meeting that Jocher made  
11 that comment Charles Kent making any kind of a comment like  
12 that?

13 A. I don't remember that.

14 Q. You don't remember that?

15 A. No. You mean along this same line?

16 Q. Along the lines that he was underpaid, "I'm the  
17 poor underpaid RADCON manager"?

18 A. I don't remember that one.

19 Q. You don't remember that?

20 A. No, I sure don't.

21 Q. Do you remember if Kent put on his presentation at  
22 that meeting just prior to Jocher at that meeting?

23 A. You know, I really don't. I don't remember.

24 Q. Do you remember if Kent was there, or if he had a  
25 presentation at that meeting?

WLM



1 A. No, I don't.

2 Q. Okay.

3 A. He probably was, but I really don't remember.

4 Q. Would you have -- did you interface with Kent much?

5 A. Oh, yes. He was the RADCON manager. At that point  
6 in time I believe he had just become the RADCON chemistry  
7 manager, somewhere along in there.

8 Q. I mean it's not like Kent was a stranger to you?

9 A. No.

10 Q. If Kent would have made some kind of comment like  
11 that, you would have probably remembered it; right?

12 A. I don't know if I can say that or not. I just  
13 don't remember anything like that. All I can tell you is that  
14 comment made by Bill just -- it concerned me, again, like I  
15 said, not from my standpoint, because I guess I'm more of a --  
16 I don't want to use the word "understanding," that's not the  
17 right word -- I just knew that it was not the right kind of  
18 comment to say, especially in front of the board, but I don't  
19 remember Charles -- I would really have to think about that a  
20 little bit. I don't remember him being there, but I expect he  
21 was.

22 The only thing I remember of that meeting was that  
23 comment made by Bill.

24 Q. Okay. I want to talk to you about another meeting,  
25 I think it happened in around September of 1992, which would

W. C. C.

WCM

1 have been toward the end of Jocher's tour out at Sequoyah, and  
2 I'm -- I mean I don't know whether you were in attendance, this  
3 was like a meeting that was just prior to an INPO exit.

4 A. Okay.

5 Q. And I know -- well, I'm fairly certain Mr. Bynum  
6 was present at this meeting, and I don't think Kingsley was  
7 present, and Mr. Jocher talked about the fact that the  
8 chemistry problems at Sequoyah could not be attributed to  
9 chemistry people, because they had identified them and surfaced  
10 them a long time ago, that the chemistry problems out at  
11 Sequoyah can be blamed on upper management. Do you remember  
12 any kind of a meeting like that?

13 A. I don't remember that meeting.

14 Q. Pat Lydon would have been in that meeting. You  
15 don't remember being in a meeting like that?

16 A. A lot of site meetings would occur without me being  
17 involved.

18 Q. Okay.

19 A. I do know I had worked through being the corporate  
20 guy and NSRB worked with Bill quite a bit, he was in the  
21 process of identifying problems, and we had a problem, just  
22 kind of here's a table full of problems. I said "Bill, you  
23 need to put together, put these things in a listing identifying  
24 the problems, and prioritize the problems, so he began to work  
25 on a chemistry improvement program. So he did that over a long

WCM

1 period of time.

2 There were some that felt he was a little slow, but  
 3 he was trying to identify problems, and the extent of the  
 4 problem, and also come up with a corrective action plan, so  
 5 that was one of the major efforts that Bill put forth while he  
 6 was there.

7 So he was continuously of the opinion that he was  
 8 not getting some support, especially things that cost money.  
 9 The chemistry improvement, the chemistry upgrade project which  
 10 is replacing chemistry instrumentation had been in existence  
 11 for a number of years, I don't remember the number of years,  
 12 but he felt we needed to get more chemistry instruments  
 13 repaired and replaced, repaired or replaced and on line. He  
 14 was very concerned about that.

15 Q. Would you agree that most of the problems with  
 16 chemistry, we'll say specifically at Sequoyah, had been  
 17 identified years ago?

18 A. I'd say that most of the problems had been  
 19 identified, except for some new thoughts and things that came  
 20 up to David Goetcheus for the steam generators -- <sup>ethylene oxide</sup> ethylamine,  
 21 <sup>basic acid molar</sup> ~~but~~, <sup>ratio</sup> motor ratio, hydrozene, some of these kind of things were  
 22 new ideas, and we had a kind of a little committee that got  
 23 together and put some of these things together and gave a  
 24 presentation to, I guess it was to Jack Wilson first, and then  
 25 finally to Fenech, and Fenech basically told us we'll get these

Wan

1 things done.

2 What I'm trying to point out here is there were  
3 some things that other people were involved, but Bill was doing  
4 I thought a pretty good job of putting his concerns and things  
5 together. There were some things that he didn't identify.

6 Q. Well, do you feel that chemistry at Sequoyah was  
7 getting adequate support budget-wise and people-wise from upper  
8 management?

9 A. You have to go under the philosophy, and I have to  
10 say it this way, I understand that you've got a power plant,  
11 you've got a certain amount of money, and the first thing  
12 you're going to take care of is regulatory concerns and safety  
13 concerns, you're going to do those first.

14 Then there's going to be some amount of money left,  
15 and you're going to prioritize things, and you're going to get  
16 those done. And I recognize that's the case, and a lot of  
17 times there would be things I would like to see things take  
18 place, it takes a long time.

19 A good example is raw water corrosion. The first  
20 week I was at TVA I remember being in a staff meeting with  
21 Oliver Kingsley, and I told him, I <sup>said</sup> says "I've been in the  
22 plants," I said "one of the biggest problems we've got is raw  
23 water corrosion."

24 It took me three, three and a half years to ever  
25 get that implemented. But it didn't shut the plant down, that

W Ch

Vol 44  
1 kind of thing.

2 Q. Okay.

3 A. But I'm just saying it takes a lot of effort in  
4 some cases to get these kind of things done, and get your  
5 concerns on the highest level of the priority list.

6 Q. So I guess your answer to my question is that based  
7 on the money that's left over you were getting in your opinion  
8 adequate support from upper management?

9 A. Adequate would be the word, yes.

10 Q. You were more willing, shall we say, than Jocher to  
11 work with what you got, as opposed to pounding your fist on the  
12 table and saying "We need more"?

13 A. No, I wouldn't quite say that, because I felt like  
14 I -- there was a point in time I pounded my fist, I'd go sit  
15 down with Jack Wilson and say "It's time we do something about  
16 the chemistry upgrade program," and he would say "Wilson, you  
17 know, I have to set priorities, and you understand I would like  
18 to see these kind of things done, but this is as much as I can  
19 do. I will make a commitment to spend so much on the  
20 engineering effort this year, and then spread over three or  
21 four years we'll bring the instruments in," that kind of thing.  
22 So that would be the table-pounding.

23 The same thing with raw water corrosion, the same  
24 kind of thing. I finally asked for a meeting with senior  
25 management. We met in a room, Bill Jocher gave the



WCM

1 presentation if I remember correctly.

2 Q. Who was senior management?

Lydon, Nunn

3 A. I believe that's when -- let's see, Rydenon (?) --  
4 I don't remember if Nauman was here at that point in time, Joe  
5 Bynum, Medford, people of that nature, and we would give a  
6 presentation.

7 We had something called a -- it was a senior  
8 management review group, which we no longer have, which if we  
9 had basic problems you could present these to senior management  
10 in a hearing type where you'd come in and give a presentation,  
11 and decisions would be made.

12 Q. Did you decide to do this on your own, or were you  
13 prompted by Jocher to do this?

14 A. I think it was a combination of both. I think we  
15 both felt pretty strongly about it.

16 Q. In your career here at TVA, Mr. McArthur, have you  
17 ever fired anybody?

18 A. Fired anybody --

19 Q. And I'll even make that more specific.

20 A. Okay.

21 Q. Anybody on the level, shall we say, of a Jocher or  
22 the people immediately below him? I mean in the corporate  
23 framework.

24 A. I don't think you can really fire. You know, you  
25 have to -- I can't -- I'm trying to reflect, but I can't think

WCM

1 of a case where I fired anybody to say "You're through, you're  
2 out of here."

3 Q. But it sounds like you've done something that is  
4 similar to that that you want to tell me about.

5 A. I know we had an instance with a security guy, he  
6 used to be a corporate security person, and he was not working  
7 out very well, and corporate sites didn't feel that he  
8 understood their problems, so the decision was made for him to  
9 go to Sequoyah and get an opportunity to work with the plants.  
10 So he went to Sequoyah, and after a period of time it was felt  
11 that he was not working out.

12 Q. Was he under you?

13 A. Not then. He was when he was a corporate security  
14 person. He then went to the site.

15 Q. Oh, okay, so corporate security is under your  
16 direction?

17 A. Used to be under the technical programs  
18 organization.

19 Q. Okay.

20 A. So he went out there, and there was -- his boss who  
21 was the manager of technical support indicated to him he was  
22 having problems. He said well, the only one person he would  
23 listen to -- that's not the right way to say it -- he said "If  
24 Wilson tells me I've got problems, then I'll be willing to  
25 believe it, or at least discuss it."

W C M

1                   So I was asked by Joe Bynum and Jack Wilson to sit  
2 down with -- I can't remember the guy's name now --

3                   Q.     Don't worry about it.

4                   Q.     -- and tell him that he would not fit in at TVA.  
5 And so I did that, I sat down with him, and I said "Look, the  
6 best thing to do is go look for another job, you're not being  
7 well received by the site and management here at the site, so  
8 the best thing for you to do is start looking."

9                   Q.     But you wouldn't have done that on your own, you  
10 were requested by Wilson and Bynum?

11                  A.     That's correct. He was not working for me then.

12                  Q.     Wilson, give me the real reason why Jocher was  
13 forced to resign.

14                  A.     Well, I don't feel that it has anything to do with  
15 safety problems, because there was never a point where Bill  
16 just violently walked in and said "If we don't do this I would  
17 quit" or something like that.

18                         I think it had -- and you have to look to my  
19 background, because I'm coming from a different environment in  
20 which you, you either do your job well or you just go some  
21 place else, and that's not exactly the TVA way, I understand  
22 that. You have to have information about somebody before you  
23 can ask them to resign or something.

24                         But I believe that the sites didn't feel that he  
25 was a team player. I felt that I could overcome that, I felt

W C M

WCM

1 like if he was technically competent enough I could work around  
2 that and work with it.

3 In fact, I was looking forward to that six-month  
4 period, which for some reason Jocher doesn't remember the  
5 discussion, but I know we had it, because when I came back from  
6 talking with Joe and Dan I sat down with Bill and said, you  
7 know, "There's a lot of concerns and, you know, people that  
8 want you out of here, but Dan --" in fact, it was Dan who made  
9 the suggestion we're going to give you a six-month period of  
10 time, and let's work, and he says "I'm very happy, I'll work  
11 with you, I really want to work with you."

12 Q. Jocher said this?

13 A. Yeah. And so I felt that we had an opportunity to  
14 do that kind of thing.

15 There were just enough cases of people -- you know,  
16 our responsibility in corporate is to be a support for the  
17 plants, we weren't the ones -- we didn't tell people what to  
18 do.

19 We had two avenues, we could resolve it with that  
20 guy at the site that we had a problem with, or a problem that  
21 we wanted to have resolved before it came back through the  
22 chain would come to me, go to Keuter, go to Bynum, go to  
23 Kingsley, that kind of thing, if you <sup>couldn't</sup> ~~could~~ get a problem  
24 resolved. <sub>WCM</sub>

25 I just felt like there was enough feelings amongst

WCM

1 people that just didn't feel like he fit, and it was management  
2 style. I never had any inclination or thought in my mind, and  
3 it never came to my mind until Bill's information came back,  
4 you know, he had rescinded his resignation, that that was a  
5 concern.

6 Q. That --?

7 A. That safety, any safety concerns were -- I didn't  
8 feel that that was the case at all. I felt like it only had to  
9 do with his personality, management style and that kind of  
10 thing. That was honestly my feeling.

11 Q. Are you uncomfortable if people weren't performing  
12 -- people that worked for Bill, if they weren't performing the  
13 way Bill felt they should perform, were you uncomfortable with  
14 him putting pressure on them to do that?

15 A. You're talking about corporate people, or -- ?

16 Q. Corporate.

17 A. No, I wouldn't have any problem with that.

18 Q. No problem with that?

19 A. No. You know, with the proper amount of pressure.  
20 You wouldn't want to be unfair. I thought Bill was pretty open  
21 about his --

22 You have to remember one thing. Bill brought two  
23 people in, Sam Harvey and <sup>Chandra</sup> ~~Shandra~~ were people that came from  
24 where he came from. He brought those guys from Houston Light &  
25 Power Company.



WCM

1                   There were two or three other people in the  
2 chemistry group that were here. They always felt -- "always"  
3 is not the right word -- they felt that Bill favored <sup>CLAYTON</sup> Shandra  
4 and Sam. Don Adams for example -- I'm trying to remember who  
5 else was in there.

6           Q.     David Sorrel?

7           A.     David Sorrel. There was a feeling that -- of  
8 course he was in a different area, he was in the environmental  
9 area.

10                   But there was a feeling that these were his guys,  
11 and they would get the best assignments.

12           Q.     Harvey and <sup>C</sup> Shandra were his guys?

13           A.     Yeah, were his guys, yeah. That was the feeling  
14 amongst the people. And they didn't elaborate on it very much,  
15 so it couldn't have been tremendously bad.

16           Q.     If Bynum had not called you and Keuter in and kind  
17 of laid down the law that Jocher had to go, do you feel that  
18 you could have managed him well enough to have him perform  
19 adequately and, quote, be a team player?

20           A.     Under the information I had -- remember the sites,  
21 Joe has more contact with the site VPs and the plant managers  
22 than I would, so he had more information with them about how  
23 things were going.

24                   I would have kept Bill on. It would have been  
25 difficult for me to -- I probably would have looked at him a

WCM

WCM

1 lot closer because of the concerns over time, and just evaluate  
2 how Bill was doing, but when he came back to corporate I  
3 intended that he was going to be the corporate chemistry  
4 manager, with no other designs or thoughts in my mind.

5 Q. The thing that really confuses me -- do you know  
6 much about the Fiser situation, Mr. McArthur?

7 A. Not a whole lot.

8 Q. The thing that really confuses me about this "not a  
9 team player" thing is, you know --

10 A. For Bill?

11 Q. Well, in general let's say. Let's just talk about  
12 in general. Do you think Fiser was a team player?

13 A. How do you define team player?

14 Q. With respect to the TVA definition, I would define  
15 team player as being a guy that would not put any pressure on  
16 upper management, and would not disagree either publicly or  
17 privately with upper management on any issue, and would try the  
18 best to do the job with what he's got, and keep the regulatory  
19 people off your back.

20 A. Well, you've got a different definition of team  
21 player than I do.

22 Q. Okay. Well, how do you define team player?

23 A. I think a team player is one that when there is a  
24 concern -- they've got to be professional first off -- if  
25 there's a concern and he feels strongly about it, he will take

WCM

1 every avenue he possibly can to make management aware and get  
2 it resolved.

3           However, he will do all of his work ahead of time,  
4 he'll talk with all the people that are involved, make sure  
5 they understand his side of the story, and then when the time  
6 comes, assuming he feels that he's gotten his message to  
7 management that there's a problem and here's what needs to be  
8 done, once the decision is made he has two choices -- to  
9 support that decision or resign.

10           That to me is a team player. He's a guy that makes  
11 an extra effort to try to work with people, but he doesn't give  
12 up on his ethics and standards, he still has high standards.

13           The way you defined the guy was a guy with not very  
14 high standards to me.

15           Q.     Well, just kind of a yes-man. You don't think that  
16 TVA wants yes-men?

17           A.     I don't think so.

18           Q.     You don't think so?

19           A.     It's not been my experience.

20           Q.     Do you think in your experience TVA would be happy  
21 with a guy that would work with some technicians, knowing that  
22 INPO was coming in and make sure they knew how to answer the  
23 INPO questions, even though they may not be well trained in  
24 that area?

25           A.     What you've defined to me would be a dishonest

W.C.

1 thing it sounds like. I don't -- I've never been involved in  
2 doing that at TVA.

3 Q. Well, I'm not saying you have --

4 A. I'm saying I don't, I'm not aware of training  
5 people to respond to questions, and saying "This is how you  
6 respond to it" and the person not know. I've never experienced  
7 that, or been aware of that happening.

8 Q. Okay. So in your opinion it would be, there would  
9 be no problem with Mr. Kingsley or Mr. Bynum if someone  
10 disagreed with what they wanted to do, and expressed that  
11 disagreement to them?

12 A. That's been my experience. I mean you've got to  
13 have your facts together. Oliver is a --

14 Q. I'm assuming that, I'm assuming that the facts are  
15 together.

16 A. If you've got your facts together, my experience  
17 has been people listen to you. They don't always agree with  
18 you, they may have other thoughts and that kind of thing, but  
19 I've never felt the door was closed to be able to respond to  
20 concerns. No, I've never felt that. I've felt very  
21 comfortable with Joe Bynum and most of the people I've worked  
22 for since I've been here.

23 Q. Did you ever have any major technical disagreements  
24 with Bynum?

25 A. Major technical disagreements --

wch

1 More administrative. Not technical. Joe and I got  
 2 along very well from a technical standpoint.

3 Q. Okay. What was one -- give me an example of one of  
 4 the major administrative differences.

5 A. I was trying to get a commitment to where we were  
 6 going to have dedicated fire teams, fire protection teams, or  
 7 use the operators, and we talked about that for a long, long  
 8 period of time.

9 I was not very successful in getting a commitment  
 10 one way or the other. Joe had already made up his mind as to  
 11 what he wanted to do.

12 Kind of the same thing with the RADCON chemistry  
 13 organization, it took a long time to get that implemented.

14 So those are administrative things. They affect  
 15 technical things, but eventually we got there.

16 Q. You eventually got there the way you wanted to see  
 17 it?

18 A. I thought it was priority, and Joe was -- he was  
 19 more concerned about the plant, the safety of the plant and  
 20 running things in the plant than he was about those kind of  
 21 things. And to me they were important because the guys were  
 22 howling at me "We need to get this decided," you know, and  
 23 those kind of things, but I'm sure it had to do with priorities  
 24 more than -- at least that was my feeling.

25 Q. Did it ever reach the level of kind of, shall we

WCM

WCM



1 say an emotional discussion between you and Bynum regarding  
2 this issue, or would Bynum just get the perception that this is  
3 what you wanted to do, and if he didn't want to do it he knew  
4 that you would acquiesce to that?

5 A. No, I didn't get that feeling. I felt he respected  
6 my input. I did feel at times it was not like I said the  
7 highest priority to him right then, so I would come back again  
8 at another time with the same input, and that kind of thing.

9 No, I never felt that he was looking at it any  
10 other way. If you indicate did we ever get angry, we didn't  
11 get -- I'm just not, I just don't do that.

12 I feel like if I have a boss that's going to yell  
13 at me, I'm going to go some place else, I'm not going to  
14 operate that way, I feel we need to sit down and iron things  
15 out, and that's been my experience with people, except in one  
16 case. Most management people at TVA I've dealt with have been  
17 reasonable in dealing with you.

18 Q. And by the same token in working with your upper  
19 management you are going to try to get your idea implemented in  
20 a tactful way as opposed to more of a forcing way; is that an  
21 accurate statement?

22 A. I would think that would be -- raw water corrosion  
23 is a good example. I just stayed on it until I got it  
24 resolved. Yeah, that would be accurate.

25 Now, if there's something that had to do with

W C

WCM  
1 safety concerns or something like that, or radiation exposure,  
2 hot particles, that kind of thing, that's when I react thinking  
3 about the safety of the people and that kind of thing. That  
4 would change my priority immediately.

5 Q. Other than the one instance when -- was it Bynum or  
6 Keuter that told you that Kingsley was a little upset at the  
7 underpaid comment by Jocher? Was it Bynum or Keuter that told  
8 you about it?

9 A. Both of them did.

10 Q. Other than that instance, do you have any  
11 indication that Kingsley was upset with Jocher at all?

12 A. No, no at all. I know Bill, he relates -- in fact,  
13 he and I had a telephone conversation one time, and he said  
14 "Well, you know what you said about Oliver's feeling about I  
15 was not a team player," and I said "Bill," I said "I didn't  
16 tell you that," I said "my communication was with Dan Keuter  
17 and with Joe Bynum."

18 So I believe -- my opinion was, and this is my  
19 opinion, that Bill was trying to elevate this to Oliver  
20 Kingsley level himself. That was my feeling, because when I  
21 first came here I dealt directly with Oliver quite a bit.

22 As different levels of management came in, and new  
23 people, senior VPs and things like that came in, which we  
24 didn't have at that point in time, I would know more about  
25 Oliver's feelings.

WCM

wcm  
1

2 But any communication about Jocher, I don't  
3 remember Oliver Kingsley ever giving me an opinion about Bill  
4 Jocher in the time I've been here.

5 Q. When Jocher made the comment about, the underpaid  
6 comment, was he serious in your perception?

7 A. Knowing Bill, I would say that he was not. I would  
8 say that he was just -- he was the kind of guy that would make  
9 comments like that. That's probably the best way to say it.

10 I would not have -- like I said before, it bothered  
11 me only because I thought the perception of others would not be  
12 what Bill thought it would be.

13 Q. But you didn't really think he was saying --  
14 knowing Jocher the way you knew him, you didn't really think he  
15 was saying it in a serious manner?

16 A. No, I didn't.

17 Q. And you don't remember Kent saying anything like  
18 that?

19 A. No.

20 Q. I asked you the question earlier, and we had a  
21 little discussion on it, you know, what's the real reason that  
22 Jocher was forced to resign? And you answered that to some  
23 degree with respect to the mechanics of the resignation.

24 What was Bynum's demeanor in these meetings with  
25 you and Keuter in late March and early April? Was this a very  
unemotional thing with him, or did he appear to you to be angry

wcm

*W.C.*

1 at Jocher?

2 A. I didn't feel there was any anger. I thought these  
3 meetings, they were usually things that would cover maybe half  
4 a dozen different topics, this would be one of a number of  
5 topics.

6 I thought it was business that we were trying to  
7 make a decision for the best interest of the plants. That was  
8 my feeling.

9 I don't remember ever getting a feeling that it was  
10 anger, or a real concern about Bill. The only time that I can  
11 -- it may have been one or two instances when Bill had told me  
12 the procedures were gummed up, I remember going to Joe and  
13 saying, you know, "Bill feels the procedures, Sequoyah  
14 chemistry procedures are not too good," and he said "Well, you  
15 check it out yourself, I want you to tell me."

16 So I went out and I looked at it, and I came back  
17 and said "Well, I cannot support that position," and he was  
18 kind of shocked that, you know, why would Bill tell me they're  
19 screwed up.

20 There may have been more than one instance of that  
21 type, but I didn't feel it had anything to do specifically with  
22 being angry, it's just the fact I can't understand why I would  
23 get a comment saying that things were gummed up and they're  
24 really not.

25 Q. Did Bill force the letter of recommendation out of

*W.C.*

1 you, or did you kind of do that voluntarily?

2 A. I looked at it as being negotiating. He said  
 3 "Would you give me --" he said "If I resign, will you give me a  
 4 letter of recommendation?" and I said "Yes, I'll do that." I  
 5 felt that was negotiation, and I had no problem in writing the  
 6 letter for him.

7 Q. Okay.

8 A. One thing I wanted to mention --

9 Q. Go ahead. I was about to say if there's any  
 10 comment that you want to make regarding this issue that we  
 11 haven't talked about, please do that.

12 A. This goes back to how we evaluate people. We are a  
 13 support organization.

14 I just finished annual review from each one of  
 15 the sites about performance or really the technical programs in  
 16 RADCON, and they're right down to people, and the sites will  
 17 tell me, <sup>Level 4 files</sup> Lyndon Byles, the rad waste manager in my group, "He  
 18 <sup>was</sup> doesn't support us well, here's why he doesn't support us  
 19 well."

20 And I sit down with those guys, with him in  
 21 particular, and we have what I call a prayer meeting, and in  
 22 the prayer meeting he says "You know, the sites don't see you  
 23 as a support, you sit on your butt here at the office. You'd  
 24 better get in a car, get down to the plant, and don't go every  
 25 28 days" because that's how you have to do to renew your badge,

WCM



1 "or you won't be around. Really, you won't be doing this job.  
2 You may be doing something else."

3 And that's the way I look at performance at the  
4 sites. We're supposed to be performing duty as the sites want  
5 us to do.

6 Now, we certainly have the right to come up and say  
7 "We have a problem with this area, you're not frisking people  
8 properly" or something, and <sup>then</sup> bring it to their attention,  
9 and if they don't correct it, we have as I indicated an avenue  
10 to come back, but we have to please and make sure we satisfy  
11 the sites. That's very important in our responsibility.

12 That comes directly from Oliver Kingsley. When he  
13 hired me he told me that -- I say he hired me, he's one of the  
14 guys that interviewed me -- that "I look at you as a support  
15 guy, the sites have a big responsibility in running those  
16 sites, and you have a responsibility to support them."

17 Then that changed a little bit when Medford -- we  
18 reported to Mark Medford for a period of time -- he said that  
19 "Most of your responsibility is oversight," and that the sites  
20 didn't want that. That's what QA -- and we assist on some of  
21 those QA teams, PEP teams and those kind of thing to evaluate  
22 the sites, but our responsibility is to provide technical  
23 support to the sites.

24 Q. About the time that Barker left TVA, do you  
25 remember some kind of a big meeting where Kingsley made it very

WLM

1 clear to people in corporate that corporate was there to  
2 support and not to dictate? Do you remember anything like  
3 that?

4 A. Yeah, it was called Jaws I.

5 Q. Jaws I?

6 A. Yeah.

7 Q. Was it kind of a mass meeting, I mean almost  
8 everybody in some big central auditorium or something?

9 A. That's correct, yeah.

10 Q. And he was -- describe that to me. Describe Jaws I  
11 to me a little bit. Is there a Jaws II and III?

12 A. No, I think there were two of these meetings.

13 Q. Okay.

14 A. Lut Nauman spoke, and Kingsley spoke, and Nauman  
15 was fairly new then. From what I can remember his was trying  
16 to be positive, you know.

17 Oliver was not very happy -- this is again my  
18 perception -- in fact, his comment up front was training, and I  
19 believe maintenance corporate people had done very well because  
20 they got strengths from INPO, and he says "Other than that," he  
21 said "I'm not very happy with what's taking place here."

22 That's the only meeting that everybody I talked to  
23 felt like Oliver was looking right at them. I felt that way,  
24 and I talked to a guy, I says "Boy, he was looking right at  
25 me," and the guy says "No, he was looking at me," so he was

WLM

1 very effective in that meeting.

2 Q. So this was kind of inspired after an INPO  
3 evaluation?

4 A. It was at the end of -- I don't know if we had had  
5 the exit yet or not, maybe it was after the whole thing. They  
6 had found some problems in the communications between  
7 organizations, and that kind of thing, and he was very  
8 concerned about it, and also understanding whether you're  
9 corporate support, if it's support or oversight.

10 And to me it was very clear. At that point in time  
11 it was mostly support, you did some oversight, so it was pretty  
12 clear, but there were people that didn't understand that.

13 In fact, Jim Barker was one of the people that he  
14 felt like that in his opinion that he was, his position was  
15 eliminated because of that particular meeting, but I don't -- I  
16 never had any evidence that was the case. I felt like it was  
17 downsizing of the organization.

18 Barker felt very strongly that he was picked out as  
19 one that complained to INPO about he didn't know what the job  
20 was, oversight or support.

21 Q. Was there a downsizing of corporate in the -- how  
22 many downsizings have there been in corporate since you've been  
23 here?

24 A. When I first came here, they had just finished a  
25 RIF, because I was involved in a number of people in DOL cases

W CM

*when*

1 and that kind of thing as a result of about three or four  
2 different people -- I'd guess around three possibly, I think  
3 that's about right.

4 Q. When was the most recent one?

5 A. Back during last year we of course had the Early-  
6 Out Program, so some people left because of that.

7 Whenever we changed technical programs to RADCON  
8 chemistry and -- by the way, we're going back the other way  
9 right now, going back to the process of RADCON chemistry  
10 manager again, so that's reversed itself since Ike has come in,  
11 but that doesn't affect head count, that particular change  
12 doesn't affect head count, but we're going back to the way we  
13 were before.

14 I'd say three or so, and I may be wrong about that,  
15 we would say -- when we would do our budgets we'd look at them  
16 and say "Well, we don't need this many people in this  
17 organization." It was more like one or two at a time, that  
18 kind of thing.

19 Q. Okay.

20 A. I expect to see more of that in the future the way  
21 the business is. Each year we'll be evaluating how many people  
22 we need to do the job, so I would not -- I would be very  
23 surprised to see us go through a year without some elimination  
24 of positions. That's just the way the world is now.

25 Q. With regard to, I'll use the word "terminating" TVA

*when*

W 1 employees, not contract, do you think the -- who was the  
2 authority, at what level is there authority to terminate TVA  
3 employees? At all levels?

4 A. I know in my case if I had a problem with a person  
5 and I was going to terminate the person, human resources and my  
6 boss would be involved.

7 Q. Oh, yeah.

8 A. Yeah. Absolutely. I mean I would not look at a  
9 guy in the eye and say "You're going to get fired today." I  
10 wouldn't do that, because I don't think I have that authority.  
11 If I do, I haven't been told that's the case.

12 I have the right to go to my boss and say "Here's a  
13 problem I'm having." I'm doing that right now in a particular  
14 situation, and the comment is "What basis?" We talk about  
15 that, we talk to human resources, and then if there's a strong  
16 enough -- and the person needs the opportunity to respond.

17 Q. Do you think your boss has the right to fire you  
18 today without going through some kind of a process?

19 A. I don't know that, but I know if he told me he  
20 didn't want me here, I'd resign.

21 Q. Yeah, that --

22 A. I know what you're saying. I don't know -- I'll be  
23 quite frank with you, I believe if he went to Ike Zeringue and  
24 said -- this is just my own personal opinion -- Ike used to  
25 work for me at Carolina Power & Light Company, so maybe this is

W



wh

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

an old --

Q.

A. There may be an old grandfather feeling there, I don't know, but -- But I could visualize it happening, but I believe if he went to Ike and said that "Wilson is not working out" that Ike would respond to that in Don Moody's favor.

Q. Don Moody is your immediate supervisor right now?

A. Well, he's an acting in that position now.

Q. But you feel like if that happened, if that were to happen, that you could be gone tomorrow?

A. I'm sure they'd treat me fairly, but I don't believe, unless I had done something dishonest or, you know --

Q. I'm just talking about poor performance, and then perhaps you didn't have the feeling in any way that you had been performing poorly, at least gotten any strong indication -

A. I don't think -- I just don't think TVA would do that. I don't feel that would be the case.

Q. You don't think that happened in the case of Jocher?

A. I don't think so. I think that over the period of time --

Q. You don't think it was a bolt out of the blue?

A. No, I don't think so. I'd have no basis for -- I know there were enough things to happen over a period of time

wcm

1 in dealing with management and that kind of thing, style that I  
2 was not surprised that management would make, if Joe Bynum or  
3 whoever the people he talked to would come up with that  
4 recommendation -- not recommendation, but process of saying "I  
5 don't think the guy fits."

6 Q. But you wouldn't?

7 A. If you're asking the question would I have fired --

8 Q. Yeah. Short of that, you wouldn't have fired him?

9 A. I felt like he had enough technical capabilities I  
10 could work with the guy. I may have been fooling myself.

11 I think Dan went through that process because Joe  
12 asked him at that second meeting we had, he said "Do you think  
13 Wilson can be successful?" -- I don't remember the exact words,  
14 but "Can we be successful in turning Bill Jocher around," and I  
15 think Dan said no, he didn't think so.

16 I think that was the thing that finally hit Joe to  
17 say "Well, you know, six months is not going to make any  
18 difference."

19 Q. Why was Bynum moved out of his position of nuclear  
20 operations?

21 A. I can tell you what Oliver Kingsley said.

22 Q. Okay.

23 A. Then I'll give you my perspective, and I believe  
24 what Oliver said.

25 That's a pretty daggone tough position. You look at

W.C.W.

1 New York Power Authority, for example, they change plant  
2 managers every year when they have the outage, the guy is just  
3 -- the pressure is unbelievable, and all of the problems you  
4 have during the outage and those kind of things.

5 Oliver's comment to us, this was not penalizing Joe  
6 when we took him out there, he said it's just time for somebody  
7 else to come in the position. And I believe those kind of  
8 times do happen under those kind of pressure positions. That  
9 was what he told us.

10 Q. "Told us," was this in the context of some kind of  
11 general meeting?

12 A. It was a meeting had with the key nuclear power  
13 people up on the sixth floor, and he just told, he said "I  
14 don't want to hear anybody say that Joe Bynum was kicked out of  
15 this position." He said "Joe Bynum has done a good job."

16 These are not exact words, but something along that  
17 line.

18 It's not unusual to see people in that position  
19 rotated because of the pressure, and usually they'll send them  
20 back to corporate or something like that without the same kind  
21 of pressures.

22 But I wasn't surprised that that kind of thing  
23 happened.

24 Q. What about Keuter, when he was switched from --? I

25 A. Dan is one I don't understand, because I worked for

2000  
1 Dan, and Dan was a good boss. He kind of defined your boundary  
2 conditions and let you go, and you came back to him if you had  
3 problems, but you had to have corrective action.

4 I don't think he ever fit in, and I can't give you  
5 the reasons why. He just never really fit into the  
6 organization.

7 Q. Did he go before Bynum, or about the same time?

8 A. I believe he went first, that Bynum went first.  
9 I'm not sure about that.

10 I know he went, and I took his -- let's see. I  
11 honestly can't tell you exactly, but it was fairly close,  
12 fairly close together.

13 Q. About when did it happen, do you recall?

14 A. When Dan left?

15 Q. Well, both Bynum and Dan.

16 A. Let me kind of explain something. About the time  
17 Jocher left, Dan was still my boss then. I was gone, I had a  
18 [REDACTED] operation, so I was out of pocket from April 11th  
19 through some time --

20 Q. Okay.

21 A. -- a good couple of months anyway, and so that's --  
22 you know, a lot of things happened that I don't have good  
23 firsthand information on. That's not an excuse, I just don't  
24 happen to know.

25 Q. Yeah, I understand.

WJ

1 A. Even when Jocher wrote his letter back, I had  
2 responded to it, but after that is when a lot of things took  
3 place that I don't know exactly what took place, and that's  
4 during the time frame that Dan, some time right after that  
5 left, because when I came back I was put back in <sup>Operations Support</sup> operating as  
6 the acting -- Mark Medford had taken over the organization  
7 then, and I was reporting to him in the acting position of vice  
8 president/operations support.

9 Q. So Medford had taken Bynum's place, or --

10 A. No, he was --

11 Q. Was Bynum still there?

12 A. He was gone then. Again I don't know the exact  
13 time frame, but somewhere in that period of time.

14 Q. So while you were out ~~XXXXXXXXXXXXXXXXXXXX~~ both  
15 Bynum and Dan Keuter changed positions?

16 A. Yeah. And in our organization operation support no  
17 longer reported to operations, it reported to Mark Medford,  
18 which was a -- I can't remember what it was called now, the  
19 technical -- I can't remember the name of the organization.

20 Q. Do you have any indication at all, Mr. McArthur,  
21 that the movement of Bynum and Keuter had anything to do with  
22 the way that the Jocher termination was handled?

23 A. No.

24 Q. Okay. Are there any other comments that you would  
25 like to make regarding the circumstances around Mr. Jocher's

WJ



1 forced resignation that we haven't talked about?

2 A. Not that I can think of.

3 Q. Okay. Like I said, this may or may not be the last  
4 time I talk to you. I appreciate your time.

5 You have talked to me freely and voluntarily today,  
6 haven't you?

7 A. Yes.

8 MR. ROBINSON: It is now ten o'clock a.m., and this  
9 interview is completed. Thank you very much.

10 (At 10:00 a.m. Tuesday, February 7, 1995 the  
11 interview was concluded.)

*wcm*

12  
13 *Wilson C. McArthur*

14  
15  
16 *July 6, 1995*  
17  
18  
19  
20  
21  
22  
23  
24  
25

65

C E R T I F I C A T E

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

Interview of Wilson C. McArthur

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

*L. V. Partain*  
-----

L. V. Partain,  
Certified Court Reporter,  
Official Reporter,  
Neal R. Gross and Co., Inc.

# EXHIBIT 21

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

+ + + + +

OFFICE OF INVESTIGATIONS

INTERVIEW

-----X

IN THE MATTER OF: :

INTERVIEW OF : Docket No.

ROBERT J. BEECKEN : (Not assigned)

-----X

Wednesday, February 8, 1995

TVA Headquarters,  
1101 Market Street,  
Chattanooga, Tennessee

The above-entitled interview was conducted at  
1:06 p.m.

BEFORE:

LARRY L. ROBINSON Investigator

2-93-015

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

APPEARANCES:

On Behalf of Tennessee Valley Authority  
and Witness Robert J. Beecken:

BRENT R. MARQUAND, Senior Litigation Attorney,  
400 West Summit Hill Drive,  
Knoxville, Tennessee 37902-1499  
615/632-4251

On Behalf of the Nuclear Regulatory Commission:

LARRY L. ROBINSON, Investigator,  
101 Marietta Street, Suite 2900,  
Atlanta, Georgia 30323  
404/331-6509



PROCEEDINGS

1  
2 MR. ROBINSON: Let's go ahead and go on the  
3 record.

4 For the record, this is an interview of Mr.  
5 Robert

6 J. Beecken, an employee of TVA. It is Wednesday, February  
7 8th, 1995, 1:06 p.m. This interview is being conducted at  
8 TVA's offices in Chattanooga, Tennessee.

9 Present at the interview are Mr. Beecken, Mr.  
10 Brent Marquand of TVA Office of General Counsel, Larry L.  
11 Robinson, Office of Investigations, NRC, and this interview  
12 is being recorded by a court reporter.

13 The nature of the interview pertains to the  
14 resignation of Mr. William F. Jocher from TVA, and the  
15 circumstances surrounding that.

16 Mr. Beecken, do you have any objections to  
17 being sworn to your testimony here today?

18 MR. BEECKEN: No, I do not.

19 MR. ROBINSON: Would you please stand and raise  
20 your right hand?

21 WHEREUPON,

22 ROBERT J. BEECKEN

23 being first duly sworn, was examined and testified as  
24 follows:

25 EXAMINATION

1 BY MR. ROBINSON:

2 Q. Mr. Beecken, the reason that I made  
3 arrangements for your interview through the Office of  
4 General Counsel was that I was aware that they represented  
5 you at the discovery deposition in the Department of Labor  
6 hearing. Do you still wish to have Mr. Marquand represent  
7 you in this interview today?

8 A. Yes, I do.

9 Q. If you were to have any information in this  
10 interview that was going to be adverse or negative with  
11 respect to any employee or aspect of TVA, would Mr.  
12 Marquand's presence inhibit you from telling me that?

13 A. Not at all.

14 MR. ROBINSON: Mr. Marquand, would you please  
15 briefly state the nature of your representation of Mr.  
16 Beecken here today?

17 MR. MARQUAND: Mr. Beecken and I have discussed  
18 the subject matters that we expect that you may inquire  
19 into, and have determined that his interests are  
20 coextensive with TVA's, and I represent both Mr. Beecken  
21 and TVA, and we do not anticipate any conflicts arising out  
22 of any questions that you might ask him.

23 MR. ROBINSON: Thank you.

24 BY MR. ROBINSON:

25 Q. Mr. Beecken, for the record, how long have you

1 been with TVA?

2 A. Since February of 1988, which would make it  
3 seven years.

4 Q. And when were you the plant manager at the  
5 Sequoyah Nuclear Plant of TVA?

6 A. If I remember correctly, March of 1991 to early  
7 July of 1993.

8 Q. And is it correct that you worked for Arizona  
9 Power for a while?

10 A. Arizona Public Service.

11 Q. Arizona Public Service.

12 A. Yes, sir.

13 Q. Were you acquainted with Mr. Bynum through  
14 Arizona Public Service?

15 A. Yes, sir.

16 Q. Did you two kind of come to TVA at the same  
17 time, or what was that situation?

18 A. Mr. Bynum came to TVA, and I came subsequent to  
19 him being --

20 Q. Did he kind of bring you in, or recommend that  
21 you come up here and work, or was there any connection that  
22 way?

23 A. There was a connection. He had known me, known  
24 my skills, and I guess had recommended me for the position.

25

1 Q. Okay. And when you first came into TVA, what  
2 was your position?

3 A. I was originally hired, if I remember the  
4 sequence of events, I was originally hired as the  
5 maintenance manager for Watts Bar, and that's the position  
6 I was offered.

7 Subsequent to that hiring and accepting the job  
8 -- and this timing may get a little bit out of sequence in  
9 my mind, I apologize for that --

10 Q. Okay. No problem.

11 A. But subsequent to accepting that offer and  
12 resigning my position at Arizona Public Service, I was  
13 notified that "You're not going to Watts Bar, you're going  
14 to Sequoyah." So on paper the first offer I was to go  
15 there, and then I was reassigned before I came up to  
16 Sequoyah.

17 Q. You reported to Sequoyah basically; right?

18 A. Yes, sir.

19 Q. And so you were the maintenance manager of  
20 Sequoyah, and then eventually became the plant manager in  
21 March of '91, or approximately March of '91?

22 A. Or thereabouts, yes, sir.

23 Q. And I understand you're the head of maintenance  
24 at Watts Bar now at this point; right? Or what's your  
25 title at Watts Bar?

1           A.     The title is maintenance and modifications  
2 manager at Watts Bar.

3           Q.     Okay. And when did you assume that position?

4           A.     I think late -- I apologize for not being  
5 specific, but September of '94.

6           Q.     Last year, or the year before that?

7           A.     I would think September of '94.

8           Q.     '94, and what position did you hold at Watts  
9 Bar just prior to that?

10          A.     Well, I was actually with corporate operational  
11 readiness team, and I went from Sequoyah to the corporate  
12 operational readiness group, from operational readiness  
13 assigned to Watts Bar to pull together the high functional  
14 test program.

15          Q.     Okay.

16          A.     The first HPT that we did in '93, I pulled that  
17 test together and its execution, working with start-up of  
18 the plant and corporate, those functions.

19          Q.     Okay. And so you left the Sequoyah site in  
20 around July, in that time frame of '93?

21          A.     Early July '93.

22          Q.     Okay. When is the first time you ever heard  
23 about William Jocher to the best of your recollection?

24          A.     Boy. And this is --

25          Q.     And what was the context just if you remember?



1 A. I'm sure -- I don't remember specifics.

2 Q. Okay.

3 A. I don't remember when the first time I heard of  
4 William Jocher. He would have been in the corporate  
5 office, I probably had some interface with him regarding  
6 chemistry issues when I became plant manager, or after, or  
7 somewhere in that arena, but I don't remember any  
8 specifics.

9 Q. Okay. Is your recollection of Jocher initially  
10 positive or negative, or neither way?

11 A. Oh, it was -- my initial impression of Jocher  
12 was that he was a -- seemed very technically astute, and  
13 that he was a very forceful presence.

14 Q. Okay. And did you develop these initial  
15 impressions while he was still at corporate?

16 A. Yes. I'm going again on recall.

17 Q. Okay. And were these impressions coming from  
18 direct interfaces with Jocher, between you and him, or were  
19 you getting input from other folks at your site?

20 A. I don't remember

21 Q. You don't recall.

22 A. Probably a combination, but I don't remember.

23 Q. Okay. I guess I'll put it this way, is there  
24 anything that you can recollect while Mr. Jocher was still  
25 at corporate before he came out to Sequoyah that displeased

1 you, or you were unhappy about with respect to his dealings  
2 with Sequoyah?

3 A. Well, let me think back. Probably Bill --  
4 displeased is the wrong term, but Bill would have been,  
5 because of his forceful nature and his technically astute,  
6 we had long-standing problems with chemistry issues.

7 Q. At the plant?

8 A. So he would have been involved in addressing  
9 those issues, or discussing those issues, or in meetings  
10 relative to those issues, so I would have observed his  
11 knowledge of the issues, his approach to them, and all that  
12 stuff.

13 Q. From attending meetings at Sequoyah regarding  
14 those issues?

15 A. Yes, things like that.

16 Q. Okay. And you mentioned that displeased was  
17 the wrong word. Were you going to elaborate on that?

18 A. Well, yeah.

19 Q. What was your evaluation from just being in  
20 attendance at those meetings, and being exposed to him?

21 A. My impression, and I've got to say it's based  
22 on recall, I think it was positive, because I thought that  
23 it would be a good -- I had concerns on my incumbent  
24 manager and whether he was part of why we couldn't move  
25 chemistry forward, and what to do in that arena, and I

1 thought this presented -- here's a corporate guy who's got  
2 his arms around a lot of these issues, seems to be the guy  
3 who can really improve our chemistry performance. That's  
4 why, you know, we moved --

5 Q. That's why you made the swap with Fiser and  
6 Jocher?

7 A. One to see how -- the suspicion was that Fiser  
8 was not as strong a supervisor as Bill, or as strong an  
9 individual to make things happen.

10 Q. Was that a suspicion, or was that essentially  
11 confirmed in your mind?

12 A. That's a hard one to answer.

13 Q. What was your evaluation of Fiser as a  
14 chemistry supervisor?

15 A. Good technically, and I felt, and the suspicion  
16 with Bill and all this other stuff confirms hard on whether  
17 a guy can establish a standard and hold people to it. I  
18 didn't feel that he was strong enough to do that, but I  
19 wanted to see in a different function, you know, that's  
20 what we were looking at: "Gee, maybe his technical skills  
21 would really contribute in this rollback," and give  
22 somebody else a chance to observe his performance, and also  
23 give me assistance at the site in improving Sequoyah's  
24 performance. I thought it was a win-win situation.

25 Q. How long -- had Fiser been the chemistry

1 manager ever since you came on board out at Sequoyah as the  
2 maintenance guy, do you remember, or how long had he been  
3 the chemistry manager?

4 A. As far as my mind remembers, he was the  
5 chemistry manager. There were times when, you know, he was  
6 assigned outage responsibilities and stuff like that that  
7 we did for developmental purposes and different  
8 supervisors.

9 I don't know if when I first got there if David  
10 Goetcheus was chemistry manager at that time or not, the  
11 earlier back it goes. I don't know if he was there, and  
12 then Gary was there, or Gary was there at the time.

13 Q. Okay. But by the time -- and I believe the  
14 transfer or the swap between Jocher and Fiser occurred in  
15 the early '92 time frame, by that time you thought it would  
16 be beneficial to have a stronger guy come out and work with  
17 your chemistry program at the site, and give Fiser some  
18 experience in corporate?

19 A. Yes.

20 Q. Okay.

21 A. And also allow Fiser's skills to be technically  
22 observed by the technical experts which were the corporate  
23 chemistry people to see how to best move forward.

24 Q. Okay. Other than your own observations of  
25 Jocher while he was still at corporate when he would be

1 coming out and you would be in the meetings with him, et  
2 cetera, did you get any input from any of the other plant  
3 managers, or Joe Bynum regarding Jocher?

4 A. At that point in time I think the Jocher-Fiser  
5 swap there in that -- the arrangement was predominately  
6 myself and Wilson McArthur. I would have talked to Wilson  
7 about the technical skills and "What do you think?", and I  
8 relied heavily on him for the expertise, and his staff to  
9 help guide you in that stuff, so I'm sure -- and this is  
10 again as I recollect, you know, I would have relied on  
11 Wilson for guidance in that swap.

12 Q. You don't recall any negative input from Wilson  
13 or anyone else regarding Jocher before he came out to  
14 Sequoyah?

15 A. Not that I recall.

16 Q. Okay. So the swap is made --

17 A. Actually, like I say, I thought the swap was a  
18 win-win situation all the way around.

19 Q. How was Jocher's performance after he got out  
20 to Sequoyah? Did he report to you directly?

21 A. No.

22 Q. He went through Lagergren, and then who was it,  
23 Pat Lydon?

24 A. Lydon, and he reported to the operations  
25 manager, who reported to me.



1 Q. Okay. And that would have been Lydon?

2 A. Lydon or Lagergren, maybe even Bush at the end.

3

4 Q. Okay. Did you get any input from Lydon or  
5 Lagergren about how Jocher was doing?

6 A. Not that I recall.

7 Q. Did you have any first-hand observation or  
8 opinions about how he was doing with the chemistry program  
9 out there?

10 A. At what point in time?

11 Q. Well, I mean you gave him a chance to do a  
12 little bit, you know, three, four, five months after he's  
13 come on board.

14 A. I had lots of opportunities to interface with  
15 plant staff. For example at the plant of the day meeting,  
16 I had chemistry managers there, the superintendents, the  
17 engineering guys.

18 Q. Every day?

19 A. Yeah, every day, so I got a lot of data and  
20 input. Now, I may not be there every day, I pretty much  
21 was.

22 I may even have one unit running and one unit  
23 in outage, I may have an outage meeting going on, I may  
24 change control, so there's a bunch of opportunities to  
25 interface on a bunch of different issues, so I would say

1 the first part of Mr. Jocher's tour of duty at Sequoyah was  
2 positive.

3 Q. Okay. And what about the last part?

4 A. Well, I guess the last part, I became less  
5 enthused because we still weren't making the necessary  
6 headway in improving the chemistry performance at the  
7 plant.

8 I became as I watched -- it looked like in the  
9 first part he had a lot of good programs, big plans and  
10 stuff. Now, where's the real improvements coming? How are  
11 we doing? Are we moving fast enough, or are we stopping  
12 repeat-type problems? How are we doing overall? So in the  
13 last half I became, you know, less enamored that this was  
14 the fellow to take us to the benchmark of performance that  
15 we were trying to get to.

16 And you've got to remember, too, that chemistry  
17 was just one facet of my operation.

18 Q. Sure. I understand that.

19 I guess it's kind of a tough question, but  
20 relatively, I mean where did chemistry stand in the pecking  
21 order of the various responsibilities you had out there as  
22 the plant manager? I mean pretty far down the list?

23 A. You know, I hate to say far down the list. Of  
24 course nuclear safety is first, industrial safety,  
25 environmental compliance.

1 Chemistry from my standpoint is a big part of  
2 the economics of the business, you know, for the steam  
3 generator survival, so it was constantly getting escalated  
4 in my mind, especially with all the industry problems and  
5 the mega, big dollars that were being spent on steam  
6 generator replacement.

7 You talk about fuel integrity, you talk -- so chemistry is  
8 up there, way up there.

9 It has different tentacles, I guess for lack of  
10 a better term, into different areas, you know, but it's the  
11 efficient production of power, of the financial viability  
12 of our plant. It's easy to see.

13 Q. Okay.

14 A. So it's pretty darned important.

15 Q. Once you saw that these big plans and ideas  
16 that were initially developed by Jocher weren't coming to  
17 fruition, did you --

18 Q. Initially developed by Jocher, he did a lot of  
19 work on them. I don't know if he initially developed them  
20 or --

21 Q. Okay. Once they weren't coming to fruition,  
22 did you talk to Jocher about that?

23 A. I'm sure, yeah, all these meetings and  
24 interfaces during the day I would have said "Gee, you're  
25 not getting ahead on this," or "This isn't coming

1 together."

2 Chemistry is -- I'm sure at different points,  
3 but not in a counseling session where I would have -- I  
4 don't recall ever having a counseling session.

5 Q. He's not your direct report, you don't write  
6 his performance appraisal.

7 A. And he was also on a rotation.

8 Q. Did he ever make any excuses that he wasn't  
9 getting enough money to do his job out there?

10 A. I don't know the time frame of this, but I  
11 think there were some frustrations -- Bill has had  
12 frustrations, funding for issues like the chemistry upgrade  
13 program, and I had frustrations on the other side with the  
14 chemistry upgrade program going on. We can't do all of  
15 this at once, we just don't have -- in the relative pecking  
16 order of where we're spending our money, compliance, so  
17 forth and so on, you know, what's the best strategy to get  
18 this done. We can't do it all at once, we can't be this  
19 big, you've got to work on this, and I think there were  
20 some frustrations on Bill's part, was very single-minded on  
21 getting the chemistry upgrade program done, and that was --

22

23 Q. Do you think he was -- I mean did you ever make  
24 him understand where chemistry stood in the big picture  
25 with respect to funding, and did he come to an

1 understanding that he's just not going to get all the money  
2 he wanted?

3 A. I think he came to an understanding. I think  
4 he you attended our change control meetings and presented  
5 ideas, and he had to show cost-benefit, and how that was  
6 done, how it set in the pecking order.

7 And we spent plenty of money on the plant,  
8 plenty. He was there in those meetings, so he would have  
9 gained a good understanding.

10 And it's frustrating for me. Every year I'd  
11 start off with these performance improvements for the plant  
12 that I would like to have, and something would happen at  
13 Plant XYZ, and we'd have to modify, or engineering downtown  
14 would discover that there's a flaw in the analysis for some  
15 feed line break geometry, and we had to put a new control  
16 circuit in, or a blow-off roof on a, modify the roof on a  
17 building, so you have X amount of dollars and you try and  
18 work within that.

19 Of course you could turn to the company and ask  
20 for more, and we've done that time and time again, but you  
21 want to do that again in relative space of its priority and  
22 needs of the plant.

23 But I think the answer is yes, he understood.

24 Q. Did you ever talk to -- Lydon was reporting to  
25 you directly.



1           A.     Uh-huh.

2           Q.     Did you ever tell Lydon that he needed to be  
3 getting Jocher on the stick a little bit more as far as  
4 working with what he had to correct the chemistry  
5 situation?

6           A.     I don't recall a specific conversation. The  
7 meetings, you know, Lydon would be there, Jocher would be  
8 there, the maintenance people, and these issues and so on,  
9 I told them "Let's get this fixed, we need to move over  
10 here."

11          Q.     So it was pretty much more in the context of  
12 the larger meetings where rather than in an individual  
13 conversation with you and Lydon and Jocher --

14          A.     And I may have had individual conversations  
15 with -- and I don't recall specifics, I wish I did. I may  
16 have had, you know, ones with Lydon there and Jocher, and  
17 going over "Well, this line item is not here," or "Good  
18 job, you got this done." "Hey, we've got another problem  
19 identified over here, how are you guys going to attack  
20 this? How are we going to get ahead on this? What are we  
21 going to do?"

22                    But I don't recall, I had so many interfaces  
23 and meetings with everybody every day.

24          Q.     With all the problems that you had to deal with  
25 out at Sequoyah, back when Jocher was in corporate, I mean

1 I understand that he was really doing a good job of finding  
2 problems out there, and did that cause you a problem at  
3 all?

4 A. No, I think that one thing -- I don't know that  
5 he was finding problems or -- I think the one thing that he  
6 did was his presence. He was good at coming after these  
7 issues, presenting them, and like I said before it looked  
8 like a unique opportunity, "If Mr. Jocher can really help  
9 us here let's swap them out."

10 Q. Okay. So you sincerely thought that he could  
11 help you out there at Sequoyah, it wasn't kind of the  
12 context of "Well, this guy has got a kind of a big mouth  
13 and he thinks he's a great problem finder, let's get him  
14 out here and see if he can prove himself and solve a few of  
15 them"?

16 Do you understand the difference in meaning  
17 there, the difference in mind-set?

18 A. The mind-set would be wrong. He would have  
19 been -- you know, and I don't remember specifics on Bill,  
20 but I remember that "Well, if he's half as good as he  
21 sounds, let's swap these two," because it looked like that  
22 would be the best thing to do.

23 Q. Okay.

24 A. And there may have been some of it in my mind  
25 as "Well, maybe this can really pan out, maybe, you know,

1 that Jocher can come out here and really -- I wouldn't have  
2 do it if I didn't think it would have improved chemistry  
3 performance.

4 Q. During the time Lydon was --

5 A. Let me go back to that connotation. I want to  
6 discuss it just to make sure --

7 Q. Sure, clarify it.

8 A. I might have thought, to put his money where  
9 he's at, you know, that type of thing, but not in the  
10 context of threatening. I would have thought "Hey, if this  
11 guy is good, if he can put his money where his mouth is at,  
12 then he can really benefit us," and I would have confirmed  
13 his technical ability -- I was impressed with his technical  
14 ability and his forcefulness.

15 Jocher and I got along, you know, didn't have  
16 any problems. I thought this was a really unique  
17 opportunity where I could move two employees around, maybe  
18 find a better fit for this guy and a better fit for this  
19 guy, benefit the plant, benefit corporate.

20 Q. Yeah, I guess you really need to clarify that.  
21 It was kind of your idea to make that switch when you were  
22 talking with Wilson McArthur, or was it McArthur's idea to  
23 do it, or whose idea was it?

24 A. I would say it's probably more -- he might have  
25 planted the seed, that's what gets back to you, to claim

1 ownership in the idea. He may have planted the seed,  
2 somebody else may have planted the seed, but I certainly  
3 bought in on it.

4 Q. How about Jack Wilson, did you have any  
5 conversations with Jack Wilson?

6 A. Oh, sure. On a move like this I would have  
7 discussed it with Jack. I don't recall the specific  
8 conversation, but, you know, we would talk every night  
9 about performance issues -- and I say every night, you  
10 know, not every night. Let me clarify that. You know,  
11 there could be a Sunday night or a Saturday night or  
12 something, but we would talk frequently, and I'm sure on a  
13 move of this significance, managers moving around, we would  
14 have talked saying "Hey, I want to do this, it looks  
15 positive."

16 Q. Just to the best of your recollection would  
17 Jack have kind been relying on your input regarding that  
18 move, or did he have some ideas of his own on that?

19 A. I don't recall. Jack was a -- because of his  
20 history at Virginia Power with steam generator problems was  
21 very interested in chemistry performance, so I would want  
22 to defer just based on that that he probably had a lot of  
23 discussion with me. I don't recall the discussion, but  
24 would have either bought it or would have talked me out of  
25 it if he did not like the approach.

1 Q. Okay.

2 A. Did I answer the question?

3 Q. I don't know. I don't know whether you  
4 answered it or not. It was probably your suggestion to  
5 Jack to do that --

6 A. Sure.

7 Q. -- rather than him coming to you and saying  
8 "How about bringing Jocher out?" Okay.

9 A. But obviously Jack would have put the final  
10 blessing on it one way or the other. He would have been  
11 involved, yes, sir.

12 Q. All right. Was Bynum involved in any of those  
13 conversations before you brought him out?

14 A. I don't know. I don't recall.

15 Q. You don't recall.

16 A. And there was a period there, and I don't know  
17 when that was -- when was Jack VP? Was he the site VP --  
18 he was site VP the whole time I was, yes --

19 Q. Pretty much.

20 A. Yes, okay, so it would have been Jack. There  
21 was a period of time that Joe was site VP, but I was not  
22 plant manager I don't think. No, I was not. I was plant  
23 manager under Jack Wilson the whole time.

24 Q. Yeah, I'm thinking Joe, he's nuclear  
25 operations.



1           A.     But he acted in the capacity of site VP for a  
2 while before that.

3           Q.     And I was kind of thinking in his capacity over  
4 Wilson was he involved to your recollection in any of the  
5 planning on making that swap?

6           A.     Not to my recollection.

7           Q.     Now we'll go back to kind of the end of  
8 Jocher's tenure out there at Sequoyah. The program hadn't  
9 advanced as much as you had hoped that it would advance  
10 under Jocher.

11          A.     Yes.

12          Q.     You knew that it was kind of a year rotation  
13 thing. Did you have any input with respect to whether you  
14 wanted to keep Jocher out there, or send him back, or what?  
15 What was the plan on that?

16          A.     I'm pretty confident that I would have shared  
17 with Wilson that --

18          Q.     McArthur?

19          A.     Yeah. -- at the end of the tour that Mr.  
20 Jocher would roll back, you know, that he didn't see him as  
21 the guy moving out, moving to the next performance level.

22                 I didn't -- you know, just on that level, you  
23 know, okay, we've got to keep going, it's not --

24          Q.     "I don't particularly want to keep him out  
25 here," that type of thing; right?

1           A.     Well, yeah, but you're putting words to it --  
2 that type of thing, I guess.

3           Q.     Well, would you have wanted to keep him out  
4 there?

5           A.     Well, I think we could have -- if there was  
6 arguments or discussions I probably would have worked with  
7 that.

8           Q.     Okay. But your choice was not?

9           A.     Yeah, to move out, to move on.

10          Q.     Okay. And did you have anybody -- I think at  
11 that point in time you were kind of thinking about  
12 combining RADCON and chemistry, weren't you?

13          A.     Yeah. It gets a little bit complex in this  
14 area. You know, in February I had discussions with Mr.  
15 Fenech, I knew I was leaving, so there were a lot of  
16 discussions and organizational changes proposed and  
17 otherwise that I may have not been party to, or fully  
18 engaged in.

19                    But yeah, along the time -- somewhere in this  
20 time, the latter half of the '93 era when I was still there  
21 there were plans to combine chemistry under RADCON, which  
22 in my mind was a real good move.

23                    The reason is I thought one of the things that  
24 would maybe help us improve chemistry faster is I thought  
25 that chemistry may be a step-child operation.

1           Lydon was so busy with operations concerns and  
2 problems, and work control, and outage planning and  
3 everything else he had that I felt maybe we just didn't  
4 have enough management focus to help through these issues,  
5 and I saw in RADCON a strong management position, a strong  
6 manager or strong management position, a strong hierarchy.

7           Q.     Kent?

8           A.     Kent.

9           Q.     A strong manager in your estimation?

10          A.     Oh, very good, excellent. But even if it isn't  
11 Charles Kent, I thought that those two activities could be  
12 combined, and this chemistry would get better management  
13 focus, or time, or availability, or whatever you want to  
14 call it.

15                 I thought it was a good move, and when you look  
16 at radiological controls and chemistry there's a lot of  
17 common technical discipline there, so it made more sense,  
18 and I thought -- you know, I've seen it PADCAM, I've seen  
19 it ops and chemistry, I've seen it done different ways at  
20 the different stations that I've been at, but I thought  
21 this was a real good move, I thought that was good.

22                 Now they were doing -- Kent had variations on a  
23 theme, we found that would work, you know, whether there  
24 would be a chem manager, whether there wouldn't, how it was  
25 going to be organized.

1 Q. Oh, okay.

2 A. But that was being discussed between him and  
3 the other chem managers, or RADCON folks, corporate or ever  
4 what.

5 Q. So you thought by the combining of chemistry  
6 and RADCON under one manager you would get better emphasis  
7 on chemistry as opposed to having specifically a chemistry  
8 manager and a RADCON manager?

9 A. No, no, no.

10 Q. Explain that to me.

11 A. He had the ops manager reporting to me.

12 Q. Right.

13 A. Technical support, operations, maintenance,  
14 training and matrix, RADCON.

15 Q. And chemistry?

16 A. No, RADCON.

17 Q. Okay.

18 A. The ops manager has got operations crews, two  
19 units, he's got work control, operations training, all that  
20 to deal with.

21 Looking at that key manager that works for me,  
22 you know, we're talking about trying to improve  
23 performance, so when we talked about taking this chemistry  
24 part from under here, because we didn't think he was  
25 getting enough time just because of sheer workload to

1 really focus on these chemistry performance issues, to take  
2 this organization and put it under this other senior guy  
3 and drive -- he would have more time, you know, he would  
4 have more common technical skill.

5 You know, the ops manager may be an operator  
6 coming up, and when you get into steam generator chemistry  
7 issues there's more common skill ground to work with.

8 So we thought it would be a better move, or I  
9 did. I don't know, I think it's --

10 Q. So chemistry was reporting to ops, and RADCON  
11 was reporting to tech services?

12 A. Was reporting to me.

13 Q. Direct?

14 A. Yes, sir.

15 Q. The way I understood you just described it, you  
16 had an ops manager and a tech service manager.

17 A. I had operations, technical support, RADCON,  
18 maintenance.

19 Q. So Kent was on a parallel with Lydon?

20 A. Yes, sir, so I thought Charles Kent, RADCON  
21 program, very strong, intensity during normal operations  
22 very low, a very talented manager, unique opportunity, take  
23 chemistry and put it over here, and better management  
24 focus, better split to make things happen, the RADCON lab  
25 and the chemistry lab work side by side in here.



1 Q. And it wasn't just because you didn't  
2 particularly want Fiser to come back to the site?

3 A. No, that's what -- No.

4 Q. Okay. Explain that to me. I mean you didn't  
5 really want Fiser to come back to --

6 A. I talked to Fiser and told him that, and the  
7 same -- well, I'll leave it along the same lines that I  
8 didn't think that he had, looking at the problems that we  
9 had in chemistry, and the supervisory managerial skills to  
10 take us to where we needed to go. We needed to improve  
11 chemistry, so I sat down with Mr. Fiser, we discussed that.  
12

13 Yeah, on the RADCHEM combination there were  
14 discussions whether there would be a chem manager or there  
15 wouldn't, back and forth, back and forth, so that must be  
16 like taking this whole chemistry organization and just plug  
17 it in, just erase one line, the line over here, and I  
18 thought the benefits of doing that was pretty big.

19 Q. To your knowledge, why was Jocher put in a  
20 position to either accept termination or resign?

21 <sup>old</sup> A. I'll tell you this, Bynum made that decision.

22 Q. Did you have any input to Bynum's decision regarding that?

23 A. Not that specific decision, but all along, you  
24 know, I would have had inputs to Bynum, reporting to him  
25 progress on chemistry, the progress on INPO issues. He sat

1 in lots of our plan-of-the-day meetings and those type of  
2 things.

3 So I would have given him lots of input on  
4 where we're going with chemistry and that type of thing.

5 Q. As far as general input with respect to  
6 chemistry, or did you also give him some specific input  
7 with respect to Jocher?

8 A. I can't recall giving specific input, but it  
9 was probably -- in those type of conversations I'm sure  
10 there would have been some input.

11 Q. And at that point in time the input would have  
12 probably not been real positive because you weren't real  
13 happy with where the chemistry program was? Is that  
14 correct?

15 A. That would be correct.

16 Q. Okay. And I didn't give you a chance to answer  
17 my original question. To your knowledge why was Jocher put  
18 in the position of either resigning or to accept a  
19 termination?

20 A. I really -- I thought he would go back to  
21 corporate, I didn't know that -- I had found out -- I  
22 didn't know when I found out later that he had left.

23 Q. So you didn't even know that he had resigned,  
24 or you didn't have any idea that he was going to be forced  
25 to resign?

1           A.     As best I can recollect, no. I think that, you  
2 know, I found out over the summer -- see, when I left  
3 Sequoyah I took some time off, and I came back, and some  
4 time after I returned I would have found that out. I don't  
5 even know how I found it out.

6                     I can't remember anybody telling me anything  
7 about it.

8           Q.     Did you ever recommend to anyone that Jocher be  
9 terminated?

10          A.     No, I don't think so.

11          Q.     You don't think so?

12          A.     No, I don't recall recommending to anybody that  
13 he be terminated.

14          Q.     That would be probably something you would  
15 usually recall if you had done it; right?

16          A.     Yeah.

17          Q.     If you had recommended that somebody be  
18 terminated, you probably would recall doing that; right?

19          A.     Yeah, I would -- Yes.

20          Q.     And is it fair to say that you did not  
21 recommend that Jocher be terminated, or you just don't  
22 recall recommending that Jocher be terminated?

23          A.     I don't recall recommending that Jocher be  
24 terminated.

25          Q.     Okay. Do you recall any discussions with Dan

1 Keuter about Jocher's performance?

2 A. It would have been the same type of  
3 conversations that I would have had with Wilson McArthur  
4 and Joe.

5 ~~Q. And the way I understand it, do you recall any~~  
6 ~~discussions with Dan Keuter about Jocher's performance?~~

7 ~~A. Within the same type of conversations, you~~  
8 ~~know, we've had with Wilson, McArthur and Joe.~~

9 Q. And the way I understand it, up to -- I mean if  
10 those conversations would have taken place while Jocher was  
11 still at corporate, or in say the first four or five months  
12 of Jocher's tenure out at Sequoyah, those conversations  
13 would not necessarily have been negative about Jocher?

14 A. Sure.

15 Q. Okay.

16 A. Yes.

17 Q. In your experience in TVA, how many employees  
18 at a level that Jocher was at have been forced to resign  
19 because of their management style?

20 A. I don't know.

21 Q. Just in your personal knowledge, less than  
22 five, or more than twenty, or do you have any knowledge?

23 A. For their management style?

24 Q. Yes.

25 A. It's hard to tell. If a guy resigns abruptly,

1 you don't know, and I don't know that I would be privy, it  
2 would only be rumor and suggestion that --

3 Q. Yeah, unless you have a conversation with them.

4

5 A. Yeah, but even if you have a conversation, some  
6 folks I was close to that resigned all of a sudden, and  
7 they don't necessarily share with you, they come up with  
8 "Gee, my kids are in college in Saskatchewan and we want to  
9 be closer."

10 Q. Yeah.

11 A. And you have your suspicions that "Gee, maybe  
12 it wasn't working out."

13 Q. Were you close to Lydon?

14 A. Lydon worked for me.

15 Q. Why did he resign, do you know?

16 A. I think that he -- I wasn't involved in the  
17 resignation directly, but I just don't think that he was  
18 working out.

19 Q. You don't think that he was working out?

20 A. No, sir.

21 Q. As far as you were concerned, was he working  
22 out?

23 A. No.

24 Q. No? Had you talked to him about that?

25 A. We had conversations.



1 Q. What were just some examples of his performance  
2 problems?

3 A. We had some altercations with quality.

4 Q. You had altercations --?

5 A. Acceptance, Lydon had altercations, some  
6 altercations with quality, acceptance of some criticism and  
7 feedback, and hostility and barriers being built in there,  
8 and also understanding in the operations arena the staffing  
9 levels and managing within those, and again fiscal  
10 constraints, and overtime limitations, and those  
11 challenges. Some of those discussions got rather heated.

12 Q. And so he had -- when you say he had some  
13 altercations with quality, you mean the quality assurance  
14 type program, the assessors and --

15 A. Right.

16 Q. Okay.

17 MR. MARQUAND: Larry, could I suggest, you've  
18 asked a question that I think maybe if it was rephrased you  
19 might get some more helpful information.

20 Your question was how many managers were forced  
21 to resign because of management style.

22 MR. ROBINSON: How many that he personally knew  
23 of.

24 MR. MARQUAND: Maybe you might explore from the  
25 standpoint of is he aware that a lot of managers had been

1 asked to resign because of perceived problems with  
2 performance, including management style.

3 MR. ROBINSON: Well, what's the official -- and  
4 I'll ask you this, Mr. Marquand -- what is the official  
5 reason for termination of Mr. Jocher?

6 MR. MARQUAND: He wasn't terminated.

7 MR. ROBINSON: Oh, excuse me, I'm sorry.  
8 What is the --

9 MR. MARQUAND: He was asked to resign.

10 MR. ROBINSON: Why was Mr. Jocher asked to  
11 resign?

12 MR. MARQUAND: The lack of confidence,  
13 management's lack of confidence in him.

14 MR. ROBINSON: It wasn't --

15 MR. MARQUAND: I think it said management's  
16 lack of confidence in his style.

17 As with other upper level managers at TVA the  
18 term is usually management's lack of confidence, as opposed  
19 to termination for cause.

20 And I think if you explore along those lines  
21 that you will see that he is not unique.

22 MR. ROBINSON: Oh. I understand that there  
23 have been numerous resignations in upper management at TVA,  
24 I am well aware of that.

25 MR. MARQUAND: Okay.

1 MR. ROBINSON: But I guess I'll pursue this a  
2 little bit further, and I'm obviously not calling on you to  
3 testify here, Mr. Marquand, but are you familiar with the  
4 wording in the termination letter that Mr. Easley talked  
5 about this morning with respect to what basis would it have  
6 been for his termination if he had not chosen the  
7 resignation route?

8 MR. MARQUAND; I have read it. I don't  
9 remember the words.

10 MR. ROBINSON: Okay.

11 BY MR. ROBINSON:

12 Q. I recognize, Mr. Beecken, that that is a little  
13 bit of a gray area, and I was asking you specifically about  
14 that wording in the termination or forced resignation, if  
15 you had any knowledge of managers being, either being  
16 terminated or, I use the terminology forced to resign  
17 because of their management style.

18 A. No, I don't.

19 Q. Do you have any knowledge that Mr. Kingsley  
20 played a part in, a direct role in Mr. Jocher's  
21 termination?

22 A. No, I don't.

23 Q. Did you have ever have any input, negative  
24 input to Mr. Kingsley about Mr. Jocher directly?

25 A. Not that I recall.

1 Q. Do you interface with Mr. Kingsley -- how often  
2 do you interface directly with Mr. Kingsley?

3 A. Now or then?

4 Q. Now or then?

5 A. Yes.

6 Q. Is that less than once a month?

7 A. Now in this role, or then as plant manager?

8 What are you asking?

9 Q. Then, back in the area of Jocher's termination,  
10 and just prior to it.

11 A. Well, we would have multi-site meetings,  
12 whenever we had a problem at the plant Mr. Kingsley would  
13 call. If he had questions, he would either call Mr.  
14 Wilson, and if he couldn't get a hold of him he would call  
15 me.

16 Q. So it was fairly common?

17 A. Not as frequently. Okay, fairly common.

18 Q. Not every day, but more than once a month?

19 A. More than once a month, sure.

20 Q. Once a week?

21 A. Sure.

22 Q. More than that?

23 A. It depends on what was going on that week.

24 Q. Okay. And in those interfaces you don't  
25 recall, if understand your answer correctly, you don't

1 recall ever specifically providing any negative input to  
2 Kingsley about Jocher?

3 A. No.

4 Q. How about the other way around, did Kingsley  
5 ever make any negative statements to you about Jocher?

6 A. No.

7 ~~Q. How about the other way around, did Kingsley~~  
8 ~~ever make any negative statements to you about Jocher?~~

9 ~~A. No.~~

10 Q. Do you think Kingsley even knew who Jocher was?

11

12 A. Sure.

13 Q. Were you at the meeting where Jocher stood up  
14 and said he was underpaid?

15 A. I have heard about the underpaid statement. I  
16 don't recall that.

17 Q. Were you <sup>AT ALL</sup> the meeting when Commissioner  
18 DePlanque came to Sequoyah?

19 A. Yes.

20 Q. And you don't recall him doing that?

21 A. I don't recall anything. I may not have taken  
22 it in that context.

23 Q. And you don't specifically recall Jocher's  
24 statement about he wasn't getting paid enough, he was  
25 underpaid?



1           A.    No.

2           Q.    Okay.

3           MR. MARQUAND:   Ask him if he recalls Jocher's  
4 presentation.

5           MR. ROBINSON:   Okay.

6 BY MR. ROBINSON:

7           Q.    Do you recall Jocher's presentation?

8           A.    The biggest issue on that, the recollection is  
9 I was very embarrassed about the presentation.

10          Q.    Why?

11          A.    We had Commissioner DePlanque there, I think  
12 John Waters was there, Mr. Kingsley, Mr. Synam, and I had  
13 my plant staff, and we were pretty proud, we had been  
14 performing I think pretty well, we were looking forward to  
15 taking Commissioner DePlanque through the plant and kind of  
16 showing off, and we had gotten -- we were going to come in  
17 and let each one of the managers talk about their area  
18 briefly and succinctly and demonstrate that they were on  
19 par and were performing.

20                I remember Bill did his, and he got, you know,  
21 up and started to lecture, and I can't remember the  
22 specifics, but he talked about I think his adjunct  
23 professor initiative, and other things, and lectured us  
24 all, and I think he ad libbed.

25          Q.    He lectured you on what, his own capabilities

1 and expertise, or --?

2 A. I think it was combined with that, and  
3 chemistry, chemistry, technology, vision.

4 Q. Kind of blew his own horn about his knowledge  
5 of the area, or --?

6 Q. Yeah, I think that would be a pretty good  
7 character of it, and it was pretty embarrassing. I wanted  
8 the thing to be brief.

9 A presentation like that, you try to be very  
10 formal, very concise, and you have all your other managers  
11 there, and they're very formal, very concise, they perform  
12 well, and one fellow, you know, gets into giving a lecture  
13 to everybody in the room, including Commissioner DePlanque,  
14 and I just came away from that very embarrassed.

15 Q. Okay. So the embarrassing thing was that he  
16 was kind of lecturing as opposed to the specific  
17 recollection of saying he was underpaid?

18 A. I don't recall that underpaid statement. I was  
19 kind of upset.

20 Q. Did Mr. Kent kind of stay within the framework  
21 of what you thought he should --

22 A. I think everybody else did very well. Other  
23 people that were in that meeting, the licensing manager,  
24 Cooper, Parsley would probably give you the same feedback.

25 Q. That they were embarrassed by Mr. Jocher's

1 oratory?

2 A. Yes.

3 Q. I don't think I have anything else right now,  
4 Mr. Beecken. Do you have any comments that you want to  
5 make regarding -- obviously I'm looking at the  
6 circumstances surrounding Jocher's resignation. Anything  
7 that we haven't discussed, or that we have discussed that  
8 you want to elaborate on, or any comments that you would  
9 like to make before we end the interview?

10 A. No.

11 Q. And you feel free to, if you want to go off the  
12 record and have a discussion with Mr. Marquand you can do  
13 that.

14 A. I would like to do that.

15 MR. ROBINSON: Okay. It is now 1:59, and we're  
16 off the record.

17 (A brief recess.)

18 MR. ROBINSON: It is now 2:08, and we're back  
19 on the record.

20 Before we went off the record I asked you, Mr.  
21 Beecken, if you had any additional comments or  
22 clarification which you would like to make, and I  
23 understand from our off-the-record discussions that Mr.  
24 Marquand would like to ask a clarifying question, or an  
25 additional question, and you certainly may do so at this

1 time, Mr. Marquand.

2 MR. MARQUAND: Mr. Beecken, as plant manager at  
3 Sequoyah when Mr. Jocher was there, were you aware of  
4 certain concerns that he expressed?

5 THE WITNESS: Yes, I was.

6 MR. MARQUAND: Like what?

7 THE WITNESS: About conservative RADEARI (?)  
8 surplus, discover that they were in the wrong direction,  
9 and had been for years, and that was the incident  
10 investigation, the SCAR on the chemical traffic control and  
11 subsequent incident investigation for SCAR on that, a lot  
12 of different issues like that.

13 MR. MARQUAND: Were you aware of an issue  
14 regarding the three-hour PASS sample test?

15 THE WITNESS: Yes.

16 MR. MARQUAND: What about the issue regarding,  
17 was there an issue regarding maintenance of equipment?

18 THE WITNESS: A long-standing issue on the  
19 availability of on-line instrumentation which relates back  
20 to the maintenance, interrelates back to that chemistry  
21 upgrade program.

22 MR. MARQUAND: Do you know if Mr. Jocher was  
23 responsible for identifying any or all of those issues?

24 THE WITNESS: Most of the issues have been  
25 previously identified, and some of them were related, and

1 Mr. Jocher did identify, but the chemistry upgrade program,  
2 the instruments out of service, or instrument availability  
3 had been a long-standing issue, but in turn the RADMON was  
4 a new finding, a good catch, a good finding.

5 MR. MARQUAND: And were you aware that  
6 corrective action documents were generated with respect to  
7 some of those issues?

8 THE WITNESS: Yeah, absolutely.

9 MR. MARQUAND: What was your attitude about the  
10 generation of those documents?

11 THE WITNESS: High response, initiation  
12 incident investigations, and corrective action program  
13 documents to track the issue, get it on the record, and  
14 work forward from there.

15 MR. MARQUAND: Were you critical of Mr. Jocher  
16 or his networking on these issues?

17 THE WITNESS: Absolutely not. In fact they  
18 escalated the incident investigation at my direction.

19 MR. MARQUAND: At your direction?

20 THE WITNESS: The plant manager, or the duty  
21 plant manager would have been my rep on the shift at that  
22 time.

23 MR. MARQUAND: So were you responsible for  
24 escalating any of those into incident investigations?

25 THE WITNESS: The RADMAR, I'm sure the chemical



1 traffic control program. I'll have to check the record to  
2 see if it was me personally or my stand-in, but those were,  
3 you know, my directions.

4 MR. MARQUAND: So were you responsible for  
5 escalating any of those into incident investigations?

6 THE WITNESS: The RADMAR, I'm sure the chemical  
7 control program. I'll have to check the record to see if  
8 it was me personally, or my stand-in, but those were my  
9 directions, and I think the record will show that the  
10 initiation input level, getting the threshold down to where  
11 people would report problems and get them in the system was  
12 one of our missions to improve that.

13 Q. Did you ever have any indication that Mr.  
14 Jocher broadcast some of Sequoyah's chemistry problems to  
15 INPO?

16 A. Not broadcast. What happens with INPO is the  
17 program managers would go down before the INPO assessment,  
18 meet with their counterparts, and discuss trouble areas with  
19 them.

20 Q. No problem with that as far as you're  
21 concerned?

22 A. No. I paid the mileage to get them down there  
23 and back.

24 Q. Okay. So when INPO came out and had some  
25 chemistry findings at Sequoyah, I mean you had no problem

1 with Jocher over that; right?

2 A. Not me, no.

3 Q. Did anybody?

4 A. No, not to my knowledge.

5 Q. Any other clarifications or comments that you  
6 would like to make before we end the interview?

7 A. I don't think so, no.

8 Q. Fine. You came here voluntarily today, your  
9 testimony was not coerced in any way; right?

10 A. No, it was not.

11 Q. Thank you for your time, Mr. Beecken. It is  
12 now 2:12 p.m, and the interview is terminated.

13 (At 2:12 p.m., Wednesday, February 8, 1995, the  
14 interview was concluded.)

15 + + +

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

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

Name of proceeding: Interview of Robert Beecken

Place of Proceeding: Chattanooga, Tennessee

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

*L. V. Partain*

\_\_\_\_\_  
L. V. Partain,  
Certified Court Reporter,  
Official Reporter,  
Neal R. Gross & Co., Inc.

# **EXHIBIT 22**

TENNESSEE VALLEY AUTHORITY  
Office of the Inspector General  
RECORD OF INTERVIEW

Name: John W. Sabados  
Position: Chemistry Manager  
Office: Browns Ferry Nuclear Plant (BFN)  
Work Tel.: (205)  
Residence: [REDACTED]  
Home Tel.: [REDACTED]  
SSN/DOB: [REDACTED]

(11)

Sabados was contacted at the Office of the Inspector General's BFN site office and advised of the identities of the interviewing agents. He was interviewed concerning his knowledge of William F. Jocher's management style and the allegation that he (Jocher) was forced to resign due to his expression of safety-related issues. Sabados provided the following information.

Background

1. Sabados has been with TVA since June 1990 in the BFN Chemistry Program. He has held his current position of Chemistry Manager for the past 2 years. Prior to holding the Chemistry Manager position, Sabados served as the Chemistry Technical Support Manager at BFN.
2. Sabados explained that Jocher was the Corporate Chemistry Manager, and, as such, he (Jocher) was only responsible for providing advice and oversight to the nuclear sites. Sabados stated that he and Jocher "held an equal weight" and that he (Sabados) reported only to site management. Specifically, Sabados stated that he used to report to the Operations Supervisor, but recently began reporting to Allen Sorrell, Radiological Control (RadCon) Manager, BFN.

Problems with Jocher

1. Sabados stated that his conflicts with Jocher occurred approximately two years ago when Sabados was the Chemical Technical Support Manager. Sabados could not recall any specific problems he has incurred with Jocher since he (Sabados) became the BFN Chemistry Manager.

Continued

EXHIBIT 22

PAGE 1 OF 3 PAGE(S)

INVESTIGATION ON: August 3, 1993 AT: Browns Ferry Nuclear Plant

BY: SAs Beth B. Thomas and W. Chris McRae:BBT:JMF FILE: 2D-133-10

0575D



2. Sabados' only contact with Jocher occurred at approximately six Chemistry Manager meetings during the time that Jocher was the Corporate Chemistry Manager and when they sat on a "blue ribbon committee" about two years ago. This "blue ribbon" committee was created to determine if a hydrogen water chemistry program should be implemented at BFN. The committee, which was chaired by Ed Hart, met approximately four times in a six-month period. Jocher and Sabados disagreed on the technical issue of whether BFN needed to change to the hydrogen water chemistry program. On one occasion, Jocher saw Sabados "raise his eyes" as he (Jocher) was discussing an issue. Jocher took this body language "very personal" and complained to Wilson McArthur, Manager, Operation Services, that Sabados was being "disrespectful."
3. Sabados stated that he and Jocher just "had a different way of doing business." According to Sabados, Jocher "held court and wanted to make all the decisions himself." Although Jocher's role as Corporate Chemistry Manager was to merely provide oversight and let site management make the final decisions, Jocher's "feelings would get hurt and he would pout" if one of his ideas was not implemented. Sabados stated that Jocher was an "individual" and the site personnel worked in "teams."
4. Sabados stated that eventually their style differences led to more of a personal problem because Jocher's ego was bruised. Sabados complained to Don Smith, Chemistry Manager, BFN, about his difficulties with Jocher. According to Sabados, Smith supported Jocher because he (Smith) felt that Corporate Chemistry should "run the show" at the nuclear sites.
5. Sabados commented that he spoke with McArthur about his problems working with Jocher on one or two occasions about two years ago. However, Sabados denied that there have been any recent complaints.

#### Additional Dealings With Jocher

1. In June 1992, Sabados participated in a pre-evaluation at Sequoyah Nuclear Plant in order to determine problem areas before an official evaluation by the Institute of Nuclear Power Operations (INPO). During this period, Jocher was on temporary assignment as the Chemistry Manager at SQN. Sabados feels that Jocher was trying to use INPO to push some problematic areas that needed to be fixed. Sabados stated that if the INPO evaluation had been at BFN, he (Sabados) would have attempted to "contain" and correct the problem. However, Jocher either pushed the issue with INPO or failed to take action to detract it from coming to INPO's attention. Sabados commented that INPO actually had a finding against Jocher in the area of technician knowledge. Sabados does not feel that technician knowledge was actually a performance deficiency, but rather that the technicians are burdened by so much technical knowledge that they cannot always readily recall specific information. Sabados stated that during this pre-evaluation that he and Jocher got along "fairly well" and "shook hands."

Continued

2. Around the beginning of March 1993, Jocher visited BFN to discuss several areas in which Corporate Chemistry could provide assistance. Sabados reiterated what the problem areas were and Jocher responded that they (Corporate Chemistry) were working on the problems. Sabados felt that Jocher's response was reasonable considering the type of problems being discussed. Sabados described the meeting as "congenial."
3. The only additional problem with Jocher occurred approximately one and one-half years ago when Jocher made an incorrect statement regarding radiological affluence during a presentation to the Nuclear Oversight Board. Sabados stated that the incorrect statement could have caused the BFN Chemistry Program some "hot spots." However, Sabados stated that Jocher apologized for making the incorrect statement and it was never an issue.

#### Miscellaneous

1. Based on how well their early March 1993 meeting at BFN went, Sabados feels he could have worked effectively with Jocher after he (Jocher) returned from the temporary assignment at SQN to the Corporate Chemistry Manager position.
2. Sabados does not feel that his problems with Jocher could have provided any basis for TVA management to request that Jocher resign.
3. Although he does not know any details, Sabados stated that Jocher and Sam Harvey, Program Manager, Corporate Chemistry, have had "some friction" in the past.
4. Sabados had no knowledge of Jocher offering to assist an individual not selected for a position to file a grievance. However, Sabados did recall that about one year ago when he was being considered for the Corporate Chemistry Manager position (he had already served one year as Acting Chemistry Manager), Jocher was originally supposed to sit on the selection board. However, on the day the board was supposed to meet, Jocher "stood up" the other members and said he (Jocher) was too busy. The meeting was rescheduled and Larry Jackson, Chemistry Manager, Watts Bar Nuclear Plant, replaced Jocher.
5. According to Sabados, Jocher raising issues at SQN did not cause a problem for John Scalice, Plant Manager, BFN. To the contrary, Sabados stated that Jocher did not have any dealings with higher management at BFN. The only response from higher management came when Sabados was asked if there was a training problem at BFN like the one brought up at SQN. Sabados said the examination was horizontal and that the fact that it was Jocher who brought up the problem did not cause it to escalate.
6. Sabados stated that Jocher is a big man whose size can intimidate other people.

BBT:JMF

05753

# EXHIBIT 23

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

+ + + + +

OFFICE OF INVESTIGATIONS

INTERVIEW

-----X

IN THE MATTER OF: :

INTERVIEW OF : Docket No.

OLIVER KINGSLEY, : (Not assigned)

:

-----X

Thursday February 9, 1995

TVA Headquarters,  
1101 Market Street,  
Chattanooga, Tennessee

The above-entitled interview was conducted at  
8:10 a.m.

BEFORE:

LARRY L. ROBINSON Investigator

EXHIBIT 23

2-93-015

PAGE 1 OF 16 PAGE(S)

1 APPEARANCES:

2 On Behalf of Tennessee Valley Authority  
3 and Witness Oliver Kingsley, Jr.

4  
5 BRENT R. MARQUAND, Senior Litigation Attorney,  
6 400 West Summit Hill Drive,  
7 Knoxville, Tennessee 37902-1499  
8 615/632-4251

9  
10 On Behalf of the Nuclear Regulatory Commission:

11  
12 LARRY L. ROBINSON, Investigator,  
13 101 Marietta Street, Suite 2900,  
14 Atlanta, Georgia 30323  
15 404/331-6509

16  
17  
18  
19  
20  
21  
22  
23  
24  
25



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

PROCEEDINGS

MR. ROBINSON: On the record.

For the record this is an interview of Mr. Oliver Kingsley, a TVA employee. It is Thursday, February 9th, 1995. This interview is taking place at TVA's corporate offices in Chattanooga, Tennessee.

Present at the interview are Mr. Kingsley, Mr. Brent Marquand of the TVA Office of General Counsel, Larry L. Robinson with the Office of Investigation of NRC, and this interview is being recorded by a court reporter.

Mr. Kingsley, do you have any objections to being sworn to your testimony here today?

MR. KINGSLEY: Absolutely not.

MR. ROBINSON: Please stand and raise your right hand.

WHEREUPON,

OLIVER KINGSLEY, JR,

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

EXAMINATION

MR. ROBINSON: Mr. Marquand, just for the record, would you briefly state the nature of your representation of Mr. Kingsley here today?

MR. MARQUAND: Yes. As I stated previously, I am employed by TVA Office of General Counsel. Mr. Kingsley

1 and I have discussed the areas that we expect or anticipate  
2 that you may question him on, and his interests are  
3 coextensive with TVA's, and we see no conflict between his  
4 testimony and TVA's position, and accordingly I represent  
5 both Mr. Kingsley and TVA.

6 MR. ROBINSON: Fine.

7 BY MR. ROBINSON:

8 Q. Mr. Kingsley, how do you pronounce that name?  
9 And I'll spell it for the record, J-o-c-h-e-r.

10 A. Yocher.

11 Q. Yocher?

12 A. Yes.

13 Q. Do you have a program that you have been  
14 involved in called "Lunch with Kingsley" or "Lunch with  
15 Oliver" where you visit the sites and have a lunch with  
16 selected employees?

17 A. I have had an extensive number of meetings at  
18 the sites, employee meetings. To my knowledge I've not had  
19 lunch. They may have picked up sandwiches or something on  
20 the way in.

21 A. The program isn't called "Lunch with Oliver"?

22 A. No, it's employee meetings, and I talk for ten  
23 or fifteen minutes, and then I go into, you know, answering  
24 any questions, we deal with anything that employees want to  
25 know about, where we're headed from the overall TVA

1 picture, from nuclear power, to site-specific issues.

2 I've found them quite successful in opening  
3 lines of communication and keeping the employees informed.

4 Q. Good. At any of these meetings did you ever  
5 deliberately pronounce that name I just showed you Joker as  
6 if it was spelled J-o-k-e-r?

7 A. Absolutely not.

8 Q. How long have you been here at TVA, Mr.  
9 Kingsley?

10 A. I came here October 1, 1988. It happens to be  
11 on a Saturday.

12 Q. And that was replacing Mr. White?

13 A. Emmett White who was in charge of the nuclear  
14 power program. I was hired by Chairman Runyon and the TVA  
15 board, and I've been here now for six years and about four  
16 months, a little longer than that.

17 Q. Okay. Mr. Jocher was hired on at TVA in around  
18 November of 1990. Let me ask you when to the best of your  
19 recollection is the first time you ever heard about Mr.  
20 Jocher or ever had any involvement with any of Mr. Jocher's  
21 performance?

22 A. The first time that I have any personal  
23 recollection of Mr. Jocher was in a meeting with the  
24 Tennessee Valley Authority board of directors at the  
25 Sequoyah Nuclear Power Plant. It was shortly after

1 Chairman Runyon had left, and Mr. Waters had been made the  
2 chairman of TVA.

3 Mr. Waters was extremely interested in our  
4 nuclear power program, and he was visiting both Sequoyah  
5 and Brown's Ferry prior to our having INPO evaluations at  
6 those sites, and he had -- I believe Director Kennoy was  
7 with him, and the sites were doing kind of a full review on  
8 the status of performance at the nuclear power sites, and  
9 so it was at that meeting is the first time that I know of  
10 any recollection of Mr. Jocher.

11 Q. And is there anything that happened in that  
12 meeting that stands out in your mind regarding Mr. Jocher?

13 A. Yes, there was. We had been into the meeting  
14 for I'd say maybe an hour, that's not really that  
15 important, and we were down to reviewing chemistry, and I  
16 was sitting very close, or next to Mr. Joe Bynum, and Mr.  
17 Jocher got up to present kind of the state of affairs, and  
18 he went off and made some comments along the lines of how  
19 lucky we were to have him, and how underpaid he was, and I  
20 thought "Well, that's not the purpose of this meeting," you  
21 know, here we are, we've got the board down, and we've been  
22 through a number of other departments and, you know,  
23 they've kind of fessed up to, you know, what was wrong and  
24 what was right, and how we were preparing, and so we didn't  
25 get right down to brass tacks, and I leaned over to Mr.

1 Bynum and I said "Who is this guy?, you know, and Mr. Bynum  
2 came back to me and said, <sup>well</sup> ~~well, what was wrong and what was~~  
3 ~~right, and how we were preparing, and so we didn't get~~  
4 ~~right down to brass tacks, and I leaned over to Mr. Bynum~~  
5 ~~and I said "Who is this guy?" you know, and Mr. Bynum came~~  
6 ~~back to me and said "Well,"~~ <sup>well</sup> said "we've kind of got him on  
7 trial, he's great, he's out here on assignment, and we're  
8 going to see if he can along the lines of produce, he's  
9 great at pointing out problems, and we're going to see if  
10 he can fix some.

11 And so we went on, and -- that did not stop the  
12 meeting, this was in, you know, kind of quiet conversation  
13 of leaning over.

14 And Mr. Jocher was still talking about, you  
15 know, the state of affairs in the chemistry program out  
16 there.

17 Q. Okay. Did you speak to Mr. Jocher directly  
18 about his comments at all?

19 A. No, I did not.

20 Q. You didn't?

21 A. No, I didn't.

22 Q. Did you tell Bynum to have somebody talk to him  
23 about that, or did you make any --

24 A. No, I don't recall having -- it certainly  
25 didn't -- I wasn't shocked by this. I have heard most



1 everything that you can hear in this job, I've heard most  
2 every rumor, and I've heard people say various things.

3           You mentioned about the employee meetings.  
4 I've had people get up and make statements, I've had them  
5 make statements about me, I've had them make statements  
6 about the board, I've had them make statements, or ask very  
7 leading questions, and so I took this kind of in stride,  
8 and I did not think a great deal about this. I wasn't  
9 angry, I wasn't mad, I was more interested in what our  
10 problems were, and how, you know, we were going to continue  
11 to make improvements at Sequoyah, how we were going to get  
12 the place fixed.

13           Q.     Commissioner DePlanque was at this meeting,  
14 wasn't she?

15           A.     No, Gail DePlanque was not at that meeting.  
16 There was a later meeting where Gail DePlanque came down  
17 and toured Sequoyah. She had I suppose been a commissioner  
18 for a year, a year and a half, and she was touring plants,  
19 and she was extremely interested in radiation protection,  
20 and we had a briefing for her, we went into a lot of areas  
21 in radiation protection, and it was also -- as I remember  
22 this, and you may know these times, but we were putting a  
23 new Part 20 in, 10 CFR 20, and Commissioner DePlanque was  
24 instrumental in having that delayed one full year, so she  
25 was garnering information also, but her interests were in

1 radiation protection.

2 And we gave her a little bit of an overall  
3 briefing, it was not the same meeting. She was not there.

4 A. All right. The meeting where Jocher made the  
5 statement about being underpaid, do you know Charles Kent,  
6 the RADCON manager at Sequoyah?

7 A. Yes, I do.

8 Q. Do you recall his presentation at that meeting?

9

10 A. No, I don't recall a great deal about that, no.

11

12 Q. If Charles Kent would have made a similar type  
13 of statement, being underpaid or that type of thing, do you  
14 think you would have probably recalled that, too?

15 A. Absolutely, yes.

16 Q. You don't recall him making a statement like  
17 that?

18 A. No, I don't recall him making any statement  
19 about being underpaid. I don't recall anybody saying  
20 anything of that type.

21 Q. Other than Mr. Jocher?

22 A. Other than Mr. Jocher, yes.

23 Q. And I notice you pronounce the name Jocher with  
24 the German pronunciation with the "J."

25 A. Yeah. Brent and I talked about this a little

1 bit, and we went into why I call him this.

2 I had an engineer that worked for me at the  
3 Farley Nuclear Plant when I was assistant manager and  
4 manager of the Farley Plant whose name was Werner Jocher.

5 A. I see.

6 A. Capital W-e-r-n-e-r, J-o-c-h-e-r, and he was  
7 extremely competent. He spoke with a thick tongue accent,  
8 but when he talked you listened, and you always called him  
9 by his correct name, or he would correct you, so I have it  
10 indelibly printed that he was a good engineer, and it's  
11 Werner Jocher.

12 Q. Okay.

13 A. And he always liked to say it, Yocher, you  
14 know, real, you know, like this.

15 Q. Like the German pronunciation?

16 A. Yeah, like the German, and --

17 Q. And that just stuck with you?

18 A. Yeah, it just stuck with me, and that's the way  
19 I've always called it.

20 Q. And when you see that name --

21 A. I was fairly young when I got out of the Navy,  
22 and he was on our staff, and very instrumental in helping  
23 us do a good job, and it's stuck with me for all my life.

24 Q. Okay.

25 A. I still think highly of him, so that's the

1 reason I say it that way.

2 Q. All right. Did you make the decision to have  
3 Mr. Jocher either be terminated or resign?

4 A. I did not.

5 Q. Did Mr. Bynum come to you and tell you he was  
6 doing this?

7 A. I don't recall exactly if he came to me, but I  
8 was certainly not instrumental in any type review, any type  
9 decision.

10 The very first that this really stuck in my mind  
11 was when the Department of Labor case was filed, but there  
12 wasn't any meetings, there was no coming to Oliver and  
13 saying "Hey, Oliver, what shall we do with this man?"

14 Q. You're talking about Bynum now?

15 A. Yeah, Bynum, Mr. Bynum who is a direct report  
16 to me, so I just was not involved in anything to do with  
17 moving him out, or deciding to ask him to resign.

18 Q. To your knowledge --

19 A. To my knowledge.

20 Q. To your knowledge was it Bynum's decision?

21 A. To the best of my knowledge, and after some  
22 review, because I just was not in any of that, nor was I,  
23 you know, informed or kept up to date, but to the best of  
24 my knowledge it was Mr. Bynum's decision for this.

25 Q. Were there any other instances either -- well,

1 it would have been after the meeting where he talked about  
2 being underpaid, were there any other instances where you  
3 were aware of say Jocher talking out of school to people  
4 like INPO or NRC and broadcasting TVA's dirty laundry, so  
5 to speak?

6 A. No, I just wasn't aware of that. I had no  
7 knowledge.

8 Q. Okay. So other than that one instance you  
9 really didn't have any direct input on Jocher's  
10 performance, or indirect input?

11 A. I had no indirect or direct. I had no  
12 knowledge of him coming back downtown or anything.

13 Q. Or even that arrangement where he -- did you  
14 have knowledge of the arrangement where he went out to  
15 Sequoyah?

16 A. No, other than asking Mr. Bynum leaning over,  
17 but I had no knowledge that he was sent out there. I just  
18 didn't know about it.

19 Q. Okay. Did Mr. Keuter ever give you any input  
20 about Mr. Jocher's performance?

21 A. No.

22 Q. Did Mr. Wilson McArthur ever give you any  
23 input?

24 A. No, none whatsoever.

25 Q. Did you ever make any comments to either Mr.



1 Keuter or McArthur, negative comments about Mr. Jocher's  
2 performance?

3 A. No.

4 Q. I don't have any other questions.

5 Were you involved at all in the administrative  
6 mechanics of the resignation of Mr. Jocher?

7 A. No, I was not.

8 Q. Not with human resources?

9 A. Not with anybody at human resources, not with  
10 anybody coming to me, not with anybody showing me a letter,  
11 not with anybody asking me, you know, "What should we do?"  
12 I was just not in that loop at all.

13 Q. All right. Were you aware at all either  
14 directly or indirectly of the findings in nuclear chemistry  
15 that Mr. Jocher was finding, say regarding technician  
16 training, RADCON monitors, in-line instrumentation?

17 A. No, I was not aware of that. The only thing  
18 that I personally knew about was the in-line monitors had  
19 been out for some period of time, they were found in a  
20 previous INPO evaluation along with a lot of, a tremendous  
21 number of other problems at Sequoyah, the feed water  
22 system, charging system, and you name it we had it, but I  
23 was not aware of problems with technician training,  
24 problems with procedures, or radiation monitoring set  
25 points, or those types of things.

1 Q. So Jocher was not a thorn in your side, or not  
2 an irritant to you, you were not even aware of necessarily  
3 what he was doing?

4 A. No. He was not a thorn, and I'm not bitter  
5 towards him today. I suppose he does what's his right, but  
6 I'm more interested in trying to get things fixed, trying  
7 to deal with it.

8 Q. Like I said, I have no more questions. Do you  
9 have any other comments that you would like to make  
10 regarding your participation or lack thereof in this  
11 resignation of Mr. Jocher?

12 A. Could I talk with counsel just a second here?

13 MR. ROBINSON: Sure. It's now 8:26, and we're  
14 off the record.

15 (A brief recess.)

16 MR. ROBINSON: It is now 8:27, and we're back  
17 on the record.

18 Mr. Kingsley, do you have any additional  
19 statements or clarifications or comments that you would  
20 like to make before we end the interview?

21 THE WITNESS: Mr. Marquand would like to ask  
22 you a question.

23 MR. MARQUAND: Let me ask you a question.  
24 There is an allegation we're aware of that Mr. Jocher has  
25 made regarding -- and you touched on this -- about him

1 being a thorn in Mr. Kingsley's side with respect to issues  
2 that he identified to INPO and in fact INPO subsequently  
3 identified to Mr. Kingsley, and you didn't really go into  
4 that matter in depth, and we were wondering if you would  
5 want to ask more questions about it, or based on your  
6 review of the other depositions and the interviews you have  
7 taken if you think that is a non-issue.

8 MR. ROBINSON: Well, I obviously didn't delve  
9 into it for a reason. It's not necessarily that I think  
10 it's a non-issue --

11 MR. MARQUAND: A non-issue with respect to Mr.  
12 Kingsley.

13 MR. ROBINSON: Right, Mr. Kingsley answered my  
14 question regarding that, I accept his answer regarding that  
15 issue, and then based on that answer, and somewhat based on  
16 my review of prior transcripts in this thing I felt it  
17 wasn't necessary to pursue that issue with Mr. Kingsley.

18 MR. MARQUAND: All right. We understand.

19 MR. ROBINSON: Any comments?

20 THE WITNESS: I don't have any other comments.

21 MR. ROBINSON: It is now 8:29, this interview  
22 is completed, and I thank you for your time, Mr. Kingsley.

23 (At 8:29 a.m., Wednesday, February 8, 1995, the  
24 interview was concluded.)

25 + + +

## C E R T I F I C A T E

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

Name of proceeding: Interview of Oliver Kingsley

Place of Proceeding: Chattanooga, Tennessee

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



---

L. V. Partain,  
Certified Court Reporter,  
Official Reporter,  
Neal R. Gross & Co., Inc.

# EXHIBIT 24



William F. Jocher, LP 5D-C

TERMINATION

This is to inform you that you will be terminated from your position as Manager, Chemistry, Technical Programs, Operations Services, Chattanooga, Tennessee, effective May 5, 1993. This action is being taken because your overall performance in that position has not been adequate, particularly in the area of your management skills. These performance issues have been discussed with you on several occasions, but there has not been sufficient improvement. It is essential that this position be filled with an individual that can be recognized as a primary support to the nuclear sites and has the management capabilities to do so. We have lost confidence in your ability to carry out these responsibilities. It is, therefore, necessary that your employment be terminated.

If you have any questions or wish to discuss this matter, I will be available to do so.



W. C. McArthur  
Manager, Technical Programs  
Operations Services  
LP 5D-C

MDP:BGE:GLR

cc: D. R. Keuter, LP 3B-C  
O. D. Kingsley, Jr., LP 6A-C  
W. G. Kuh, LP 6A-C  
M. D. Pope, LP 3A-C  
P. L. Reynolds, LP 3B-C

6242u

2-93-011

EXHIBIT 24

PAGE 1 OF 1 PAGE(S)

# **EXHIBIT 25**

W. C. McArthur, LP 5D-C

RESIGNATION

This is to inform you that I am voluntarily resigning my position as  
Manager, Chemistry effective 10/5/93. ~~Oct 20, 5/1993~~

*William F. Jocher*

William F. Jocher  
Manager, Chemistry  
Technical Programs  
Operations Services  
LP 5D-C

2-93-011

# **EXHIBIT 26**

April 6, 1993

W. C. McArthur, LP 5D-C

RESIGNATION

This is to inform you that I am voluntarily resigning my position as Manager, Chemistry, effective July 6, 1993, with the understanding that during this period I will be placed in a non-duty, pay status.

*William F. Jocher*

William F. Jocher  
Manager, Chemistry  
Technical Programs  
Operations Services  
LP 5D-C

2-93-015



# **EXHIBIT 27**

EVALUATION  
of  
SEQUOYAH NUCLEAR PLANT

---

Tennessee Valley Authority

---

RESTRICTED DISTRIBUTION

Copyright ©1993 by Institute of Nuclear Power Operations. All rights reserved. Not for sale. Reproduction of this report without the written consent of INPO is expressly prohibited. Unauthorized reproduction is a violation of applicable law.

The persons and organizations that are furnished copies of this report should not deliver or transfer this report to any third person, or make this report or its contents public, without the prior agreement of INPO and the member of INPO for whom the report was written.

October 1992

EXHIBIT 27

PAGE 1 OF 18 PAGE(S)

2-93-045

# CONTENTS

Purpose and Scope.....	1
Executive Summary.....	2
Response Summary .....	5
Maintenance .....	7
Operations .....	11
Chemistry .....	17
Organization and Administration .....	30
Operating Experience Review.....	32
Radiological Protection.....	34
Outstanding Response Actions from Previous Evaluation(s).....	Appendix I
Additional Supporting Details.....	Appendix II

## PURPOSE AND SCOPE

The Institute of Nuclear Power Operations (INPO) conducted an evaluation of site activities to make an overall determination of plant safety, to evaluate management systems and controls, and to identify areas needing improvement. Information was assembled from discussions, interviews, observations, and reviews of documentation.

The INPO evaluation team examined station organization and administration, operations, maintenance, engineering support, training and qualification, radiological protection, chemistry, and operating experience review. The team also observed the actual performance of selected evolutions, including surveillance testing. As a basis for the evaluation, INPO used its August 1990 *Performance Objectives and Criteria for Operating and Near-term Operating License Plants*; these were applied and evaluated in light of the experience of team members, INPO's observations, and good practices within the industry.

---

RESTRICTED DISTRIBUTION

Copyright ©1993 by Institute of Nuclear Power Operations. All rights reserved. Not for sale. Reproduction of this report without the written consent of INPO is expressly prohibited. Unauthorized reproduction is a violation of applicable law.

The persons and organizations that are furnished copies of this report should not deliver or transfer this report to any third person, or make this report or its contents public, without the prior agreement of INPO and the member of INPO for whom the report was written.

0003

## EXECUTIVE SUMMARY

The Institute of Nuclear Power Operations (INPO) conducted an evaluation of Tennessee Valley Authority's Sequoyah Nuclear Plant during the weeks of September 28 and October 5, 1992. The station is located approximately 10 miles northeast of Chattanooga, Tennessee, on the Tennessee River. Sequoyah Units 1 and 2 began commercial operation in July 1981 and June 1982, respectively. Both units are 1,148-MWe (net) Westinghouse pressurized water reactor designs. Each unit operated at full power during the evaluation.

The following beneficial practices and accomplishments were noted:

- Strong teamwork and cooperation among station groups, and a high degree of worker pride.
- Comprehensive monitoring and self-assessment of plant activities by station management, exemplified by the following:
  - broad use of station-specific performance measures to focus management attention on weak areas
  - use and integration of monitoring inputs from both internal and external sources
  - periodic reviews of results to foster ownership and accountability for performance
  - integration of industry operating experience into self-assessment activities
- Effective use of teams trained in root cause analysis techniques to investigate the causes of operational events.
- Effective use of daily meetings, shift briefings, and work schedules that contribute to completion of a high proportion of scheduled daily work activities.
- Reduction in the use of air-purifying respirators through application of engineering controls and station experience.



Areas in need of improvement were also identified. The following are considered to be the most significant:

1. Several significant aspects of plant material condition need improvement. Component failures, primarily in the balance of plant, are contributing to reactor scrams and plant transients. In addition, some recurring equipment problems are adversely affecting system reliability. (MA.2-1)
2. Implementation of the equipment clearance program needs improvement to achieve more effective personnel and equipment protection. (OP.3-1)
3. Several long-standing chemistry equipment and instrumentation problems reduce station effectiveness in monitoring important fluid systems, identifying ingress of impurities that can increase corrosion, and controlling biological fouling. (CY.1-1)

## CHEMISTRY

### CHEMISTRY ORGANIZATION AND ADMINISTRATION

**PERFORMANCE OBJECTIVE:** Chemistry organization and administration ensure effective control and implementation of chemistry activities.

**Finding  
(CY.1-1)**

(Related to CY.1-1, Appendix I, 1991)

Several long-standing chemistry equipment and instrumentation problems reduce station effectiveness in monitoring important fluid systems, identifying ingress of impurities that can increase corrosion, and controlling biological fouling. Management has been aware of these problems, in some cases since before 1988, but many improvements or upgrades have been postponed or were insufficiently effective. The following problems were identified:

- a. Many secondary system in-line chemistry monitors are inoperable or are insufficiently sensitive to detect small changes resulting from ingress of impurities in the condensate, feedwater, and makeup water plant effluent. In addition, some instrument accuracies are degraded due to low sample flow or excessive sample temperatures. The station has been aware of these problems since before 1988, but actions to correct these deficiencies have been repeatedly postponed. As a result, these in-line chemistry monitors have not been upgraded and repair parts for some instruments are unavailable. The following instrumentation problems affecting early detection of impurities were identified:
  1. Approximately 40 percent of the secondary system in-line instruments are inoperable, and approximately 25 percent of these are out of service due to parts unavailability. Inoperable instruments include Units 1 and 2 hotwell sodium analyzers, Unit 2 feedwater pH monitor, and the water treatment makeup plant No. 2 mixed bed sodium analyzer. As a result of these inoperable instruments, chemistry technicians collect many once-per-shift grab samples that must be analyzed to determine system chemistry conditions.

In February 1992, a Unit 2 condenser tube rupture was undetected for nearly two hours. In September 1992, a Unit 2 air in-leakage transient was undetected for over three hours. In each case, chemistry technicians discovered the problem during routine sampling. Early warning of the contaminant intrusion was not provided by the installed instrumentation.

2. Chemistry in-line instrument recorders, such as those for sodium and cation conductivity, have scales ranged for chemistry concentrations encountered over 10 years ago. Because station chemical contaminant levels have improved by one or more orders of magnitude, small changes in contaminant concentrations are too low to be indicated on some installed instrument meters and recorders.
3. Sample flows to five of seven operating in-line Unit 2 secondary chemistry instruments were inadequate based on flow meter indications. When chemistry personnel attempted to adjust sample flow, proper flow could be restored to only one of the five instruments. Low sample flow can indicate sample line blockage and result in unrepresentative samples.

Also, sample temperatures to several secondary system in-line instruments were observed above the station guideline temperature of 27 degrees Celsius. For example, Unit 1 feedwater dissolved oxygen and hydrazine sample temperatures were observed at 33 degrees Celsius. Sample temperatures greater than 25 degrees Celsius can cause analytical errors of up to 4 percent per degree.

- b. Sampling and analysis of reactor coolant and containment atmosphere using the post-accident sampling system (PASS) are not fully reliable due to continuing equipment deficiencies. Problems noted include the following:
  1. The gas chromatograph, used for containment hydrogen analysis, was inoperable during the

observed weekly sampling exercise and has frequently been unreliable since initial installation.

2. Distilled water for the Unit 2 PASS has insufficient pressure to properly flush the sample lines. A booster pump installation was proposed to correct this problem, with original installation planned for March 1990. Installation of this pump is currently scheduled for February 1993.
  3. Flow indication for the containment atmosphere sample indicates at least 20 percent flow but less than the desired 100 percent flow. The reason for this discrepancy has not been identified. As a result, sample purge times have been increased from three to 15 minutes. Increased purge times can result in additional radiation dose to the technician operating the PASS.
  4. Analytical results obtained from Unit 1 PASS samples were inconsistent with recent reactor coolant sample results. Three of five fission product nuclide activities did not meet the acceptance criteria of less than a factor of two difference. Also, the reactor coolant boron analysis result was not within the  $\pm 50$  parts per million acceptance criterion.
- c. Long-standing problems with the chlorination system for the essential raw cooling water system have resulted in residual chlorine concentrations below the minimum specifications for about one-third of the period from January through August 1992. Although several upgrades to the chlorination system were made in 1988, problems with pump and valve inoperability and blocked chlorination piping continue to degrade system performance.

It is recognized that station management is aware of these problems, and a chemistry improvement program has been developed. Actions for this improvement program are scheduled over the next five years.

Additional examples of deficient chemistry in-line monitors and PASS equipment problems are contained in Appendix II, page 1.

Response

Long-term improvements in plant chemistry are defined in the Chemistry Upgrade Program (CUP). The engineering study that defines the scope of this program has been completed, and an implementation schedule will be developed by February 1993. Additional detail regarding these upgrades will be provided in the six-month status report.

Chemistry Instrumentation

The following actions have been taken to ensure reliability and availability of process analyzers:

- a. Process analyzers that were out of service have been categorized as:
  1. able to be returned to service
  2. exhibit design-related problems
  3. obsolete because of unavailable spare parts
- b. Work requests for equipment in the first classification have been prepared and prioritized for maintenance. The prioritized work requests will be reviewed weekly to expedite equipment repair and return to service. Progress on these repairs will be reported in the six-month status report.
- c. Equipment in the second and third classifications has been evaluated to determine if their immediate replacement or modification was necessary. Management concluded that the equipment could be used "as is" for the near term and that the ability to effectively monitor plant parameters would not be impacted. The obsolete equipment will be replaced under the CUP.



The following actions have been taken to improve analytical results:

- a. Sample flow for on-line monitors has been adjusted to the maximum extent practicable to achieve a 25-degree Celsius sample temperature. Equipment that is unable to achieve adequate sample flow cooling has been scheduled for troubleshooting and repair.
- b. Grab samples will be used in place of on-line monitors where temperature variations affect analytical results. The results of grab samples which are not cooled to 25 degrees Celsius are mathematically corrected as required by procedures.
- c. An on-line ion chromatograph is being used to detect and trend early contaminant ingress.

#### Post-accident Sampling System (PASS)

In the area of PASS equipment problems, vendor support has been obtained to assist in the improvement of its operability. Outage-required upgrades were implemented during the Units 1 and 2 cycle 5 refueling outages. The modification to achieve as low as reasonably achievable radiation exposures during sampling and to provide emergency PASS facility ventilation has been completed. Modifications have also been completed to provide a less-diluted sample for reactor coolant system (RCS) off-gas hydrogen and isotopic analysis. A preventive maintenance program has been established for PASS equipment. In addition, the following actions will be taken on PASS:

- a. A replacement gas chromatograph will be installed on Unit 1 in December 1992. The Unit 2 gas chromatograph will be rebuilt or replaced by March 1993.
- b. The flow indicator will be calibrated in December 1992. Following calibration, the PASS will be tested to verify that representative samples can be obtained using approved PASS procedures.

- c. A booster pump will be installed to supply higher pressure sample line flush water by February 1993 for Unit 1 and February 1994 for Unit 2.
- d. The present method for determining boron concentrations by ion chromatography will be changed to plasma spectrometry. This requires a new laboratory power supply which will be installed by October 1993.
- e. Upgrades to the RCS supply, return, and waste handling system and the radiochemical laboratory communications equipment will be implemented by August 1994.
- f. The RCS hydrogen and oxygen analyzers will be upgraded by August 1994. In the interim, a backup method of analyzing RCS hydrogen and oxygen will be developed by April 1993.

### Biofouling

Long-standing problems with the essential raw cooling water chlorination system should be resolved by the installation of a new, more reliable biocide injection system. This system is expected to be installed by December 1993.

---

### CHEMISTRY PERFORMANCE MONITORING

**PERFORMANCE OBJECTIVE:** Chemistry parameters and conditions are monitored, and identified problems are resolved.

**Finding**  
(CY.7-1)

Chemistry data review and evaluation frequently do not identify and resolve some system chemistry problems and data anomalies. The following problems were noted:

- a. Chemistry data from steam generator sludge lancing during the last refueling outage on each unit indicated over 1,500 pounds of iron were deposited in Unit 1 steam generators, and over 700 pounds of iron were deposited in

Unit 2 steam generators. The sources of this iron have not been identified. Secondary system mass balance data is unavailable to indicate sources of iron transport. The station is performing a study of feedwater pH effects on corrosion product formation; however, only major feedwater flowpaths are being monitored. It is recognized that some feedwater and condensate flowpaths, such as feedwater heaters, lack installed sample points; however, increased system sampling or other steps are not being taken to determine the system sources of iron corrosion.

- b. Some data anomalies in primary chemistry samples taken during steady state conditions are not investigated or explained. Examples of significant unexplained primary chemistry data changes include changes of several hundred to several thousand percent of nuclide activity in reactor coolant, reactor coolant boron changes of 30 to 65 ppm, and a reactor coolant tritium increase by a factor of three during shutdown conditions. These anomalies can indicate problems with sampling and analysis techniques or problems maintaining desired chemistry conditions.
- c. Secondary system chemistry data indicated problems with material condition or operation of the makeup water treatment plant. However, analysis and resolution of these indications has not been performed. The following problems were noted:
  1. Over an eight-day period in September 1992, the makeup water effluent sulfate concentration exceeded the station limit of 2 ppb, reaching as high as 11 ppb. This problem was not promptly identified and corrected. Sulfate entering the steam generators is known to concentrate in crevices and contribute to intergranular corrosion and cold leg tube thinning.
  2. Chemistry data from samples of makeup water system mixed bed demineralizer effluent show breakthrough of sulfate and chloride ions, but not silica. Since silica has weak ionic properties, sulfate and chloride without silica breakthrough is unlikely.

Inability to detect silica in makeup water plant effluent may indicate that station techniques or instrumentation for detecting silica are insufficiently sensitive to identify degrading demineralizer performance.

3. Steam generator hideout return reports indicate that aluminum is 10 times more prevalent in the Unit 1 steam generators than in the Unit 2 steam generators. Since Unit 1 condensate is used to rinse the condensate polisher resins for both units following regeneration, greater quantities of makeup water are supplied to Unit 1. The presence of excessive aluminum in the Unit 1 steam generators may indicate over-use of aluminum sulfate, which is used to pretreat water going to the makeup water treatment plant, or degraded makeup water treatment plant demineralizer performance. Aluminum is a chemically reactive element not typically found in nuclear plant steam generators.

- d. Numerous errors and data recording inconsistencies were noted in the chemistry logs. Some of the errors included transposing data from one unit to the other during entry in the computer data base, identifying inaccurate reactor modes of operation, and logging incorrect reactor power. Additionally, results were recorded for some analyses that were less than the lower limit of quantification.

Response

The chemistry data collection and review process will be improved with the full implementation of the computer-based chemistry data management software in February 1993. The new system provides the capability to identify out-of-specification conditions, print comprehensive reports of these conditions for review by management, and preclude entry of analytical results below the lower limit of detection.

Chemistry management has emphasized the importance of effective data reviews and follow-up on data anomalies to chemistry technicians and supervisors. An assessment of the knowledge level of chemistry data reviewers is in progress, and training will be provided, as appropriate.

In addition, the following actions will be taken to address problems noted in the finding:

- a. Work requests for water treatment plant process analyzers identified as "able to return to service" have been prepared and prioritized for maintenance. Work requests on this equipment will be reviewed weekly by chemistry and maintenance personnel to expedite equipment repair and return to service. Progress on these repairs will be provided in the six-month status report.
  - b. Silica detection will be addressed by a design change. Currently, on-line detection capability is interrupted when sample flow to the instrument is stopped by taking the mixed bed or the water treatment plant out of service. No-flow conditions cause the reagent to crystallize and subsequently occlude the analyzer optics. A design change will provide a continuous source of water flow to the instrument to prevent crystallization. This change is scheduled for implementation by December 1993.
  - c. To reduce sources of steam generator hideout, the conductivity requirement for rinse water return to the hotwell has been reduced from 0.1 to 0.08  $\mu\text{mho}$ .
  - d. Prior to the evaluation, a decision was made to evaluate the use of ethanolamine as an alternative to morpholine for secondary chemistry control on Units 1 and 2 by February 1993. This additive change is anticipated to reduce the frequency of condensate polisher regenerations and the associated addition of some impurities to the steam generators. Results of this evaluation and subsequent actions will be provided in the six-month status report.
-



### CHEMISTRY PERSONNEL KNOWLEDGE AND PERFORMANCE

**PERFORMANCE OBJECTIVE:** Chemistry personnel knowledge, training, qualification, and performance support effective implementation of chemistry practices.

**Finding  
(CY.8-1)**

Knowledge weaknesses exist in several areas among technicians responsible for chemistry sampling and analysis. These weaknesses include insufficient understanding of some plant chemical additives and their effects and of some laboratory practices. Insufficient continuing training on chemistry fundamentals and changes to the plant chemistry program contribute to these problems. The following are examples of the problems noted:

- a. Based on discussions during the evaluation, a number of chemistry technicians displayed insufficient knowledge of reasons for using some chemical additives and the effects of these additives on primary and secondary system chemistry. Examples included why the station adds morpholine instead of ammonia to the secondary system, why oxygen is present in the reactor coolant system and how hydrogen addition affects this, and what target pH control range is used to limit reactor coolant system corrosion product solubility.
- b. Several inappropriate practices and knowledge weaknesses were observed in use of laboratory equipment and implementation of ALARA principles. The following problems were noted:
  1. Two technicians were observed performing reactor coolant analyses with the laboratory fume hoods positioned above the marking for acceptable ventilation face flow. Personnel did not understand the significance of markings on the hood's sash for the position needed to provide adequate ventilation. These markings provide the hood position for use with radioactive liquid and gas samples or hazardous chemicals.
  2. A technician observed sampling and performing an analysis on pressurized reactor coolant observed ALARA practices during sampling, but did not minimize radiation exposure while performing the

analysis in the laboratory. The sample container in use during the analysis had a dose rate of about 100 millirem/hour.

3. A total immersion thermometer was used partially submerged, which can degrade its accuracy. When questioned, some technicians were unaware of the difference between partial and total immersion thermometers.
- c. During discussions regarding quality control charts, a number of technicians displayed insufficient understanding of the purpose of quality control charts, the recognition of instrument biases, and the significance of data analysis using the concept of standard deviation.
- d. Continuing training for chemistry technicians has been insufficiently effective in maintaining or improving knowledge of chemistry fundamental concepts such as those described above. Since 1989, the continuing training program has not included chemistry fundamentals topics from the initial training program for use as refresher training. These topics were not identified by line or training management for inclusion in continuing training.
- e. Chemistry training staff has not used structured in-plant observations sufficiently to identify technician chemistry fundamentals knowledge weaknesses such as those noted above. In addition, based on discussion during the evaluation, site chemistry training staff was unfamiliar with some current station chemistry additives and practices, and exhibited many of the same knowledge weaknesses noted among the chemistry technicians.

It is recognized that chemistry line management has identified other areas of chemistry technician knowledge and skills needing improvement, such as training on specific, complex analytical equipment and analysis techniques. These identified knowledge and skills weaknesses have been or were being incorporated into the continuing training program.

Response

While plant and chemistry management had identified some of the knowledge weaknesses found during the evaluation, a comprehensive plan has been developed to address these and other chemistry training problems. A test has been administered to technicians to assess their theoretical knowledge strengths and weaknesses. The results of the test will be given to a chemistry curriculum review committee, and the following action plan will be implemented:

- a. Increase biennial technician training from 80 hours to 140 hours. (complete)
- b. Review and revise the knowledge catalog. (complete)
- c. Review and revise skills catalog and redesign job performance measures by February 1993.
- d. Update job/task analysis by March 1993.
- e. Revise the basic training program by March 1993. This will be an ongoing action as needed.
- f. Complete retraining and requalification of technicians by July 1993.
- g. Revise continuing training (80 percent knowledge and skills; 20 percent new material) by September 1993.

Shift chemistry supervisors will be retrained in the areas of laboratory hygiene and radiological safety, and technicians will be trained in appropriate laboratory practices. To further strengthen technician knowledge and improve instructor knowledge of current chemistry conditions and practices, continuing training will be supplemented by knowledgeable, experienced people from the site and corporate staffs who perform as "adjunct professors" (APs). This effort was initiated in November 1992.

To address known weaknesses, the following subjects will be included in fiscal year 1993 chemistry technician continuing training:

- a. general corrosion and raw cooling water corrosion
- b. primary and secondary chemistry control

- c. radiochemistry
  - d. gamma spectrometry and liquid ion chromatography
  - e. proportional and scintillation counting
  - f. laboratory radiological control practices
-

# EXHIBIT 28



AOZ 901129.006

*DONNA  
FOR YOUR  
INFO  
Johnny 12/2/90*

*R111  
XO-11-  
T 1 1/2  
Prep. in.  
response for  
ODM, by  
12/4.*

November 27, 1990

W. F. Willis  
Oliver Kingsley, LP 6A, Chattanooga  
W. R. Cobean, LP 6A, Chattanooga

**CHEMISTRY AT SQN AND BFN**

At a recent INPO Board meeting, I learned that in several plant evaluations chemistry controls were getting low marks. It seems that chemistry may not be getting the attention it deserves even though most people agree that a good plant must have good chemistry.

I would like a brief report on TVA chemistry at SQN and BFN. Do we have a good program? Are TVA people who perform chemistry control well trained and maintaining a quality process? What is the condition of our chemistry monitors relative to maintenance and calibration?

*JW*  
John b. Waters

JBW:CWH  
cc: Marvin Runyon  
0194C  
GTS No.: 22349

CHEMISTRY & RADIOLOGICAL SERVICES			
NOV 29 '90			
Route To	Note	Action	Reply
JH BARKER	cc	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
CO HUDSON		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
WJ PAINES			
SAE EDWARDS	cc		
RIMS JC	Yes Initials		
ADAMS	Yes Initials		

*To JHB  
latest 12/3/0am*

EXHIBIT 28

PAGE 1 OF 1 PAGE(S)

RECEIVED  
CHATTANOOGA, TENN.  
RF-2  
NOV 29 1990  
OFFICE OF  
SENIOR VICE PRESIDENT  
NUCLEAR POWER

2-93-011

# **EXHIBIT 29**



UNITED STATES GOVERNMENT

A02 901205 003

## Memorandum

TENNESSEE VALLEY AUTHORITY

TO : John B. Waters, Director, ET 12A-K

FROM : O. D. Kingsley, Jr., President, Generating Group, LP 6A-C

DATE : January 16, 1991

SUBJECT: CHEMISTRY AT SQN AND BFN

Reference: Your informal memorandum to me, W. F. Willis, and W. R. Cobean,  
11/27/90

As you requested, the attached report has been prepared regarding the status of the Chemistry Programs at SQN and BFN in the areas of training, quality control, and condition of online chemistry monitoring. It is my observation that the Chemistry Programs at our sites are receiving the necessary attention to improve performance; however, there are hardware problems with some SQN equipment.

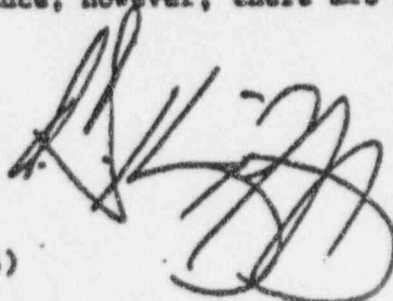
NCK:WON:SLW:CK

Attachment

cc (Attachment):

RIMS, MR 2F-C (Re: A02 901129 006)  
Marvin Runyon, ET 12A-K  
W. F. Willis, ET 12B-K  
W. R. Cobean, LP 6A-C  
N. C. Kazanas, LP 6A-C

CTS Number: 22343


EXHIBIT 29PAGE 2 OF 4 PAGE(S)

## SQN/BFN Chemistry Status

### 1. Training

- The Radiochemical Laboratory Analyst (RLA) training program is an Institute of Nuclear Power Operations (INPO) accredited program.
- The RLA training programs at SQN and BFN have undergone 4-year INPO reaccreditation evaluations, and no findings were identified.
- The RLA training program is currently undergoing revision from a classroom/plant-oriented format to a self-study/classroom/plant format.

### 2. BFN

- Chemistry received a Systematic Assessment Licensee Performance (SALP) I rating from the Nuclear Regulatory Commission (NRC) during the last evaluation period.
- No current ANI/NML findings.
- No INPO findings during the 1989 evaluation.
- All past INPO findings have been closed with the exception of those findings that will require operational data to demonstrate that corrective actions are complete.
- Online chemistry monitoring upgrade has been completed on BFN Unit 2 and is scheduled for completion as part of BFN Unit 3 startup activities.
- Laboratory instrumentation and furniture upgrades are complete.

### 3. SQN

- There were no chemistry-related problems identified by the NRC during the latest SALP period. (SQN received a SALP II rating.)
- No INPO findings during the 1989 evaluation.
- No current ANI/NML findings.
- Online sampling system does not meet current industry standards (INPO, ASME, ASTM).
- Due to the age and lack of replacement parts, maintenance on the chemistry monitors is a problem and many instruments remain out of service for long periods of time.

EXHIBIT 29

PAGE 3 OF 4 PAGE(S)



- A multiyear Chemistry Upgrade Project to correct the problems listed above has been initiated. Work on this project for fiscal year 1991 is the engineering phase. Hardware upgrades will be ordered and installed over the following two-year period.
- Similar problems are anticipated at Watts Bar due to similar station design characteristics. The Watts Bar portion of the project will be complete prior to Unit 1 startup.

#### 4. Quality Control

- No quality control related findings have been identified by various industry groups (INPO, NRC, ANI). Internal quality assurance audits are routinely conducted, and findings are corrected and documented via the condition adverse to quality system.

EXHIBIT 29

PAGE 4 OF 4 PAGE(S)

# **EXHIBIT 30**

**TENNESSEE VALLEY AUTHORITY**  
**Office of the Inspector General**  
**RECORD OF INTERVIEW**

(I)

Name: Mike Llewellyn  
Position: Evaluator  
Office: Institute of Nuclear Power Operations (INPO)  
Atlanta, Georgia  
Work Tel.: (404) 644-8769

Llewellyn was telephonically contacted at his office and advised of the identity of the interviewing agent. He was interviewed concerning Bill Jocher's allegation that Llewellyn told him (Jocher) that John Waters, former Chairman of the TVA Board of Directors, had "publicly castigated" Oliver Kingsley, President, Generating Group, at an INPO exit meeting at Sequoyah Nuclear Plant on October 29, 1992 and that the meeting's minutes reflected this confrontation. Llewellyn provided the following information.

Llewellyn stated that he has not talked to Jocher since before Jocher started working at TVA (he believes it was 1991); therefore, it was impossible for him to tell Jocher about any confrontation between Waters and Jocher. In addition, Llewellyn advised that he was not present at the INPO exit meeting, nor was he involved in INPO's 1992 evaluation of SQN.

Llewellyn denied having any knowledge of any minutes taken during the SQN exit meeting, nor is he aware if INPO even takes notes/minutes during the exit meetings. Llewellyn advised that the only INPO personnel who attend exit meetings are the team leader and a senior Vice President.

Llewellyn stated that he understood that Jocher had come to Atlanta to meet with some INPO evaluators prior to the SQN evaluation; however, Llewellyn did not see or speak with Jocher during this visit.

---

Investigation On: December 6, 1993

At: Knoxville, Tennessee

By: <sup>BBT</sup> SA Beth B. Thomas

telephonic

File: 2D-133 - 77

02LLEWEL.DOC  
OIG-02 (10/93)

2-93-015

EXHIBIT 30

PAGE 1 OF 2 PAGE(S)

Llewellyn has no knowledge of why Jocher used his name in regards to this investigation.

BBT

# **EXHIBIT 31**



TENNESSEE VALLEY AUTHORITY  
Office of the Inspector General  
RECORD OF INTERVIEW

1,

Name: John B. Waters  
Position: Former Chairman, Board of Directors  
Office: Tennessee Valley Authority  
Work Tel.: (615) 453-1051

Waters was contacted at 119 Commerce Street, Sevierville, Tennessee, and advised of the identities of the interviewing agents. Waters was advised that this interview concerned the termination and subsequent Department of Labor (DOL) complaint filed by William F. Jocher, a former TVA employee. Waters was further advised that Jocher has alleged that Oliver Kingsley, President, Generating Group, ordered his (Jocher's) termination in part because of negative comments Waters made to Kingsley about the status of the Sequoyah Nuclear Plant (SQN) chemistry program. Waters provided the following information.

Waters recalled sending Kingsley a 1990 memorandum asking Kingsley to provide him (Waters) with a "general comment" about the chemistry programs at TVA's nuclear plants. Waters explained that he had formerly sat on Board of Directors at the Institute of Nuclear Operations (INPO) and had become concerned after hearing in an INPO Board meeting about chemistry problems at other plants. According to Waters, Kingsley's response to the memorandum was "satisfactory."

Waters stated that he does not know Jocher. Waters recalled attending a pre-INPO evaluation meeting at SQN where 12-15 of the top managers made presentations on how they were getting their area ready for the evaluation. Waters believes Jocher may have been present in this meeting and he (Waters) may have asked a question about the chemistry program; however, Waters stated "I would not know him if I passed him on the street."

Waters stated that he can recall Chemistry being a problem, but "not a big problem."

Waters denied ever traveling to INPO's headquarters in Atlanta to discuss an INPO evaluation of SQN. He does recall attending a "typical" exit briefing at SQN following INPO's September/October 1992 evaluation. Waters stated that an INPO representative, Bill Subulusky, met privately with Waters, Bill Kennoy, Member, TVA Board of Directors, and Kingsley to discuss the evaluation. Waters characterized INPO's evaluation of SQN as "fair" and stated he was pleased with INPO's report.

When questioned regarding Jocher's direct quotes in his letter to DOL (i.e. Waters said "I thought you told me these problems were fixed." and Kingsley responded "I guess I'm in trouble."), Waters denied making the above-mentioned statement. Furthermore, Waters stated "I never criticized Oliver (Kingsley) about Chemistry at SQN."

INVESTIGATION ON: September 23, 1993

AT: Sevierville, Tennessee

BY: Beth B. Thomas and G. Donald Hickman: BBT

FILE: 2D-133 - 48

EXHIBIT 31

0927D

2-93-015

PAGE 1 OF 1 PAGE(S)

# **EXHIBIT 32**

TENNESSEE VALLEY AUTHORITY  
Office of the Inspector General  
RECORD OF INTERVIEW

Name: Oliver D. Kingsley, Jr.  
 Position: President  
 Office: Generating Group  
 Work Tel.: (615) 751-4770  
 Residence: [REDACTED]  
 SSN/DOB: [REDACTED]

~~I~~

Kingsley was contacted at his office in the Chattanooga Office Complex (COC) and advised of the identity of the interviewing agent. He was interviewed concerning his knowledge of the termination and subsequent Department of Labor (DOL) complaint filed by William F. Jocher, a former TVA Chemistry Manager. Kingsley provided the following information.

Kingsley stated that the scope of his involvement with Jocher was limited to their attendance in some of the same meetings. Specifically, Kingsley could recall that they were both in attendance at a meeting being held at SQN in front of the Board of Directors regarding an upcoming Institute of Nuclear Power (INPO) evaluation. During this meeting, Kingsley recalled Jocher making a comment to the effect of "how lucky we were to have him (Jocher) and how we did not pay him enough." Immediately after Jocher made the comment, Kingsley leaned over and asked Joe Bynum, Vice President, Nuclear Operations, "who is this guy?" Bynum explained that Jocher had recently been transferred to SQN because he was good at pointing out problem issues and they (TVA Management) wanted to see if he was good at correcting them. With the exception of asking Bynum "who is this guy?" at the meeting, Kingsley never discussed Jocher's comment with anyone else. According to Kingsley, Jocher's comment did not embarrass him or make him angry. However, Kingsley stated that the comment was "inappropriate" and led to an "awkward situation." Kingsley denied that Jocher's comment in this meeting played any part in his (Jocher's) termination.

Kingsley also recalled attending a later meeting at SQN with Gail Deplank (phonetic) in which Jocher was also present. Kingsley, who could not recall Jocher making any unusual statements in this meeting, explained that Jocher played a minimal role because the main focus revolved around Radiological Control (RadCon) issues.

Continued

INVESTIGATION ON: October 25, 1993

AT: Chattanooga, Tennessee

BY: <sup>BBT</sup> SA Beth B. Thomas: BBT

FILE: 2D-133-58

2-93-015

EXHIBIT 32

1136D

PAGE 1 OF 3 PAGE(S)

Kingsley could also recall telling Rob Beecken, Plant Manager, SQN, and the SQN Operations Manager (specific name unknown) at a monthly site meeting that Jocher's plans to correct the chemistry problems at SQN were not timely. Although Kingsley acknowledged that the instrumentation problem would take a long time to fix, he believed the training and procedure problems could be resolved in 6 months. Jocher had originally anticipated the problems being corrected in 2 years. Kingsley stated that this situation led him to believe that Jocher was good at identifying problems but not in implementing corrective measures.

Kingsley recalled sending a status report on the TVA Chemistry Programs to John Waters, former Chairman, TVA Board of Directors, following Waters' request in November 1991. Kingsley considered his response to be "very direct and truthful." In addition, Kingsley stated that several individuals (specific names unknown) would have had to initial off that the report was accurate prior to his signature. According to Kingsley, at no time did Waters or a member of his (Waters') staff ever say that the report was inadequate or that they needed more information. Furthermore, Kingsley has no knowledge of any assessments performed by Jocher which conflicted with the response to Waters.

When questioned regarding Jocher's allegation that at a private meeting between INPO representatives, Waters, and Kingsley during which the SQN chemistry problems were detailed, Waters made the statement "I thought you told me these problems were fixed" and Kingsley responded "I guess I'm in trouble," Kingsley denied that these statements were ever made. In addition, Kingsley advised that this was the only "private" meeting held regarding the INPO evaluation. According to Kingsley, Bill Subulusky (phonetic) was the INPO representative present during this meeting.

Kingsley stated that he never ordered Bynum to terminate Jocher. Kingsley specifically said "I have had nothing to do with firing this guy (Jocher)." In addition, Kingsley stated that he "had no idea that Jocher was back from the plant (SQN)." Furthermore, Kingsley was not aware that Jocher had been terminated until "after the fact." Kingsley could not recall who told him that Jocher was asked to resign, but stated that it really came to his attention when he received Jocher's DOL complaint.

Kingsley also denied saying that Jocher was not part of the team. Kingsley, who speculated that Wilson McArthur, Manager, Operation Services, may have used his (Kingsley's) name when terminating Jocher, stated that McArthur had used his name in the past to get individuals to attend meetings. Kingsley explained that last summer he had requested that the managers attend a Sunday 2:00 p.m. meeting in order to brief him on actions they could take if the heat began interfering with fossil and nuclear operations. Prior to this meeting, Larry Moody was contacted by McArthur and told that Kingsley had requested that all the managers meet on Saturday morning at 9:30 a.m. Kingsley believes McArthur was using his (Kingsley's) name in order to get everyone at the Saturday meeting so they could prepare for the Sunday briefing. Kingsley stated that he knows McArthur used his name "for a fact" because Larry Moody told him and Moody is very trustworthy.

Continued



Kingsley denied that Jocher's actions in providing information to INPO, the Nuclear Regulatory Commission (NRC) or anyone else ever embarrassed him or "put him in the hot seat."

Kingsley had no knowledge that Jocher had been placed on a 6 months probation period upon his return to Corporate. In addition, he has no knowledge of why Jocher was asked to resign after only being back at Corporate for 3 weeks.

Kingsley stated that he has never known Bynum to handle a matter in this way; however, Kingsley believes Bynum is "truthful." Kingsley further stated that he has no knowledge of Dan Kueter, Vice President, Nuclear Operation Services, or how he would react to this situation.

Kingsley recalled being dissatisfied with the "numbers" Bynum had initially brought forward regarding the attempt to downsize his (Bynum's) organization. Kingsley cannot recall Bynum naming any specific individuals who would be affected by the downsizing. Kingsley speculated that his sending Bynum back to work on the numbers in the downsizing is what may have led McArthur to use Kingsley's name in Jocher's termination.

Kingsley has no knowledge of the situation regarding the hiring of Gordon Rich.

To Kingsley's knowledge, none of the actions taken against Jocher occurred because of his (Jocher's) acknowledgment of safety-related concerns and/or his expression of a different staff view.

BBT

1136D



# EXHIBIT 33

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

+ + + + +

OFFICE OF INVESTIGATIONS

INTERVIEW

-----X

IN THE MATTER OF: :

INTERVIEW OF : Docket No.

BEN EASLEY : (Not assigned)

-----X

Wednesday, February 8, 1995

TVA Headquarters,  
1101 Market Street,  
Chattanooga, Tennessee

The above-entitled interview was conducted at  
8:48 a.m.

BEFORE:

LARRY L. ROBINSON Investigator

2-93-015

EXHIBIT 33  
PAGE 1 OF 32 PAGE(S)

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

APPEARANCES:

On Behalf of Tennessee Valley Authority  
and Witness Ben Easley:

BRENT R. MARQUAND, Senior Litigation Attorney,  
400 West Summit Hill Drive,  
Knoxville, Tennessee 37902-1499  
615/632-4251

On Behalf of the Nuclear Regulatory Commission:

LARRY L. ROBINSON, Investigator,  
101 Marietta Street, Suite 2900,  
Atlanta, Georgia 30323  
404/331-6509

PROCEEDINGS

MR. ROBINSON: Let's go on the record.

For the record, this is an interview of Mr. Ben Easley, an employee of TVA. It is Wednesday, February 8th, 1995. The time is 8:48 a.m. in the morning.

This interview is taking place at TVA's offices in Chattanooga, Tennessee. Present at the interview are Mr. Easley, Mr. Brent Marquand from the Office of General Counsel of TVA, Investigator Larry L. Robinson of the Office of Investigations of NRC, and this interview is being recorded by a court reporter.

Mr. Easley, would you please stand and raise your right hand?

WHEREUPON,

BEN EASLEY

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

EXAMINATION

BY MR. ROBINSON:

Q. A few preliminary things before we get into the substance of the interview, Mr. Easley.

The reason I arranged for these interviews through the Office of General Counsel was that I was aware that you were represented by General Counsel at the depositions in the Department of Labor discovery situation,

1 but I just want to reaffirm with you that it's your choice  
2 to have Mr. Marquand represent you here today.

3 A. It is my choice.

4 Q. Okay. If you should have any information that  
5 might be adverse to TVA, or any individuals within TVA,  
6 will the fact that Mr. Marquand is sitting here inhibit you  
7 in any way to give me that information?

8 A. No.

9 Q. Okay.

10 Mr. Marquand, would you please for the record  
11 just briefly state the nature of your representation of Mr.  
12 Easley here today?

13 MR. MARQUAND: As you stated, I am employed in  
14 the Office of General Counsel. Mr. Easley and I have  
15 discussed the fact that you wanted to interview him and  
16 what we have anticipated to be the areas that you would  
17 question him about, and we have determined that his  
18 interests and TVA's are coextensive, and therefore I am  
19 representing him today as well as TVA.

20 MR. ROBINSON: And from your discussions with  
21 Mr. Easley do you anticipate or see any potential conflict  
22 of interest?

23 MR. MARQUAND: Mr. Easley and I have discussed  
24 that, and we do not see any areas of potential conflict.

25 MR. ROBINSON: Okay.

BGA



1 BY MR. ROBINSON:

2 Q. How long have you been employed here at TVA,  
3 Mr. Easley?

4 A. I've been employed with TVA since April of  
5 1966.

6 Q. '66. Have you been in human resources or  
7 personnel for all that time, or most of that time?

8 A. In 1966 I was employed with TVA as an  
9 engineering aide over in power production. I can't hardly  
10 remember the name back then, but I was an engineering aide  
11 until 1972, and then I went into personnel in power  
12 production.

13 Q. You've been in personnel, the personnel arena  
14 since '72?

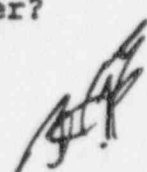
15 A. Yes.

16 Q. Okay. I'm just going to get right to it.  
17 Regarding the resignation of Mr. William F. Jocher -- Go  
18 ahead.

19 A. May I go back and change something? When I was  
20 employed in 1966 it was in power marketing. I think I said  
21 power production, but it was in power marketing. I just  
22 wanted to clarify that.

23 Q. Okay. I appreciate that clarification.

24 When did you first become involved in the  
25 termination or, excuse me, the resignation of Mr. Jocher?



1 Do you recall?

2 A. In March of 1993.

3 Q. And what were the circumstances, how did that  
4 get initiated with you?

5 A. It was initiated to me by my supervisor, Mike  
6 Pope, who was the manager of corporate human resources.  
7 And it may have been called employee relation development  
8 at that time.

9 Q. Okay. This is in March of '93?

10 A. March of '93.

11 Q. And basically what did Mr. Pope tell you to do?  
12 What were your first actions?

13 A. My first action was to compose a letter, a  
14 resignation letter, and also at the same time we were  
15 composing <sup>one</sup> termination letter<sup>s</sup>.

16 Q. Okay.

17 A. He had given me a sample, <sup>at</sup> told me where I could  
18 get a sample to go by for me to construct ~~that~~ <sup>one</sup> and return  
19 it to him for his review, and for him to coordinate with  
20 OGC.

21 Now let me digress just for a minute and go  
22 back.

23 Q. Sure.

24 A. Back in mid-March of 1993 I was made aware, and  
25 I don't know exactly who it was, whether it was Wilson

*Handwritten initials/signature*

1 McArthur who was the supervisor of Jocher, or whether it  
2 was Mike Pope, that management was dissatisfied with Mr.  
3 Jocher's management style, <sup>did</sup> management skills, <sup>and/or</sup> and it was  
4 ~~somehow around his management delivery or whatever.~~

5 Q. You don't remember whether that came from Pope  
6 or Wilson McArthur?

7 A. I really don't. I don't recall.

8 Q. Okay. But that was just kind of a general  
9 comment that was made to you that this may be coming up,  
10 management is unhappy with Jocher?

11 A. And I think that Mr. McArthur talked to Jocher  
12 at that particular time concerning that management was not  
13 satisfied with his management style, and at that particular  
14 time that they were going to observe him for some time,  
15 like maybe up through September to give him a chance to  
16 correct those deficiencies, or whatever they were  
17 <sup>plus a check in relation to</sup> concerning his management style.

18 Q. Did McArthur tell you he was going to do that,  
19 or did you see him do that?

20 A. Like I say, I think it came from Mr. McArthur, <sup>did</sup>  
21 from my supervisor.

22 Q. No, I'm talking about, you know, you indicated  
23 that McArthur was going to counsel Jocher, or that he did  
24 counsel Jocher. I'm asking you how you knew that. Did you  
25 see McArthur counsel Jocher?

*Page*

1 A. No.

2 Q. Did McArthur tell you he was going to counsel  
3 Jocher and tell him to improve his management style?

4 A. Like I said, I think he did.

5 Q. Okay. All right. Go ahead, if you were going  
6 to continue with anything at that point.

7 A. The only thing I was going to say, and I think  
8 I said it, that they were going to give him a time span to  
9 improve ~~there~~<sup>BLM</sup>, and I think it was -- the deadline would  
10 probably be September 30, 1993.

11 Q. And this conversation happened in mid-March?

12 A. Yes.

13 Q. And about what time was it again that Mr. Pope  
14 came to you and had you construct the two different  
15 letters?

16 A. It was about, approximately two weeks later.

17 Q. Two weeks later?

18 A. I think we started the latter part of March.

19 Q. Okay. Did you tell Mr. Pope that you thought  
20 Jocher was supposed to be on some kind of a trial period  
21 until September, or were there any conversations between  
22 you and Mr. Pope?

23 A. I was told that management had changed their  
24 mind.

25 Q. I see. Were there any -- who specifically in

*BLM*

1 management?

2 A. I didn't get any names.

3 Q. Didn't get any names?

4 A. No.

5 Q. Okay. So Mr. Pope just told you management had  
6 changed their mind --

7 A. Right.

8 Q. -- and we need to start preparing these letters  
9 now?

10 A. Yes, sir.

11 Q. And were you involved --

12 A. Well, let me put it this way, I don't recall  
13 any specific names at the time.

14 Q. Oh. Okay. Were you involved in the  
15 presentation of these letters to Mr. Jocher?

16 A. Yes, on April the 5th or 6th.

17 Q. Okay. And who else was there when these  
18 letters were presented to Jocher?

19 A. Mr. McArthur.

20 Q. McArthur. Okay. And did you do the talking  
21 there, or did Mr. McArthur do the talking?

22 A. Mr. McArthur did the talking.

23 Q. He did the talking?

24 A. Primarily the talking.

25 Q. Okay. What was Jocher's reaction?



1           A.     He seemed somewhat surprised, and somewhat  
2 upset.

3           Q.     Okay. Just in general, Mr. Easley, before any  
4 permanent TVA employee is either given the option to resign  
5 or be terminated, or is terminated, is there any type of  
6 official personnel requirement for progressive discipline  
7 or formal counseling of that individual?

8           A.     I think we do have a code that relates to  
9 progressive discipline.

10          Q.     Okay. And in the case of Mr. Jocher was the  
11 progressive discipline code followed?

12          A.     I was not involved to that degree. Primarily  
13 my responsibility was to help prepare the resignation-  
14 termination letters, and to my knowledge I don't know  
15 whether that happened or not.


16          Q.     You don't know whether it happened or not?

17          A.     No.

18          Q.     Would Mr. Pope know that? Would he know --  
19 would you in personnel kind of make sure that that happened  
20 before you went forward with any type of final action?

21          A.     Let me put it his way, sir. We do talk and  
22 counsel and advise management in certain situations when it  
23 comes to resignation, termination or whatever.

24                    To what extent Mike Pope was involved in  
25 discussions concerning progressive discipline I don't know.



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

Q. You don't know. Okay.

So you were just -- I mean your part in this activity was just to primarily prepare the letters and be the one to be there when they were going to be presented to Jocher?

A. I was the one that did that.

Q. And your knowledge about any counseling or anything that had gone on before that was limited to none; right?

A. Just let me say this. In the conversation with Jocher between he and Mr. McArthur he mentioned to Jocher that he had discussed his management style with him before.

Q. Okay. That was in that meeting where the two letters were presented, McArthur reminded Jocher that he had talked to him about that?

A. Yes, sir, that he had talked to him. So there could have been some discussion between management about discipline, but I can't say myself because I was not involved in that.

Q. I understand. In January, a couple months before you heard in March that management might have been a little unhappy with Jocher, back in January of 1993 did you ever have a conversation with Gary Fiser that indicated

*DF*

1 that Jocher would never be coming back to corporate from  
2 Sequoyah?

3 A. To my knowledge, no.

4 Q. You don't remember anything like that?

5 A. No.

6 Q. Okay. Prior to the middle of March did you  
7 ever have a conversation with Jocher directly kind of  
8 giving him the heads-up that management was a little  
9 unhappy with his performance?

10 ~~A. You didn't?~~ <sup>BCE</sup>

11 A. That was prior to when?

12 Q. Prior to mid-March when either Pope or McArthur  
13 told you that management was unhappy with Jocher's  
14 performance, did you have any indication or knowledge that  
15 management was unhappy with Jocher's performance?

16 A. No, not until the initial time when it was  
17 mentioned to me.

18 Q. The mid-March time?

19 A. That was mid-March.

20 Q. You didn't have any indication from anybody  
21 that Jocher was going to have a problem not only coming  
22 back from Sequoyah to corporate, but maybe even have a  
23 problem with his job?

24 A. Absolutely not.

25 Q. Okay. To your knowledge whose decision was it

*BCE*

1 to give Jocher the alternative of resigning or being  
2 terminated?

3 A. The only person I had dealing with was Wilson  
4 McArthur primarily. I don't know if I ever sat down and  
5 talked to Mr. Keuter who was the manager of operation  
6 services at the time, but if there was anyone else involved  
7 that I may have talked to it may have been Mr. Keuter, but  
8 I don't think I even talked to Keuter. Primarily my  
9 dealing was with Wilson McArthur and my supervisor.

10 Q. Okay. At any point in time did Mr. McArthur  
11 indicate that it was Mr. Bynum's decision or Mr. Kingsley's  
12 decision or Mr. Keuter's decision to offer these two  
13 letters?

14 A. No.

15 Q. Okay. So the only -- you don't know who in  
16 management was unhappy with Jocher's performance other than  
17 maybe McArthur?

18 A. No, not anyone above the other names you  
19 mentioned.

20 Q. Do you know who in management was unhappy with  
21 Jocher's performance?

22 A. No.

23 Q. Was McArthur unhappy with Jocher's performance?  
24

25 A. Let me think for a minute.

*B.K.*

1 Q. Sure.

2 A. He never said that he was unhappy, but he said  
3 he had talked to him about his management style.

4 Q. Okay.

5 A. And that's the best way I can answer that.

6 Q. And it was either him or Mr. Pope that told you  
7 in mid-March that management was unhappy with Jocher's  
8 performance?

9 A. Yes, sir.

10 Q. No specific names?

11 A. No.

12 Q. Okay. After that day of either April 5th or  
13 6th that you indicated that you presented the two letters  
14 to Jocher, did anything happen after that in the process of  
15 Jocher's resignation to your knowledge?

16 A. I don't fully understand your question.

17 Q. Okay. Once you had that meeting with Jocher  
18 and he was presented with the letters, how did that meeting  
19 end? To your understanding was he going to say "Okay,  
20 you're going to have to terminate me," or was he going to  
21 resign?

22 A. He signed the resignation letter.

23 Q. Right then and there?

24 A. Right, on April the 6th.

25 Q. Right then and there?



1 A. He signed the letter, and he asked for the  
2 termination letter to be destroyed, and at the time Mr.  
3 McArthur took <sup>the letter if</sup> and tore <sup>B.G.</sup> up. —

4 Q. Tore up the termination letter?

5 A. And put it in the trash.

6 Q. Okay. And the date on the resignation letter  
7 was September 30th? Was that one the one that was six  
8 months out, or three months out?

9 A. Three months out.

10 Q. That one was the one that was three months?

11 A. That was the final one that he signed through  
12 July. Now, he had asked to go through I think October, six  
13 months from April, and I think that would project out until  
14 October, but management did not accept that, and management  
15 gave him three months, said they would go up to three  
16 months.

17 Q. Did you ever prepare a letter, a resignation  
18 letter that had the October date on it?

19 A. No. I think we prepared a letter that had a  
20 blank date, and I think Mr. Jocher wrote in October.

21 Q. Okay.

22 A. I think he was asking for six months, and TVA  
23 accommodated him with three months.

24 Q. And do you know -- but that April 5th or April  
25 6th when you had the meeting with Jocher, the letter that

*B.G.*

1 Jocher signed was the three-month letter; right? That was  
2 the one that just projected out three months?

3 A. The final letter, right.

4 Q. Was there a meeting that you had had with  
5 Jocher prior to that where you gave him the one with the  
6 blank date?

7 A. Wilson McArthur gave him that. He had met with  
8 him.

9 Q. Okay. And you weren't involved in that  
10 meeting?

11 A. No, I wasn't involved in that particular  
12 meeting. I don't think I was, sir, no.

13 Q. Okay. If you were, you don't remember being  
14 involved?

15 A. That's correct.

16 Q. But you do remember preparing, or being  
17 involved in preparing the letter that had the blank date on  
18 it that you must have given to McArthur to give to Jocher?

19 A. Right. I think I was involved, Mike Pope and I  
20 was involved in that particular one.

21 Q. Okay. About how soon, or I'll say how far back  
22 -- and you can tell me a couple weeks or a couple of days,  
23 the best of your recollection -- was the blank letter  
24 prepared before the final letter was prepared?

25 A. Sir, I don't recall, but I think all of them

*[Handwritten signature]*

1 were prepared around at the same time, or near the same  
2 time -- a day later, a day before.

3 Q. Real close time?

4 A. Very close.

5 Q. A day or so before or after? Okay.

6 Just in general when a TVA employee is going to  
7 be terminated -- and I'm not talking about Jocher now, I'm  
8 talking in general -- do you and Mr. Pope and folks in  
9 human resources assure yourselves that if progressive  
10 discipline is appropriate it has been done?

11 A. If that is the situation, yes.

12 Q. Okay. Go ahead.

13 A. Like I say, it's our responsibility to advise  
14 management, and sometimes labor relations with get  
15 involved, but we will consult with labor relations.  
16 Sometimes we will consult with OGC, our attorneys, to make  
17 sure our advisement is accurate and correct or whatever.

18 Q. Did you do that Jocher's case? Did you consult  
19 with OGC in Jocher's case?

20 A. I told you I did not.

21 Q. Pope might have?

22 A. I told you Mike had been the one coordinating  
23 things with -- Mike Pope was coordinating things with OGC.

24 I was dealing with Mike Pope and with Wilson  
25 McArthur.

B.K.

1 Q. Okay. To your knowledge was Mike also  
2 coordinating with management with respect to Jocher? I  
3 knew he was coordinating with OGC, but was Mike checking  
4 with management to make sure that there had been enough  
5 formal or informal counseling of Jocher? Were you aware  
6 that Pope was coordinating with management?

7 A. Let me answer it this way. I know that he was  
8 coordinating things with management, at least with Wilson  
9 McArthur. I don't know -- above Wilson McArthur's level I  
10 really don't know. As far as the progressive discipline,  
11 like I told you before, I don't know.

12 Q. You don't know whether that took place or not?

13 A. No, sir.

14 Q. Except for when McArthur at your meeting with  
15 Jocher when you were presenting the letters and McArthur  
16 made the statement that "Remember, Jocher, I counseled you  
17 before about this"?

18 A. Right.

19 Q. From your experience in personnel, what types  
20 of personnel performance would justify a termination  
21 without progressive discipline?

22 A. That is very difficult for me to respond to,  
23 and the reason I said that is because we have union  
24 agreements that we go by, you know, the articles of  
25 agreement, general agreement --

*B. [unclear]*

1 Q. The what kind of agreement?

2 A. Articles of agreement.

3 Q. Article of agreement, okay.

4 A. General agreement, and other things that we go  
5 by, and also we have policies and procedures and  
6 guidelines. However, when it comes to management,  
7 management is a little different.

8 Q. Okay. We try to treat it as we would treat  
9 some of the salaried employees per se, but sometimes it is  
10 not treated exactly the same, and when it comes to  
11 management there may be cases whereas they may not follow  
12 exactly the same guidelines, and like I said before, I'm  
13 pretty sure when we get to this point that we consult with  
14 OGC or with labor relations and make sure.

15 Q. Make sure that you're going through the right  
16 hoops; right?

17 A. Right.

18 Q. Was Jocher management or not?

19 A. He was management.

20 Q. He was management?

21 A. Yes, sir.

22 Q. So you can't really -- I mean if I were to give  
23 you some examples of employee performance, would you be  
24 able to give me a general idea of whether it would be  
25 appropriate for termination without progressive discipline?

*BK*



1 And we'll say a manager.

2 Let's say a manager commits a felony and gets  
3 arrested and convicted of a felony outside of TVA, is it  
4 appropriate for his termination without progressive  
5 discipline?

6 A. It's possible, let me put it that way.

7 Q. Not necessarily, though? In other words, it  
8 may still be appropriate to do a progressive discipline?

9 A. Let me respond like this. If I was in charge,  
10 and you're talking about a felony --

11 Q. Yeah.

12 A. -- then I probably would consult OGC, Mr.  
13 Marquand, for advice.

14 Q. Okay. I mean is it fair to say that in any  
15 case where human resources isn't real sure about what's  
16 going on you would consult OGC to make sure you were doing  
17 the right thing?

18 A. Right, and you consult management, the parties  
19 involved to find out exactly what is happening, why this  
20 occurred.

21 Q. And whether or not it's fair or legal to  
22 terminate this guy or force his resignation; right?

23 A. We will make our recommendation.

24 Q. Okay. Did you have much direct interface with  
25 Jocher while he was here? Did you talk to him

1 periodically?

2 A. Yes.

3 Q. What was the nature of that interface? Was it  
4 pleasant or uncomfortable, or --?

5 A. I would say most of it was pleasant. My  
6 interface was with Jocher based on I was the human resource  
7 officer supporting his organization, seeing that his  
8 personnel actions that they had requested be taken care of,  
9 and to advise him on certain situations.

10 Q. And so if he was contemplating a personnel  
11 action for one of his people or something like that, he  
12 would probably contact you and talk to you about that?

13 A. Right, or maybe contact Mike Pope.

14 Q. How many folks does Mike Pope have working for  
15 him?

16 A. You mean at the time?

17 Q. Well, yeah, at the time.

18 A. He's not with us any more.

19 Q. Okay. He's not with TVA any more?

20 A. He's not in human resources.

21 Q. What's he doing now?

22 A. He is in fossil and hydro, and I forget his  
23 title.

24 Q. You mean he's not in a personnel capacity. Is  
25 he in an engineering capacity?

1 A. No, no, he's not in an engineering capacity.  
2 He's in a management capacity.

3 Q. Okay. Promotion?

4 A. Yes, he got a promotion. He moved on.

5 Q. Okay. At the time, how many people were  
6 working for him?

7 A. Approximately six.

8 Q. Okay. So each of you six folks had  
9 responsibilities for different divisions or sections?

10 A. Let me put it like this. Of the six, there  
11 were two <sup>BCP</sup> ~~personnel~~ and human resource officers under him,  
12 which I was one.

13 Q. Okay.

14 A. I had a counterpart. And there were  
15 approximately four personnel clerks.

16 Q. Okay. So you and the other human resources  
17 officer kind of split the --

18 A. And Mr. Pope.

19 Q. Okay. He took some on his own?

20 A. That's right.

21 Q. I see. And you had the chemistry, corporate  
22 chemistry people?

23 A. Yes, sir.

24 Q. Did you have the site chemistry, anything to do  
25 with site chemistry? ;

*BCP*

# **EXHIBIT 37**

④ March 10, 1993

Re: J-B / DRIC - weekly

D. J. [unclear]

Discussed the issue that Bill would have approximately six months to enhance (convert his management style problem) i.e.

1. Adopt attitude toward the charity manager.

2. People do a support function + need to get along in.

3. Not to resolve problem by non-constructive to be made.

4. Be a team player.

Corp. function was re-iterated

W E AS SUPPORT

Bill was committed to discuss a better call to [unclear]



③  
- Sub-sision ~~filter~~ ~~con~~ ~~for~~ ~~5/17/02~~  
Corporate ~~proben~~

Nothing in STR beyond these items!  
(seeing pages)

\*  
- Sqw Site - long asked for acct # to come to  
meeting on satellite

- The trend is this

Li.H1a interaction with G. Fisco

☑ Case Salvador dears John  
Squid in H water chem

☑ The net-typp with John  
minded - why in the interplay?

☑ Called John to tell in Salvador  
John was not happy. John needs to  
develop better rapport -

be a team player

EXHIBIT 87

② Those critical areas for testing  
Primary objectives  
16 hours  
See " " 2/25/83  
QA/QC (previous  
papers)

→ Drop as an issue - all  
testing as part of formal system  
the future Union  
Close wishable needs to be worked out

Enrollment (adjunct prof.)  
course OK

Twenty - reviewed daily

QA report / BOSTON SQS X BSN  
just issued EXHIBIT 37

B. Sochan  
Discussed return to Corp Co. meeting at  
SQS. Told OS that the report with  
sites would have to improve to fulfill  
req. as Corp Chem Dept.

B. Roche ①

Previous page -  
dated 2/15/92

Bill sensitive about what  
others think of him -

B.J. is a good technical person  
but has trouble in being a  
team player. Permitted him  
to be less aggressive and  
to work with other. Stay with  
always he is for. My  
perception is important -  
must work with him to be  
a team player.

That planning problem is one I  
not look at under these  
enough before having a problem  
any project at the slope should  
be loaded as carefully before  
a forty. Problem with Parkway  
should not project it is a  
major deal.

EXHIBIT 37

PAGE 1 OF 4 PAGE(S)

# EXHIBIT 38



TENNESSEE VALLEY AUTHORITY

EMPLOYEE APPRAISAL FOR MANAGER AND SPECIALIST EMPLOYEES  
for Fiscal Year ending September 30, 1992

NAME <u>William F. Jocher</u>	ORGANIZATION LEVEL _____
SSN <u>██████████</u>	GROUP <u>Nuclear Power</u>
TITLE/PG <u>Superintendent of Chemistry</u>	OPERATION <u>NGP</u>
TYPE POSITION (m or s) <u>PG-10</u>	DIVISION <u>Sequoyah Nuclear Plant</u>
MANAGER <u>P. M. Lydon</u>	DEPARTMENT <u>Plant</u>

Summary Statement of employee's performance potential:

Bill has made significant progress on the Chemistry Improvement plan. He promptly identifies problems and aggressively works to correct them. In addition, Bill looks ahead to get Chemistry performance improved site-wide. Bill has instituted an instructor - loanee program to help upgrade training of all department personnel. Bill approaches all work as a member of SON plant team while still providing input to the corporate Chemistry group. He has established high standards for himself and the Chemistry department and holds all accountable. He is maintaining the Chemistry budget at target.

Bill's performance and leadership has strengthened Rob Richie's experience and performance. I expect Rob Richie to be capable of assuming the SON Chemistry Superintendent when Bill's year is complete. TVA would be best served by Bill returning to the Corporate Chemistry Manager's position or as a Chemistry and Radiological Manager at a site.

SIGNATURES:

MANAGER	<u>P. M. Lydon</u> (typed name)	<u>9/22/92</u> DATE
NEXT HIGHER MANAGER	<u>[Signature]</u> (typed name)	<u>9-12-92</u> DATE
EMPLOYEE	<u>William F. Jocher</u> (typed name)	<u>9/22/92</u> DATE

2-93=015

EXHIBIT 36



NAME W. F. Jocher TITLE/PG Chemistry Supt., PG-10 DATE \_\_\_\_\_  
SSN ██████████

**PART I.A** Performance Standards - (To be completed at the beginning of the fiscal year) State the major accountabilities, specific projects and/or assignments on which the employee will be evaluated throughout the fiscal year.

PERFORMANCE STANDARD

TARGET DATE

SEE ATTACHED FY '92 GOALS AND OBJECTIVES

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURES (indication of understanding the performance standards for the next 12 months and that they may be amended at anytime):

\_\_\_\_\_  
MANAGER (typed name) DATE

\_\_\_\_\_  
NEXT HIGHER MANAGER (typed name) DATE

\_\_\_\_\_  
EMPLOYEE (typed name) DATE

NAME W. F. Jocher TITLE/PG Chemistry Supt., PG-10 DATE \_\_\_\_\_  
SSN                     

**PART I.A Performance Standards -** (To be completed at the beginning of the fiscal year) State the major accountabilities, specific projects and/or assignments on which the employee will be evaluated throughout the fiscal year.

PERFORMANCE STANDARD TARGET DATE

\_\_\_\_\_  
SEE ATTACHED FY '92 GOALS AND OBJECTIVES  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURES (indication of understanding the performance standards for the next 12 months and that they may be amended at anytime):

\_\_\_\_\_  
MANAGER (typed name) DATE  
\_\_\_\_\_  
NEXT HIGHER MANAGER (typed name) DATE  
\_\_\_\_\_  
EMPLOYEE (typed name) DATE

NAME W. F. Jocher  
SSN [REDACTED]

TITLE/PG Chemistry Supt., PG-10 DATE \_\_\_\_\_

**PART I.B** Performance Standards Annual Summary - (To be completed at the end of the fiscal year) State the employees accomplishments relative to the major accountabilities, specific projects and/or assignments listed in Part I.A.

ACCOMPLISHMENT/PERFORMANCE

COMPLETION DATE

SEE ATTACHED 3RD AND 4TH QUARTER APPRAISALS

LIST OF ACCOMPLISHMENTS

0004

**PART II Behavioral Standards** - (To be revised at the beginning of the fiscal year and evaluated at the end of the fiscal year) The following list those behavioral standards against which each employee should be evaluated. The extent to which they are used will vary depending on the nature of the position of the employee and the type of organization. Others may be added as appropriate.

1. **FLEXIBILITY** low /  /  /  /  / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. **DECISION-MAKING** low /  /  /  /  / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. **DEPENDABILITY** low /  /  /  /  / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. **SELF-MOTIVATION** low /  /  /  /  / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. **INFLUENCING OTHERS** low /  /  /  /  / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. **PROBLEM SOLVING AND ANALYSIS** low /  /  /  /  / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. **TECHNICAL/PROFESSIONAL COMPETENCE** low /  /  /  /  / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. **INNOVATING** low /  /  /  /  / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. **ORAL COMMUNICATIONS** low /  /  /  /  / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 10. WRITTEN COMMUNICATIONS low / \_\_\_ / \_\_\_ / \_\_\_ / X / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 11. SUPERVISING low / \_\_\_ / \_\_\_ / X / \_\_\_ / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 12. TEAMWORK low / \_\_\_ / \_\_\_ / X / \_\_\_ / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 13. PLANNING AND ORGANIZING low / \_\_\_ / \_\_\_ / \_\_\_ / X / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 14. SUPERVISORY IMPARTIALITY low / \_\_\_ / \_\_\_ / X / \_\_\_ / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 15. SUBORDINATE DEVELOPMENT low / \_\_\_ / \_\_\_ / \_\_\_ / X / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 16. ORGANIZATIONAL KNOWLEDGE low / \_\_\_ / \_\_\_ / \_\_\_ / X / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 17. EMPLOYEE COMMUNICATION low / \_\_\_ / \_\_\_ / X / \_\_\_ / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 18. RESOURCE MANAGEMENT low / \_\_\_ / \_\_\_ / \_\_\_ / X / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 19. \_\_\_\_\_ low / \_\_\_ / \_\_\_ / \_\_\_ / \_\_\_ / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 20. \_\_\_\_\_ low / \_\_\_ / \_\_\_ / \_\_\_ / \_\_\_ / high  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



NAME W. F. Jocher TITLE/PG Chemistry Supt., PG-10 DATE \_\_\_\_\_  
SSN [REDACTED]

**PART III** Employee Appraisal - (To be completed at the end of each quarter)  
Summary statement of the employee's performance during each quarter of the  
fiscal year as noted by the manager and discussed with the employee.

FIRST QUARTER \_\_\_\_\_  
N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURES:

\_\_\_\_\_  
MANAGER DATE  
\_\_\_\_\_  
EMPLOYEE DATE

SECOND QUARTER \_\_\_\_\_  
N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURES:

\_\_\_\_\_  
MANAGER DATE  
\_\_\_\_\_  
EMPLOYEE DATE

NAME W. F. Jocher TITLE/PG Chemistry Supt., PG-10 DATE \_\_\_\_\_  
SSN [REDACTED]

**PART III** Employee Appraisal - (To be completed at the end of each quarter)  
Summary statement of the employee's performance during each quarter of the  
fiscal year as noted by the manager and discussed with the employee.

THIRD QUARTER \_\_\_\_\_

SEE ATTACHMENT

SIGNATURES:

\_\_\_\_\_  
MANAGER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMPLOYEE

\_\_\_\_\_  
DATE

FOURTH QUARTER \_\_\_\_\_

SEE ATTACHMENT

SIGNATURES:

\_\_\_\_\_  
MANAGER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMPLOYEE

\_\_\_\_\_  
DATE

During this period, Bill has accomplished the following:

- 1) All secondary Chemistry performance indicators met Sequoyah's goals.
- 2) Identification and repair of three condenser tube leaks on Unit 1.
- 3) The ERCW Chlorination was performed and maintained in reliable condition.
- 4) Auxiliary cooling water system (CCW/D/G) Chemistries were maintained in spec during this period.
- 5) Chemistry process instrumentation availability was 82%.
- 6) Chemical Traffic Control Program enhanced to include site training video and Chemistry Department locks on all off-load points.
- 7) Surveillance Performances error rate has been reduced to 0% technical and 24% admin error.
- 8) Procedure enhancement/revision project is on schedule.
- 9) Raw cooling water treatment and equipment corrosion control plan submitted for approval.
- 10) Top crew concept implemented.

Pat Hydon 9/22/92  
William F. Johnson 9/25/92

(TO BE COMPLETED BY THE EMPLOYEE BEING ASSESSED)

Note: The information requested on this page is optional. It is intended to serve as an aid in identifying career and developmental opportunities which are in line with both the goals of the employee and the needs of the organization. Your supervisor is to add his/her comments, discuss this information with you, suggest a development plan (as appropriate), and forward this information to the next level of supervision. You will have an opportunity to update this information once a year, or you may request that it be updated any time you desire during the course of the year.

CAREER INTERESTS

1. Describe your career interests and goals, both short- and long-term.

MANAGE health of physical & chemical  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

QUALIFICATIONS

2. Describe your main strengths which support your career interests.

EXTENSIVE WORK EXPERIENCE, EDUCATIONAL BACKGROUND,  
MG. SKILLS.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEVELOPMENT ACTIVITIES

3. Please describe any activities you have undertaken to develop your knowledge, skills, or abilities so that you are better prepared to pursue your career goals.

AS PART OF MY OCCUPATION, I LEARN ON A DAILY  
BASIS.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SUPERVISOR'S COMMENTS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE:

W. F. Jocker  
EMPLOYEE

DATE





WILLIAM F. JOCHER  
3rd Quarter

Bill was assigned to SQN Chemistry Manager position during this evaluation period.

Bill is very proactive and has established - a run-it-like-it-was-our-own business attitude which had been missing in the Chemistry department.

Some specific accomplishments during this period were:

- Improvement of availability of chemistry process instrumentation from 65% to 74% with continuing improvement
- Implemented the radwaste minimization committee
- Implemented a department communication plan with daily job contracts, and defined routines
- Implemented a cobalt reduction plan, a procedure enhancement project and a hotwell bingo elimination plan
- Implemented a PASS Plan to ensure reliability of people and equipment
- Suggested implementation of a raw cooling water treatment and equipment corrosion control plan to satisfy a requisite 40-year equipment life expectancy

One of Bill's most significant accomplishments was the shutdown chemistry plan that directly contributed to lower radiation doses during the U2C5 refueling outage. This was the first TVA outage achieved ahead of the scheduled 65 days and under budget.

Bill effectively managed an aggressive outage chemistry control schedule which dealt with crud minimization/removal and reduction in micron size of all CVCS filters. In addition to the U2C5 refueling outage, Bill managed chemistry control on Unit 1 during a 30-day feedwater nozzle replacement on all four steam generators and two outages to repair condenser tube leaks.

Bill has made a significant improvement in SQN Chemistry department performance.

*William F. Jocher*  
7/31/92

*Pat Lydon 7/31/92*

September 8, 1992

F. M. Lydon, POB 2A-50N

**BILL JOCHER, MANAGER, CHEMISTRY & ENVIRONMENTAL (ON ROTATION) - ANNUAL  
EMPLOYEE APPRAISAL**

During Mr. Jocher's assignment as Manager, Corporate Chemistry, his performance would be rated as fully meeting expectations.

His strengths were:

1. Technical knowledge and experience
2. Commitment to completing the job
3. Openly identifying problems and seeking resolutions

His weaknesses were:

1. His support with others sometimes require some work.
2. He has no desire to work with those he assumes to be unqualified.

I place Bill in the category of someone that I would want to have on my team either at Corporate or at the site. His weaknesses should be worked on but demonstrates a desire for high standards.



W. C. McArthur  
Manager, Technical Programs  
LP 5D-C

5986c

# **EXHIBIT 39**

EMPLOYEE APPRAISAL for MANAGER AND SPECIALIST EMPLOYEES  
For Fiscal Year ending September 30, 1991

E William F. Jocher  
 SSN [REDACTED]  
 TITLE/PG Chemistry and Environmental Protection  
 TYPE POSITION (m or s) MADE  
 MANAGER James M. Barker

ORGANIZATION LEVEL: GROUP Nuclear Operations  
 OPERATION: Operations Services  
 DIVISION: Technical Programs  
 DEPARTMENT: Chemistry and Radiological Services  
 SECTION: Chemistry and Environmental Protection

Summary Statement of employee's performance and potential:

Mr. Jocher has met all his goals in a timely, professional manner. He is highly motivated and has helped identify and is resolving significant plant corrosion problems. He and his staff have technical credibility with corporate and site organizations and have worked to establish a good team relationship.

Mr. Jocher's potential with TVA is good. He has expressed a desire for SRD training and given his background, would make a good candidate.

SIGNATURES:

MANAGER M. H. Hawley  
 (typed name) James M. Barker DATE \_\_\_\_\_

NEXT HIGHER MANAGER Wilson McArthur  
 (typed name) Wilson McArthur DATE 12/1/91

EMPLOYEE W. F. Jocher  
 (typed name) William F. Jocher DATE 12/9/91

EMPLOYEE APPRAISAL OF MANAGER AND SPECIALIST EMPLOYEES  
for Fiscal Year ending September 30, 1991

E William F. Jocher ORGANIZATION LEVEL: GROUP Nuclear Operations  
 SSN [REDACTED] OPERATION: Operations Services  
 TITLE/PG Chemistry and Environmental Protection DIVISION: Technical Programs  
 MANAGER/ID MANAGER/10 DEPARTMENT: Chemistry and Radiological Services  
 TYPE POSITION (m or s) \_\_\_\_\_ SECTION: Chemistry and Environmental Protection  
 MANAGER James H. Barker

Summary Statement of employee's performance and potential:



SIGNATURES:

James H. Barker James H. Barker  
 MANAGER (typed name) DATE \_\_\_\_\_  
Wilson C. McArthur Wilson C. McArthur 12/5/92  
 NEXT HIGHER MANAGER (typed name) DATE \_\_\_\_\_  
 \_\_\_\_\_ William F. Jocher  
 EMPLOYEE (typed name) DATE \_\_\_\_\_

0002

DOL71



**PART I.A Performance Standards** (To be completed at the beginning of the fiscal year) State the major accountabilities, specific projects and/or assignments on which the employee will be evaluated throughout the fiscal year.

PERFORMANCE STANDARD	TARGET DATE
1. Manage Chemistry and Environmental Protection to ensure that the programmatic content and scope of existing programs are adequately defined and implemented in a cost-effective manner consistent with standard industry practices and goals (1.6, 1.11, 1.13, 2.3, 2.4, 2.0.4, 2.0.6, 3.1.4, 3.1.0.1, 3.1.0.2, 3.1.0.3, 3.4.5, 5.1.12.6, 5.1.13, 5.1.17, 5.2).	9-30-91
a. Provide technical and project management support to BFM, SQM, and WBN for outages, startup, and daily consultation in day-to-day business.	
b. Issue chemistry and environmental standards within approved schedule.	3-1-91
c. Help establish site performance goals.	Ongoing
d. Track and trend site and alternative performance indicators.	Ongoing
e. Provide written and oral feedback mechanisms on program content, direction, and performance.	3-1-91
f. Establish and define a chemical technical re-certification program.	4-1-91
g. Issue 1992-1994 goals.	1-15-91
h. Complete 85% of PFS activities.	Ongoing
i. Flatline budget	Ongoing
j. Complete procedure review and update	
SQM	1/93
B-M	1/91 93
WBN	1/92 94
	1/93 95
k. Develop mixed and hazardous waste action plan.	5/91
l. Develop asbestos monitoring plan.	5/91
m. Develop radwaste standard for liquid processing and water balancing.	4/91
n. Develop chemistry contribution to Source Term Reduction.	3/91
o. Standardize PWR shutdown and forced oxygenation.	3/91
p. Implement program to utilize CYCS MON resin during shutdowns.	9/91
q. Implement program to track resin performance and curie loading.	9/91
r. Do primary calls at SQM and WBN.	Ongoing

SIGNATURES (indication of understanding the performance standards for the next 12 months and that they may be amended at anytime):

James Barker James M. Barker 1-14-91  
 MANAGER (typed name) DATE

Wilson C. McArthur Wilson C. McArthur 1-16-91  
 NEXT HIGHER MANAGER (typed name) DATE

William F. Jocher William F. Jocher 1/14/91  
 EMPLOYEE (typed name) DATE

0063  
 DOL 72

RT 1.A (Continued) Performance Standards. (To be completed at the beginning of the fiscal year) State the major accountabilities, specific projects and/or assignments on which the employee will be evaluated throughout the fiscal year.

PERFORMANCE STANDARD	TARGET DATE
1. Develop alternative radwaste resin sizes.	6/91
2. Reduce correspondence.	Ongoing
3. Quarterly performance reviews.	1/4
4. Plan scenario development.	Ongoing
5. Evaluate hydrogen water chemistry at BFN.	9/91
6. Expand VBN Corrosion Control Program into a standard.	2/91
7. Achieve at a minimum SALP 2 for all TVA sites.	Ongoing
8. Issue 1.21 and annual Environmental Operations Report.	
9. Underground Storage Tank plan.	
10. Create Cooling Tower Preservation Program.	9/30
11. Unify counting (gamma spec. and whole body) rooms and procedures.	1/92

SIGNATURES (indication of understanding the performance standards for the next 12 months and that they may be amended at anytime):

*James H. Barker*  
 MANAGER James H. Barker (typed name) 1-16-91 DATE

*Wilson C. McArthur*  
 NEXT HIGHER MANAGER Wilson C. McArthur (typed name) 1-16-91 DATE

*William F. Jocher*  
 EMPLOYEE William F. Jocher (typed name) 1/14/91 DATE

II Behavioral Standards - (To be reviewed at the beginning of the fiscal year and evaluated at the end of fiscal year.) The following list these behavioral standards against which each employee should be evaluated. The extent to which they are used will vary depending on the nature of the position of the employee and the type of organization. All employees who have supervisory responsibilities must be evaluated on the behaviors identified with asterisks. Other behavior standards may be added as appropriate.

1. FLEXIBILITY

Comments

/ low /            / X / high /

2. \*DECISION-MAKING

Comments

/ low /            / X / high /

3. DEPENDABILITY

Comments

/ low /            / X / high /

4. SELF-MOTIVATION

Comments

/ low /            / X / high /

5. \*INFLUENCING OTHERS

Comments

/ low /            / X / high /

6. \*PROBLEM SOLVING AND ANALYSIS

Comments

/ low /            / X / high /

7. TECHNICAL/PROFESSIONAL COMPETENCE

Comments

/ low /            / X / high /

8. \*IMAGINATING

Comments

/ low /            / X / high /

003  
DOLTY

9. ORAL COMMUNICATIONS  
Comments

low ————— high

10. WRITTEN COMMUNICATIONS  
Comments

low ————— X ————— high

11. SUPERVISING  
Comments

low ————— K ————— high

12. TEAMWORK  
Comments

low ————— K ————— high

13. PLANNING AND ORGANIZING  
Comments

low ————— K ————— high

14. SUPERVISORY IMPARTIALITY  
Comments

low ————— K ————— high

15. SUBORDINATE DEVELOPMENT  
Comments

low ————— K ————— high

16. ORGANIZATIONAL KNOWLEDGE  
Comments

low ————— K ————— high

7. GOALS ACCOMPLISHMENT  
Comments

low ————— K ————— high

III Employee Appraisal - (To be completed at the end of each quarter) Summary statement of the employee's performance during each quarter of the fiscal year as noted by the manager and discussed with the employee.

FIRST QUARTER

N/A - Mr. Jocher did not report to work until the second quarter.

SIGNATURES:

James Barber  
 Manager

William F. Jocher  
 Employee

1-14-91

Date

1-14-91

Date

SECOND QUARTER

Mr. Jocher has met all deadlines associated with items B, E, F, and G. He also has completed > 85% of his PFS consistently. His rapport with the site managers is established as is his technical creditability.

SIGNATURES:

James Barber  
 Manager

William F. Jocher  
 Employee

4-25-91

Date

4-25-91

Date

007  
DOL 74



NAME William F. Jocher

for Fiscal Year ending September 30, 1991

III Employee Appraisal - (To be completed at the end of each quarter) Summary statement of the employee's performance during each quarter of the fiscal year, initiated by the manager and discussed with the employee.

THIRD QUARTER

Mr. Jocher has provided leadership and solid technical direction to corporate and site Chemistry. He has also recruited to TVA highly experienced professionals of recognizable industry technical stature. Corporate Chemistry appears to be coming together in performance issues; Mr. Jocher has completed 85% of PFS items. Additional emphasis needs to be placed on delegation and meeting administrative commitments.

SIGNATURES:

James Bulson  
Manager

William F. Jocher  
Employee

8-7-91

Date

8/7/91

Date

4TH QUARTER

SIGNATURES:

\_\_\_\_\_  
Manager

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

008  
DOL 77

I Development Plan - The information requested on this page is optional. It is intended to serve as an identifying career and developmental opportunities which are in line with both the goals of the employee and the needs of the organization.

CAREER INTERESTS

Describe your career interests and goals, both short- and long-term.

MANAGE CORPORATE OR SITE Health Phys. & Chem  
COMBINED PROGRAM  
PLANT MANAGER

QUALIFICATIONS

Describe your main strengths which support your career interests.

EXTENSIVE EXPERIENCE IN health physics & chemistry  
at PWR's & OWR's  
Abiding interest in what I do for a living.  
Ability to get along with people at all levels of org.  
RESERVENCE

EXTRACURRICULAR ACTIVITIES

Describe any activities you have undertaken to develop your knowledge, skills, or abilities so that you are better prepared to pursue your career goals.

D. SRO CERTIFICATION

MANAGER'S COMMENTS:

*William F. Jocher*  
EMPLOYEE

7/1/90  
DATE



# EXHIBIT 40

**Nuclear**  
*Power of Excellence*  
AWARD WINNERS



**Nuclear Central Office (142)**

Loretta S. Allen  
Patrick Allison  
Wall Andrews  
Carolyn Arnold  
Gloria Baine  
Daphne Ball  
Dennis Bean  
John R. Bearden  
Robert Birchall  
Roger Bishop  
Richard T. Bolger  
Frank Bradford  
Janie Bryant  
Lanthe Bryant  
Amy Burzese  
Debbie Butler  
Sandra Dyr  
Linda Card  
Johnfred G. Carlton  
Kevin E. Casey  
Kenneth H. Clark  
Dee Colvett  
Karen Condra  
Neal M. Cowan  
Pat Crow  
Lillian Cuoco  
Michael E. Cutler  
Paul Daly  
Charles Davis

Arthur G. Debbage  
Cristy DiMartino  
Robert R. Doggart  
Ben G. Easley  
Sheila M. Edwards  
H. Don Elkins  
Janice I. Elliott  
Melvin Emmons  
Barry W. Evans  
Clyde N. Evans  
Lonnie E. Farmer  
Valerie Farris  
Richard Favreau  
John Fenton  
Shirley J. Ferguson  
J. Robert Flood  
James R. Ford  
Allan Furcsik  
Arlene Fuschetto  
Benjamin Gann  
Sherry Gaston  
Timothy Gee  
Joseph Gilreath  
Donna G. Golden  
Tommy D. Golston  
Larry G. Goodwin  
M. Dan Gorman  
Sandra Gray  
Mary L. Green

Roger D. Greer  
James R. Haemsch  
Anthony Hamilton  
Pam Hamilton  
Percy J. Hammons  
Cheryl D. Hamrick  
Kathy Heck  
R. H. Hollingsworth  
Tonya E. Howard  
Jerry Jenkins  
William F. Jocher  
Dee Anna Johnson  
Patrice J. Johnson  
Jeanne S. Kellogg  
Al King  
Kenneth K. King  
Thomas M. Kiser  
Thomas D. Knight  
Deborah T. Lankford  
James E. Law  
Robert E. Littlejohn  
Jimmy G. Mantooth  
Barry K. Marks  
Doris McNew  
Betty J. McPeck  
Timothy L. Messer  
Dan H. Mickler  
Creighton Miller  
Ruth Morgan

Ramona Morris  
Randy W. Mundy  
Elizabeth Myrick  
Charles C. Nance  
Robert W. Nelson  
Randy R. Newton  
Roddy B. Noll  
Larry G. Page  
Mark Palmer  
Ed Patrick  
Linda K. Peoples  
Rita D. Phillips  
Joan Polly  
Clarence W. Pratt, Jr.  
Gwen I. Pugh  
Kathy Ramirez  
Earline Randolph  
Sarah Reed  
Gail Richards  
Anita H. Robeson  
Patricia A. Roza  
Mary Ann Ruzich  
Chetta Sanders  
Sally H. Schreeder  
Bobby R. Scoggins  
Don Shields  
Richard G. Simmons  
Wayne Simpkins  
Betty Siniard

Anita K. Smith  
Gail Smith  
Hubert D. Smith, Jr.  
Jim Smith  
Rickey D. Sparks  
Rebecca S. Stanfield  
Donna H. Stansell  
Carolyn H. Stephens  
James M. Swallows  
Cathy L. Taggart  
Robert E. Taylor  
John F. Thomas  
Peggy J. Thomasson  
Ralph Thompson  
Carlos L. Trapp  
Carl O. Treppard  
David H. Tutis  
L. Glen Turney  
Arthur L. Varner  
Norman S. Warnack  
Lynn Washington  
Gail White  
Richard A. Wilerton  
Patricia A. Williams  
Joseph R. Wood  
Clara P. Woodward

EXHIBIT 40

# EXHIBIT 41

# ALLIED COURT REPORTING SERVICE

Jim Parks

2934 Rennoc Road

Knoxville, Tennessee 37918

Phone (615) 687-8981

---

THE UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES

IN THE MATTER OF:

WILLIAM P. JOCHER,

Complainant,

VS.

TENNESSEE VALLEY AUTHORITY,

Respondent.

CASE NO. 94-ERA-24

---

APPEARANCES:

Attorney for Complainant

Charles W. Van Beke, Esquire  
Wagner, Myers & Sanger, P.C.  
Suite 1801, Plaza Tower  
800 Gay Street, S.E.  
Knoxville, Tennessee 37929-1801

Attorney for Respondent

Philip J. Pfeiffer, Esquire  
Tennessee Valley Authority  
400 West Summit Hill Drive  
Knoxville, Tennessee 37902

PRETRIAL DEPOSITION OF JOHN WILLIAM SABADOS

SEPTEMBER 28, 1994

2-87-015

*Compressed*

EXHIBIT 41

PAGE 1 OF 13 PAGE(S)





1 Q. Okay, I am sorry. And can you give me a  
2 detailed sketch of your employment history at TVA, that is,  
3 when positions you were accepted in and when positions you  
4 held up until the present?

5 A. I came in at TVA, chemical tech support  
6 supervisor. I was hired for that position. And then  
7 roughly three years ago, I became acting chemistry manager  
8 for the environmental -- chemistry/environmental  
9 superintendent, at that time, as it was named. And then  
10 about thirteen months later, it was official, so I have been  
11 about two years officially in the position, but I have held  
12 it for about three years. The current title for the  
13 position is chemistry manager.

14 Q. Has your entire career been at Browns  
15 Ferry?

16 A. No, it has not.

17 Q. When you were the chemical technical  
18 support supervisor, where was that?

19 A. Well, when you said had my entire career  
20 been at Browns Ferry --

21 Q. Oh, I am sorry. Your entire TVA career,  
22 has it been at Browns Ferry?

23 A. Okay, no, my entire TVA career has not  
24 been at Browns Ferry.

25 Q. Okay. When you were the chemical

1 Q. So, it was sometime in 1985, was it,  
2 that you became acting chemistry and EP? That doesn't sound  
3 right, does it?

4 MR. PFEEFER: No. I think that the  
5 testimony was that he became acting chemistry  
6 manager in 1981 or 1982, and then in 1982 he  
7 was --

8 A. (Interposing) -- I went in in an acting  
9 position in 1981.

10 Q. Okay. I am sorry.

11 A. And then in 1982, I was officially put  
12 in the position.

13 Q. When you were acting and then later chem  
14 manager, to whom did you report, I presume it was the same  
15 person both times?

16 A. I reported to Max Herrell up until about  
17 late last year, in which he -- they reorganized, and in  
18 June of 1983, I reported to Allen Scordale, who I currently  
19 report to as acting chem manager.

20 Q. Can you spell Max Herrell?

21 A. H-e-r-r-e-l-l.

22 Q. And he was operations manager?

23 A. He was operations manager.

24 Q. Is he still the ops manager?

25 A. No, sir. He is now at H.E. Robinson

1 -- technical -- is it chemistry or chemical?

2 A. Chemical tech support supervisor?

3 Q. Right. Where was that?

4 A. That was here.

5 Q. Here meaning Watts Bar?

6 A. That was at Browns Ferry.

7 Q. And then were you acting chemistry and  
8 environmental protection supervisor at Browns Ferry also?

9 A. Yes. My entire TVA time that I have  
10 been with TVA has been at Browns Ferry.

11 Q. Right, okay. We were miscommunicating  
12 there for a minute there.

13 MR. PFEEFER: And by that, at Browns  
14 Ferry, you mean that is his duty station. Now, I  
15 mean, he might come to different places to present  
16 meetings and things.

17 MR. VAN BEKE: Sure. Obviously.

18 MR. PFEEFER: Okay. Good.

19 Q. To whom did you report at Browns Ferry  
20 as chemical technical support supervisor?

21 A. Donald Smith.

22 Q. What was Mr. Smith's position?

23 A. He was the chemistry and environmental  
24 superintendent at the time I hired in. I later replaced him  
25 as that, in that position.



1 evaluated fuel facilities, looked at their programs, their  
2 quality control, and basically how they inventoried the  
3 (flammable) material, procedures, how they did analysis, so  
4 forth.

5 Q. How long you were at NRC?

6 A. A little over two years.

7 Q. Okay. Then, roughly 1962 or 1963?

8 A. I am trying to back that up. I am  
9 trying to think about when I actually left Allied General  
10 and went to the NRC. And I left the NRC at the beginning of  
11 1964, and then I took employment with Philadelphia Electric  
12 Company as a tech support supervisor there.

13 Q. Was that a corporate position?

14 A. No, that was a station position, in  
15 Limerick Generating Station. I was involved in getting  
16 their startup program ready to start the plant up. They had  
17 very little procedures of time and place. We had to write  
18 all the chemistry procedures and surveillance testing, get  
19 the laboratory set up, get the plant ready for startup. I  
20 served in that capacity and then I went into the laboratory  
21 and became a laboratory supervisor, and served in that  
22 capacity or about another year, and ultimately I became the  
23 senior chemist or the chemistry manager. I went through the  
24 startup of the unit, we got it on-line, and I went through  
25 all the opening history that went with that. I was there

9

1 for about four-and-three-quarters, four years, nine months.

2 Q. And is that when you then came to TVA?

3 A. No. From there, I went to Northern  
4 States Power in Minneapolis, Minnesota, as a senior  
5 corporate chemist. And I had support and oversight  
6 responsibility for Monticello and Perry Island Plants.

7 Q. And you were there only about what, a  
8 year or two?

9 A. Exactly one, just about one year.

10 Q. One year?

11 A. And then I come to TVA from there.

12 Q. All right. Let's get down to the issues  
13 that we are here for. Do you know Mr. Bill Jochar?

14 A. Yes, I do.

15 Q. And when did you first meet Mr. Jochar?

16 A. I first met him in person when he came  
17 to TVA, into the corporate organization, as the corporate  
18 chemistry manager.

19 Q. Are you aware that Mr. Jochar is no  
20 longer employed by TVA?

21 A. Yes, I am.

22 Q. Are you aware that Mr. Jochar has filed  
23 a Complaint with the Department of Labor concerning the  
24 circumstances under which he left TVA?

25 A. Yes, I am.

10

1 Q. And you understood that that is why you  
2 are here today?

3 A. Yes, I do.

4 Q. Okay. What I want to ask you about is,  
5 particularly, will be questions about your relationship with  
6 Mr. Jochar, matters on which you interacted with him. That  
7 is generally the context of where we are going today.

8 When did you first interact with Mr.  
9 Jochar on a working --

10 MR. PFREFFER: (Interposing) -- Do you  
11 mean personally, or over the phone, or through  
12 memoranda? I mean, this interaction, are we not  
13 computers. We are people. What do you mean?

14 Q. When did you first have interaction with  
15 Mr. Jochar on any matters relating to work? I don't care  
16 whether it is telephone or --

17 A. (Interposing) -- It may have been when  
18 he first came out to the station after he became employed  
19 with TVA, or it could have been at our first one of the  
20 chemistry manager meetings we had up in Chattanooga.

21 Q. Do you recall the first meeting that you  
22 had with him?

23 A. No, I do not.

24 Q. Maybe I should ask you a more generic  
25 question to start with then. And that is -- Because you, I

11

1 wasn't Mr. Jochar was at corporate chemistry unit? sometime  
2 in March of 1962.

3 MR. PFREFFER: Are you testifying, or are  
4 you asking him that?

5 MR. VAN RICE: I am testifying.

6 MR. PFREFFER: Okay.

7 MR. VAN RICE: I am just putting it in  
8 some kind of time frame.

9 MR. PFREFFER: Okay. I have no problem,  
10 if that is what you are doing.

11 Q. So that from November of 1959, when he  
12 joined TVA, until March of 1962, he was at corporate the  
13 whole time. Did you interact with Mr. Jochar during that  
14 period?

15 A. Yes, I did.

16 Q. On what sorts of things did you confer  
17 or have interaction with Mr. Jochar on during that time  
18 period?

19 A. It was general issues, as far as  
20 meetings, talking about the status of plant chemistry. I  
21 believe during that time frame we also had a blue ribbon  
22 committee that met to discuss the aspects of hydrogen water  
23 chemistry for installation at Browns Ferry.

24 Q. During that period of time, generally  
25 for that whole time period, how would you characterize your

12

1 relationship with Mr. Jocher?

2 A. I guess I would characterize the  
3 relationship was one of tolerance.

4 Q. Do you know, was that due to any  
5 particular problem that arose between the two of you, or was  
6 it more of a personality conflict, or just, you know, to  
7 what would you ascribe that?

8 A. I would ascribe it somewhat to  
9 personality and to technical differences.

10 Q. Did you and Mr. Jocher ever get into any  
11 shouting matches, for example?

12 A. Not to my knowledge.

13 Q. Were your meetings always cordial, even  
14 though you may have had different technical differences or  
15 personality differences?

16 A. For the most part, I would say. I don't  
17 ever remember getting to the point where we would get into a  
18 dispute or discussion out among people. I know there were a  
19 few phone calls in which we may have described a little bit  
20 of discomfort with one another regarding different issues.  
21 and maybe once or twice in person.

22 Q. You mentioned that you had technical  
23 differences, and did those technical differences give rise  
24 to any strain at these meetings or telephone conversations?

25 A. It maybe gave a little tension at the

13

1 occasions in which that was done.

2 Q. Can you now recall those occasions in  
3 enough detail to tell us what you remember about them?

4 A. Well, when you are talking about  
5 hydrogen water chemistry, you are talking that versus normal  
6 water chemistry, which we are on now, and which you add  
7 hydrogen to reduce the environment, structure  
8 electrochemical potential, which helps you to prevent stress  
9 corrosion cracking. Now, Bill kept on keeping about the  
10 normal water chemistry issues, what he wanted in normal  
11 water chemistry, before we got on the hydrogen water  
12 chemistry. That wasn't the point for debate. We all know  
13 what the normal water chemistry was about and what we wanted  
14 to do.

15 We weren't trying to engender normal  
16 water with hydrogen water. We were there to discuss  
17 hydrogen water chemistry. And he kept on coming back into  
18 normal water chemistry, which I felt it really was not part  
19 of the meeting. I was not the only person that felt that  
20 way.

21 Q. And all three of those occasions that  
22 you referred to had to do with the hydrogen water chemistry  
23 situation?

24 A. Yes, sir.

25 Q. And over what period of time did these

15

1 meetings (Inaudible) things, but I think the problem. I  
2 would have to characterize it as, is I felt at times that we  
3 were probably looking at maybe chapter ten and Bill was  
4 coming in on chapter one. He was stating the obvious a lot  
5 of the times, which he sort of had a flair for, without  
6 getting into the level of detail that we were progressing  
7 along on.

8 Q. That you all were further advanced in  
9 your -- "you" meaning you, John Sabados, and --

10 A. I think not only John Sabados, but the  
11 group in general, say, for example, hydrogen water  
12 chemistry. We took a lot of things that were prerequisites  
13 that didn't need to be reviewed. And there were a few, at  
14 least two or three occasions, in which Bill stated things  
15 that were very generic in nature, that really didn't need to  
16 be stated, did not have any value add to the meeting. In  
17 fact, I felt it was wasting our time.

18 Q. When he stated these things, did it take  
19 up the whole meeting or was it just a matter of stating  
20 something and then --

21 A. (Interposing) -- We may have taken up  
22 at Bhem, twenty minutes of time that we didn't need to  
23 note.

24 Q. And was that done frequently?

25 A. Oh, I can think of at least three

14

1 three meetings take place?

2 -A. They may have taken place over a period  
3 of time of maybe about -- I would say, if I had to bracket  
4 it, maybe about a three to four month period.

5 Q. What other situations arose between the  
6 two of you that gave rise to either the something less than  
7 cordiality between the two of you or the fact that it was  
8 merely one of tolerance, that your relationship was one of  
9 tolerance?

10 A. I don't have the paper right here. I  
11 was trying to look for it. But Bill had addressed the, I  
12 believe it was the Nuclear Oversight Board, the NOB,  
13 regarding some Sequoyah problems at the time. And I think  
14 I believe, again, to the best of my knowledge -- I may be  
15 not totally accurate on this, but it may have, I think, had  
16 to do with end monitors and some problems that were  
17 occurring.

18 And he interjected about a similar  
19 problem at Browns Ferry, which was totally inaccurate. And  
20 so it left me in a situation where I became very unhappy.  
21 He was addressing senior management, telling them about  
22 problems, and now he alludes to something which was not  
23 factual and had -- I didn't even have knowledge of it until  
24 I found out afterwards, because I was on no distribution  
25 list. There was no way -- and I found out after the fact,

16

1 A. No. It was just the corporate.

2 Q. Okay. I just want to make sure I'm clear on a  
3 couple issues, we've talked about them before, this regards  
4 the conversation that I have an indication you had with  
5 Gary Fiser about Jocher for some reason not going to make it  
6 back to corporate from Sequoyah -- you don't remember that?

7

8 A. Can we go off the record for a minute?

9 MR. ROBINSON: Sure. It's now 9:20 and we're  
10 off the record.

11 Do you want to consult with Mr. Marquand, or do  
12 you want to talk to me off the record?

13 THE WITNESS: I want to talk to Mr. Marquand.

14 MR. ROBINSON: Okay. It is now 9:20, and we're  
15 off the record.

16 (A brief recess.)

17 MR. ROBINSON: It is now 9:26 and we're back on  
18 the record.

19 BY MR. ROBINSON:

20 Q. Mr. Easley, do you remember the question? Do  
21 you want me to ask the question again?

22 A. Yes, sir.

23 Q. Did you ever have a conversation prior to March  
24 of 1993 -- and I'm not going to limit it to January of  
25 '93 -- did you ever have a conversation prior to March of

*B.R.*

1 1993 with Gary Fiser in which you told Fiser something to  
2 the effect that Jocher would never make it back to  
3 corporate from Sequoyah?

4 A. No, sir.

5 Q. All right. Nothing like that, no conversation  
6 like that at all?

7 A. Not to my knowledge. And let me clarify that.  
8 The reason I'm saying that is because Jocher had talked to  
9 me prior to March concerning his interest in coming back.  
10 Therefore, I would not make that statement to anyone.

11 And there was an agreement that based on  
12 decision between he and certain management, if he was not  
13 placed in the job out there permanent, with agreement by  
14 all parties that he would return back, so therefore, no, I  
15 would not make that statement.

16 Q. That was a written agreement, wasn't it?

17 A. Yes, sir. I misunderstood your question  
18 before, and that's the reason I --

19 Q. Okay. Well, you gave me the same answer  
20 before.

21 Well, I won't get into what you misunderstood about it.

22 And I'll repeat another question that I asked  
23 you before. Any time before March of 1993 did you ever  
24 tell Jocher directly that management was unhappy with his  
25 performance, or something to the effect that he was on

*B.F.*



1 Kingsley's hit list?

2 A. No, sir.

3 Q. You did not?

4 A. No.

5 Q. Okay. You had no indication until that day in  
6 mid-March when either McArthur or Pope came in to you and  
7 indicated that management was unhappy with Jocher's  
8 performance?

9 A. That was the first time, sir.


10 Q. In your entire history in personnel here at  
11 TVA, and I'm asking for a ballpark figure, how many folks,  
12 how many managers have been terminated or been forced to  
13 resign because of management style problems that you've  
14 been involved with?

15 A. Can you put that another way? because you're  
16 saying have been forced to be terminated or resigned. I  
17 know some that have resigned.

18 Q. Now I'm talking about --

19 A. As far as being forced, I can't tell you  
20 whether it was a forced resignation at the time.

21 Q. Okay. Let me ask you this. If you sit down  
22 with a guy and present him two letters, one is a  
23 resignation letter and one is a termination letter, and he  
24 signs the resignation letter, would you characterize that  
25 as a forced resignation?





1 A. Not really.

2 Q. You wouldn't? Okay. I just wanted to see  
3 where you're coming from on that.

4 Okay. I guess I'll rephrase my question, then.  
5 How many managers, TVA employee managers -- not contractors  
6 or anything like that -- have resigned because they had  
7 management style problems?

8 A. I may know of one or two, but I can't recall  
9 names.

10 Q. Okay. One or two at the most?

11 A. Right, because the letter that we used may have  
12 been an example from one that we already used it for.

13 Q. How about -- well, obviously I'll ask Mr. Pope  
14 the same question.

15 Who was the other person that was working that  
16 would be under Pope that was your counterpart at that time  
17 in personnel?

18 A. It changed so often, let's see if I can  
19 remember exactly. This was 1993 --

20 Q. There's a lot of turnover here, isn't there?

21 A. Yes, sir, it is.

22 I think it may have been Buddy Haemsch.

23 Q. How do you spell his last name?

24 A. H-a-e-m-s-c-h, Haemsch.

25 Q. Do you know where he is now?

1 A. Sequoyah, but I'm not really sure.

2 Q. Okay. So in your experience since '72 --  
3 you've been in personnel since '72, right?

4 A. Yes.

5 Q. -- maybe one or two managers have resigned  
6 because of management style problems?

7 A. It has been more probably, but I have not  
8 been --

9 Q. You haven't been involved?

10 A. Right.

11 Q. That's exactly what I meant.

12 A. It could have been two or three, but there  
13 haven't been many.

14 Q. Okay.

15 A. And in my position I have not been the lead.

16 Q. All right. Where did you get your sample  
17 letters from when you prepared Jocher the letter?

18 A. I'd say it probably came from Mike Pope, he  
19 referred me to the file that we probably had it in where we  
20 had issued it to someone else.

21 Q. Okay.

22 A. But I think it primarily came from him.

23 Q. Okay. We're about to wind up here, Mr. Easley.

24 I just want to make sure I'm clear, I understand that you  
25 told me that you never told Jocher that he was on

*Handwritten signature or initials in the bottom right corner.*

1 Kingsley's hit list or that he had a performance problem --  
2 okay -- you were never aware of any problem with Jocher  
3 until mid-March --

4 A. (Witness nods)

*BIH  
MEANS THAT I WAS NEVER  
AWARE UNTIL ABOUT MID-MARCH*

5 Q. -- and I understand that you never told Fiser  
6 prior to March that Jocher would never make it back from  
7 Sequoyah. Okay, I understand that.

8 Now I want to talk about just what you knew,  
9 not what you supposedly told people, just what you knew or  
10 what you heard. Had you heard about the fact -- this is  
11 before March now -- had you heard about the fact that  
12 Jocher's performance was not in good stead with management?

13  
14 A. No.

15 Q. All right. I don't have any more questions,  
16 Mr. Easley. Do you have any other comments that you would  
17 like to make regarding Jocher's resignation that we haven't  
18 talked about that you think would benefit my investigation?

19  
20 A. No.

21 MR. ROBINSON: Well, I appreciate your time  
22 here this morning. It is now --

23 MR. MARQUAND: Can we go off the record? I  
24 want to clarify something.

25 MR. ROBINSON: You want to clarify something

*BIH*

1 with me off the record?

2 MR. MARQUAND: No, I need to clarify it in my  
3 own mind and maybe come back on the record.

4 MR. ROBINSON: It is now 9:35, and we're off  
5 the record.

6 (A brief recess.)

7 MR. ROBINSON: It is now 9:49 a.m., and we're  
8 back on the record.

9 Was there a point that you felt you needed to  
10 have clarified here, Mr. Easley? And, Mr. Marquand, feel  
11 free to clarify any point that you discussed off the  
12 record.

13 MR. MARQUAND: While we were off the record Mr.  
14 Easley and I did have a discussion, which also involved  
15 some people in my office, and we want to make sure that we  
16 are -- that the record is absolutely clear.

17 MR. ROBINSON: Good.

18 MR. MARQUAND: Mr. Easley, I want to revisit  
19 this, and you may have already answered this, and  
20 personally I don't recall the exact words you answered it,  
21 I'm sorry, but prior to March of '93 -- this is the third  
22 or fourth time this question has been asked -- but prior to  
23 March of '93 did you have any kind of conversation with Mr.  
24 Fiser in which you indicated to Mr. Fiser that management  
25 was dissatisfied with Jocher, or that Jocher was not going

1 to come back to corporate from Sequoyah?

2 THE WITNESS: Let me respond to it like this.  
3 If I did, I do not recall, I'm not aware of it, but I don't  
4 think I did.

5 MR. ROBINSON: Okay. Fair enough.

6 I don't have any additional questions, Mr.  
7 Easley. Do you have any additional comments that you want  
8 t make for the record before we end the interview?

9 THE WITNESS: No, sir.

10 MR. ROBINSON: I'm not going to promise you  
11 that this is the last time I'll talk to you. I'm still  
12 involved in the investigation.

13 THE WITNESS: I understand.

14 MR. ROBINSON: It may be, it may not be.

15 I'll give you my card, if you think of anything  
16 that might be pertinent, feel free to give me a call at the  
17 office, it's got my office number on it.

18 I want to thank you. You came here voluntarily  
19 today? I mean there was no pressure put on you to come  
20 here today?

21 THE WITNESS: No, no pressure whatsoever. Let  
22 me say this.

23 MR. ROBINSON: Sure.

24 THE WITNESS: I have responded to the best of  
25 my knowledge, and trying to recall exactly what happened.

DGE



1 I have been truthful --

2 MR. ROBINSON: That's all I can ask.

3 THE WITNESS: -- in my responses to you.

4 MR. ROBINSON: Okay. Good. That's what I  
5 expect.

6 It is now 9:51, and this interview is  
7 terminated.

8 (At 9:51 a.m., Wednesday, February 8, 1995, the  
9 interview was concluded.)

10 + + +

11  
12  
13 *Dennis J. Feely*  
14 *July 6, 1995*  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

*BJR*

C E R T I F I C A T E

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

Name of proceeding: Interview of Ben Easley

Place of Proceeding: Chattanooga, Tennessee

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

*L. V. Partain*

\_\_\_\_\_  
L. V. Partain,  
Certified Court Reporter,  
Official Reporter,  
Neal R. Gross & Co., Inc.

# **EXHIBIT 34**

April 20, 1993

Dear Bill,

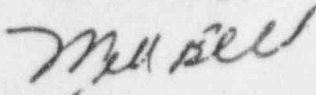
As we discussed on the telephone, I am putting my recollection of the November, 1992 audit trip down here for your information. As I told you, neither Dan Vetal nor I were privy to the discussions that Phil Battaglia had with your management at the downtown office or with plant management at the site. However, I remember on one occasion, Phil said that the plant manager wanted you off site, and I assumed back at the downtown office. When I asked why, I don't remember that I got a straight answer.

I also must add that I discussed your role at the site with a number of the chemistry staff. My concern was to assure that your management style was not adversely influencing the plant chemistry control program, from purely a personnel standpoint. I am convinced that this was not the case. My overall impression was that the staff thought that conditions had improved and there was a particularly good information flow in a downward direction from you.

On a more personal note, I was and still am impressed with your grasp of the plant chemistry picture, from remedial to preventive control of the plant systems. Further, your interest in making undesirable conditions known to management speaks for itself in terms of the integrity and ethics you bring to your position. I truly believe that you are an asset that any utility would be at a loss without.

If I can be of any assistance in the future, please do not hesitate to call.

Yours Truly,



2-93-015

EXHIBIT 34

PAGE 1 OF 1 PAGE(S)

# **EXHIBIT 35**



April 12, 1993

Dear Bill,

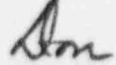
I was sorry to hear you are being let go by TVA. I was not surprised to learn you had been transferred back to TVA Corporate Chemistry and Environmental. However, I was really surprised to hear TVA is letting you go from the corporate position. I base this statement on my impressions and observations of your accomplishments in improving the chemistry program at Sequoyah and your excellent knowledge of plant chemistry control programs and plant systems operations and interfaces.

As you recall, I was an audit team member that performed an indepth review of the Sequoyah Chemistry Program last November. While the audit found a number of specific deficiencies, it also found the overall chemistry program well designed to improve chemistry control with long term programs to assure plant availability.

One of the areas reviewed during the audit was organizational interfaces and chemistry program implementation. While I was not directly involved in the specific discussions with plant and corporate management to assess and evaluate the coordination and interface of your Chemistry Department and other plant and corporate organizations, the audit findings indicated good communications and coordination existed between organizations. Plant and corporate management recognized major deficiencies in Sequoyah chemistry facilities and monitoring equipment with long term programs planned for resolving these deficiencies. Your specific involvement in identifying the deficiencies and providing input into the Chemistry Improvement Plan and the Chemistry Upgrade Program was recognized by both TVA management and the audit team in a positive manner. The only negative response I recall being identified during the audit interviews was an indication that the Plant Manager wanted to have you transferred back to the corporate organization. I don't recall a specific reason being given for wanting you transferred but it seemed inconsistent with the positive impact you obviously had on the overall Sequoyah Chemistry Program.

Bill, if I can be of any assistance in the future, by providing a letter of recommendation or identifying contacts, please don't hesitate to call me.

Very truly yours,

  
Donald L. Vetal  
Sr. Executive Consultant

2-93-015

EXHIBIT 35  
PAGE 1 OF 1 PAGE(S)

# **EXHIBIT 36**



Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402

26  
35

April 7, 1993

To Whom it May Concern:

LETTER OF RECOMMENDATION FOR WILLIAM F. JOCHER (BILL)

I have worked with Bill for approximately three (3) years. During this period of time he has reported to me directly as the Manager of Corporate Chemistry. One year of this time was spent at the Sequoyah Nuclear Plant (SQN) as the SQN Supervisor of Chemistry and Environmental. Bill's assignment at SQN was necessitated due to chemistry problems at the plant and management determination that he could be effective in correcting these problems.

During Bill's tenure with the Tennessee Valley Authority (TVA) he has been a very responsible Chemistry Manager in both the technical and oversight areas. He was effective in identifying problems and developing a corrective action plan, not only for SQN and Browns Ferry Nuclear Plants, but Watts Bar Nuclear Plant as well.

I found him to be trustworthy, dependable and professional in his responsibilities. I would personally hire him as a Chemistry Manager again if the situation occurred.

Bill's capabilities will most assuredly be missed at TVA.

Wilson C. McArthur, Ph.D., P.E.  
Manager, Technical Programs  
Nuclear Operations, Operations Services

2-93-015

EXHIBIT 36  
PAGE 1 OF 1 PAGE(S)

1 and it crossed, to me, it crossed a credibility problem.  
 2 And I wasn't very happy about that, because I felt basically  
 3 that he had no real right to cite material when he was  
 4 addressing another site, throw it in there; not without my  
 5 knowledge, and then not to have it factual.  
 6 There was also another situation in  
 7 1991, I believe. It had to do with raw cooling water  
 8 recommendations. A memo was sent to John Scalice in my  
 9 plant, also to Rob Beuchen at Sequoyah, and I got a note  
 10 from my plant manager, asking me what I know about it. I  
 11 was not on the distribution. It was not coordinated with me  
 12 ahead of time. So, I felt left out of the loop. And,  
 13 again, that was (inaudible) an embarrassment to me.  
 14 Q. The NOB matter, was that back in the  
 15 1991 period also, roughly?  
 16 A. I cannot say. I believe so, but I could  
 17 be wrong on that.  
 18 Q. Was that still when Bill was with  
 19 corporate?  
 20 A. I am not sure.  
 21 Q. Okay.  
 22 A. I would have to basically -- I would  
 23 have to be able to provide you that date later.  
 24 Q. Okay, that is all right. Okay. So, we  
 25 have got the hydrogen water chemistry meetings, and the NOB

1 regarding the red monitors, and then the raw cooling water  
 2 memo?  
 3 A. Yes, sir.  
 4 Q. What other instances did your  
 5 relationship suffer because of things that Bill had done?  
 6 A. There was a GE SIL, I believe it was SIL  
 7 136, in which --  
 8 Q. (Interposing) -- A SIL? I am sorry.  
 9 What is a SIL?  
 10 A. It is a service information letter GE  
 11 puts out. And Bill was hard bent on pushing that SIL,  
 12 saying we should de-aerate our CST water, condensate storage  
 13 tank. There is only one other plant, to my knowledge, on  
 14 the EWR side, that has done this modification. It was  
 15 Susquehanna, when Bill was there, and the design was very  
 16 poor. They banded it in place. It didn't work very well.  
 17 And as far as the cost of doing that  
 18 project, which I was not in agreement with, versus doing  
 19 something that would be more beneficial to the station, we  
 20 did not see eye to eye on that. I think the wise money was  
 21 to be spent on constantly being upgraded, and that is what  
 22 we are doing right now. Putting money towards that area  
 23 gives us a lot more bang for the buck, so to speak.  
 24 Q. Was the GE SIL report --  
 25 A. (Interposing) -- It is a

1 recommendation.  
 2 Q. Recommendation, that was a matter where  
 3 you and Bill had technical disagreement?  
 4 A. Right. I did not feel there was any  
 5 real strong merit in spending the money to do that  
 6 modification.  
 7 Q. Did that, however, lead to the same kind  
 8 of problems that you had previously described, that is,  
 9 embarrassments or --  
 10 A. (Interposing) -- No, I didn't have any  
 11 embarrassment on that one. It was basically he just kept on  
 12 bringing it up whenever he could and tried to push it.  
 13 Q. Okay. Any others?  
 14 A. Not at this time.  
 15 MR. PFLEGER: You mean that he was  
 16 personally present for?  
 17 MR. VAN BEKE: Yes. Right.  
 18 MR. PFLEGER: You are not referring to  
 19 other things that he might have heard?  
 20 MR. VAN BEKE: No.  
 21 MR. PFLEGER: Okay.  
 22 Q. Did there ever come a time when you and  
 23 Bill talked about your problems together and to try to  
 24 resolve them, your relationship problems?  
 25 A. There came a situation that occurred in

1 which Bill took action to try to, I guess, for the better  
 2 part, see about having me dismissed from TVA. He began  
 3 searching into my background, trying to gather what  
 4 information he could, and then basically see if he could get  
 5 enough information to try to convince management that I  
 6 should not be in TVA's service.  
 7 Q. Tell me everything you know about that  
 8 or recall about that.  
 9 A. I recall about that I did get a phone  
 10 call from one David Sorrellie that mentioned to me that Bill  
 11 had made the statement that he was going to get my  
 12 attention, and that he -- I can't give you exact words, but  
 13 it came down to the fact that he was going to do whatever it  
 14 took to make sure that I would not be working for TVA.  
 15 Q. Did you talk to Bill about that?  
 16 A. I don't believe I did at the time,  
 17 because what promulgated from that was my boss called me in,  
 18 who was Max Herrell, and a meeting was arranged at Browns  
 19 Ferry in which I met with Bill, Max Herrell and Wilson  
 20 McArthur. The situation was discussed. Bill raised his  
 21 issues and concerns. I addressed each one of them. I felt  
 22 I adequately returned any concern he had or any  
 23 misunderstanding.  
 24 And then the statement was made that "We  
 25 want you guys to work together," and put it behind us and go

1 on from here. And from that point on, I agreed to have a  
2 professional relationship with Mr. Jocher, nothing more,  
3 nothing less. We weren't buddies, friends. I wasn't  
4 comfortable. However, I was willing to work with the man  
5 and try to do business as a professional.

6 Q. Do you recall the time frame; could you  
7 give me a time frame on that meeting at Browns Ferry?

8 A. That would have had to have been -- It  
9 would have been in the 1991 time frame, because it was the  
10 same time as hydrogen water, not too far after hydrogen  
11 water -- It was in the hydrogen water chemistry time frame.

12 Q. It was you, Jocher, Wilson McArthur --

13 A. McArthur.

14 Q. And Herrrell?

15 A. Max Herrrell.

16 Q. And that was it, right, the four of you?

17 A. That was it.

18 Q. At the conclusion of the meeting, did  
19 you feel like something had been accomplished at the meeting  
20 insofar as your relationship was concerned?

21 A. I felt that at the conclusion of the  
22 meeting at least we had some type of *laissez faire* between  
23 the two of us that hopefully we could continue to work  
24 professionally and do what we needed for TVA and it wouldn't  
25 go beyond that, though I wasn't very comfortable. I mean.

21

1 you know, having a person go after you in the manner that  
2 Bill did, you know, and to take that type of tact, I am  
3 obviously going to be uncomfortable.

4 Q. And notwithstanding your discomfort, did  
5 in fact your relationship change after that with Bill?

6 A. Well, I felt that the relationship after  
7 that was, as I mentioned, a professional relationship was  
8 maintained after that.

9 Q. And there was nothing more that was  
10 done, then, by Bill, as it were, to cause that relationship  
11 any more, shall I say, heartache?

12 A. The only thing I can tell you, sir, by  
13 third party information, is that when it came time for me to  
14 be made permanently chemistry manager, Bill again ran some  
15 interference to try and make that not happen. And in fact  
16 he was supposed to be part of the selection board for my  
17 appointment. They went through a lot of detail and  
18 painstaking, partly to me -- They made painstaking detail  
19 to try to put the board together, and he did not show up at  
20 that -- on that day, and they had to reschedule the  
21 meeting.

22 Q. Let me break the last two issues down,  
23 and we will discuss them separately. One is the Sorrelle  
24 phone call and what led from that, and then your selection  
25 as permanent chem manager, okay? What was it that David

22

1 Sorrelle told you when he called you?

2 A. I already stated that.

3 Q. Well, --

4 MR. PFELFER: He has answered that  
5 question already.

6 Q. Can you tell me again? I just didn't  
7 write everything down. I am trying to shorthand this. You  
8 speak rapidly, and I didn't get it down.

9 MR. PFELFER: We can get that from the  
10 court reporter, Charita, I'm sure.

11 MR. VAN BEEK: That was pretty far back  
12 ago.

13 Q. Can you tell me again what it was that  
14 he told you?

15 A. He just -- David strictly tried to  
16 bring to my attention that Bill was going to get my  
17 attention and basically he was going to take the actions  
18 necessary --

19 Q. Did he tell you --

20 MR. PFELFER: (Interposing) -- I don't  
21 think that he was able to complete his answer.

22 Q. Oh, I am sorry. I thought you --

23 A. Necessary to have me terminated.

24 Q. Did David tell you anything that Bill  
25 had actually done yet toward accomplishing that goal?

23

1 A. I don't believe I remember that, no.

2 Q. Just that Bill was out to get you  
3 terminated from TVA?

4 A. And as far as giving credence to that,  
5 the fact of when my boss called me in and told me then what  
6 was going on, that he had gotten a call and that basically  
7 that there was a bad situation. And at that point in time,  
8 it was confirmed to me that there was a problem with Bill  
9 Jocher and me.

10 Q. What was it that Mr. Herrrell told you?

11 A. In a nutshell, that Bill was going to  
12 try to have me fired.

13 Q. What was his source of information?

14 A. He was talking to Wilson McArthur. And  
15 I did not hear all the details of the conversation that went  
16 on between him and Mr. McArthur.

17 Q. Did either of them, Mr. Herrrell or David  
18 Sorrelle, tell you what Bill was going to do in order to get  
19 you fired?

20 A. I am not sure if it was David or someone  
21 else, but Bill was calling other places I had worked and  
22 trying to get information on my background to see what he  
23 could get up that may be damaging.

24 Q. Did you ever hear from anyone, from a  
25 former employer or anything, that Bill had called them?

24



1 A No, I have not. And just as a  
 2 professional, if you called me and asked me any questions  
 3 about anybody that works for me, I would not release any  
 4 information pro or con. That would be human resources you  
 5 would have to talk to, and that is what I would expect other  
 6 people to do, unless -- depending upon what depth of  
 7 friendship you have with a person.  
 8 Q Was it reported to you that Bill had in  
 9 fact made such calls, or that he was going to make such  
 10 calls?  
 11 A I believe it was that -- I know of one  
 12 call only, is that he contacted Limerick. He had made a  
 13 call to Limerick and had talked to my former employer, or he  
 14 had talked to my former manager -- my supervisor. And I  
 15 cannot confirm or deny that as being a fact.  
 16 Q You only had the one telephone  
 17 conversation with Mr. Sorrelle, I take it?  
 18 A That is it, yes.  
 19 Q And one conversation with Mr. Berrell  
 20 about that subject?  
 21 A Max approached me, told me there would  
 22 be a meeting and we would have to work it out, one way or  
 23 the other.  
 24 Q And then the meeting that we have talked  
 25 about, with you and McArthur and Berrell and --

1 A I imagine it was -- Well, human  
 2 resources normally contacts the participants and they put  
 3 the board together. They will ask for recommendations from  
 4 the manager who has the position, and he will probably tell  
 5 them, they can go to Watts Bar, go to Sequoyah and try to  
 6 pick somebody in positions that are outside and bring them  
 7 in. In fact, what they did in that particular case, I  
 8 believe they brought Larry Jackson in from Watts Bar, who  
 9 was the EPM manager, I guess. I am not sure if Larry was  
 10 chemistry or if he was EPM out there. And he was part of  
 11 the selection board that replaced Bill later.  
 12 And then they had someone from Sequoyah,  
 13 I believe, and someone from corporate, or maybe another  
 14 group on-site. I don't remember the total board. I am  
 15 sorry.  
 16 Q At the time you were under consideration  
 17 for the permanent position, were you informed as to who was  
 18 on the selection board, the names of the people on the  
 19 board?  
 20 A Just before the selection took place, I  
 21 was told who would be on the board.  
 22 Q When you say "just before," are we  
 23 talking about --  
 24 A (Interposing) -- Probably the day or  
 25 two after they had the board together, these are the people

1 A (Interposing) -- And Bill, that is  
 2 correct.  
 3 Q And that was all in the 1991 time frame?  
 4 A To my best knowledge, yes.  
 5 Q Then the other issue that you mentioned  
 6 had to do with your being made permanent chem manager at  
 7 Browns Ferry. What was the situation there that you recall,  
 8 if you could explain it to us?  
 9 A The situation was, we were supposed to  
 10 have a selection board, and Bill was part of that selection  
 11 board. They went through some painstaking detail to try to  
 12 pull people together and get all the people together they  
 13 wanted to for the board, and Bill at the last minute just  
 14 said he couldn't make it. And they had to dissolve the  
 15 board, and they had to reconvene at a later time. It just  
 16 postponed the selection for several days.  
 17 Q I take it that you were not on the  
 18 selection board; correct?  
 19 A No, I am the candidate being selected.  
 20 Q Right. And did you have anything to do  
 21 with who would be on the selection board?  
 22 A No, I don't have that -- I wish I would  
 23 have.  
 24 Q Who was putting together the selection  
 25 board; who was making selections of the selectors?

1 that would be coming.  
 2 Q Were you going to meet with the board;  
 3 was that part of the selection process?  
 4 A Yes. The selection board would say, "We  
 5 are the selection board right here. We will have a list of  
 6 technical questions and so forth to ask candidates." The  
 7 candidates would invited in one at a time, then you would go  
 8 through a series of questioning among the board evaluating  
 9 the candidate's background, expertise. You would grade them  
 10 based on questions and just general character, you know, I  
 11 guess, attributes. And then from there, you would go on to  
 12 the next candidate and so forth, and you finally would come  
 13 up with a recommendation.  
 14 Q You say Bill did not then appear for  
 15 that board meeting; correct?  
 16 A He did not appear for that selection  
 17 board.  
 18 Q Did a substitute appear for Bill?  
 19 A No.  
 20 Q Do you know whether or not he gave any  
 21 notice that he could not appear at that meeting and the  
 22 reasons therefor?  
 23 A He gave notice that morning. He said he  
 24 basically -- Right when the board was really getting  
 25 together, at the last moment, he said he just had business

1 that came up and he couldn't make it.  
 2 Q. Do you know what the business was?  
 3 A. I don't know what the nature of the  
 4 business was. I am being general on this, because I do not  
 5 know the specifics.  
 6 Q. Right. And the person who would know  
 7 the specifics would be whom?  
 8 A. I imagine it would be Mr. Jocher at the  
 9 time, or somebody who he was working close with that day.  
 10 Q. Who was the HERO who was setting up the  
 11 board and kind of managing this process?  
 12 A. I would have to look it up. I don't  
 13 recall who was there that day.  
 14 Q. Was it Steve Moss, do you recall; if I  
 15 mentioned that name, would that help your memory?  
 16 A. I know Steve and I know several of the  
 17 people. It may have been Steve that day.  
 18 Q. Was it the HERO who told you who was on  
 19 the committee?  
 20 A. It may have been. It is no secret when  
 21 you put a board together. It is not like there basically is  
 22 any surprises. It is like when you get (Inaudible). As far  
 23 as planning purposes, you are told who is going to be coming  
 24 in.  
 25 Q. Who told you who was coming in?

29

1 A. I am not sure if it was Steve or not.  
 2 Q. Would there have been anybody else who  
 3 would have been logically in line to do that?  
 4 A. It may have been that Max would have  
 5 said something. It could have either been Max or Steve.  
 6 Q. Did the person who told you that Bill  
 7 was not coming tell you when Bill had called?  
 8 A. We were over there and they said that  
 9 Bill Jocher had called and he won't be here today, because  
 10 we were looking for him, we were waiting on him, getting  
 11 ready to convene.  
 12 Q. So, then, the meeting was held?  
 13 A. The meeting was not held.  
 14 Q. It was not held?  
 15 A. It was canceled.  
 16 Q. Okay.  
 17 A. You had two other people that had come  
 18 down from Chattanooga and turn around and go back.  
 19 Q. Those are two others?  
 20 A. Right.  
 21 Q. Who were on the board?  
 22 A. Yes, sir.  
 23 Q. Okay. I take it there was a subsequent  
 24 meeting then arranged?  
 25 A. They had to reschedule one several days

30

1 later, as I mentioned earlier.  
 2 Q. Just a matter of several days?  
 3 A. It was either at the end of that week or  
 4 it was the beginning of the next week because they couldn't  
 5 make it happen that fast.  
 6 Q. Several workdays later?  
 7 A. Several workdays.  
 8 Q. And did that meeting come off then?  
 9 A. Yes, it did.  
 10 Q. And who sat on the board at that time:  
 11 was it Larry Jackson again?  
 12 A. That was where Larry Jackson sat in in  
 13 lieu of Bill.  
 14 Q. Okay. Were there three members of the  
 15 board?  
 16 A. I believe there were four.  
 17 Q. Do you recall who they were besides  
 18 Jackson, then, who sat there?  
 19 A. No. I can't tell you the exact date the  
 20 board took place. There are certain dates. I remember my  
 21 birthday, my wife's wedding and my kids' birthdays, but that  
 22 day just doesn't ring a bell for me.  
 23 Q. I wasn't going to ask you that. Did  
 24 anything happen that day of the meeting with respect to Mr.  
 25 Jocher, anything further said about him, or did he call or

31

1 do anything on that day, to your knowledge?  
 2 A. No, not that day.  
 3 Q. Okay. So, the board meeting was held.  
 4 How long after that were you notified that you were going to  
 5 be awarded that position permanently?  
 6 A. Probably within -- After that event  
 7 took place, somewhere within seven working days.  
 8 Q. I take it from what you said way back in  
 9 the beginning of this afternoon's session, that that was not  
 10 the end of the matter?  
 11 A. We didn't have a lot of friction after  
 12 that, you know, but as far as the end of the matter, I  
 13 don't -- I can't think of any occasions after that time in  
 14 which we got into any real disagreements or anything. I  
 15 think we were pretty civil to one another.  
 16 Q. Well, did anything else happen with  
 17 respect to your selection, with regard to Bill?  
 18 MR. PEPPER: Do you mean things that he  
 19 heard, or things --  
 20 MR. VAN BRKE: Yes, right. I am sorry.  
 21 Q. Did you hear of anything else arising  
 22 about your selection that involved Bill after that meeting?  
 23 A. Not after that meeting, but later. You  
 24 know, it has only been recently it has come to my attention.  
 25 Q. How recently?

32

1 A As far as Bill's, probably within the  
 2 last --  
 3 Q Month or so?  
 4 A Yes, month or so, I would say.  
 5 Q Okay. So, then, as far as your --  
 6 A (Interposing) -- There wasn't any real  
 7 friction at that time, on that occasion, on that particular  
 8 event.  
 9 Q Okay.  
 10 A I wasn't happy with the fact that he  
 11 didn't show up and delayed matters at that time, but I  
 12 wasn't truly aware of the fact at that time that he was  
 13 running any kind of interference.  
 14 Q And you found that out, or what you  
 15 found about his running interference, you found out within  
 16 the last month or so?  
 17 A That is correct.  
 18 Q Who told you about --  
 19 MR. PFEIFER: (Interposing) -- To the  
 20 extent it is regarding communications with  
 21 counsel, that would be a privileged matter and I  
 22 would instruct him not to address that.  
 23 Q Okay. Let me ask you this. You  
 24 mentioned that you didn't find anything out until about the  
 25 last month, about Bill "running interference,"

1 concern about my qualifications and being the right person  
 2 for that job.  
 3 Q Is that all, that Bill had some questions  
 4 about your qualifications for the job; is there anything  
 5 else?  
 6 A I don't know. Maybe that is putting it  
 7 a little mild, "qualifications," but that basically he  
 8 didn't feel that I was technically qualified. You know, it  
 9 is like saying that -- It was more to the point where he  
 10 felt really that I -- Well, I guess I don't know what word  
 11 I am looking for, but something a little stronger than that.  
 12 Q Well, I won't go any more than that,  
 13 since you were not a participant at the time and what you  
 14 know now is from really what others have told you.  
 15 While Bill was -- Excuse me. Move  
 16 framework. In March of 1992, Bill left corporate and went  
 17 out to Sequoyah as chemistry manager.  
 18 A Right.  
 19 Q And stayed there until early March of  
 20 1993, one year. Are you aware of that?  
 21 A I am aware of when he was at Sequoyah.  
 22 Q Okay. Did you have any interaction with  
 23 Bill while he was at Sequoyah?  
 24 A Yes, I did.  
 25 Q Of the kind that would cause any ill

1 quote/unquote, on your selection. Who told you that; what  
 2 is the source of your information about that?  
 3 MR. PFEIFER: To the extent that that  
 4 would reveal contents of communication with  
 5 counsel --  
 6 MR. VAN BEKE: (Interposing) -- Let me  
 7 then change the question.  
 8 Q Did anyone other than counsel tell you  
 9 about that?  
 10 MR. PFEIFER: Okay. You can answer  
 11 that.  
 12 A No.  
 13 Q So, then, other than Bill's non-  
 14 participation in the selection board, there was nothing else  
 15 that troubled you about that incident?  
 16 A That is correct.  
 17 Q What is your current understanding of  
 18 what Bill tried to do?  
 19 A Can you be more specific?  
 20 Q What is your current understanding of  
 21 what Bill did to affect your selection?  
 22 A I am not sure of how it all ties  
 23 together, but basically I think that there was some  
 24 conversation that somehow John Scalice got involved in about  
 25 holding up the selection board. Basically, there was some

1 feelings or ill will between the two of you?  
 2 A I don't know if there was any feelings  
 3 of ill will. Not on my part, but maybe Bill's. There was  
 4 an INPO pre-assessment that took place during the time, and  
 5 I was part of the team, and we did an assessment of the  
 6 Sequoyah chemistry program and we did mention some areas for  
 7 improvement. We probably retained several areas that were  
 8 common knowledge, but, nonetheless, they take on additional  
 9 weight when you put them in that format, and he may have  
 10 felt some discomfort with that.  
 11 Q Did he ever tell you that he did?  
 12 A Well, when we were at the debrief, I  
 13 could see, just at times, just from the body language, that  
 14 he may not feel totally comfortable. And maybe jokingly, he  
 15 shot something off that he hopes to repay the favor.  
 16 Q This was, I am sorry, part of a self-  
 17 assessment team?  
 18 A It was part of a TVA team which is a  
 19 structured team that comes in before INPO and looks at the  
 20 chemistry program.  
 21 Q That is not a so called self-assessment,  
 22 I take it?  
 23 A No, it is not. Well, it is a self-  
 24 assessment on a larger scale. It is not a self-assessment  
 25 done by the station site. It is by an outside team.

1 Q. When Bill said what he did about "Maybe  
7 I can return the favor sometime," was it said in a humorous  
way?

8 A. I took it both ways. I took it humorous  
9 and the fact that I guess he would say, well, things are on  
10 the other foot. You will have your turn around. I  
11 understand that.

12 Q. And you didn't take any affront to that?

13 A. I didn't take any affront to that, no.

14 Q. Anything else while Bill was at  
15 Sequoyah?

16 A. When Bill was at Sequoyah, I believe I  
17 mentioned to him at one time that this person -- just a  
18 difference in management styles, I felt that the chemistry  
19 program, when you manage a program, you kind of -- Your  
20 laboratory is sort of your lead runners and that is what  
21 your program centers around. It seems that the way the  
22 program was being conducted there at times that he centered  
23 more around his tech support group and the laboratory seemed  
24 to be alienated. Like the chemistry shift supervisors  
25 didn't even feel they wanted to come to the meetings in the  
morning. I noticed that during that evaluation period. And  
there seemed to be a lot of morale issues at the time going  
on along those lines.

Q. Did you talk to any of the, either the

37

1 A. No, that was something I just left at  
2 that. I did not make that as part of the formal report.

3 Q. But you informed Bill of it?

4 A. Yes.

5 Q. Did he react, and was he angry that you  
6 said that to him?

7 A. Bill just took it in stride.

8 Q. Anything else while he was at Sequoyah?

9 A. I feel when he was at Sequoyah, one  
10 thing is that Gary Fier was supposed to be the corporate  
11 chemistry manager during that period of time. And these  
12 were times when we had meetings, again, called corporate  
13 chemistry meetings, and Bill would not show up and, like he  
14 had more pressing matters. And I felt at times, I seriously  
15 felt that Bill was undermining Gary, that in a lot of ways  
16 he felt he was holding down both positions and he didn't  
17 take Gary seriously. And it is frustrating when you drive  
18 all the way up to Chattanooga from Browns Ferry and you are  
19 looking for a meeting of everybody there and you can't get  
20 one of the players to play.

21 Q. Who was to be at the meeting?

22 A. You are supposed to have the chemistry  
23 managers from each site, representative from Watts Bar,  
24 Sequoyah, Browns Ferry, and the corporate manager.

25 Q. Four people?

39

1 tech personnel, or the chemists, or the professional staff?

2 A. I talked to a few of the shift  
3 supervisors. I can probably get names back to you from my  
4 notes on that, but they felt they didn't belong up there, it  
5 wasn't their meeting. And they felt the lab was not a part  
6 of it, or it -- and it seems like the tech support was the  
7 main group that was being driven. I believe I did mention  
8 that to Bill, and Bill says, "But we do business a little  
9 bit differently." I do the exact, almost the exact  
10 opposite, where the laboratory is focused and the tech  
11 support comes in as their support, and not the -- and the  
12 lab is the customer.

13 Q. And that difference is how you managed  
14 your shops didn't cause any friction between you and Bill,  
15 did it?

16 A. Well, we were at two different plants.  
17 It was just -- it was something I just offered up at the  
18 time.

19 Q. Right.

20 A. But I did feel that, as far as oversight  
21 and looking over the program, it wasn't beneficial to the  
22 program. That is what I am driving at.

23 Q. Okay. And were your observations placed  
24 in the report that was written as a result of that  
25 assessment?

38

1 A. At least four people, plus if you want  
2 to bring additional members of your staff, you are welcome  
3 to do that.

4 Q. Were these regularly scheduled meetings?

5 A. Typically, we aimed to have them once a  
6 quarter.

7 Q. And in fact did that happen once a  
8 quarter?

9 A. For the most part, unless we ran into  
10 problems. If we had scheduling conflicts, it may have  
11 slipped a little bit, or we may choose to maybe skip a  
12 meeting, but we basically, right now, we are on the same  
13 schedule, at least once a quarter. And that has been a  
14 standing practice for quite some time.

15 Q. Did Bill miss one of those meetings or  
16 more than one?

17 A. I can recall at least two that were  
18 missed.

19 Q. Did the meeting go on?

20 A. Yes.

21 Q. Among the rest of you?

22 A. Well, we did the best we could. We  
23 would have liked to have had the input.

24 Q. Sure.

25 A. Which didn't give me, or it didn't give

40



1 most of us the feeling of being a team player. We looked at  
 2 Bill as being more as an individual contributor.  
 3 Q. The time came for Bill to go back to  
 4 corporate, and that was in March of 1980 --  
 5 THE WITNESS: (Interposing) -- I don't  
 6 know that you finished asking him about the time  
 7 when he was at --  
 8 MR. VAN BEKE: Oh, I thought I had. I  
 9 am sorry. I intended to have asked. I intended  
 10 to.  
 11 MR. PFEIFER: I thought that you might,  
 12 and I wanted to make sure that you had given that  
 13 an opportunity.  
 14 MR. VAN BEKE: Okay, yes. I will just  
 15 ask another open-ended one then.  
 16 Q. Anything else while Bill was at  
 17 Sequoyah?  
 18 A. Not that I can think of at this time.  
 19 MR. PFEIFER: Just one second.  
 20 (The witness confers with counsel).  
 21 MR. PFEIFER: Mr. Sabados has testified  
 22 about a lot of things, and there was one that he  
 23 had told me about that I did not want him to  
 24 overlook here, so that you would be able to get a  
 25 full deposition and correct testimony.

1 had at another site he had worked. And it wasn't something  
 2 that was secret. He was candid about it, with me on that.  
 3 And it didn't leave me very comfortable.  
 4 Q. Of expanding your organization?  
 5 A. Basically the problem I have with that  
 6 type of organization, typically what happens is that when  
 7 you see in a group like chemistry and you go into a red chem  
 8 organization, chemistry becomes deemphasized in that  
 9 structure, which typically takes on a red con character.  
 10 That is the only comment I have about that.  
 11 Q. And was Bill pushing to have the  
 12 radiation and the chemistry groups merged; was that  
 13 something that he was pushing?  
 14 A. That was something he was in favor of  
 15 doing.  
 16 Q. Okay. Let me go back to the last  
 17 subject, that is, about the quarterly meetings. Were there  
 18 quarterly meetings scheduled when Bill was manager of  
 19 corporate chemistry as well?  
 20 A. Yes.  
 21 Q. And before Bill became corporate  
 22 chemistry manager?  
 23 A. They had the same type of meetings.  
 24 They had quarterly meetings. It seems to be a standing  
 25 practice that has been around for a while, as I mentioned

1 MR. VAN BEKE: Sure, right. Okay.  
 2 Q. What is it?  
 3 A. The other thing that I had mentioned to  
 4 my attorney but I didn't mention to you was the fact that  
 5 there was a time when Bill was trying to look at combining  
 6 chemistry and red con into a red chem organization, which  
 7 was something I did not want to see and I felt very  
 8 uncomfortable about. And I did express that concern to  
 9 upper management, because I basically was in an organization  
 10 like that before and I didn't think it was the most  
 11 effective, and that did give me some concern about pushing  
 12 in that direction.  
 13 Q. I take it you are talking about at the  
 14 sites now?  
 15 A. At the sites, yes.  
 16 Q. And that the radiation and the chemistry  
 17 departments are separate at the sites?  
 18 A. Right.  
 19 Q. And that Bill was suggesting that they  
 20 be combined?  
 21 A. Yes. It seems to me in the early days,  
 22 when Bill first came on, you know, the kind of liked it, said  
 23 that it was the way it should be, and then later on, his  
 24 opinion changed and he felt that was the way the  
 25 organization should be; it was similar to an organization he

1 before.  
 2 Q. And while Bill was corporate chemistry  
 3 manager, were you able to attend all the quarterly meetings?  
 4 A. I was able to attend or send a  
 5 representative.  
 6 Q. Were you able to attend all the ones  
 7 that Peter had called, or, excuse me, all the quarterly  
 8 meetings when Peter was corporate chemistry manager or  
 9 acting manager?  
 10 A. I believe I attended -- I don't know if  
 11 I attended every one. I know I feel like I attended every  
 12 one of those, or, again, I would send a representative if I  
 13 couldn't make it, and make sure I had that covered.  
 14 Q. Those two meetings that you said that  
 15 Bill didn't show up for, did he send a representative to  
 16 attend them?  
 17 A. I don't believe we had a representative  
 18 from Sequoyah at that time, no.  
 19 Q. At either of those meetings?  
 20 A. At either of those meetings.  
 21 Q. Were there other meetings that Bill did  
 22 not attend, but did send a representative to?  
 23 A. There may have been, yes. I am only  
 24 recalling two, as I mentioned.  
 25 Q. Right.



1 MR. VAN REKE: Okay. Thank, Phil. I  
 2 appreciate your making sure I covered all of them.  
 3 Q. Now, back to March of 1953. It was time  
 4 for Bill to go back to corporate. Were you consulted by  
 5 anyone about whether Bill should go back to corporate or  
 6 not, at that time?  
 7 A. No.  
 8 Q. You didn't have any conversations with  
 9 Mr. Byrum then about it?  
 10 A. No, I did not.  
 11 Q. Or McArthur?  
 12 A. No.  
 13 Q. Or Keizer?  
 14 A. No.  
 15 Q. Or anyone else?  
 16 A. No, I did not. I wasn't involved in  
 17 that decision-making process.  
 18 Q. Okay. You do know that Bill went back  
 19 to corporate chemistry?  
 20 A. Yes, I do, because I remember having a  
 21 meeting after that, when he went back.  
 22 Q. Bill was back there roughly a month. I  
 23 make that statement. Did you have any dealings with Bill  
 24 during that month?  
 25 A. We had one meeting during that month. I

45

1 remember there were some things we were going to actually  
 2 get started, and actually I remember a meeting that Bill was  
 3 talking about where he would be going, and that was back  
 4 downtown. I haven't got all the details, but I do remember  
 5 we had a meeting and were talking about just picking up with  
 6 the new -- you know, having him back in that position.  
 7 Q. Who was at the meeting?  
 8 A. I think that was a quarterly meeting.  
 9 We had a representative there from Watts Bar, and Sequoyah,  
 10 myself, and Bill and his staff.  
 11 Q. And was that a cordial meeting?  
 12 A. Yes.  
 13 Q. Was there anything that happened at that  
 14 meeting that would have exacerbated your relationship?  
 15 A. No. The meeting went fine.  
 16 Q. Anything else during that month that  
 17 was back that exacerbated your relationship?  
 18 A. No. There was no friction during that  
 19 time at all. There was no problems between us. Everything  
 20 was -- We just getting restarted on things, picking up with  
 21 Bill in that role.  
 22 Q. Was it an amicable relationship during  
 23 that month?  
 24 A. Yes.  
 25 Q. I presume that you had telephone

46

1 conversations during that month; is that true?  
 2 A. We may have spoken once or twice then.  
 3 I am not sure. You know, I don't recall that.  
 4 Q. In any event, there were no problems?  
 5 A. There were no problems.  
 6 Q. Did you ever have any direct  
 7 communications, oral communications, with Joe Byrum about  
 8 Bill's performance as chemistry manager, either at corporate  
 9 or at the site, Sequoyah site?  
 10 A. No. I didn't have any conversation  
 11 about his performance.  
 12 Q. Or about his relationship with you?  
 13 A. The only thing I mentioned about was my  
 14 concern about the group being combined. I did not want to  
 15 see that.  
 16 Q. So, that is the only conversations you  
 17 can recall?  
 18 A. That is the only thing I recall at this  
 19 time, yes.  
 20 Q. That you had with Byrum, in which Joher  
 21 would be implicated, that is, the combination of the  
 22 radiation and chemistry groups at the plant?  
 23 A. Yes.  
 24 Q. What about with Keizer; did you have any  
 25 conversations --




47

1 A. (Interposing) -- No, I haven't had any  
 2 conversations with Dan Keizer.  
 3 Q. Okay. How about with Wilson McArthur?  
 4 A. We really didn't talk much about Bill.  
 5 you know. Except for the situation that occurred which we  
 6 resolved in Max's office, I did not have any conversations,  
 7 really, with Wilson either. I felt that after that was put  
 8 aside, I didn't feel any threat or anything after that. You  
 9 know, you are cautious, but I wasn't seeing anything else  
 10 that was materializing, in my mind, that required me to talk  
 11 to management about.  
 12 Q. And that was in 1951?  
 13 A. Yes. When I refer back to that, I think  
 14 that was in 1951.  
 15 Q. Yes.  
 16 MR. VAN REKE: Let me take a break and  
 17 talk with Bill. I may be done.  
 18 (Recess)  
 19 MR. VAN REKE: That is all.  
 20 \*\*\*\*\*  
 21  
 22  
 23  
 24  
 25

48

# EXHIBIT 42

TENNESSEE VALLEY AUTHORITY  
Office of the Inspector General  
RECORD OF INTERVIEW

Name: Patrick M. Lydon  
 Position: Former Operations Manager  
 Office: Sequoyah Nuclear Plant (SQN)  
Soddy-Daisy, Tennessee  
 Residence:   
 Home Tel.:   
 SSN/DOB: 

Lydon was telephonically contacted at his residence, advised of the identity of the interviewing agent, and interviewed regarding his working relationship with William F. Jocher, former Manager, Chemistry, Nuclear Operations, Tennessee Valley Authority (TVA). Lydon provided the following information.

Lydon was hired at TVA in November 1991, and resigned in November 1992. Lydon was initially hired as the Manager of Corporate Operations. Subsequently, approximately two months after he was hired, Lydon was transferred to SQN to manage operations.

Lydon was responsible for the following SQN departments: Operations, Fire Protection, Work Control, Chemistry & Environmental, and Outage. Lydon described the SQN's chemistry program as "unbelievably bad." Lydon advised there were all kinds of long-standing problems with SQN's chemistry program.

Jocher initially was hired as the Corporate Chemistry Manager; however, due to the problems at SQN, Joseph R. Bynum, Vice President, Nuclear Operations, and Robert J. Beecken, Plant Manager, SQN, directed Jocher to replace Gary L. Fiser, former Manager, Chemistry, SQN, in February 1992. Jocher's loan to SQN was supposed to be for the short term. Fiser assumed Jocher's position in corporate. Lydon opined Fiser was not competent to hold this position because he did not have any Boiling Water Reactor experience.

Bynum and Beecken wanted Lydon to fire Fiser because he was not competent. Lydon told Bynum and Beecken he had only been on board for a short time, and he could not fire Fiser because he did not have any documented justification to take such action.

Lydon supervised Jocher from February 1992 to November 1992 at SQN. Lydon had worked with Jocher for a couple of years at Public Service in New Hampshire sometime in the late seventies. Jocher was the chemistry department supervisor at the plant.

EXHIBIT 42

(Continued)

PAGE 1 OF 3 PAGE(S)INVESTIGATION ON: August 24, 1993AT: Knoxville, Tennessee  
(Telephonic)BY: SA John B. Daniel, Jr.:JMFFILE: 2D-133-38

0663D

Lydon considered Jocher highly technically qualified for his position. Jocher was very thorough and an analytical manager. Jocher was well-read and competent. Lydon had no problem with Jocher's technical skills.

Lydon advised he did not have any problem with Jocher's management style and/or skills either. Lydon stated Jocher's management style leaned toward his technical expertise. In other words, his personality did not interfere with the problem-solving process. Jocher was extremely competitive and enjoyed a challenge. He believed in the team concept. Jocher would reward employees who performed outstanding, and he would confront and counsel those employees who were not giving their best effort. Jocher was a very open and direct manager. Lydon advised he never saw Jocher belittle anyone. Lydon described Jocher as a gentle giant. A very large man with a soft heart who was truly concerned about his employees.

No subordinates or managers ever brought to Lydon's attention any problems regarding Jocher's management style and/or skills. Lydon stated he had several team-building meetings with Jocher's subordinates while Jocher was not present, and no one ever expressed a concern about Jocher's management style and/or skills. Lydon never expressed any concerns to his management regarding Jocher's management style and/or skills.

Lydon provided Jocher with a performance appraisal in June/July 1992. He rated Jocher's overall performance as excellent. Lydon stated, if the opportunity arose, he would hire Jocher in a second.

Lydon had no specific knowledge that Jocher was forced to resign because he had expressed safety-related concerns. However, he did believe Jocher was forced to resign because of a statement he made during a meeting with the Institute Nuclear Plant Operations (INPO) in September/November 1992 at SQN.

Although he had no proof, Lydon believed Bynum and Oliver D. Kingsley, Jr., President, Generating Group, were responsible for Jocher's forced resignation. Lydon believed Jocher, in effect, publicly embarrassed Bynum and Kingsley at the above meeting. INPO had conducted an audit of SQN's chemistry program and documented several long-standing problems in their report. Jocher addressed the INPO committee and stated he realized the chemistry program had problems; however, these problems needed to be addressed by senior executive management because he could not address the problems at his level. In other words, Jocher was saying he could not fix the problems without money and support from Bynum and Kingsley. Kingsley had deeply cut the funds for chemistry and other programs at SQN.

Although Kingsley was not present, Bynum, Beecken, Jack L. Wilson, Vice-President, Sequoyah Nuclear Site, and other corporate and site managers were at the meeting. Lydon advised you could tell that Bynum did not like Jocher's statement. Bynum's facial expression changed when Jocher made the statement, and Bynum ignored Jocher the rest of the meeting. Lydon stated, "I knew Jocher was dead when he made this statement." Lydon told Jocher the next day he had "screwed up" and his statement may have cost him his career at TVA.

(Continued)

Lydon advised Jocher routinely expressed nuclear safety-related concerns. Specifically, Lydon recalled a concern regarding the lack of training at SQN. Lydon believed this concern was well documented at SQN. Jocher would identify a problem and provide an action plan to resolve the problem. Lydon passed these problems and solutions along to Bynum and Beecken. However, the problems were usually put on a list and never addressed. Bynum and Beecken acted as if they were disgusted and didn't want hear it.

Lydon advised he resigned from TVA because he was disgusted with senior executive management. Lydon stated TVA was "the most abusive place" he has ever worked. Lydon advised Bynum and Beecken would "fire people for effect." Lydon refused to do it. He advised this was no way to operate a business and/or build a team. Lydon was concern Bynum and/or Kingsley would black list Jocher in the nuclear industry. However, Lydon could not provide any specific information regarding this assertion.

When questioned about the Chemistry Use Program (CUP), Lydon advised CUP was set up to identify, label, and control chemicals that came into the plant. This program was designed to ensure the clear usage of chemicals in the plant. There were problems getting employees to follow procedures, and management wanted to show a 30-minute video to the employees to show TVA had met the training requirement. Lydon stated Beecken was a master at quick fixes. Lydon believed the program was unacceptable. Although Lydon was responsible for the CUP budget, he and his line managers completed a detailed budget which Bynum "slashed to hell." Bynum and Beecken were always asking him to do more with less.

JBD:JMF

06663D



# EXHIBIT 43

REPORT OF INTERVIEW  
OF  
PATRICK MICHAEL LYDON

On February 16, 1995, Patrick M. LYDON, [REDACTED] former Operations Manager, Sequoyah Nuclear Plant (SQN), Tennessee Valley Authority (TVA), was interviewed at Sacramento, California by Senior Investigator Larry L. Robinson, Office of Investigations, U. S. Nuclear Regulatory Commission. The nature of the interview pertained to the facts and circumstances surrounding the resignation of William F. JOCHER from employment as a TVA Nuclear Chemistry Manager.

LYDON advised that he had eighteen years of experience in the operation, management, and supervision of commercial power plants. He stated that he had Start-Up, Operations, and Training experience at seven nuclear, one fossil, and two hydro-electric power plants. LYDON provided a copy of his resume, which is attached.

LYDON stated that from November, 1991 through approximately October-November, 1992, he was employed by TVA as the Operations Manager at SQN. He advised that he replaced Bill LAGGERGAN as the SQN Operations Manager. He stated that he interviewed at TVA for the Corporate Operations Manager position, which was the position that Dan KEUTER, the VP of TVA Nuclear Operations Services, planned to fill. LYDON stated, however, that he was assigned as the SQN Operations Manager soon after reporting to TVA. LYDON stated that during the short time he was at Corporate, JOCHER was the Corporate Chemistry Manager. He advised that at that time, JOCHER did not report directly to him, and LYDON was only peripherally aware of JOCHER's activities. LYDON stated that he was aware of some "differences" between JOCHER and the Browns Ferry Nuclear Plant (BFN) Site chemistry staff. He stated, however, that he was not aware of any specific major problems between JOCHER and John SABADOS, the BFN Site Chemistry Manager.

LYDON advised that soon after he became Operations Manager at SQN, JOCHER was assigned to the position of SQN Site Chemistry Manager. LYDON stated that KEUTER had told him that Joe BYNUM, TVA Vice-President of Nuclear Operations, wanted a "change" in the Chemistry management at SQN. LYDON advised that, as SQN Chemistry manager, JOCHER reported to him (LYDON), and that he (LYDON) had written one formal performance appraisal on JOCHER. LYDON stated that JOCHER did an excellent job as Chemistry Manager while working for LYDON, and that he (LYDON) would hire JOCHER to work for him anytime.

2-95-015

EXHIBIT 43

PAGE 1 OF 8 PAGE(S)

LYDON stated that he soon became aware that the SQN Plant Manager, Rob BEECKEN, was in the position of merely being the implementor of the SQN Site specific management directives of BYNUM and Oliver KINGSLEY, the TVA Manager of Nuclear Power. LYDON stated that BYNUM and KINGSLEY dictated what BEECKEN was to do, and BEECKEN just followed orders. LYDON advised that BYNUM had his own office at SQN, and was on site quite often. He advised that BEECKEN was always on the phone with KINGSLEY, responding to questions by KINGSLEY regarding the status of some specific item at SQN. LYDON stated that BEECKEN spent so much time getting information for KINGSLEY and BYNUM that he (BEECKEN) did not have time to manage the plant.

LYDON stated that a good example of this was that as soon as he became SQN Operations Manager, BEECKEN, BYNUM, and Jack WILSON, the SQN Site Vice-President, told him (LYDON) that Mike LORECK, a SQN Operations Superintendent, was a problem, and that LYDON had 6 months to "fix it." LYDON stated that he did his own assessment of LORECK, and found him to be a competent, knowledgeable, problem-solver. LYDON stated that he made BEECKEN aware of this assessment, and told BEECKEN that LORECK's knowledge and experience were a valuable asset to SQN Operations. LYDON stated that BEECKEN and BYNUM still wanted him (LYDON) to replace LORECK after the six months had passed. LYDON advised that he convinced BYNUM to transfer LORECK to Engineering.

LYDON stated that, from his own observation, the issues that "got Bill (JOCHER) in trouble" with BEECKEN, BYNUM, and KINGSLEY were the following:

During the Institute of Nuclear Power Operations (INPO) exit meeting in which all the chemistry problems at SQN were identified, JOCHER angered these managers by openly stating that the problems should not be blamed on the Chemistry Department at SQN, but rather on upper management for not supporting the Chemistry Department's efforts to correct these problems.

JOCHER formally documented these problems in the TVA corrective action system by writing SCARs, which put pressure on management to take timely corrective action. Examples of the problems formally identified by JOCHER were; (1) Chemistry Process instrumentation out of calibration, and (2) Radiation Monitoring Process instrumentation calibration problems. LYDON advised that BEECKEN actually tried to convince him (LYDON) and JOCHER to drop the calibration issue.

JOCHER surfaced Chemical Traffic Control (CTC) problems, and was voicing concerns that not all SQN personnel that needed training in CTC were getting it.

JOCHER surfaced and pursued the problem that only about one-third of the Chemistry Technicians could obtain a PASS Sample within the required time period.

EXHIBIT 43

PAGE 2 OF 8 PAGE(S)

JOCHER demonstrated that the Chemistry technicians were inadequately trained. LYDON advised that both INPO and JOCHER had given exams to the technicians, and the average score was a failing grade.

JOCHER got into arguments with BEECKEN about the methodology of Steam Generator Chemical Control. JOCHER's suggested method would take more time, but would not risk the possibility of passing copper to the Steam Generators and causing tube failure.

JOCHER was proactively trying to fix problems in Chemistry, and was asking for the money to support his efforts, but was not receiving it.

LYDON stated that he also recalled a meeting in the large training room at SQN in the Fall of 1992, which was attended by John WATERS, TVA Board of Directors. LYDON stated that was the only meeting that was attended by WATERS at SQN while LYDON was Operations Manager there. LYDON advised that KINGSLEY was also at the meeting, and that KINGSLEY had been telling WATERS that the Chemistry Program at SQN was fine. LYDON stated that, at that meeting, JOCHER itemized the long-standing problems in Chemistry at SQN. LYDON stated that he knew KINGSLEY was not happy with JOCHER's itemization of problems. LYDON stated that he did not recall JOCHER making any statements to the effect that he (JOCHER) was underpaid, neither in this meeting with WATERS nor any other meeting that he attended with JOCHER.

LYDON stated that he recalled an INPO exit meeting around September, 1992 when BYNUM gave JOCHER a very angry look when JOCHER brought up the issue of the inadequate training of the Chemistry technicians at SQN.

LYDON stated that the reason he knew that these aforementioned issues were at least a major part of why JOCHER was forced to resign from TVA was because he (LYDON) came into disfavor with BEECKEN and BYNUM for these same kinds of reasons..., namely, confronting upper management with their lack of support in correcting problems; and identifying problems, or solutions to problems, that took money or time to correct or implement.

LYDON cited the following examples of what got him (LYDON) "in trouble" with BEECKEN and BYNUM:

LYDON confronted BYNUM about excessive overtime hours for his operators. He advised that the records showed approximately 26,000 hours of overtime in one year. He reminded BYNUM about overworked, tired operators being a safety problem, and that they should hire 12 or 13 operators. LYDON stated that he later found out that prior to his becoming Operations Manager at SQN, BYNUM and/or KINGSLEY had RIF'd 13 operators.

EXHIBIT 43

PAGE 3 OF 8 PAGE(S)



LYDON confronted BYNUM about the lack of training, and funding to train, the personnel in the Chemistry Department at SQN.

LYDON stated that on one occasion when he was the Acting Plant Manager, in BEECKEN's absence, there was an oil spill on site, and he took immediate action to prevent the oil from getting into the river. He advised that this immediate action cost some money because he had some temporary oil storage wells drilled and pumped the oil back into the tank from these wells. LYDON stated that when BEECKEN returned the next day, he (BEECKEN) "exploded" at LYDON for spending money on the oil spill. LYDON advised that, later, EPA became aware of the spill and questioned TVA's Corporate management about the circumstances. He stated that as a result of his preventative actions, EPA did not fine TVA for the oil spill.

LYDON advised that his candid comments in the Nuclear Safety Review Board meetings about the need for corrective actions on Operations, Chemistry, and Fire Protection problems at SQN angered his management. He stated that he was not trained to hide problems, but rather to correct them.

LYDON stated that he had numerous disagreements and arguments with BEECKEN. He gave some examples as:

BEECKEN did not want to hire enough operators.

BEECKEN made arbitrary cuts in both Operations and Chemistry budgets.

BEECKEN's "firing for effect" of an operator with a good record for a first offense of sleeping on duty. LYDON stated that the operator was tired because he was on medication, and had been working so much overtime because there were not enough operators.

LYDON wanted the timely closure of Corrective Action items as opposed to tracking large numbers of long term items that had not been closed.

BEECKEN directed, or pressured, operators to make Mode changes before all Mode change requirements had been completed.

BEECKEN ridiculed the operators for following their procedures regarding "quiet time", and then blamed them for violations committed because they were tired and overworked.

BEECKEN always questioned the necessity for funding corrective actions on safety issues.


EXHIBIT 43

PAGE 4 OF 8 PAGE(S)



LYDON advised that he finally realized that he was not going to receive the support of BYNUM or BEECKEN if he continued to perform the Operations Manager job the way he thought it should be performed. LYDON stated that he had a "one on one" meeting with BYNUM in which LYDON offered to resign from TVA if BYNUM would give him six months pay. LYDON stated that two weeks later, he was gone. He added, however, that he had to retain a lawyer to get his money from TVA, and even then he only received three months pay.

LYDON advised that he was not some naive kid just coming out of college when he took the TVA job, and he was aware of the real world of production versus nuclear safety. He stated that his experience with TVA at SQN was so contrary to his understanding of how a nuclear power plant was supposed to be run, with respect to proper management principles and the correction of problems, that he decided to get out of the nuclear business altogether.

  
Larry L. Robinson, Sr. Investigator  
Office of Investigations  
Field Office, Region II

Patrick M. Lydon  
100 Oxbow Marina Dr.  
Isleton, Ca. 95641  
916-777-4345

#### OBJECTIVE

Seeking a challenging Electric or Water Utility Management position where my experience and natural abilities, coupled with my high degree of motivation, would be of mutual benefit.

#### SUMMARY OF QUALIFICATIONS

- \* Eighteen years of diverse experience in all phases of the operation, management and supervision of power plants.
- \* Start-up, Operations and Training experience at seven nuclear, one coal-fired and two hydro-electric power plants.
- \* Excellent interpersonal skills; communicate effectively with people on all levels.
- \* Dependable, self-motivated, organized, dedicated professional.

#### EDUCATION/CERTIFICATION TRAINING

University of the State of New York - Bachelor Science Degree

Memphis State University, Memphis Tn. - B.P.S. Nuclear Industrial Operations. Electrical, Mechanical and Nuclear Engineering coursework to satisfy the Nuclear Regulatory Commission requirements for Shift Technical Advisor Program.

Total Quality Organization Program for Managers  
Environmental Regulation Course for Managers  
INPO Instructor Certification  
U.S. Naval Nuclear Power Program  
NRC Senior Reactor Operator License, #SOP-3094

#### EMPLOYMENT EXPERIENCE

PARDEE & CAMANCHE HYDRO-ELECTRIC PLANTS; Valley Springs, Ca.  
HYDRO-ELECTRIC OPERATIONS 1993 - Present

Primarily responsible for all phases of control for the drinking water quality and supply to the East Bay communities. This includes operation of three, 90-mile aqueducts (195 MGD) along with all associated chemical treatment and valve protection. In addition, responsible for flood control, fish hatchery water supply and operation of six hydro-electric generators.

TVA SEQUOYAH PLANT, Chattanooga, Tennessee  
OPERATIONS MANAGER 1991 - 1992

Responsible for all aspects of management for the Operations, Chemical/Environmental, Work Control/Outage, and Fire Protection Departments for two 1150 MWe nuclear plants. Served as Chairman of the Plant Review Committee, Change Control Board and E-Plan Emergency Coordinator.

EXHIBIT 43

PAGE 6 OF 8 PAGE(S)

Patrick M. Lydon  
100 Oxbow Marina Dr.  
Isleton, Ca. 95641  
916-777-4345

ARIZONA PUBLIC SERVICE CO. - PALO VERDE PLANT, Phoenix, Az.  
OUTAGE MANAGER 1990 - 1991

Planned and implemented Unit 3 refueling and forced outages. Managed the station's most successful plant refueling outage which was a 37% overall improvement. This included management of 7000 work activities, 16 organizations, and a \$26 million budget.

SACRAMENTO MUNICIPAL UTILITY DISTRICT -RANCHO SECO, Sacramento, Ca.  
PLANT MANAGER / OPERATIONS MANAGER 1987 - 1990

Responsible for all phases of the safe and economical management of the Operations, Chemistry and Radiation Protection Departments during plant shutdown and decommissioning consistent with NRC license and state environmental requirements. Served as Chairman of the Plant Review Committee and E-Plan Emergency Coordinator. As Operations Manager I managed 110 professionals in plant operations, improved the Plant Status Control Program, Post Maintenance Test Program and experienced the best plant availability.

MECHANICAL EQUIPMENT CONSULTANTS INC. - BETHESDA MD.  
SENIOR ENGINEERING CONSULTANT 1985 - 1987

Assigned to Wisconsin Electric's Point Beach Nuclear Training Department, Two Rivers, Wisconsin. Developed the program and course design, including lesson plans for all Operator and Duty Technical Advisor programs. Programs accredited by INPO.

PLATTE RIVER POWER AUTHORITY, Ft. Collins, Colorado  
START-UP ENGINEER/SHIFT SUPERVISOR 1982 - 1985

Implemented start-up of one-fifth of all plant systems on a 250 MWe coal-fired plant, including mechanical, electrical and instrumentation checkout for each system. Developed station tagging system, administrative procedures and construction turnover procedures.

PUBLIC SERVICE OF NEW HAMPSHIRE, Seabrook , NH.  
SHIFT SUPERINTENDENT 1979 - 1982

Planned, scheduled and coordinated the operational and support activities for the plant. Responsible for writing all station electrical system and emergency procedures. Performed simulator acceptance testing.

THREE MILE ISLAND Middletown, Pennsylvania  
ACTING SHIFT SUPERINTENDENT 1979

At the request of Metropolitan Edison Company I provided accident support and consultation during the accident mitigation operation.

EXHIBIT 43

PAGE 7 OF 8 PAGE(S)

Patrick M. Lydon  
100 Oxbow Marina Dr.  
Isleton, Ca. 95641  
916-777-4345

STONE AND WEBSTER ENGINEERING CORPORATION, Cherry Hill, NJ.  
MECHANICAL START-UP /SCHEDULING ENGINEER 1978 - 1979  
Assigned to Detroit Edison's Fermi plant, Monroe Michigan.  
Evaluated system boundary packages and prepared start-up networks  
for all mechanical systems. Coordinated start-up and construction  
activities to schedule turnover and testing in support of cold  
hydro and integrated flush milestones.

METROPOLITAN EDISON COMPANY, Middletown, Pennsylvania  
SHIFT FOREMAN 1977 - 1978  
Licensed as Senior Reactor Operator by the NRC. Supervised Control  
Room Operators in primary and secondary start-up, hot functional  
testing and initial fuel load. Supervised initial criticality,  
zero power physics testing and power escalation testing.

UNITED STATES NAVY  
ENGINEERING OFFICER OF THE WATCH 1968 - 1977  
Recipient of the Navy Achievement Medal for superior performance  
while serving as the Engineering Watch Supervisor aboard the USS  
Grant, SSBN 631.

# **EXHIBIT 44**



REPORT OF INTERVIEW  
OF  
JAMES H. BARKER

On February 2, 1995, James H. BARKER, [REDACTED] telephone [REDACTED] was interviewed by Senior Investigator Larry L. Robinson, Office of Investigations, NRC. This interview was conducted at Oak Ridge, TN, and pertained to the facts and circumstances surrounding the resignation of William F. JOCHER from employment with the Tennessee Valley Authority (TVA).

BARKER advised that he was currently employed by the U. S. Department of Energy at Oak Ridge, TN, but was JOCHER's immediate supervisor at TVA's Nuclear Power Headquarters in Chattanooga, TN from approximately November, 1990 to October, 1991. BARKER advised that during this period, he (BARKER) was the Corporate Manager of Chemistry and Environmental, reporting directly to Wilson McARTHUR. He stated that during this period, JOCHER was the Corporate Chemistry Manager, with the responsibility for the coordination, oversight, and support of the chemistry programs at the TVA Nuclear Plants.

BARKER stated that from the time he first interviewed JOCHER for the Corporate Chemistry Manager position until he (BARKER) resigned from TVA in October of 1991, he was impressed with JOCHER's knowledge of Plant chemistry and ability to apply that knowledge to the solution of chemistry problems and the improvement of chemistry programs. BARKER advised that he and JOCHER were somewhat alike, in that neither of them were hesitant about expressing, or listening to, the true situation, good or bad, regarding the status of a given program, system, or issue.

BARKER stated that when JOCHER was certain that his analysis and proposed solution to a given problem was correct, he (JOCHER) was strong and aggressive in his efforts to implement that solution, regardless of whether he (JOCHER) was dealing with his subordinates or his superiors. BARKER stated that this characteristic of JOCHER did not bother him (BARKER) at all, partially because BARKER had that same characteristic, and partially because BARKER did not want his subordinates to readily alter their position on a soundly based solution just because he (BARKER) challenged their position from either his management or technical perspective.

BARKER advised that during the period that he supervised JOCHER, he (BARKER) did have to occasionally get involved between JOCHER and the Site chemistry people regarding the issue of the extent of Corporate Chemistry's authority over the Site with respect to the implementation of certain Corporate Chemistry initiatives. BARKER stated that he did seem to recall a situation involving a dispute over this authority between JOCHER and John SABADOS, the Site Chemistry Manager at Browns Ferry. The technical issue pertained to hydrogen water chemistry, but he (BARKER) did not recall the

2-93-013

EXHIBIT 44

PAGE 1 OF 2 PAGE(S)

specifics. BARKER stated, however, that the disagreement between JOCHER and SABADOS was not any more serious than other issues he had addressed regarding Corporate Chemistry's authority over the Sites.

BARKER advised that his personal view regarding the degree of Corporate oversight authority over the Sites differed from that of Oliver KINGSLEY, the TVA Manager of Nuclear Power. BARKER stated that KINGSLEY viewed all Corporate staff, to include Corporate Chemistry, as being in a posture of total support and assistance to the Sites, as opposed to having any proscriptive or directive authority in the execution of oversight responsibilities. BARKER stated that this difference in philosophy with KINGSLEY resulted in KINGSLEY asking for his (BARKER's) resignation from TVA. BARKER advised that he expressed his philosophy regarding Corporate oversight authority, as it applied to a specific issue, in a meeting attended by Institute of Nuclear Power Operations (INPO) representatives. BARKER stated that he later found out that an INPO rep had told KINGSLEY about his (BARKER's) comments. BARKER stated that he had taken some vacation soon after the INPO meeting, and when he returned he discovered that KINGSLEY had held a meeting with all the Corporate staff in which he (KINGSLEY) clarified to the staff his position that Corporate was there to support the Sites. BARKER advised that soon after his return from vacation, KINGSLEY asked for his resignation because of this airing of their difference in philosophy, and he (BARKER) resigned. BARKER stated that, knowing this difference in philosophy at the time of the INPO meeting, making his comment to INPO was probably not the wisest thing to do. He advised that he understood why KINGSLEY had asked for his resignation, and did not bear any ill will.

BARKER stated that he wrote one formal appraisal of JOCHER's performance as Corporate Chemistry Manager. He advised that he did not recall the details of the appraisal, but that he was well satisfied with JOCHER's performance from both the technical knowledge and management ability perspectives.

BARKER stated that he did not recall receiving any complaints about JOCHER's management technique from any of JOCHER's subordinates, from Wilson McARTHUR (BARKER's supervisor), or from Dan KEUTER, Vice-President Nuclear Operations Services (McARTHUR'S supervisor).

This report of Interview was prepared on February 13, 1995.

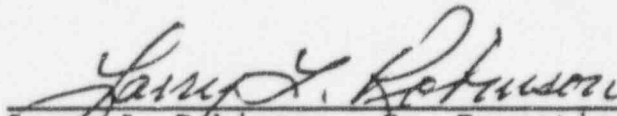
  
Larry L. Robinson, Sr. Investigator  
Office of Investigations  
Region II

EXHIBIT 44

PAGE 2 OF 2 PAGE(S)

# **EXHIBIT 45**

TENNESSEE VALLEY AUTHORITY  
Office of the Inspector General  
RECORD OF INTERVIEW

Name: Donald R. "Ralph" Matthews  
 Position: Chemistry Program Manager  
 Office: Watts Bar Nuclear Plant (WBN)  
 Work Tel.: (615) 365-1993  
 Residence: [REDACTED]  
 Home Tel.: [REDACTED]  
 SSN/DOB: [REDACTED]

Matthews was contacted at WBN and advised of the identities of the interviewing agents. He was interviewed concerning his knowledge of the termination and subsequent Department of Labor (DOL) complaint filed by William F. Jocher, a former Tennessee Valley Authority (TVA) Chemistry Manager. Matthews provided the following information.

1. Matthews acknowledged that he was the Chemistry and Environmental Superintendent at WBN from 1986 until his demotion to Program Manager in March 1993.
2. Matthews described his relationship with Jocher as "friendly;" however, he advised that they were not social friends. Matthews explained that his main interaction with Jocher was when they worked on the MIC (Microbiological Influence Corrosion) program together. He and Jocher would typically meet "once every couple of weeks for a few months" to work on this project. In addition, Matthews advised that he also was around Jocher when all the Chemistry Managers would attend the monthly meetings in Chattanooga.
3. Matthews stated that he never had any problems with Jocher; however, he "wouldn't call him (Jocher) weak-willed." Furthermore, Matthews advised that he "liked the guy (Jocher)." In addition, Matthews could not recall hearing of Jocher having any problems with his management style prior to Jocher's resignation. Matthews stated he even sent some technicians to Sequoyah Nuclear Plant (SQN) under Jocher's supervision and no one ever complained about him (Jocher).
4. Matthews recalled being involved in a teleconference with Jocher, Gary Fiser, SQN Chemistry Manager, and John Sabados, Brown Ferry Nuclear Plant's (BFN) Chemistry Manager, in which there was a disagreement about how to organize the BFN Chemistry Program. Matthews characterized the disagreement as a

EXHIBIT 45

2-05-000

Continued

PAGE 1 OF 2 PAGE(S)

INVESTIGATION ON: August 17, 1993

AT: Watts Bar Nuclear Plant

BY: SAs Beth B. Thomas and Fred J. Wichich: BPT

FILE: 2D-133-52

0960D



"difference of opinions;" however, Matthews feels Sabados was wrong because he (Sabados) went ahead and did what he (Sabados) wanted and then expected the others to go along with it. Matthews stated Sabados is "rather pushy" and he (Matthews) would not want to work for him (Sabados)."

5. The only time Matthews could recall complaining about Jocher was soon after Jocher came to TVA. Matthews told his manager, Larry Jackson, that Jocher was requesting some reports "pretty regularly." Jackson called Jocher and the situation was resolved.
6. Matthews was "a little bit shocked" when he heard Jocher was dismissed because he (Matthews) never knew there was a problem with him (Jocher). Matthews stated that "usually you hear rumors of people getting in trouble," but he never heard anything. Matthews further stated that if Jocher "has done anything to deserve firing about, I don't know anything about it."
7. Matthews had never heard of Jocher "dropping a dime" to the Institute of Nuclear Power Operations (INPO) about problems in the SQN Chemistry Program.
8. According to Matthews, Wilson McArthur, Manager, Technical Programs, requested the Chemistry Managers' input on whether Chemistry should stay under Operations or move to either Technical Support or RadCon (they were told to rate their choices 1, 2 or 3). Matthews stated that no one wanted Chemistry to stay under Operations, and as a result, Chemistry was combined with RadCon. Matthews further stated that having a combined Chemistry/RadCon Program is common in the nuclear industry.
9. According to Matthews, Significant Corrective Action Requests (SCAR) are routinely sent to other plants in order to see if the problems exist at that plant. As a result, Matthews had the opportunity to see some of the safety issues raised by Jocher.

BBT

0960D



# **EXHIBIT 46**

# ALLIED COURT REPORTING SERVICE

Jim Parks  
2934 Rennoc Road  
Knoxville, Tennessee 37918  
Phone (615) 687-8981

## THE UNITED STATES DEPARTMENT OF LABOR OFFICE OF ADMINISTRATIVE LAW JUDGES

IN THE MATTER OF:

WILLIAM F. JOCHER,

Complainant,

VS.

TENNESSEE VALLEY AUTHORITY,

Respondent

CASE NO. 94-ERA-24

### APPEARANCES:

#### Attorney for Complainant

Charles W. Van Beke, Esquire  
Wagner, Myers & Sanger, P.C.  
Suite 1801, Plaza Tower  
800 Gay Street, S.E.  
Knoxville, Tennessee 37929-1801

#### Attorney for Respondent

Philip J. Pfeifer, Esquire  
Tennessee Valley Authority  
400 West Summit Hill Drive  
Knoxville, Tennessee 37902

PRETRIAL DEPOSITION OF JILL WALLACE

SEPTEMBER 28, 1994

2-93-015

*Compressed*

EXHIBIT 46

PAGE 1 OF 11 PAGE(S)



1 in as a personnel officer in nuclear power, and that is when  
 2 nuclear power originally came together for TVA. I served as  
 3 a generalist on the corporate staff through probably in  
 4 mid-1983, transferred to Watts Bar Nuclear Plant to  
 5 establish an on-site human resource office in 1983.

6 I was at Watts Bar for a couple of  
 7 years, probably through, I think it was mid-1985. I  
 8 accepted another position in Chattanooga, corporate staff,  
 9 nuclear power. And I was there until 1988, and I  
 10 transferred to Sequoyah Nuclear Plant as the human resource  
 11 manager. I was at Sequoyah until the early part of 1993,  
 12 which I transferred back to Watts Bar, where I have spent  
 13 the last year, year-and-a-half, as the human resource  
 14 manager here on-site.

15 Q. Do you remember what month it was when  
 16 you left Sequoyah and came to Watts Bar this last time?

17 A. I believe it was early March, officially  
 18 reported, early March.

19 Q. When you were at Chattanooga corporate  
 20 in nuclear power, were you also a human resources officer?

21 A. Yes, sir. I have been a human resource  
 22 officer for a little over fourteen years now, all in  
 23 Nuclear. Or a manager.

24 Q. Do you know Mr. Bill Jocher?

25 A. Yes, I do.

5

1 Q. Do you understand that Mr. Jocher is no  
 2 longer employed by TVA?

3 A. I have been told he is no longer  
 4 employed, yes, sir.

5 Q. Do you understand that he has filed a  
 6 Department of Labor Complaint over the circumstances under  
 7 which he ceased his TVA employment?

8 A. I have heard that, yes, sir.

9 Q. Have you read his Complaint?

10 A. No, sir, I have not.

11 Q. Do you understand that TVA has put you  
 12 on a list of potential witnesses that it may call at the  
 13 trial of this action?

14 A. That is my understanding.

15 Q. Okay. And my purpose here today is to  
 16 find out what it is that you may be saying at that trial.  
 17 Okay?

18 A. Okay.

19 Q. So, just put things in that context.

20 A. Okay.

21 Q. When did you first meet Mr. Jocher?

22 A. I don't know the exact time, but it was  
 23 when I was the human resource manager at Sequoyah, when he  
 24 came out on loan to the chemistry organization.

25 Q. Okay. Let me tell you then that it was

6

1 in March of 1992 that Bill became chemistry manager at  
 2 Sequoyah, if that helps put things into time perspective.

3 A. Okay.

4 Q. And he left out there the first week of  
 5 March of 1993.

6 A. Okay.

7 Q. Did you have any interaction with Bill  
 8 while the two of you were at Sequoyah?

9 A. Yes, sir, I did.

10 Q. Can you tell me the nature of that  
 11 interaction?

12 A. The majority of it was dealing with  
 13 personnel issues, organization structure, which I do with  
 14 most every supervisory manager at the site.

15 Q. Were your personal dealings with Bill  
 16 always on a professional level?

17 A. It was work related. My dealings with  
 18 him was work related.

19 Q. Were your dealings with him cordial?

20 A. At times, yes. Some difficulties at  
 21 times.

22 Q. What were the difficulties?

23 A. And I am going basically on memory.  
 24 With the organization structure itself. And I guess I can  
 25 start from the things that I do remember.

7

1 He was wanting to make several  
 2 organization changes within the chemistry group at Sequoyah,  
 3 and I tried to work with him on how we have always handled  
 4 things at the plant. There are certain things you have to  
 5 look at before you can bring new employees in when you do  
 6 organization changes. It is not "I want to do this, go make  
 7 it happen," and that is the feeling that I did receive  
 8 during my dealings.

9 Somewhere we had, I guess, a difference  
 10 of opinion was bringing people in from the outside when we  
 11 currently had employees in positions. The way that I handle  
 12 business as a human resource manager is there are proper  
 13 ways of dealing with releasing people from their permanent  
 14 jobs, whether it be through disciplinary action, if someone  
 15 accepts jobs elsewhere. And, you know, we don't just have,  
 16 you know, unlimited positions where we can just bring people  
 17 in. My role is to account for head count and budget and  
 18 proper placement.

19 Q. And Bill wanted to make some  
 20 organizational changes?

21 A. Uh huh.

22 Q. Did he want to let some people go?

23 A. He wanted to replace, if my memory  
 24 serves me right. He felt like he had some that weren't  
 25 performing up to par, but the performance had never been

8



1 properly addressed previously.  
 2 Q. By previous managers?  
 3 A. Uh huh. And you are supposed to go  
 4 through progressive discipline before you just bring someone  
 5 else in and displace a long-term employee.  
 6 Q. Did he have any particular people he  
 7 wanted to bring in; do you recall?  
 8 A. The only ones I remember are -- And I  
 9 don't know their names. I don't believe we ever talked  
 10 names, and I do remember him wanting to bring some people in  
 11 from South Texas, from the South Texas project.  
 12 Q. Were those people already at corporate  
 13 chemistry?  
 14 A. No. These were outside, not TVA  
 15 employees.  
 16 Q. Do you recall having a meeting with Bill  
 17 and Rob Beecken shortly after Bill came to the site, and  
 18 Piser?  
 19 A. I don't remember. I met with so many  
 20 different managers. I don't specifically remember a  
 21 meeting.  
 22 Q. Do you recall a meeting at which Mr.  
 23 Beecken told Bill, essentially, "I want you to evaluate your  
 24 people and get rid of the dead wood"?  
 25 A. Those words, no. I don't remember that.

1 changes?  
 2 A. Yes.  
 3 Q. Did he identify to you, at that time,  
 4 people in his organization who he felt were not performing  
 5 properly?  
 6 A. I remember him talking to me about these  
 7 being people within his organization that he did not feel  
 8 were performing up to par. I do remember him talking to me  
 9 about that. Now, he probably went into more specifics with  
 10 the human resource officers that report to me, that work  
 11 with the groups on a day-to-day basis.  
 12 Q. That would have been Al Black and Keith  
 13 Fogleson?  
 14 A. Yes, sir.  
 15 Q. Were they the only two out at the plant?  
 16 A. Those are the only two that I do  
 17 remember working with him.  
 18 Q. Okay.  
 19 A. There may -- I had another human  
 20 resource officer, but I am not sure she had much interaction  
 21 with Mr. Jocher.  
 22 Q. Do you recall any discussions with  
 23 Beecken or any other TVA managers, even as high up as Systems  
 24 and Kingsley and Kutter, whoever is in the chain of command  
 25 there, that non-performers should be placed in a special

1 no.  
 2 Q. I don't want you to necessarily --  
 3 Excuse me. A meeting at which Rob Beecken used words  
 4 similar to "get rid of the dead wood," or "get rid of the  
 5 incompetents, get rid of the people who aren't performing"?  
 6 A. I don't remember that. Now, I know Mr.  
 7 Beecken talked with several of his managers about properly  
 8 addressing performance and if we have people that are not  
 9 performing, that we do take action.  
 10 Q. And did he tell him to do it  
 11 aggressively?  
 12 A. That, I don't remember.  
 13 Q. That is, "Let's do this and get rid of  
 14 the people that are not helping us"?  
 15 A. I don't remember him saying that, no.  
 16 sir.  
 17 Q. And you don't recall any meeting that  
 18 you attended, the gist of which was what we have just  
 19 discussed, between Mr. Beecken and Mr. Jocher?  
 20 A. I don't remember specifically, no.  
 21 Q. Okay.  
 22 A. I am not saying it didn't happen. I  
 23 don't remember that.  
 24 Q. Okay. Going back to what you started  
 25 off talking about, Bill wanted to make some organizational

1 group and gotten rid of?  
 2 A. We did have a group where we had  
 3 identified, through the management chain, people that were  
 4 not performing up to par, that we were going to assess their  
 5 performance. We gave them work to do, meaningful work, so  
 6 where they could be closely supervised and their performance  
 7 addressed properly. Yes, I do remember that.  
 8 Q. Were they removed from their  
 9 organizations and placed in this special group where they  
 10 would be monitored?  
 11 A. Yes, they were. And if I am not  
 12 mistaken, the majority of them, if not all of them, showed  
 13 improvement and went back to their organizations, which was  
 14 pretty much the intent, was to try to improve performance.  
 15 Q. Do you recall any of Mr. Jocher's people  
 16 being placed in that group?  
 17 A. I remember at least one, yes, that was  
 18 placed in there.  
 19 Q. Who would that be?  
 20 A. I don't remember who it was. I don't  
 21 remember really any of them by name.  
 22 Q. Was it a male or a female; do you recall  
 23 that?  
 24 A. It seems like it was a male. I am not  
 25 sure that we had females in there, but it has been a while.



1 and I really don't remember all of it.  
 2 Q. Do you recall at any time when the  
 3 special group was being proposed, or during its existence,  
 4 Mr. Kingsley saying that the people in that special group  
 5 ought to just be fired?

6 A. No. Mr. Kingsley never said that to me.

7 Q. Or at any public meeting among managers?

8 A. Not that I heard, no, sir.

9 Q. You had started talking about your  
 10 relationship with Bill.

11 A. Uh huh.

12 Q. And in the context of Bill wanting to  
 13 make organizational changes.

14 A. Uh huh.

15 Q. And you said, basically, sometimes your  
 16 contact with him was cordial and sometimes it was not  
 17 cordial?

18 A. That is true, uh huh.

19 Q. Then I think, and let's get into this,  
 20 you stated that the non-cordial meetings revolved around  
 21 Bill wanting you to make things happen in the personnel  
 22 arena; did I understand that correctly?

23 A. He was wanting me to make things happen  
 24 that was not within what I consider my practice, so where we  
 25 treat everybody fairly, yes, and we disagreed sometimes on

1 and make it happen." And I am not used to people going  
 2 around me, because I am to ensure consistency at the site.  
 3 Q. Any other incidents that you can recall?  
 4 A. Not specific instances. That one, I  
 5 thought was -- Well, that is the one that stands out the  
 6 most.

7 Q. And was that right after Bill got there?

8 A. It was shortly after he got there. He  
 9 had been there for a little while.

10 Q. And did you have similar incidents like  
 11 that after that, or did your relationship level off after  
 12 that?

13 A. Well, like I said, I pretty much  
 14 deigned that to my HRO's.

15 Q. And let me go back one second, so I will  
 16 have the time frame. When was it that you came back to  
 17 Watts Bar?

18 A. In March of 1993, if I am not mistaken.

19 Q. So, you were there the entire time that  
 20 Bill was at Sequoyah, then?

21 A. Yes.

22 Q. Okay. What reports about Mr. Jocher did  
 23 you receive from Mr. Black during that year?

24 A. Reports? I am not sure, reports.  
 25 Conversations. I had, regularly, meetings with my support

1 that  
 2 Q. When you say it wasn't cordial, describe  
 3 such a meeting.

4 A. And, again, I can't tell you exactly  
 5 when it was, but I know one meeting where I had gone over to  
 6 the plant, and Bill was extremely adamant about bringing  
 7 people in from the outside and that I was to know that he  
 8 had free reins to do whatever he wanted to do. And I took  
 9 it as no matter what, which I disagreed with, because there  
 10 are ways we do things within our organization.

11 Q. Did the two of you shout at each other?

12 A. I am not saying we shouted, no. I felt  
 13 extremely intimidated.

14 Q. Because Bill is a big guy?

15 A. Because he was not talking to me in a  
 16 professional manner.

17 Q. What did he say to you?

18 A. The specific words, I don't remember. I  
 19 remember how I felt when I left.

20 Q. How did you feel when you left?

21 A. I felt aggravated, first, that we had  
 22 someone -- because we were trying to improve communications  
 23 on the site. And I don't know, you know, if he was  
 24 challenging me in my position and -- "Well, I will tell you  
 25 what I want. If you can't do it, I will go somewhere else

1 staff.  
 2 There was a lot of activity coming out  
 3 of the chemistry group, from their employees. They kept my  
 4 human resource officers extremely busy. We are a service  
 5 organization, so we try to work with the managers to  
 6 accommodate their needs, as long as we do it the right way.  
 7 And a lot of the conversations were about, you know,  
 8 different things going on in the plant.

9 At that time, we had, you know, a couple  
 10 of complaints out of chemistry. I don't know specifics, but  
 11 I do remember Mr. Jocher, as well as others, brought up in  
 12 most all of our group meetings.

13 Q. And tell me what it was that was brought  
 14 up, or any specifics that you can recall.

15 A. Specifics, off the top of my head --

16 Q. These complaints that were brought up,  
 17 were they reduced to writing?

18 A. I only know of -- Well, there were a  
 19 couple of formal complaints that employees had filed within  
 20 the organization. And, again, I am going by memory. It has  
 21 been a while, and I don't remember the names. I do  
 22 remember -- Shoot, Mann, Harold Mann, was one that I  
 23 remember.

24 Q. Was Mr. Mann the one who went into that  
 25 special group for evaluation?

005

1 A Possibly. Possibly, yeah.  
 2 Q. Did Mr. Mann file a formal complaint  
 3 against Mr. Jocher?  
 4 A. As far as I can remember, it seems like  
 5 he did.  
 6 Q. Did anyone else?  
 7 A. I don't remember, without checking.  
 8 Q. What was the basis for Mr. Mann's  
 9 complaint; do you recall?  
 10 A. No, sir, I don't recall.  
 11 Q. Given that you don't remember any  
 12 specifics about your staff meetings at which Mr. Jocher was  
 13 mentioned, what can you tell us in general about what was  
 14 being mentioned?  
 15 A. Well, just on and off throughout, you  
 16 know, talking with the HRO's, not just in staff meetings,  
 17 about some of the complaints, that there were complaints  
 18 coming from employees. They would come over and, again,  
 19 Allen Keith would have dealt with that directly.  
 20 Q. You don't know what any of those  
 21 specific complaints were?  
 22 A. I don't remember the specifics, no, sir.  
 23 Q. Did you know at the time?  
 24 A. I am sure I did.  
 25 Q. Did you ask them to write them up, Allen

1 Keith?  
 2 A. The complaints?  
 3 Q. Yes.  
 4 A. No. No, I didn't specifically.  
 5 Q. Is it customary, when an employee comes  
 6 in to make a complaint, that it be memorialized in some way?  
 7 A. Well, you know, there is an official  
 8 route for the employee concerns that is documented. The  
 9 human resource officers and myself, we talk with employees  
 10 on a daily basis. They may not be coming in to file a  
 11 formal complaint, but a lot of times they will come in just  
 12 to vent. And we are there to listen to them vent. And I am  
 13 not saying to record every one of those. You know, we try  
 14 to smooth things over and, you know, whatever it takes.  
 15 Q. Did you ever discuss with Mr. Jocher the  
 16 fact that you were getting complaints about, I guess, his  
 17 management style? Is that what the complaints were about?  
 18 A. And, again, you know, Allen Keith would  
 19 have the specifics on what the complaints were. I can't say  
 20 that I sat down and talked to Mr. Jocher about his style. I  
 21 can't say that, no.  
 22 Q. Does that mean that you never did?  
 23 A. I am not saying that I never did. I  
 24 don't remember specifically talking to him about his style.  
 25 Q. Were you of the opinion at the time that

1 someone should have been talking with him about his style?  
 2 A. And, again, you know, I would see that,  
 3 of course, from his management chain also, to talk to him  
 4 about his style. Now, I did talk to Mr. Becken at one time  
 5 that, you know, I was concerned about the atmosphere in the  
 6 chemistry organization.  
 7 Q. What did you tell him?  
 8 A. To the best of my knowledge, you know,  
 9 the gist of it was that some of the employees had been  
 10 coming through talking about, you know, Mr. Jocher was, you  
 11 know, an extremely loud person, came across extremely gruff,  
 12 that, you know, especially in the chemistry group, we needed  
 13 to keep them as bonded as possible to them, and I was  
 14 concerned that there may be some, you know, separation  
 15 within the group.  
 16 Q. Did the chemistry group need to be  
 17 bonded any more than any other group at the plant?  
 18 A. After Mr. Jocher got there, I saw a need  
 19 for some additional attention, because it seemed like it  
 20 was -- there was more unrest after he got there than there  
 21 was before he got there, because I had not had much traffic  
 22 at all coming through our office prior to that.  
 23 Q. Prior to Mr. Jocher getting there, had  
 24 you heard from anyone in management, for instance, Mr.  
 25 Becken, and I will see him as an example only -- and I

1 mean from anyone in management -- that they were  
 2 dissatisfied with the chemistry group's performance?  
 3 A. I don't remember specifically anybody  
 4 telling me that they were dissatisfied with the chemistry  
 5 group's performance. I knew from sitting in staff meetings  
 6 that chemistry was having some problems.  
 7 Q. Were some of the problems dealing with  
 8 competence?  
 9 A. I am not sure that that was brought to  
 10 me from the previous chemistry manager. Apparently, the  
 11 previous chemistry manager didn't see that big of a problem,  
 12 because I don't know of much formal disciplinary action that  
 13 was being taken against performance within that group.  
 14 Q. Well, did you ever come to a conclusion  
 15 that there needed to be some?  
 16 A. Personally, no, I did not come to that  
 17 conclusion.  
 18 Q. Did others in the management chain?  
 19 A. I don't know.  
 20 Q. No one expressed that to you?  
 21 A. No.  
 22 Q. Let me go back to what we started off  
 23 with a little bit. And that is, have you had any further  
 24 recollections at all about any meeting with Mr. Becken at  
 25 which he told Bill the chemistry group needed to be shaped

1 up; it was just not performing well under the previous  
2 managers and it is up to you to do it?

MR. PFEIFER: That is a different question, Charis.

MR. VAN BEKE: Well, okay, so it is a different question.

A. I am not sure what you are saying.

Q. Do you recall any meeting which you attended that Mr. Beecken told Bill that there were inadequacies in the chemistry department under previous management and Bill was to shape it up, or words to that effect?

A. Not specifically words to that effect. I do remember Mr. Beecken, with me, meeting with several groups when we were looking at performance across the site. I am not sure that he had any different meeting with Bill than he did with any of the other managers.

Q. Do you remember whether or not he ever singled out chemistry as a particularly troublesome area for him?

A. Not to me, not chemistry specifically.

Q. Or at these group meetings?

A. What group meetings?

Q. Did he ever specify chemistry needing to be shaped up?

21

1 wanting to move out and make all those changes and the other sites weren't in agreement with it. And I was concerned about -- And I guess I was trying to get guidelines as, you know, does Bill Joche have free reins to do whatever he wants. And the response back to me was no. And I saw that as their job, to get it under the control after I raised it.

Q. Do you recall what changes Bill was wanting to make in the chemistry organization besides changing personnel that you already mentioned?

A. Yes. He wanted to -- And, again, I am going by memory, and it has been a pretty good while. If I am not mistaken, he was wanting to create some additional management slots within the organization. And I do remember being concerned about one individual who was currently performing in the role. It was Bob Richte that he wanted to take out of that job and create something new to move him into. But the structure itself, no. I have gone through several restructurings since, but I don't the specifics.

That is the only one that stands out in my mind, but I know that there were some additional management slots.

Q. That he wanted to create?

A. That he wanted to create, yes.

Q. Were there management slots that he wanted to eliminate?

A. And, again, I am not sure if this was

23

MR. PFEIFER: Which groups?

MR. VAN BEKE: The meetings she just talked about. She told me she didn't remember any specific ones, but she remembered group meetings.

A. It wasn't group meetings. When we were looking at performance across the site, you know, you mentioned the group previously about giving special work. There were weaknesses identified in most every group within the plant. And Mr. Beecken met with different managers and talked about we have got to aggressively address performance across the site. And I am not sure any of those meetings were any different.

Q. Do you recall any meetings which you attended at which Mr. Beecken told Mr. Joche that he thought chemistry ought to be reorganized and he wanted Joche to do it?

A. That specifically, no.

Q. How about Mr. Bynum?

A. Mr. Bynum?

Q. Yes, telling Bill, in your presence, that chemistry needed to be reorganized and that he was to do it?

A. No, I don't remember. I do remember discussions, or a discussion maybe, at one time, where I talked to probably Mr. Bynum and Mr. Beecken about Bill

22

1 Bill, but I think it was during that period of time they were wanting to eliminate all shift supervisors and roll that back into the bargaining unit. And, again, I am not sure if that was Bill or if that was prior to Bill coming in, but I know that was one area that we could not just move out of at the site, at Sequoyah, because that had nuclear-wide impact.

Q. Was that something that Bill said get done, or was it something that he was suggesting that TVA should look at as a way of reorganizing the chemistry department?

A. And the tone -- You know, the tone was, "We have got to make this happen. We have got to do this." Whether, you know, he was up in my face, telling me, "You go make this happen," that, I don't recall.

Q. Did Bill ever sit down with you and discuss how he thought the chemistry department ought to be reorganized?

A. Yes, he did.

Q. Did he ever say that he had discussed it with anyone else before coming to you?

A. I don't remember him saying that specifically. You know, he could have. I don't know.

Q. Were those discussions about reorganizing the chemistry department in the nature of "This

24

1 is how I think it ought to be done," as opposed to "Jill, by  
 2 George, you got it done, this is the way it is going to be"  
 3 A. You know, the way I took it, and I have  
 4 just got to tell you from my feeling, it, yes, "This is the  
 5 way it is going to be done."  
 6 Q. In your discussions with Mr. Bynum, did  
 7 he ever tell you that he had asked Bill to look at how the  
 8 chemistry departments at the plant might be reorganized so  
 9 he more effective?  
 10 A. Did Mr. Bynum tell me specifically?  
 11 Q. Yes.  
 12 A. Not that I recall, no.  
 13 Q. Did you ever discuss with Mr. Bynum any  
 14 problems that you were having with Mr. Jocher?  
 15 A. Possibly. I talked to Mr. Bynum  
 16 frequently, and I made him aware of, you know, most any  
 17 personnel issues that I had at the site, yes.  
 18 Q. And would you have considered Mr.  
 19 Jocher's relationship with you to have been a personnel  
 20 issue, such that you would report it to Mr. Bynum?  
 21 A. I was concerned with Mr. Jocher, so I  
 22 could have very well talked with Mr. Bynum about that, yes.  
 23 Q. Were there any other managers at the  
 24 site that you were concerned with, that you would have  
 25 talked to Bynum about?

1 A. Over the three or four years that I  
 2 worked for him there, yes. If I was concerned enough, yes,  
 3 I would talk to Mr. Bynum about them, definitely.  
 4 Q. Do you recall any particular persons?  
 5 A. Off the top of my head, no. I mean, you  
 6 asked me if I could have talked to Mr. Bynum, and most  
 7 definitely I could have talked to him about Mr. Jocher.  
 8 Q. Did you ever talk to him about Dave  
 9 Goetcheus?  
 10 A. To Mr. Bynum?  
 11 Q. Yes.  
 12 A. Not that I recall.  
 13 Q. To Keuter, about Goetcheus?  
 14 A. To Mr. Keuter about Goetcheus?  
 15 Q. Yes.  
 16 A. To Mr. Keuter, I wouldn't think so.  
 17 Q. To Beecken?  
 18 A. To Beecken, possibly.  
 19 Q. What would have been the kinds of  
 20 problems you would have discussed with Mr. Beecken about  
 21 Goetcheus?  
 22 A. And I am not sure that it would be  
 23 problems. I talked to him about most all personnel. And  
 24 Mr. Goetcheus was -- He was very zealous.  
 25 Q. Was he a table pounder?

1 A. Goetcheus?  
 2 Q. Yes.  
 3 A. Not that I saw.  
 4 Q. A shouter?  
 5 A. No.  
 6 Q. What do you mean by zealous?  
 7 A. Full of energy, and expecting  
 8 perfection. And, of course, he was not a Sequoyah employee.  
 9 so any conversations I had would have just been talking,  
 10 like I would anybody else.  
 11 MR. PFEIFER: Charlie, she wasn't the  
 12 HERO. I don't see why you are going into Mr.  
 13 Goetcheus. I don't know why you are going down  
 14 this line.  
 15 Q. I am sorry. I thought Goetcheus was out  
 16 at Sequoyah.  
 17 A. No. He wasn't a Sequoyah employee.  
 18 Q. Were you an attendee at a meeting at  
 19 which he blew up and a formal complaint was filed as a  
 20 result of that meeting?  
 21 MR. PFEIFER: Was, Charlie?  
 22 A. Bill?  
 23 Q. Dave Goetcheus.  
 24 MR. PFEIFER: Charlie, where are you  
 25 going with this? She wasn't the HERO for Dave

1 Goetcheus.  
 2 Q. This was a meeting at Sequoyah?  
 3 A. Where Dave Goetcheus blew up?  
 4 Q. Yes.  
 5 MR. PFEIFER: Charlie, can we go off the  
 6 record for a second?  
 7 Q. And it was Mr. Dike who filed a formal  
 8 complaint; do you recall that?  
 9 A. No, I don't recall that.  
 10 Q. Do you recall Wilson McArthur  
 11 investigating a complaint about Goetcheus out at the site?  
 12 A. No.  
 13 Q. No?  
 14 A. No. I don't do Mr. McArthur's  
 15 personnel.  
 16 Q. I understand that. I am just asking  
 17 whether you know anything.  
 18 A. No. No, I don't know anything.  
 19 Q. Whether it was in your province or not.  
 20 A. No.  
 21 Q. Did you ever raise any complaints with  
 22 Mr. Bynum about Mr. Beecken?  
 23 A. No, not that I recall.  
 24 Q. Did you ever have any problems in  
 25 working with Mr. Beecken?



1 A. Problems? Really, no. No. Mr. Becken  
 2 and I worked fairly well together.  
 3 Q. Did you ever discuss Mr. Gates'  
 4 performance with anyone?  
 5 A. Probably so. Probably.  
 6 Q. Do you recall what you would have  
 7 discussed and with whom you discussed it?  
 8 A. I don't remember if it was Mr. Becken,  
 9 but I was concerned about how Mr. Gates dealt with people,  
 10 with his attitude, which improved considerably.  
 11 Q. Did you counsel Mr. Gates about that?  
 12 A. Personally, no. I did not counsel Mr.  
 13 Gates.  
 14 Q. Did you meet with Mr. Gates and tell him  
 15 about the problems that he was having with dealing with  
 16 people?  
 17 A. Not a meeting to discuss specifically  
 18 his dealings with people.  
 19 Q. Did you ever tell him he was having  
 20 difficulty dealing with people?  
 21 A. At one time, yes, I did.  
 22 Q. Were you getting complaints from people  
 23 who worked for him?  
 24 A. When he first reported, yes.  
 25 Q. Did you report that up to Becken?

1 A. No, not that I remember.  
 2 Q. Did you maintain a file at the HR office  
 3 about Mr. Jocher?  
 4 A. Did I personally? Only his personnel --  
 5 Q. Did the HR office?  
 6 A. In my office, the only thing we probably  
 7 would have kept would be his papers temporarily transferring  
 8 him out to the site.  
 9 Q. What I have more interest in is, when  
 10 those complaints were made against him, if they were written  
 11 down, would they have been put in that file?  
 12 A. No.  
 13 Q. Where would they have been put?  
 14 A. Again, the only thing that we would have  
 15 had were formal complaints that were filed, and that would  
 16 be under the individual who filed the complaint, a formal  
 17 complaint.  
 18 Q. Have you been requested to go back  
 19 through your Franklin planner or diary or whatever it is: you  
 20 keep similar to that, to look for references to Mr. Jocher  
 21 in it?  
 22 A. No.  
 23 Q. We would like to ask you to do that, if  
 24 you could do that.  
 25 A. Okay.

1 A. I am sure I did.  
 2 Q. To Bynum?  
 3 A. Probably. That would have been my job  
 4 to do.  
 5 Q. To Keuter?  
 6 A. I had very few dealings with Mr. Keuter.  
 7 He was not a Sequoyah manager.  
 8 Q. Okay. I knew he had -- I think he  
 9 had -- My understanding was that he had an office out there  
 10 and spent a day or two a week out there. I may be  
 11 misunderstanding.  
 12 A. I didn't see much of Mr. Keuter at all.  
 13 Q. But Bynum you did?  
 14 A. I saw quite a bit of Mr. Bynum, yes.  
 15 Q. Did you ever receive any complaints or  
 16 hear of any complaints about Bob Rausch?  
 17 A. No.  
 18 Q. Charles Kent?  
 19 A. No.  
 20 Q. Do you know whether anyone counseled  
 21 with Mr. Gates?  
 22 A. Personally, no. I do not know that I  
 23 was not in any meetings where anybody personally counseled.  
 24 Q. Did anyone tell you that they had  
 25 counseled him?

1 Q. For that year the two of you were at  
 2 Sequoyah together.  
 3 A. Okay.  
 4 MR. PFEIFER: I don't know that she was  
 5 among the people that you put down on the document  
 6 request.  
 7 MR. VAN BEKE: Probably not, because --  
 8 MR. PFEIFER: (Interposing) -- I don't  
 9 think so.  
 10 MR. VAN BEKE: -- I was not involved  
 11 in speaking with Ms. Wallace until you put her  
 12 down as a witness.  
 13 MR. PFEIFER: Okay.  
 14 MR. VAN BEKE: I am not making any point  
 15 of that, Phil, other than --  
 16 MR. PFEIFER: (Interposing) -- Okay. I  
 17 was just trying to clarify that there wasn't a  
 18 problem, or shouldn't be a problem.  
 19 MR. VAN BEKE: Yes. Didn't try to make  
 20 a point.  
 21 MR. PFEIFER: Okay. Good.  
 22 Q. Did you discuss Mr. Jocher's performance  
 23 with anyone besides Mr. Becken -- Well, I am not sure I  
 24 asked you that. Did you discuss it with Mr. Becken?  
 25 A. Yes, I think you did ask me that.



1 Q. Yes, okay. And you said you?

2 A. As part of my role, I would have.

3 Q. Okay.

4 A. I wouldn't bypass him.

5 Q. Did you discuss Mr. Jocher's performance

6 with anyone else besides Beecken out at the site?

7 MR. PFEIFER: I think the answer was

8 that she would have with Joe Eynum also.

9 Q. Well, apart from Eynum?

10 A. From Mr. Eynum?

11 Q. Yes, and Beecken.

12 A. And, again, I have got to think who was,

13 you know, the site vice president at that time.

14 Q. Jack Wilson?

15 A. Possibly. Nothing really stands out

16 that I talked to Mr. Wilson about it.

17 Q. Did any other managers, Mr. Jocher's

18 peers, come to talk to you about his performance?

19 A. About Mr. Jocher's performance?

20 Q. Yes.

21 A. Nothing that really stands out.

22 Q. So, then, if I could just kind of

23 summarize, you had interaction with Mr. Jocher that was not

24 satisfactory to you?

25 A. Right.

33

1 Q. And you heard from Fogelman and Black

2 that they were getting complaints from Jocher's supervisors

3 about his performance, but that you don't have any personal

4 knowledge of any of those?

5 A. Not really. You are correct.

6 Q. Was that all the knowledge then about

7 Jocher, about Jocher's performance, that you had; that is,

8 your personal interaction with him and through Black and

9 Fogelman?

10 A. Yes, sir.

11 Q. The matters about Bill wanting to

12 reorganize chemistry, number one, and number two, to replace

13 people.

14 A. Uh huh.

15 Q. My understanding is that you said that

16 took place shortly after Bill arrived at the site; is that

17 your understanding?

18 A. Within a few months, yes. Within that

19 first few months, if I remember correctly. I am not real

20 good with the dates.

21 Q. Were there other issues that led to a

22 less than cordial relationship between you and Bill after

23 that time period?

24 A. And, again, those are the ones that

25 stand out the most. I think, you know, the way Mr. Jocher

34

1 talked to me specifically throughout, you know, the year

2 that I was there with him really didn't change.

3 Q. Would you say you had a personality

4 clash with Bill?

5 A. I am not saying it is a personality

6 clash, but maybe the tone that he talked to me in was not

7 professional at all times, or respectful. Maybe I can use

8 that word.

9 Q. Was Bill someone who, to your knowledge,

10 if you have any experience to base it on, one who demanded

11 excellence and perfection from his people?

12 A. He was demanding, yes.

13 Q. Did he demand excellence and perfection

14 from his people, to the extent that you know?

15 A. I wasn't around him in his work

16 environment. Mine was mostly dealing with personnel issues.

17 Q. To your knowledge, is there anything

18 else that you are going to be asked to testify about at Mr.

19 Jocher's trial?

20 A. No.

21 Q. Have you told me now everything you can

22 remember about your relationship with Bill?

23 A. Without going back and looking through

24 anything, I have told you, as you can tell, I am not good

25 with keeping up with the dates and everything, I am telling

35

1 you, you know, what is on the top of my head, yes, sir. And

2 about a day to think about it, half a day.

3 Q. Prior to this last half a day or so,

4 have you had occasion to discuss Bill's Complaint with

5 anyone else in TVA?

6 A. His Complaint?

7 Q. That forms the basis of this case.

8 A. I think I talked to Mr. Pfeifer shortly,

9 about two weeks ago. Very briefly. Just a few minutes.

10 Q. With anyone else?

11 A. Not that I recall, huh uh.

12 Q. Did you ever recommend to Mr. Beecken

13 that any kind of progressive discipline ought to be

14 undertaken with Bill to see if he could improve his

15 performance and management style?

16 A. No, not that I recall.

17 Q. Did you feel like it was necessary to do

18 so, based on your relationship with him and what you had

19 heard from Fogelman and Black?

20 A. You know, I raised concerns, or at

21 least, you know, expressed my concern about the atmosphere

22 within that organization. With Mr. Jocher being on loan to

23 Sequoyah, you know, his management was really in

24 Chatanooga, but he did report functionally through Mr.

25 Beecken. To go in and tell Mr. Beecken, "You need to take

36

1 disciplinary against Mr. Jocher," no. I did not say those  
2 words, no.

3 Q. Did you ever have any personal  
4 discussions with any of the people who worked for Jocher, or  
5 was your impression based only on what Fogelmen and Black  
6 passed on to you? That is, who had positions within his  
7 organization.

8 A. A lot of it - I had talked with Mr.  
9 Richie, who had been an employee for a pretty good while,  
10 and a very good employee, from previous performance ratings,  
11 and well respected. And he was very uncomfortable working  
12 for Mr. Jocher, and he had talked to me, yes.

13 Q. Was this when Bill first came aboard?

14 A. It seems like it was - I mean, it  
15 wasn't just the week after he came on board, no. It was on  
16 through the period.

17 Q. Did it last the whole year?

18 A. That, I can't say. I don't know the  
19 dates. And, again, that was, you know, just talking with  
20 him. Sometimes I will see employees in the field. I did  
21 get out in the plant a lot, just to try to take a pulse of  
22 the atmosphere.

23 Q. Did you ever follow up with Richie and  
24 ask him whether things had improved?

25 A. I would ask him, I am sure, if I saw

1 dealt with through counseling with the employee, with the  
2 manager whose performance -

3 A. (Interposing) - Counseling is usually  
4 the first step to correct a problem.

5 Q. Of this progressive discipline?

6 A. To correct a problem, yes.

7 Q. And, in your view, while Bill was at  
8 Sequoyah, should he have been brought into that process?

9 A. At that level of management, you know,  
10 you should know the style that you need to have for that  
11 job. Talking to the manager would have been appropriate.

12 Q. Someone should have dealt with Bill on  
13 that; is that what you are saying?

14 A. Possibly, yes.

15 Q. In your view, someone should have?

16 A. Yes.

17 Q. And did you tell Boercken that?

18 A. Those specific words, "Rob Boercken, you  
19 go deal with the performance issue," no, sir. I don't think  
20 I ever said that. I raised concerns that, you know, there  
21 could be, you know, potential unrest within that  
22 organization, but those exact words, no, I did not tell him  
23 that.

24 Q. Any reason why you didn't tell him that?

25 A. No.

1 him, how were things going. You know, Mr. Richie never, as  
2 far as I know or that I was there, he never raised a formal  
3 concern. And it was pretty much just talking to me, which I  
4 felt like I had a pretty good relationship with a lot of the  
5 people out there.

6 Q. And Richie said that he felt  
7 uncomfortable working with Bill?

8 A. Yes, sir.

9 Q. Did he give any specifics?

10 A. No.

11 Q. When you were walking around the plant,  
12 did you talk to other chemistry folks?

13 A. None that really stand out.

14 Q. None that you can recall?

15 A. You know, I had no reason to - You  
16 know, I wasn't building a case or anything against Mr.  
17 Jocher. And I never went up to anybody and said, "Are you  
18 having problems with Mr. Jocher?" I would just say, "Hello.  
19 Good morning. How is it going?" So, nothing really stands  
20 out in my mind.

21 Q. Do you recall anyone else volunteering  
22 to you any problems they were having with Jocher?

23 A. No, sir.

24 Q. Is the kind of management problem that  
25 you thought Mr. Jocher was having one that is customarily

1 Q. That is it.

2 MR. VAN REKE: Thank you very much.

3 THE WITNESS: You are welcome. Are you  
4 later.

5 MR. VAN REKE: Let me go back on the  
6 record for just a second.

7 THE WITNESS: Okay.

8 MR. VAN REKE: I wanted to remind you  
9 that during this deposition I requested that you  
10 go back and look through your Franklin planner for  
11 notes regarding Jocher.

12 THE WITNESS: Yes, sir.

13 MR. VAN REKE: Okay. I just wanted to  
14 make sure.

15 THE WITNESS: Yes, I am going to do  
16 that.

17 MR. VAN REKE: Good.

18 THE WITNESS: And I got that back to

19 Phil?

20 MR. VAN REKE: To Phil.

21 THE WITNESS: Okay.

22 MR. PFRIFER: Right.

23 MR. VAN REKE: Thank you.

24 THE WITNESS: You are welcome.


25 \*\*\*\*\*


# EXHIBIT 47


**TENNESSEE VALLEY AUTHORITY**  
**Office of the Inspector General**  
**RECORD OF INTERVIEW**

Name: Sam L. Harvey, III  
Position: Program Manager  
Office: Technical Programs  
Operations Services  
Nuclear Power  
Generating Group  
LP 5D-C/

Work Tel.: (615) 751-7934

Residence: 

Home Tel.: 

SSN/DOB: 

Harvey was interviewed in the Corporate Chemistry Manager's (CCM's) office, Lookout Place, Chattanooga Office Complex (COC), Chattanooga, Tennessee, by Beth B. Thomas and Fred P. Vichich who identified themselves as Special Agents with the Office of the Inspector General. Harvey was advised that the purpose of this interview concerned his knowledge of events surrounding the termination of William Jocher. Harvey was advised that Jocher had filed a complaint with the Department of Labor (DOL) concerning his termination.

Harvey advised that he has worked at TVA since approximately May 3, 1991. Except for a short six-week temporary assignment at Sequoyah Nuclear Plant (SQN) shortly after his arrival at TVA, Harvey has worked in the Corporate Chemistry section in Chattanooga. Harvey's current position is Program Manager, giving oversight and technical support to the different nuclear plants.

(Continued)

Investigation On: August 11, 1993

At: Chattanooga, Tennessee

By: SAs ~~Fred P. Vichich~~ <sup>1357</sup> and Beth B. Thomas:FPVFile: 2D-133 - 79

HARVEY.DOC  
OIG-02 (10/93)

2-03-010

EXHIBIT 47

PAGE 1 OF 8 PAGE(S)

Harvey stated that he has known Jocher for approximately six years. Harvey, a consultant, worked with Jocher at Vogle near Atlanta, Georgia, as well as at the South Texas Project where Jocher was his supervisor.

Harvey advised that it was his understanding that when Jocher left South Texas to come to TVA it was because he wished to return closer to his home area of Atlanta, Georgia. After Jocher came to TVA as the CCM, Jocher advised Harvey to apply for a job at TVA which Harvey did and was hired as a Program Manager in Corporate Chemistry.

Harvey advised that Jocher was a "... pretty good boss." Jocher and Harvey had some technical differences of opinion; however, they usually could work them out to a consensus of opinion. Although Jocher had strong beliefs concerning Chemistry, Harvey always believed he could express his opinion to Jocher.

While Jocher was working at SQN as the temporary Site Chemistry Manager (SCM), Harvey performed the functions of the CCM from approximately November 1992 through the middle of March 1993. While acting in this capacity, Harvey and Jocher had a difference of opinion concerning a Quality Assurance audit which had been done at SQN where Jocher was functioning as the SCM. Jocher became so upset over this difference of opinion he told Harvey that he was going to fire him when he (Jocher) got back to the CCM position.

Harvey was concerned over his threat and had a meeting with his supervisor, Wilson McArthur, and Dan Keuter, McArthur's supervisor. Harvey was assured that the threat would never come to be and not to worry about it.

As far as Harvey knows, no other action was taken by either McArthur or Keuter over this incident. Sometime later, Jocher admitted that he was wrong in his opinion.

Although Harvey cannot recall the date, McArthur renewed a discussion of this incident around the time that Jocher had returned to the CCM position.

Another incident that Harvey recalled concerning Jocher upsetting management was the selection process of an SCM at Browns Ferry Nuclear Plant (BFN). McArthur and Harvey were on a trip to BFN when McArthur asked Harvey to talk to Jocher about Jocher's involvement in the selection process at BFN. Harvey learned that there was a scheduled selection board meeting being formed to select a new SCM at BFN and Jocher was to be on that selection board.



For unknown reasons, Jocher could not make the selection board meeting date which was scheduled for sometime in November 1992. As a result, Larry Jackson, WBN, was put on the board to take Jocher's place. The selection board met and consisted of Jackson, John Cory, the RadCon manager, and a female personnel officer from BFN. The board selected John Sabados as the new SCM at BFN.

Harvey stated that this selection (Sabados) was not the person that Jocher thought should have been selected. Out of the four candidates who applied, one who was turned down was Don Smith. Smith evidently thought he should have been selected.

Smith reportedly obtained the support of Jocher in his attempt to file a grievance over the selection process. McArthur reported to Harvey that BFN Plant Manager John Scalice had expressed his displeasure with Jocher's participation in supporting Smith in this process. Harvey stated that Scalice was upset that Jocher could not make the selection board when asked to participate, yet he wanted to criticize the selection process after the fact.

When asked what Smith's complaint was, Harvey advised that in his opinion Smith and Jocher were upset with the selection process and who was selected. McArthur told Harvey that "he (Jocher) might as well resign if he wasn't going to be a team player."

Harvey advised McArthur that since he (Harvey) had not had any conversations with Scalice about this matter it would most likely be better if he (McArthur) had the conversation with Jocher.

Another incident happened when Jocher told Harvey that he wanted Harvey to fire Don Adams over some issue that upset Jocher. What caused concern to Harvey was that although Jocher was at SQN as the Acting SCM and Harvey was the Acting CCM, Jocher would still try to force his operational opinions concerning manpower on Harvey as if he (Jocher) was the CCM. Harvey stated that he usually referred these types of situations to McArthur because he (Harvey) was never sure of what Jocher's authority was at the corporate level when he was at SQN.

Another incident that Harvey recalled concerned a telephone call he had received from McArthur. McArthur requested Harvey talk with Jocher because Jocher was threatening to escalate some issue to Oliver Kingsley and McArthur believed the issue could and should be resolved at the local site level. Harvey drove to SQN to visit with Jocher and they had a discussion over the issue and Harvey tried to convince Jocher to be a team player by taking issues up the normal chain of command.

Harvey believes that Jocher was "... blowing off steam" because he was frustrated about an item that the Institute of Nuclear Power Operations team found during its inspection. Jocher believed he had already addressed that item to site management. Jocher appeared upset because he had advised Robert J. Beecken and McArthur of these issues and didn't want to be blamed by upper management for not bringing this item to their attention.

Jocher told Harvey that he believed he had hurt himself with senior management over this issue and was going to talk to McArthur about how much damage he had done to his career.

Harvey advised that at the corporate level it was their belief that Site Chemistry was "... watered down" under Operations at SQN. Corporate believed Chemistry should be under RadCon where the chemistry programs would receive more support from management. Harvey stated that it was the general opinion that SQN Chemistry was falling apart under Operations while the chemistry programs were being managed by Gary Fiser.

Harvey advised that when Jocher was sent to SQN he was told that he would have the support he needed to correct the problems; however, he (Jocher) never did get the support he needed. Harvey stated that Jocher could not fix all the problems in SQN Chemistry in the short time of one year.

Harvey believes that Jocher was sent into an environment already labeled as a failure and expected to change everything for the better. The only difference was that Jocher had a stronger personality and was more aggressive than the previous manager, Fiser. Harvey stated that it was Jocher's way to address upper management in a "blunt, abrupt" manner.

After both units went down at SQN, the Nuclear Regulatory Commission came to SQN and basically blamed management for the problems of the plant. Harvey stated that he believes Jocher was a victim of this increased pressure to change SQN management in an attempt to rectify the management problems at the plant.

Harvey believes the technical problems in the Site Chemistry program are not new ones, but rather SQN has been unable to resolve the root cause of these problems.

Harvey advised that he cannot recall anything specific which could have caused Jocher to be terminated, but rather believes it was a combination of Jocher's past incidents and the two SQN units "going down" that caused a "house cleaning" and Jocher was part of it.

In early March 1993, before Jocher was due to return and with Harvey the Acting CCM, McArthur told Harvey that when Jocher returned to the CCM position he (McArthur) was going to talk with Jocher concerning his management style. Harvey advised that he understood this statement by McArthur to mean that Jocher was going to be counseled. McArthur advised that Jocher would have until the end of the fiscal year to improve his performance.

Shortly after Jocher was back at the COC and presumably counseled, Jocher was terminated. McArthur told Harvey and Chandra that it was Oliver Kingsley that wanted Jocher terminated.

It is Harvey's opinion that Jocher was terminated because he (Jocher) had upset Kingsley approximately a year and a half ago over some comments to the Board. Harvey believes that the termination of Jocher came from the top, namely Kingsley.

Harvey stated that it was his understanding that Jocher was counseled by McArthur and given approximately six months to improve his performance, but believes that Kingsley overrode the decisions of Bynum, Keuter, and McArthur.

Harvey believes that Jocher's termination was not over technical issues, but rather it was a personality conflict between Jocher and other senior management.

As a result of Jocher's termination, Harvey advised that they are "... very careful what issues they bring up and how they bring them up to upper management. We may bring up a technical issue but it may take us two days to figure out the right words for the issue."

Harvey believes that Jocher was terminated for expressing his different staff views.

### Job Postings

Harvey stated that it was his understanding that all position vacancies were to be posted before they were filled. When Gordon Rich came in and was hired by TVA he asked McArthur why the CCM's position had not been posted, and was advised that a waiver had been signed or granted because of Rich's "unique qualifications." Harvey stated that he believes Kingsley granted this waiver.

Harvey stated that as far as he knows, the Chemistry Manager's position at SQN that Rich recently got, was not posted. The position of Program Manager at SQN was not posted.

When the Program Manager's position at Corporate was posted, Fiser did not apply for the job.

### Fiser

Harvey believed that while Fiser worked as the CCM, McArthur wrote one performance appraisal. After Fiser and Harvey switched positions, Harvey was in the process of writing a performance appraisal for Fiser, but Fiser was reduced in force (RIF'd) before the report could be issued. Harvey believed that Fiser was "technically inadequate" and had difficulty handling more than one issue at a time.

Harvey stated that when Jocher came back to the CCM's position, Harvey moved back to his previous position of Program Manager and Fiser was RIF'd because the position of SCM at SQN was not going to be filled.

Harvey advised that after Jocher returned as the CCM, Harvey, Jocher, and McArthur discussed the Employee Transition Program (ETP) for Fiser because they all agreed that Fiser had been promoted above his ability but was not a candidate for termination.

Harvey advised that in March 1993 there was no Program Manager's position available at Corporate since Don Adams technically held that position, although he (Adams) was on loan to SQN.



Harvey advised that Rich was brought to TVA by Keuter because when Rich came to interview at TVA, there was no position available for him at Corporate. Harvey stated that sometime in February 1993, McArthur wanted Harvey to "check out Rich" because Rich was being brought in for an interview. Harvey asked McArthur what position he was to interview Rich for and McArthur replied, "I don't know, probably for the new SCM at SQN."

Harvey stated that he knew Rich was being brought in to help Chemistry, but it was Keuter and McArthur who had the specific plans for Rich's location within TVA.

Harvey believes that it was Keuter who got Kingsley to approve a waiver so that Rich could become the CCM without posting the position. Also in the past, the position of CCM was one in which the candidate for CCM was taken around to all the different sites to gain endorsement for the candidate. In this case, Rich was not introduced to the sites. Harvey stated that McArthur wanted Rich to be interviewed by the Corporate staff; however Chandra and Jocher were not present the day that Rich was available for interview.

Harvey advised that McArthur told Chandra and Harvey that "it was a done deal," and that the decision to hire Rich had already been decided.

The position of CCM was not posted after Jocher was terminated because if it had been then Chandra and Harvey would have applied for the position.

Harvey stated that once Rich was moved to the SCM's position at SQN in an acting capacity, McArthur then asked Chandra and Harvey to apply for the position of CCM. Harvey stated neither he, nor Chandra, want to apply for the CCM position because they feel it is a "scapegoat position." Further, if Rich is only in an acting position, how can Chandra and Harvey apply for his position.

Harvey advised that he thought Rich would be going to SQN as the SCM before there was ever a discussion of putting Fiser in ETP.

Harvey stated that in his opinion Keuter was upset that SQN only had a vacant position of a Technical Support Manager's position available at SQN for Rich when Rich went to SQN for interview. Keuter expressed that this would be a demotion for Rich who had 14 years' experience as an SCM.



Harvey stated that Jocher got his "choice" on a Tuesday in early April because Harvey was out sick that day. When Harvey came to work the next day he was shocked to hear of Jocher's termination. Jocher also told Harvey the he (Jocher) was shocked about the termination because he had just recently been given six months to work on the improvement of his management style and performance.

Jocher told Harvey that McArthur had talked with Bynum and Keuter who reportedly approved the six months to improve his management style and performance.

One week after Jocher left TVA, McArthur called Harvey and Chandra into his office for a meeting. At that time, McArthur told them that Rich was coming on to take the CCM position. Harvey asked McArthur if the position (CCM) was posted and McArthur replied that it was a "done deal."

Harvey believes that Rich's coming to the CCM position was only a stopping point on his way to the SQN SCM position. Charles Kent, the then newly appointed Chemistry and RadCon Control Manager, did not want to fill the SCM position because Kent liked to "micro-manage" his organizations. Ultimately, Kent was "convinced" to fill the SCM position with Rich. Rich was to fix the chemistry problems at SQN.

Harvey advised that one of the criticisms he has of McArthur is that he doesn't always let his subordinates know what is going on. Harvey doesn't believe McArthur is always honest with subordinates. After Jocher filed his complaint with the DOL, McArthur asked Harvey to write the negative incidents he (Harvey) had in dealing with Jocher.

Harvey stated that Jocher had always treated him very fairly and that the problems shared between Harvey and Jocher were technical in nature. Harvey considers his relationship with Jocher as being "friendly" over the years.

Harvey stated that approximately a week after Jocher had filed his DOL complaint, Jocher telephonically contacted Harvey. In their discussion, Jocher related to Harvey that if McArthur would help him find another job, he would be inclined to drop the lawsuit. If he didn't find a job, Jocher stated he wouldn't rest until he saw Kingsley on the witness stand.

# EXHIBIT 48

# ALLIED COURT REPORTING SERVICE

Jim Parks  
2934 Rennoc Road  
Knoxville, Tennessee 37918  
Phone (615) 687-8981

THE UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES

IN THE MATTER OF:

WILLIAM F. JOCHER,

Complainant,

VS.

TENNESSEE VALLEY AUTHORITY,

Respondent.

CASE NO. 94-ERA-24

APPEARANCES:

Attorney for Complainant

Charles W. Van Beke, Esquire  
Wagner, Myers & Sanger, P.C.  
Suite 1801, Plaza Tower  
800 Gay Street, S.E.  
Knoxville, Tennessee 37929-1801

Attorneys for Respondent

Philip J. Pfeifer, Esquire  
Office of General Counsel  
Tennessee Valley Authority  
400 West Summit Hill Drive  
Knoxville, Tennessee 37902

PRETRIAL DEPOSITION OF DAVID WALTON SORRELLE

SEPTEMBER 23, 1994

2-03-011

*Compressed*

EXHIBIT 45

PAGE 1 OF 9 PAGE(S)





1 demineralizers, those kind of procedural revisions, back in  
2 the startup of such -- I guess, until now, back in those  
3 days, at Sequoyah.

4 Then later had the opportunity, there  
5 were some openings came up in the environmental department,  
6 and I took environmental project manager, which was a  
7 internal transfer.

8 Q. At Sequoyah?

9 A. No, sir, that was a corporate position  
10 that I took, in the corporate environmental protection side.

11 Q. Do you remember what year that was?

12 A. Well, I know it was in March, and that  
13 must have been -- Let's see. We had the big -- That would  
14 have been, I think, 1989.

15 Q. Then after that, you were a project  
16 manager, environmental project manager in the corporate  
17 chemistry/environmental group?

18 A. That is correct. That is true. That is  
19 true, yes.

20 Q. Okay. So, now we are up to March of  
21 1989.

22 A. Then the next position that -- I guess  
23 I continued in that position until -- Charlie, I don't  
24 really remember what period of time that was.

25 Q. Let me short-circuit it then a little

5

1 A. That is correct.

2 Q. Then you reported directly to Wilson

3 J. McArthur?

4 A. That is correct.

5 Q. Prior to TVA, did you come right out of  
6 school, or did you have other employment?

7 A. That is a nice compliment, but I had  
8 worked with an engineering firm in Vero Beach, Florida, and  
9 prior to that -- their name was Vero, V-e-r-o.  
10 International. Prior to that, I worked with Sossy, the  
11 people that make TV's, in their magnetic tape manufacturing  
12 area. And then prior to that, I worked for eight years with  
13 the Alabama Power Company at various sites in the system,  
14 Mobile, Birmingham, Dothan.

15 Q. Do you have a degree in chemistry?

16 A. Yes.

17 Q. When was that?

18 A. 1968.

19 Q. B.S. in chemistry?

20 A. Yes.

21 Q. From where?

22 A. I had a double major in chemistry and  
23 zoology at the University of North Alabama.

24 Q. Do you have any other degrees besides  
25 your B.S. degree?

7

1 bit.

2 A. Yes.

3 Q. Maybe I can help.

4 A. Yes.

5 Q. I will tell you that Bill Jocher was  
6 hired as the chem manager, corporate in November of 1980.

7 What position did you hold when Bill came on board?

8 A. I am pretty sure -- You know, we had  
9 two different pay grade levels, and I believe I was at then  
10 a pay grade E, and I guess that would have been a program  
11 manager, environmental.

12 Q. Okay.

13 A. You know, I really don't remember that.  
14 I hadn't thought about that in quite a while. It may be  
15 that we had combined functions. I can't remember, Charlie.

16 Q. Well, did there come a time when your  
17 position changed?

18 A. There came a time when my position  
19 changed to manager of environmental protection. And that  
20 would have been -- I guess that would have been in early  
21 1982.

22 Q. And that is when the environmental group  
23 was split off from the chemistry group?

24 A. Yes.

25 Q. When it was split?

6

1 A. No, sir.

2 -Q. During the period, November of 1980,  
3 when Bill came on board, until early 1982, when the  
4 environmental protection group was set up separate from  
5 chemistry, did you report to Mr. Jocher?

6 A. Yes, sir.

7 Q. And describe your working relationship  
8 with Mr. Jocher during that period.

9 A. I would say that the working  
10 relationship generally, away from the workplace, was  
11 generally good. I would say that from the standpoint of the  
12 actual, you know, work environment in the office, it was  
13 probably a little bit cumbersome for me.

14 Q. Tell me why it was cumbersome.

15 A. There were situations where that the  
16 environmental -- you know, there were numerous times when  
17 the environmental staff was -- you know, was really  
18 compared to the chemistry staff, and in an inferior manner,  
19 you know, as if that the chemistry folks were quite a bit  
20 more competent than the environmental staff. You know, and  
21 generally that you know, the chemistry guy -- anybody  
22 could do environmental work, and environmentalists couldn't  
23 do chemistry work. And, of course, that also showed up in  
24 lower pay grades for the environmental people.

25 Q. Were you ever party to the service

8



1 reviews that Bill gave to the chemists?  
 2 A. No, sir.  
 3 Q. Did Bill give service reviews to the  
 4 project managers in the environmental group, or did you do  
 5 that?  
 6 A. No, Bill did them all. I did not do  
 7 them.  
 8 Q. Did Bill ever suggest that he thought it  
 9 would be better if the environmental group were split off  
 10 from the chemistry group and reported directly to Wilson?  
 11 A. In the latter part of Bill's tenure  
 12 at -- Bill left and went to Sequoyah when?  
 13 Q. March of 1982?  
 14 A. March of 1982? There were occasions at  
 15 the end of Bill's first stay downtown that he told me that  
 16 he had told Wilson that he felt like the environmental group  
 17 should be split out.  
 18 Q. And did you agree with him?  
 19 A. Yes, sir. We were in a stage of  
 20 permitting with Sequoyah and Watts Bar, you know, that --  
 21 where we had permits that were five years in arrears, and it  
 22 was a very complex, quite technical period. And we were  
 23 doing, you know, a great deal of negotiating with the State  
 24 of Tennessee. And there was just -- That period of time  
 25 headed itself for us to, you know, work independently and

1 directly with the regulator.  
 2 Q. And Bill recognized that?  
 3 A. Yes, sir.  
 4 Q. And in fact that happened then, did it  
 5 not?  
 6 A. That did happen, yes, sir.  
 7 Q. When I asked you about your working  
 8 relationship with Bill, you said it was cumbersome and then  
 9 you gave -- the reason was that Bill seemed to -- and I am  
 10 going to change the words a little bit -- not think as much  
 11 of the environmental folks as he did the chemists; is that  
 12 basically what you said?  
 13 A. Yes, sir. And that may have been -- I  
 14 really didn't know Bill's background in environmental, maybe  
 15 he hadn't worked that long in environmental, but, you know,  
 16 that was my interpretation, yes.  
 17 Q. And was there anything else that made  
 18 your working relationship with him cumbersome?  
 19 A. Well, I know Bill was quite outspoken  
 20 from his first -- When he first arrived on the job at TVA,  
 21 Bill was quite outspoken about the real incompetence of  
 22 individuals that were filling the chemistry manager slots at  
 23 all -- really, it ended up being all three of our plants.  
 24 And, you know, those were generally times that we would all  
 25 be in staff meetings together. That is probably something

1 that I should have expressed my concerns directly to Bill.  
 2 I don't know that I did. But I know that, you know, what I  
 3 would really term, you know, almost a character  
 4 assassination by Bill against them was troubling to all --  
 5 to most of the staff.  
 6 Q. Did you talk with the rest of the staff  
 7 about it?  
 8 A. Well, all the staff was talking about  
 9 it. I certainly did not take any lead.  
 10 Q. Was this as soon as Bill got there?  
 11 A. Yes, sir.  
 12 Q. As soon as Bill got there, he started  
 13 this character assassination of the site chemistry managers?  
 14 A. Yes, sir.  
 15 Q. Who were the site chemistry managers at  
 16 the time?  
 17 A. The site chemistry managers at the time  
 18 were Gary Fiser at Sequoyah, John Sabados was at Brown's  
 19 Ferry, and it was Ralph Matthews, I believe, at Watts Bar.  
 20 Those were the people that, you know -- that the  
 21 information was directed at. Now, maybe that wasn't the  
 22 positions they were in, but it was those individuals.  
 23 Q. In fact, at Brown's Ferry, wasn't Don  
 24 Smith the chemistry manager at that time?  
 25 A. Don had been at one time, yes.

1 Q. Did you ever hear Bill say anything  
 2 negative about him?  
 3 A. I did not.  
 4 Q. About Ralph Matthews?  
 5 A. Yes.  
 6 Q. And Gary?  
 7 A. Yes.  
 8 Q. And John Sabados?  
 9 A. Yes, sir.  
 10 Q. What did he say about Sabados?  
 11 A. The discussions with John -- I think  
 12 generally, that most of them were incompetent, up to and  
 13 including, in John's case, that he might not be mentally  
 14 stable.  
 15 Q. Do you remember any specific occasion  
 16 when he said those things about Sabados?  
 17 A. Yes, sir. One was at a staff meeting,  
 18 and another was in a phone conversation that he and Jim  
 19 Barter were having with someone at, I believe, a  
 20 Pennsylvania utility.  
 21 Q. And tell me what you recall Bill saying.  
 22 MR. PFEIFER: In which session?  
 23 Q. Take either one first. Take the staff  
 24 meeting, if that is the one you want to address first, or  
 25 the telephone conversation. I don't care.

1 A I really don't remember any -- the  
 2 exact words. I know that there were questions about the  
 3 mental stability of John Sabados and problems that had --  
 4 Q. (Interposing) -- Do you remember any  
 5 words that were used?  
 6 A. Well, I remember that those words were  
 7 used.  
 8 Q. Mental instability?  
 9 A. Yes, sir.  
 10 Q. Quoted/unquoted?  
 11 A. Yes, sir.  
 12 Q. Okay.  
 13 A. And had had problems at this place that  
 14 was called in this second conversation that I overheard.  
 15 Q. I am sorry, I didn't catch that last  
 16 bit.  
 17 A. I know that it was a northern plant. I  
 18 thought it was Pennsylvania. And I know that there -- I  
 19 don't know where -- You know, actually I don't know where  
 20 John had worked before, but I think he had worked there  
 21 somewhere, and I think there were discussions with somebody  
 22 there about why John had left.  
 23 Q. Were you a party to that phone  
 24 conversation?  
 25 A. No, sir.

1 Q. That was the term used at the time?  
 2 A. Yes, sir.  
 3 Q. Do you remember the context?  
 4 A. I do not, sir.  
 5 Q. Was this said in any kind of a  
 6 lighthearted way, or was it in a serious way?  
 7 A. It is not my opinion that it was at all  
 8 lighthearted.  
 9 Q. Do you recall any particular issues that  
 10 were being discussed at that staff meeting?  
 11 A. I do not, sir.  
 12 Q. Were the staff meetings that Bill held,  
 13 did they encompass both the chemists and the environmental  
 14 folks, or do you have separate meetings for each group?  
 15 A. Both conditions occurred.  
 16 Q. And this particular meeting that you are  
 17 talking about, was this a general meeting for everyone, or  
 18 just the environmental folks?  
 19 A. I thought we were all there. From what  
 20 I remember, we were all there that particular day.  
 21 Q. Do you recall anything else, other than  
 22 that staff meeting and the telephone conversation with  
 23 Barker with the Pennsylvania folks, of Bill saying anything  
 24 about Sabados?  
 25 MR. PFEIFER: Are you referring to

1 Q. Was Barker Bill's supervisor at the  
 2 time?  
 3 A. Yes, sir, and they were in Bill's  
 4 office.  
 5 Q. Were you in the office at the time?  
 6 A. Yes, sir. I was asked to leave.  
 7 Q. Were they asking this Penn utility about  
 8 Sabados' mental stability?  
 9 A. Yes, sir.  
 10 Q. Did they suggest that he was not, or  
 11 that they were asking up there whether or not they had any  
 12 view of it?  
 13 A. It sounded more to me like, you know,  
 14 the small amount that I heard, really confirming that that  
 15 is why -- you know, confirming that came from someone else  
 16 about John, or that condition.  
 17 Q. Do you recall whether it was Barker or  
 18 whether it was Jocher who used the words, "mental  
 19 instability"?  
 20 A. I don't remember Barker saying that.  
 21 Q. What about the staff meeting; do you  
 22 remember anything specific about the staff meeting?  
 23 A. No, none other than, you know -- other  
 24 than he was several -- you know, "several bricks short of a  
 25 full load".

1 the -- anything referring to the incompetence, or  
 2 -- to the mental instability, Charlie?  
 3 MR. VAN BEKE: About Sabados at all.  
 4 MR. PFEIFER: Okay.  
 5 A. Well, again, there had been, you know,  
 6 numerous, numerous times when John and the other guys had  
 7 been discussed in other staff meetings. There were not any  
 8 indications about any of this mental stability stuff at any  
 9 other time that led up to that. You know, it was just  
 10 really pretty much a real trashing of these guys from time  
 11 to time.  
 12 Q. Do you recall anything that he said  
 13 specifically about Ralph Matthews?  
 14 A. I don't remember the exact words other  
 15 than, you know, it was negative.  
 16 Q. About him personally, about his --  
 17 A. Ability to do the job as chemistry  
 18 manager at Watts Bar.  
 19 Q. You don't remember any particular words,  
 20 though?  
 21 A. No, sir.  
 22 Q. Was this on one occasion?  
 23 A. It was more than one occasion. I don't  
 24 remember the number of times.  
 25 Q. Those times when he made a negative

1 comment, were they in context of specific problems that were  
 2 being addressed at Watts Bar?  
 3 A. Sometimes they were, yes, but not  
 4 always.  
 5 Q. Can you remember any of the context at  
 6 all?  
 7 A. I do not. You know, again, I tried to  
 8 tune most of that out.  
 9 Q. What about Gary Flier at Sequoyah?  
 10 A. Again, I don't remember any of the  
 11 specific language. I know that it was on numerous, you  
 12 know, numerous, occasions.  
 13 Q. Anything any different than what you  
 14 have said about Ralph Matthews?  
 15 A. No.  
 16 Q. Do you remember the specific context of  
 17 any of the comments with regard to Flier?  
 18 A. I do not, sir.  
 19 Q. During this period of time, did you and  
 20 your staff go to the sites to do evaluations at the sites or  
 21 to write reports about what was going on at the sites?  
 22 A. In chemistry, when we were working under  
 23 BILL?  
 24 Q. Yes.  
 25 A. As chemistry --

1 about those site managers, at those same staff meetings?  
 2 MR. PFEIFER: You are referring to  
 3 BILL's assessments?  
 4 MR. VAN BEKE: Yes.  
 5 MR. PFEIFER: Okay.  
 6 A. Yeah, that is true. You know, all the  
 7 focus was on the chemistry side of the house. There was  
 8 very little emphasis being placed on the environmental. I  
 9 guess, again, Bill felt more comfortable in the chemistry  
 10 area, and that is where he placed more emphasis. And those  
 11 were the people that I think he felt were -- you know,  
 12 since he had more of a chemistry background, he felt those  
 13 guys -- I think that is where his emphasis was, and those  
 14 were the guys that were "incompetent."  
 15 Q. And at the sites, the site organizations  
 16 mirror, do they not, the --  
 17 A. (Interposing) -- I believe they did at  
 18 that time, yes.  
 19 Q. So that chemistry and environmental  
 20 protection both reported to the site --  
 21 A. (Interposing) -- At that time, they  
 22 did, I believe.  
 23 Q. -- CHP manager?  
 24 A. In the early stages, that is correct.  
 25 Q. And were Bill's negative comments about

1 Q. Right.  
 2 A. I don't remember specifically, but I am  
 3 certain that there were some.  
 4 Q. Do you remember going to the site during  
 5 that period of time?  
 6 A. Of course. We went to the sites  
 7 frequently.  
 8 Q. And when you came back, did you report  
 9 your findings to BILL?  
 10 A. I feel certain that we did.  
 11 Q. When you came back, were you ever  
 12 critical of the sites' work that they were doing, that they  
 13 maybe weren't up to snuff or something?  
 14 A. Well, I don't know that any of the  
 15 programs today or at that time are in a condition of  
 16 perfection. And there was always, then, and there is now,  
 17 areas for improvement.  
 18 Q. When you came back, did you report site  
 19 deficiencies to BILL?  
 20 A. I am sure we did. That would have been  
 21 documented.  
 22 Q. And were they then discussed at the  
 23 staff meetings?  
 24 A. Yes, they would have been.  
 25 Q. At which negative comments were made

1 those site managers in the context of their inability to  
 2 handle the environmental problems that were --  
 3 A. (Interposing) -- Generally, again, all  
 4 of the -- it was all raised in the area of chemistry.  
 5 Q. Did Bill ever acknowledge to you that  
 6 his forte was chemistry and not environmental protection?  
 7 A. I am sure he did.  
 8 Q. While you were reporting to BILL, were  
 9 the environmental folks, you, doing quarterly reports at  
 10 each of the plants, reviewing them on a quarterly basis or  
 11 preparing reports on a quarterly basis?  
 12 A. Really, I don't remember. Again, there  
 13 were responsibilities that included assessments at the  
 14 sites.  
 15 Q. Okay. After Bill went to Sequoyah and  
 16 your group was split off from the chemistry group, did your  
 17 group do quarterly assessments of Sequoyah during that  
 18 period?  
 19 A. Well, there have been -- you know,  
 20 there have -- you know, I don't know that they have always  
 21 been on a quarterly frequency, but there have been  
 22 assessments ongoing, yes.  
 23 Q. Were they expected to be done on any  
 24 particular periodic basis?  
 25 A. Again, that was generally --

1 Q. (Interposing) -- Like, for instance,  
 2 quarterly?  
 3 A. That was generally something that was a  
 4 site call, as far as the frequency.  
 5 Q. As to the frequency with which your  
 6 folks from corporate came on?  
 7 A. True. True. We negotiated with the  
 8 sites. We had a responsibility matrix, and within that  
 9 responsibility matrix, there were certain activities and we  
 10 had numerous activities within that matrix. The major  
 11 activity that we had at that time was permitting. And there  
 12 were occasions when some of the assessments didn't occur,  
 13 which the site was aware of, because there were more  
 14 pressing issues. But, again, within the matrix of  
 15 responsibilities that we negotiated with the site, that we  
 16 owned, assessments are a part of that, and still are.  
 17 Q. And did there come a time when you were  
 18 called on the carpet, as it were, because the assessments  
 19 were way behind schedule?  
 20 A. I don't ever remember that, no.  
 21 Q. Okay.  
 22 A. Again, we were in a period with permits  
 23 that were five years in arrears, and we had a large portion  
 24 of the staff working with the state agencies to correct  
 25 those conditions. And that was something that was fully

1 his office and tell him your thoughts: it was unprofessional?  
 2 A. No. In retrospect, I probably should  
 3 have. The only other occasion that I remember Bill and I  
 4 having a little bit of concern was over the use of profanity  
 5 at the staff meetings, and I confronted him with that, and  
 6 there was no problem afterwards.  
 7 Q. Bill took your suggestion in that  
 8 regard?  
 9 A. He did.  
 10 Q. Were there other times when you made any  
 11 suggestions to Bill about how he was comporting himself or  
 12 handling the staff?  
 13 A. No, sir. Generally, we as a staff,  
 14 Bill -- Generally, the thought was Bill was pretty  
 15 thick-headed and Bill didn't learn much, and when Bill got  
 16 an idea in his head, it didn't matter what technically or  
 17 rationally you presented, Bill didn't listen.  
 18 Q. On personal matters though, was there a  
 19 difference, like, for instance, when you called his hand, as  
 20 it were, on using profanity?  
 21 A. I don't think I subtly called his hand.  
 22 We just addressed it in a gentlemanly manner, of course, and  
 23 it was corrected.  
 24 Q. It was handled?  
 25 A. Yes, sir.

1 knowledgeable to Wilson McArthur, and Dan Keuter, Joe Bynum  
 2 and company. And I think, to substantiate that, we had  
 3 surveys that we sent to the sites and received comments back  
 4 about the quality and the adequacy of the service that we  
 5 were providing then and now. You know, again, they were our  
 6 customers, and that is who we were trying to keep happy.  
 7 Q. Were you involved in any way with Bill's  
 8 leaving TVA?  
 9 A. No, sir.  
 10 Q. Were you consulted at all about Bill's  
 11 management style or anything else that would cause him to be  
 12 asked to leave TVA?  
 13 A. No, sir.  
 14 Q. Did you ever have any discussions with  
 15 Wilson McArthur about Bill's management style?  
 16 A. No, I told Wilson of my concerns over,  
 17 again, Bill's -- again, this character assassination issue.  
 18 And I felt it was something that should be addressed to  
 19 those guys face-to-face, and not in the company of the staff  
 20 in Chattanooga. I considered that unprofessional.  
 21 Q. And that was back before Bill went to  
 22 Sequoyah?  
 23 A. Yes. And I certainly was not the only  
 24 one that had that opinion.  
 25 Q. Did you ever call Bill aside or stop by

1 Q. Since Bill has left TVA, have you had  
 2 occasion to discuss his leaving with anyone other than with  
 3 Phil or any other lawyer from OGCT?  
 4 A. Absolutely not.  
 5 Q. Have you discussed it with McArthur, for  
 6 instance?  
 7 A. No.  
 8 Q. Did you discuss it with Betsy?  
 9 A. I am not sure how you mean, in what  
 10 regard. From the standpoint of me doing anything that would  
 11 be deleterious to Bill in any kind of actions or other job  
 12 opportunities, I had no intentions of it whatsoever and made  
 13 a point of ensuring that I didn't.  
 14 Q. No, that is not really what I was  
 15 getting at, but thank you. I just meant, with anyone at  
 16 TVA, have you had any discussions about --  
 17 A. (Interposing) -- Again, I kept that  
 18 real low key, because it was none of my business.  
 19 Q. Okay. You didn't have any discussions  
 20 with Bynum, for instance?  
 21 MR. PFEIFER: Before Bill left or after  
 22 Bill left?  
 23 MR. VAN BEKE: After Bill left.  
 24 A. No, sir.  
 25 Q. What about before Bill left, with Bynum?



1 A I feel certain that Joe and I had some  
2 discussions, again, as part of some of the permitting  
3 negotiating we were doing. And we were having a thermal  
4 crisis at Brown's Ferry, and I am sure that the subject came  
5 up about my concern over the way some of the site chemistry  
6 managers were being treated.

7 Q Well, let me go back to my general  
8 question. Since Bill has left, other than discussing Bill  
9 with Phil or any other lawyers from TVA, have you discussed  
10 Joe with anyone else? And then I suggested Betsy Elford  
11 Lee, for instance.

12 A Well, to say Bill's name hasn't come up  
13 would certainly not be true. We have discussed it, but,  
14 again, it hasn't been any kind of -- There have probably  
15 been discussions about Bill, but it was nothing to "Well,  
16 let's go out and see if we can" -- nothing -- I don't know  
17 what word to use. There was nothing that I ever would use  
18 or have used in a negative manner.

19 Q Okay. I guess more what I had in mind  
20 was, were conversations with TVA folks -- I guess, as an  
21 old bridge player, I would say, sort of reviewing the  
22 bidding as to what had happened when Bill was here and how  
23 that may have led to his leaving TVA?

24 MR. PFEIFER: *Aside from whom counsel*  
25 *was present?*

1 MR. PFEIFER: *Do you want to talk to*  
2 *him? Do you want to ask him about it, ask him*  
3 *whether there were more things that he talked*  
4 *about, for instance, the character assassination*  
5 *question?*

6 Q Go ahead.

7 A That was generally the content of what I  
8 discussed with Joe. And, of course, I mentioned to Joe my  
9 concern over the issue with John Sabatko, but -- you know,  
10 and the mental capacity issue. And I didn't think that --  
11 You know, again, we needed to be working as a team, and it  
12 was a team approach, and we needed to work with people and  
13 not against people, and us all pulling in the same  
14 direction. So, those were really the only two things that I  
15 discussed with Joe.

16 Q Okay. And was that --

17 A (Interposing) -- And that was not, you  
18 know, me trying to in any way hurt Bill. It was just, you  
19 know, I felt, something we needed to correct because it was  
20 affecting morale in the department.

21 Q And this was before Bill went to  
22 Sequoyah, correct?

23 A Yes, sir.

24 Q And that was the only discussion then  
25 that you ever had with Byrum about Bill's performance?

1 MR. VAN BEKE: Yes.

2 MR. PFEIFER: Okay.

3 A Again, when we split off from chemistry,  
4 you know, we were off in our own world. And, basically, I  
5 care about Bill as a person, but really, for me to delve or  
6 dwell on what was going on and what happened and all that, I  
7 did not really have a -- I did not need to know. I did not  
8 have a need to know, and didn't really ask them.

9 Q Okay. So, once the two organizations  
10 were split, that was basically the end of your interaction  
11 with Bill?

12 A Totally.

13 MR. PFEIFER: *I don't know that you have*  
14 *completed asking questions about his discussion*  
15 *with Byrum. I don't -- but he completed his*  
16 *answer about that.*

17 MR. VAN BEKE: *Oh, I thought he had.*

18 MR. PFEIFER: *I didn't know that you had*  
19 *asked about all the topics. He talked about one.*

20 MR. VAN BEKE: *Right. I just asked*  
21 *generally.*

22 MR. PFEIFER: Okay.

23 MR. VAN BEKE: *He just talked about one.*  
24 *I assumed that was all he talked about.*

25 Q Is that true?

1 A Yes. (Nod of Head).

2 Q And I asked you whether you had had  
3 similar discussions with anyone else.

4 A I don't remember any. You know, for me  
5 to emphatically say, no, I --

6 MR. PFEIFER: *You mean aside from the*  
7 *one he had with Wilson before, that he already*  
8 *talked about?*

9 MR. VAN BEKE: Right.

10 MR. PFEIFER: Okay.

11 Q But not Kester, for instance?

12 A I would be real surprised if Dan and I  
13 hadn't discussed it, but it would have been very similar to  
14 the same subject that Joe and I had.

15 Q Do you have a social relationship with  
16 any of those folks outside the office?

17 A No, sir.

18 Q So, before Bill went off to Sequoyah,  
19 you had discussed these items, as it were, the character  
20 assassination of the site managers, with McArthur?

21 A Yes.

22 Q And with Kester, perhaps?

23 A Yes.

24 Q And for sure with Byrum?

25 A Yes.



1 Q. Have ever discussed Bill's performance  
2 with anyone else in TVA, apart from the lawyers?

3 A. I don't remember discussing Bill's  
4 performance.

5 Q. Ever discussed it with Kingsley?

6 A. I don't - in my conversations with Mr.  
7 Kingsley, I didn't mention names.

8 Q. Well, what did you say?

9 A. I just told him that we were having  
10 problems with morale, and that there were some problems as  
11 far as the team effort between the corporate chemistry staff  
12 and the site chemistry staff. And that was about the  
13 extent of it.

14 Q. Do you recall when that was?

15 A. I know where it was, but I don't know  
16 when it was.

17 Q. Where was it?

18 A. It was in front of the canteen down at  
19 Lookout Place.

20 Q. Are you a social friend of Mr.

21 Kingsley's?

22 A. How would you define social?

23 Q. Do you see him on non-work matters  
24 outside the office?

25 A. Have I ever?

1 MR. VAN BEEK: I guess we don't have any  
2 more questions for you, Mr. Sorrelle. Thank you.

3 \*\*\*\*\*

4 AND, FURTHER, THE DEPOSITION SAITH NOT,  
5 DAVID WALTON BORRELLE

6  
7  
8  
9 By \_\_\_\_\_

1 Q. Yes.

2 A. Yes, sir.

3 Q. How long have you known him?

4 A. I have known Mr. Kingsley since 1973.

5 Q. And in what context did you know him in  
6 1973?

7 A. He was the assistant plant manager at  
8 Farley Nuclear Plant.

9 Q. That is when you were with Alabama Power  
10 Company?

11 A. Yes.

12 Q. And have you attended social functions  
13 at his home?

14 A. Yes, sir.

15 Q. Since he has been at TVA?

16 A. Yes, sir. At no time did I discuss Bill  
17 or business matters.

18 Q. Other than in front of the canteen that  
19 one day about the site/corporate relationship -

20 A. That it needed to be fixed, yes, sir.

21 Q. Did you ever have any other discussions  
22 with him about it?

23 A. This particular subject?

24 Q. That or similar matters.

25 A. This particular subject, no.

1 \*\*\*\*\*




2  
3 I do hereby certify that the within and  
4 that same by me and that this deposition is a true,  
5 correct and accurate copy of the deposition given by the  
6 witness.

7 I do hereby further certify that I am of  
8 lawful age, sound mind and memory at the time signed.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000

# EXHIBIT 49

TENNESSEE VALLEY AUTHORITY  
Office of the Inspector General  
RECORD OF INTERVIEW

Name: Betsy Eiford-Lee  
 Position: Program Manager, Environmental Protection  
 Office: Chattanooga, Tennessee  
 Work Tel.: (615)751-7676  
 Residence:   
 Home Tel.:   
 SSN/DOB: 

(I)

Eiford-Lee was contacted at the Chattanooga Office Complex (COC) and advised of the identities of the interviewing agents. She was interviewed concerning her knowledge of William F. Jocher's management style. Eiford-Lee provided the following information.

Background

Eiford-Lee explained that currently the Environmental Protection group is under Technical Programs and is parallel to the Corporate Chemistry Program. Eiford-Lee currently reports to David Sorrelle, Manager, Environmental Protection, who reports to Wilson McArthur, Manager, Technical Programs. However, Eiford-Lee was formerly in the Chemistry group and reported to Jocher from the time Jocher started with TVA (approximately November 1990) until he became the Sequoyah Chemistry Manager in March 1992.

Jocher's Management Style

1. Eiford-Lee stated that she "didn't like Jocher." In fact, Eiford-Lee requested that McArthur move her out of Chemistry when she learned that Jocher would be returning to Corporate Chemistry following his temporary assignment at SQN.
2. Eiford-Lee advised that she "didn't trust him (Jocher)" because Jocher had changed her service review after she had signed it but before he presented the service review to McArthur. After McArthur signed the service review, it was once again returned to Eiford-Lee for her signature. When it was returned, Eiford-Lee realized that a line stating that she was not doing her job because she was too afraid of being Reduced-in-Force (RIF'ed) had been added. Eiford-Lee refused to sign the modified service review and Jocher agreed to mark out the added statement. Eiford-Lee stated that she did not report this incident to McArthur and has no knowledge if McArthur knew about this incident.

Continued

INVESTIGATION ON: July 30, 1993 AT: Chattanooga, Tennessee

BY: <sup>BET</sup> SAs Beth B. Thomas and Fred P. Vichich: BET FILE: 2D-133 -18

2-25-01

0646D  
EXHIBIT 49

PAGE 1 OF 2 PAGE(S)

3. Eiford-Lee stated that Jocher had also made the statement that "chemistry was more important and that a chemist could do an environmental protection job, but not vice versa." Due to the fact that all the chemist were PG8 and all the environmental staff were PG6, Eiford-Lee felt that Jocher discriminated against the environmental staffers and her chances for promotion were limited.
4. Another incident Eiford-Lee could recall occurred when Jocher began loudly questioning the state's "ways of doing things" following an emergency preparedness drill. Eiford-Lee made a comment to a coworker that someone needed to tell Jocher to keep quiet because the state could keep TVA from "doing things." Jocher then proceeded to call Eiford-Lee up and accuse her of lying about what he had said. When Eiford-Lee got upset at Jocher, he began apologizing for the accusation.
5. The environmental group was moved out from under chemistry in approximately November 1991. However, Eiford-Lee's position is such that she "doesn't fit well" under chemistry or environmental protection so she remained a direct report under the chemistry program. Eiford-Lee stated that she had gone to McArthur to complain about Jocher; however, she had discussed her feelings about working under him and did not speak for the entire environmental group.
6. Eiford-Lee commented that she "loved" working under Gary Fiser when Fiser became the Corporate Chemistry Manager because Fiser understood what she was doing, let her do her job, and was a nice person.
7. Eiford-Lee explained that she was "so miserable" under Jocher that she "would have quit" if McArthur had not let her move to a different group.

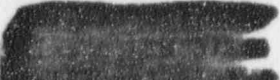


BBT

0646D

# EXHIBIT 50



TENNESSEE VALLEY AUTHORITY  
Office of the Inspector General  
RECORD OF INTERVIEW

Name: Don E. Adams, II  
Position: Chemistry Program Manager  
Office: Sequoyah Nuclear Plant (SQN)  
Work Tel.: (615) 843-6714  
Residence:   
Home Tel.:   
SSN/DOB: 

4.2

Adams was contacted at SQN and advised of the identities of the interviewing agents. He was interviewed concerning his knowledge of William F. Jocher's management style and the allegation that he (Jocher) was forced to resign due to his expression of safety-related issues. Adams provided the following information.

Background

Adams stated that he has been employed at TVA for approximately 5 and 1/2 years. In January 1991, Adams became a Program Manager in Corporate Chemistry. He served in this capacity until March 1993 when he moved to his current position of Chemistry Program Manager at SQN. Jocher served as Adams' supervisor from January 1991 until he (Jocher) moved to SQN in March 1992.

Jocher's Management Style

1. Adams described Jocher as "forceful" and "direct." In addition, he believes Jocher always wanted an audience and never accepted any contradictory information which could question his recommendations. Specifically, Adams stated that Jocher would "intimidate" individuals who attempted to express a different view. For example, Jocher told David Demott, a SQN chemistry supervisor, to "sit down and be quiet, I'll lead and you'll follow."
2. On occasion, Adams would tell Jocher that he disagreed with one of his (Jocher's) views on a technical issue. Jocher would "ignore or disagree" with him, but would later ask Adams, in the presence of other people, to support his (Jocher's) viewpoint.

Continued

EXHIBIT 50

PAGE 1 OF 3 PAGE(S)

2-93-015

INVESTIGATION ON: July 29, 1993

AT: Sequoyah Nuclear Plant

BY: SAs Beth B. Thomas and Fred P. Vichich

FILE: 2D-133-8

3. Adams believes that Jocher was good to get things "stirred up and going;" however, he (Jocher) "attacked necessary team players." In addition, Adams feels that Jocher was good at developing programs, but was not involved in the day-to-day chemistry operations.
4. Adams commented that he has considered filing harassment complaints against Jocher in the past. Specifically, Adams pointed to two incidents in which he felt he was harassed by Jocher.

1) Jocher told Bunny Rollins (position unknown) in the presence of Adams that "he was the problem at SQN - he messed up all the procedures." This statement was made in reference to Gary Fiser, Chemistry Manager, SQN. Jocher then told Rollins that Fiser had said that "there was a big problem in the lab and it was Brian Williamson's fault." According to Adams, Jocher knew that Williamson and Fiser did not get along and that Rollins would tell Williamson what Fiser had allegedly said. Adams, knowing that Fiser could soon become Williamson's manager, approached Williamson and told him not to believe Jocher's statement. Once Jocher heard about Adams speaking with Williamson, Jocher told Adams that "one thing for sure about him (Jocher), he knew who his friends were and who he could count on, and he knew who was not his friend and he would never forget." Jocher then said he knew Adams was Fiser's friend.

2) Adams stated that after Jocher was moved to SQN in March 1992, his (Adams') former college roommate who works at South Texas (Jocher previously worked at South Texas) called and said "I heard a rumor that Bill (Jocher) was demoted." Adams said "no - there were problems at SQN and management wanted him (Jocher) to fix them." Adams stated that there was no derogatory information exchanged. However, another individual at South Texas contacted E.S. "Chandra" Chandrasekaran, Program Manager, Corporate Chemistry, and reported the conversation between Adams and his college roommate. Adams believes that Chandra mentioned it to Jocher with no malicious intent. However, Jocher called Adams and "threatened" him with a lawsuit for defaming his character. Jocher then told Adams that normally he would have approached Adams; however, he had already reported the incident to his supervisor, Wilson McArthur, who in turn had notified Adams' supervisor, Gary Fiser. Adams stated that he felt especially threatened by this incident because of Jocher's prior statement that he "would never forget."

Adams agreed to provide documentation from his Franklin Time Planner regarding the above-mentioned incidents.

5. Following Jocher's resignation, Adams had a conversation with Jim Bates of the Institute of Nuclear Power Operations (INPO) and former TVA Corporate Chemistry Manager. Bates told Adams that Jocher had commented to him that Adams could not be trusted and had tried to "do a number" on him (Jocher).

Continued

6. Adams stated that "a number of people really disliked him (Jocher)." Specifically, Adams could recall Jocher having problems working with David Sorrelle, Corporate Environmental Manager, and Betsy Kiford-Lee, Program Manager, Environmental Protection.
7. Adams felt that Jocher had a problem delegating responsibility and wanted everyone reporting to him.

Adams' Statements Concerning Jocher's Resignation

1. Adams stated that he "indirectly" knows that Jocher fed INPO information on deficiencies within the plant. Adams declined to comment further on his source of information. According to Adams, Jocher "got in difficulty" with the site management (SQN) because of INPO's findings. However, Adams believes that Jocher's "difficulty" with management was because if INPO finds a lot of "open areas" it appears as though the manager of that area is not doing his job.
2. Adams does not believe that TVA asked Jocher to resign because of his involvement with safety issues or his discussions with INPO. Rather, Adams feels Jocher was asked to resign because of the way he "impacted other people." Adams does not feel that TVA wanted to hide information from any regulatory group.

Other Individuals who had Problems Working With Jocher

Adams recalled that Jocher had complained about working with Gary Fiser, Chemistry Manager at Sequoyah Nuclear Plant, John Sabados, Chemistry Manager at Browns Ferry Nuclear Plant (BFN) and Ralph Matthews, Chemistry Manager at Watts Bar Nuclear Plant, when Jocher was the Corporate Chemistry Manager.

Adams Knowledge of Gordon Rich Becoming Corporate Chemistry Manager

1. To Adams' knowledge, Rich interviewed for the Corporate Chemistry Manager after Jocher resigned.
2. Adams recalled speaking with Rich during Rich's visit to SQN during the selection process (date unknown) and Rich stated that he was not sure which job he was being interviewed for. Charles Kent, SQN Chemistry and Radiological Control (RadCon) Manager, interrupted and said he was considering Rich for the Technical Support Manager position. At the time, Kent was not sure if he would be filling the Site Chemistry Manager position, or whether he (Kent) would try to manage both Chemistry and RadCon himself.

# EXHIBIT 51



TENNESSEE VALLEY AUTHORITY  
Office of the Inspector General  
RECORD OF INTERVIEW

Name: Charles E. Kent, Jr.  
Position: Manager  
Office: Radiological & Chemistry Control  
Sequoyah Nuclear Plant (SQN)  
Nuclear Power  
Generating Group  
Work Tel.: (615)-843-8874  
Residence: [REDACTED]  
Home Tel.: [REDACTED]  
SSN/DOB: [REDACTED]

(II)

Charles E. Kent was interviewed in the offices of Employee Relations & Development (ER&D), SQN, by Fred P. Vichich and Beth E. Thomas who identified themselves as special agents with the Office of the Inspector General. Kent was advised that this interview concerned the termination and subsequent Department of Labor (DOL) complaint filed by William F. Jocher.

Kent stated that he has worked for TVA for approximately 14 years. He has worked at Browns Ferry Nuclear Plant in the RadCon area prior to transferring to SQN in July 1989. At SQN, Kent supervised the Radiation Protection Group within the RadCon group. In early 1991, Kent took over the management of the RadCon group at SQN.

On January 20, 1993, Kent had the added responsibility of Chemistry added to his management group which made his position the Radiological and Chemistry Manager. During this change, Jocher agreed to work in the subordinate position of the Site Chemistry Manager until such time that Jocher was transferred back to the Corporate Chemistry Manager's position in Chattanooga.

Kent stated that the reason for the reorganization at SQN was that the Chemistry organization did not receive the proper amount of support in its programs while it was under the operational control of the Operations Group at SQN. Site Director Robert A. Fenech and Plant Manager Robert Beecken wanted this new change so that the Chemistry Group would have a better opportunity to receive the kind of support that SQN upper management believed was lacking in the past.

Kent advised that Chemistry under the control of Operations was "basically buried" and that the problems of Chemistry could not be adequately addressed by operational priorities being put before Chemistry.

INVESTIGATION ON: August 11, 1993 AT: Sequoyah Nuclear Plant

BY: SAs Beth E. Thomas and Fred P. Vichich:FPV:LU

FILE: 2D-133-25  
0758D  
EXHIBIT 51

2-00-015

PAGE 1 OF 5 PAGE(')



Kent stated that he believes Fenech and Beecken did not want the Site Chemistry manager to be another direct report to them and therefore put Chemistry under the control of one manager, Kent. Kent advised that Pat Lydon who had been his manager in Operations, reported to the Plant Manager.

Kent advised that he believes the SQN RadCon program is now in "good shape" after his directing of it for the last three years and site management had confidence in his ability to manage.

Kent advised that he believed the Chemistry Program needed more technical support to help improve it and he worked to get the Chemistry Technical Support position raised to a PG-7. Kent stated that he believed he could not get the quality people he needed in this function without a pay grade increase.

Kent stated that Joseph Bynum, Vice President Nuclear Operations, had approved the increased pay grade for the Chemistry Technical Support manager's position; however, the approval was never implemented.

Kent advised that the Chemistry Manager's pay position was raised from a PG-9 to a PG-10, which was the same grade as the Radiological manager's.

Kent stated that it was his desire to "flatten the organizational structure" or to eliminate a level of management directly below him. This would have caused the Site Chemistry manager, the RadCon manager, and others to no longer be in the chain of command, thereby giving Kent more immediate oversight over the various programs.

Kent did not believe there was enough "head count" to keep both a Technical Support manager and a Chemistry manager in the organization.

Kent stated that this desire of his almost became the organizational structure at SQN; however, Bynum had a different plan. Bynum's plan included these levels of management directly below Kent, and Bynum's desire to have all three nuclear plants having the same organizational structure prevailed.

Kent advised that his management plan did not come to be because he was "convinced to standardize" according to Bynum's plan. Once Jocher was transferred back to the Corporate Chemistry Manager position, Kent considered different people for the position of the Site Chemistry Manager.

Kent stated that after the SQN decision had been made to reorganize the Chemistry Program under the control of Kent but before Bynum had convinced him of the need for a Chemistry manager, Wilson McArthur called

(Continued)

Kent asked Kent if he would interview Gordon Rich for a position at SQN. Gordon Rich went to SQN for an interview in early February 1993. Rich was a soon-to-be-laid-off Chemistry Manager from the Trojan Nuclear Plant in the state of Oregon that was scheduled to be closed.

Kent stated that when Keuter found out that Rich would be interviewing for the lesser position of Chemistry Technical Support Manager, then Keuter began "lobbying" for a site Chemistry Manager's position to be reconsidered.

Kent stated that he believes that McArthur was not aware that the site Chemistry Manager's position was not going to be filled at SQN. As a result, Kent interviewed Rich for the vacant Technical Support Manager's position which was still vacant. Kent had received approval to raise the salary of this position so that Rich could take the lesser position at the same pay rate that Rich thought would be available as the site Chemistry Manager.

On Rich's second trip to SQN for interviewing, Rich was talked to by Rob Richie and Debbie Bodine from the Chemistry group at SQN for their input as to Rich being hired. Kent did not talk to Rich during this second trip.

Kent stated that he was pleased with the experience and ability of Rich and endorsed Rich with his recommendation for the position to SQN upper management. Kent expected to have Rich hired in this position once the paperwork finally cleared the site ER&D personnel. Kent advised that the paperwork process was working through the month of March and Kent expected Rich to receive an official offer toward the end of March or early April 1993.

Kent advised that at the time they were making an offer to Rich for the SQN Chemistry Technical Support Manager's position, Corporate was also making Rich an offer of the same pay to fill the position vacated by Jocher's resignation, Corporate Chemistry Manager. Kent advised that Rich had expressed that he believed the Technical Support Manager's position was a step down for him and that he was going to accept the Corporate Chemistry Manager's position.

Kent stated that approximately early May 1993, the site had adopted the organizational structure to include a Chemistry manager, RadCon manager, and Environmental manager all reporting to Kent, who would be the Radiological & Chemistry Control Manager.

At that time the positions of RadCon and Chemistry managers were not "posted and have not yet been posted (as of August 11, 1993)." Kent advised that Gordon Rich is at SQN acting in the capacity of Site Chemistry Manager. Further, Kent stated that Rich is "only on loan to SQN" and is on the Corporate head count and budget.

(Continued)

Kent related that Dan Keuter, Operations Services, sent him a copy of Rich's resume and attached a note advising Kent that he, Keuter, thought Rich would be a good choice for the position of Chemistry Manager at SQN.

Kent related that he had considered Gary Fiser for the position of the Chemistry Technical Support Manager. When Kent talked with Fiser about the position, Fiser advised Kent that he didn't think it would be a good move for the organization if he, Fiser, took the position. Fiser stated that he considered himself a possible liability to the organization.

Later, and after Kent had decided not to recommend and hire Fiser for the Chemistry Technical Support Manager's position, he was told that it would have been a bad idea to hire Fiser. Kent advised that he was told this in a meeting with McArthur and David Goetcheus, a former SQN Site Chemistry Manager who had been replaced by Fiser. Goetcheus and/or McArthur further advised that they believed Fiser was a weak manager.

Kent was asked in his opinion what happened to Jocher, and he replied that while Jocher was at the Corporate Chemistry Manager's position, he was "throwing rocks at SQN, Fiser, and the Chemistry Programs at the plant." As a result, Corporate and site management agreed to let Jocher come to SQN for a temporary year's time to fix the problems that Jocher had been identifying.

"Jocher came to SQN and didn't fix the problems."

Kent's opinion is that Jocher was like a "bull in a china shop" and he "knew more about everything and would tell you so." Jocher set up his management style so that everything was under his control and he could not manage it all.

Kent stated that he has no knowledge of Corporate upper management making any overtones of hiring Rich to fill the Corporate Chemistry Manager's position until after Jocher resigned.

Kent advised that if a person were to look at the INPO report of 1992, it would "appear that they (INPO) were fed a lot of stuff." This report appeared to not be as broad as normal but was targeted to certain areas of deficiency.

As an example, Jocher had numerous times raised the issue concerning training of technicians as being a weakness at SQN. Jocher had based his belief on a test he had given to the chemistry technicians in which a large number of them had failed. INPO came in and retested the technicians.

Kent stated that when Jocher had expressed the need for new or increased training of these technicians, Jocher did not believe he received the proper support from SQN management. As a result of INPO looking at this issue, a "Significant Action Plan" was instituted at SQN in this area of training previously identified by Jocher.



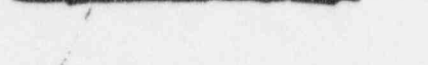
FPV

0758D

# EXHIBIT 52



TENNESSEE VALLEY AUTHORITY  
Office of the Inspector General  
RECORD OF INTERVIEW

Name: E.S. "Chandra", Chandrasekaran  
 Position: Program Manager  
 Office: Corporate Chemistry  
Chattanooga, Tennessee  
 Work Tel.: (615) 751-3064  
 Residence:   
 Home Tel.:   
 SSN/DOB: 

I,

Chandra was contacted at the Chattanooga Office Complex (COC) and advised of the identities of the interviewing agents. He was interviewed concerning his knowledge of William F. Jocher's management style and the allegation that Jocher was asked to resign for his expression of safety-related concerns. Chandra provided the following information.

Jocher's Management Style

1. Chandra began working for TVA in May 1991 in the Corporate Chemistry Program and was a direct report to Jocher when Jocher held the Corporate Chemistry Manager position.
2. Jocher previously supervised Chandra for approximately 2 years at Houston Light and Power (HL&P) in Houston, Texas. Even though Chandra was up for a promotion at HL&P, he readily agreed to come to TVA to work under Jocher because he liked Jocher's management style and believed that TVA's chemistry program could provide valuable career experience.
3. Chandra could not recall ever having a problem with Jocher's management style. With the exception of an incident involving Betsy Eiford-Lee, Program Manager, Environmental Protection, in which he does not know the details, Chandra could not recall Jocher having any problems with other workers.
4. When questioned regarding Jocher's relationship with John Sabados, Chemistry Manager, Browns Ferry Nuclear Plant (BFN), Chandra stated that there were some differences in technical opinions between Jocher and Sabados on chemistry issues which could potentially cost BFN a lot of money to implement. According to Chandra, these technical differences led to some friction while Jocher was the Corporate Chemistry Manager because the sites currently have ownership of their programs. Chandra added that Jocher and Don Smith, the BFN Chemistry Manager before Sabados, did get along.

INVESTIGATION ON: July 30, 1993

AT: Chattanooga, Tennessee

BY: SAs Beth B. Thomas and Fred Vichich

FILE: 2D-133-24

EXHIBIT 52

0647D

2-03-015

PAGE 1 OF 3 PAGE(S)

5. Chandra believes that Jocher upset senior management because he would "not back off on some issues unless it was resolved his way or he was told to do so." Upon further recollection, Chandra stated that he was not sure if Jocher would back off even if management told him to do so. In Chandra's opinion, Jocher probably felt as though he had to be pushy in raising issues at Sequoyah Nuclear Plant (SQN) because he was expected to fix the problems in the SQN chemistry program even though he was only given a one year assignment as SQN Chemistry Manager.
6. According to Chandra, several of the issues Jocher was involved with (i.e. technician training, on-line instrumentation) had been identified before Jocher became the SQN Chemistry Manager, but the corrective action taken did not fix it.

In Chandra's opinion, SQN management "got tired" of Jocher pushing so hard for the correction of these issues. In his opinion, Chandra believes Jocher's unwillingness to let go of an issue was his biggest downfall plus his unwillingness to accept upper managements recommendations of priorities. At the same time this style of management could be considered a positive attribute.

In addition, Chandra believes there was a personality conflict between Jocher and Rob Beecken, Plant Manager, SQN.

#### Organizational Changes in Corporate Chemistry

1. Chandra stated that Jocher and Fiser, the then current SQN Chemistry Manager, switched positions approximately March 1992. Jocher became the SQN Chemistry Manager and Fiser became the Corporate Chemistry Manager. Fiser held this position for about 9 months and then was demoted to a Program Manager's position, still within the Corporate structure.

For the remaining 3 months (12/92-2/93), Sam Harvey, a Program Manager, Corporate Chemistry, became the Acting Corporate Chemistry Manager. Chandra believes that upper management wanted to see Harvey's management style because they were considering him for the position of Chemistry Manager at SQN.

2. About the time Jocher returned as the Corporate Chemistry Manager (3/93), Don Adams, another Program Manager in Corporate Chemistry was sent to SQN. Jocher unsuccessfully attempted to get Fiser permanently placed as a Program Manager in Corporate Chemistry once it was determined that Fiser would not be returning as the SQN Chemistry Manager.

Chandra believes that Fiser was happy being a Program Manager and that the Corporate Chemistry Manager position had been too difficult for him during the time he served in that position as the "acting" Corporate Chemistry Manager. He has no knowledge of why Fiser was ultimately sent to the Employee Transition Program (ETP) because there was an open Program Manager's position after Adams went to SQN.

Continued

EXHIBIT 52

PAGE 2 OF 3 PAGE(S)

Chandra stated that he recently heard a rumor that Charles Kent, Chemistry and Radiological Control (RadCon) Manager, SQW, had offered Fiser a position at SQW by someone in upper management (unknown if site or corporate) would not approve the offer.

3. Also about the time Jocher was scheduled to return to Chattanooga as the Corporate Chemistry Manager, Gordon Rich from Trojan Nuclear Plant came to TVA for an interview. Chandra stated that it was rumored Rich was "...being looked at for the Corporate Chemistry Manager position."

According to Chandra, Jocher was worried, not only because of Rich possibly taking his job, but also because it appeared as though SQW was going to reorganize to combine Chemistry and RadCon. There would not be a separate site Chemistry Manager. Therefore, it was a possibility that Jocher would not have a position at Corporate or SQW. However, Jocher told Chandra that he had asked upper management about Rich taking his job and they said there was "no problem."

4. According to Chandra, Rich was originally interviewed at SQW and offered the position of Technical Support Manager by Kent. Chandra has no knowledge of Rich ever interviewing for or being offered the Corporate Chemistry Manager's position before Jocher was asked to resign. However, Chandra stated that following Jocher's resignation, the Corporate Chemistry Manager's position was never posted because he would have applied for the position. He stated that the position was offered and given to Rich.

BBT

0647D

# EXHIBIT 53

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

+ + + + +

OFFICE OF INVESTIGATIONS

INTERVIEW

-----x

IN THE MATTER OF: :

INTERVIEW OF : Docket No.

MICHAEL D. POPE : (Not assigned)

-----x

Thursday, February 9, 1995

TVA Headquarters,  
1101 Market Street,  
Chattanooga, Tennessee

The above-entitled interview was conducted at  
9:05 a.m.

BEFORE:

LARRY L. ROBINSON Investigator

EXHIBIT 53

PAGE 1 OF 20 PAGE(S)

5-83-011



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

APPEARANCES:

On Behalf of Tennessee Valley Authority  
and Witness Michael D. Pope:

THOMAS F. FINE, Senior Litigation Attorney,  
400 West Summit Hill Drive,  
Knoxville, Tennessee 37902-1499  
615/632-8949

On Behalf of the Nuclear Regulatory Commission:

LARRY L. ROBINSON, Investigator,  
101 Marietta Street, Suite 2900,  
Atlanta, Georgia 30323  
404/331-6509

1 PROCEEDINGS

2 MR. ROBINSON: For the record, this is an  
3 interview of Michael Pope, an employee of TVA. It is  
4 Thursday, February 9th, 1995. The interview is taking  
5 place at TVA's headquarters in Chattanooga, Tennessee.

6 Present at the interview are Mr. Pope, Mr.  
7 Thomas Fine of the Office of General Counsel of TVA, and  
8 Investigator Larry L. Robinson of NRC Office of  
9 Investigations. This interview is being recorded by a  
10 court reporter.

11 Mr. Pope, do you have any objections to being  
12 sworn to your testimony here today?

13 MR. POPE: No, I don't have any objections.

14 MR. ROBINSON: Please stand and raise your  
15 right hand.

16 WHEREUPON,

17 MICHAEL D. POPE

18 being first duly sworn, was examined and testified as  
19 follows:

20 EXAMINATION

21 BY MR. ROBINSON:

22 Q. Please state your full name for the record.

23 A. My name is Michael David Pope.

24 Q. And what is your current position here at TVA?

25 A. Manager of compensation employment for fossil

1 and hydro power.

2 Q. And how long have you been with TVA total  
3 service?

4 A. About fifteen or sixteen years.

5 Q. And during the early 1993 time frame from  
6 January through the April time frame which is the time of  
7 Mr. Jocher's resignation, what was your position or  
8 responsibility at that time?

9 A. At the time I was the manager of human  
10 resources for the nuclear central office staffs.

11 Q. If you would, please, just in your own words  
12 start from when you first became involved with Mr. Jocher's  
13 situation, his resignation, his personnel situation, and  
14 just kind of in your own words explain to me the chronology  
15 of what happened as it involved you.

16 A. Okay. In late March Wilson McArthur came to me  
17 and said that he had, he needed some assistance in handling  
18 a couple of personnel matters that were sensitive, and  
19 those were of Bill Jocher and also of Gary Fiser.

20 Q. Okay.

21 A. Wilson of course was the manager of the  
22 technical services, which included chemistry and RADCON and  
23 so forth, and these two were both chemistry managers.

24 Gary Fiser and Mr. Jocher I was aware had  
25 rotated between jobs as the corporate chemistry manager and

1 the Sequoyah chemistry manager, and Wilson was at that  
2 point in time coming to me and saying that he needed to be  
3 able to remove those two individuals from their positions  
4 because of performance reasons.

5 Q. So he was asking you to help in both of their  
6 cases kind of at the same time?

7 A. Yes.

8 Q. Okay. Go ahead.

9 A. We took each situation individually and spent  
10 some time walking through the options available to us, and  
11 my role of course was to advise and counsel and help him to  
12 get where he needed to be as a manager of the organization.

13 And of those options we talked about  
14 termination, we talked about surplusizing the positions, we  
15 talked about a variety of options, including asking them to  
16 resign.

17 Q. And this is you and Wilson, just you and Wilson  
18 McArthur?

19 A. Just Wilson McArthur and myself initially.

20 At some point during that discussion it  
21 occurred to me that I needed to involve Ben Easley who was  
22 the HRO that worked for me who serviced Wilson's area,  
23 because of the follow-through aspects and knowledge and so  
24 forth, and I wanted Ben involved up front.

25 So at some point in the discussion Ben became

1 involved, and we proceeded, the three of us, to discuss the  
2 options.

3 Q. And this is in March '93?

4 A. Late March '93.

5 Q. Okay. Go ahead.

6 A. And let me take Mr. Fiser's case first if you  
7 want that kind of information.

8 Q. Well, yeah, I think it's pertinent.

9 A. Okay. In Mr. Fiser's case his position of  
10 record was the Sequoyah chemistry manager which had been  
11 recently reorganized, and was being eliminated anyway. I  
12 understand from Sequoyah that they were combining chemistry  
13 and RADCON into a higher level position that had been  
14 filled, and that position could be surplus'd, and it  
15 appeared to be a legitimize way to deal with the situation.

16

17 Now, that allowed Mr. Fiser to be, with his  
18 position surplus'd he could be transferred to our employee  
19 transition program, and it gives him a six-month window of  
20 time to retrain or find a position or whatever, and that  
21 seemed to be a good way of dealing with that situation.

22 In the case of the corporate chemistry manager  
23 which was Mr. Jocher's position, that position was not  
24 going away or being reorganized, and it became one of  
25 determining could he do the job or not, and Wilson's



1 position was that --

2 Q. Mr. McArthur's?

3 A. Mr. McArthur's position was that he could not  
4 do the job, and he needed to be removed.

5 As I normally do in a situation like that, I  
6 pursued with him what he had done to correct the  
7 performance deficiencies and so forth, and Wilson said that  
8 he had counseled Mr. Jocher on several occasions, and had  
9 not had the response that he wanted from him, that he  
10 continued to have performance issues arise with him, and  
11 primarily dealing with the customers of the corporate  
12 chemistry group, which was Sequoyah, and primarily Sequoyah  
13 and Brown's Perry chemistry departments and plant  
14 operations.

15 Q. Did Mr. McArthur seem to be sincerely convinced  
16 in Mr. Jocher's performance problems, or was there an  
17 indication to you that Mr. McArthur was <sup>all</sup> just going to have  
18 to be the guy that did it, that there was a decision made  
19 above his head? Do you have any feel for that?

20 A. The only thing I saw him mixed in was the fact  
21 that he considered Bill Jocher's technical skills to be  
22 good, and he was definitely straightforward in managing  
23 other people and dealing with other people Bill had real  
24 problems, and he was -- you know, as far as I was concerned  
25 it was Wilson's decision that that was not working.

1 Q. Okay.

2 A. But as far as the technical side of the house,  
3 he did have some mixed feelings about that. I think he  
4 liked, he appreciated Bill's technical skills.

5 Q. Okay. At any point in the process -- how long  
6 between that meeting and the time Mr. Jocher elected to  
7 resign, approximately?

8 A. Three or four days, plus it included a week  
9 end.

10 Q. Okay. So it happened --

11 A. As I recall.

12 Q. Once McArthur came to you and had that meeting  
13 with you, it happened fairly quickly?

14 A. Fairly quickly, yes. I think he resigned  
15 around April 6th.

16 Q. Right.

17 A. And this would have been late March, so it may  
18 have been as much as a week, in that time frame.

19 Q. During that time frame did you make any  
20 contacts with anyone else in Jocher's chain of command and  
21 solicit independent information regarding Jocher's  
22 performance, or did you just rely on McArthur's comments?

23 A. I relied on McArthur's comments. I didn't go  
24 see his boss who was Dan Keuter, I didn't go see Dan's boss  
25 who was Joe Bynum, but Wilson and I did discuss the fact

1 that both Keuter and Bynum agreed with this action, and  
2 that was in the original conversation.

3 Part of my job as the HR person is to make sure  
4 that the right people are knowledgeable and concur with any  
5 action like that because, you know, obviously it's one of  
6 the most serious actions we take.

7 Q. Yeah.

8 A. So I had that concurrence up front.

9 Q. And you were satisfied with the amount of  
10 effort to try to correct Mr. Jocher's performance  
11 deficiencies from Mr. McArthur's description?

12 A. Was I satisfied? Well, I guess what I would  
13 say to you is that that's not my call.

14 A. I see. Okay.

15 Q. I see that as Wilson's job to make the judgment  
16 on whether or not Bill is going to be correctable, or any  
17 employee is going to be correctable, and my job would be  
18 one to make sure that I am assisting that manager take  
19 whatever action he wants to take in accordance with TVA  
20 procedures and guidelines and laws and so forth.

21 But in making technical judgments on whether  
22 he's going to be able to cut it or not in the future, you  
23 know, I guess I wouldn't want to second-guess a manager on  
24 that.

25 Q. I guess I misstated my question a little bit,

1 or maybe you didn't understand it.

2                   You were satisfied from Wilson's description  
3 that prior to that time Wilson had taken enough action to  
4 try to correct the situation before he came to you?

5           A.     Oh, yes.

6           Q.     You were?

7           A.     Yes.

8           Q.     Okay. That's a little different as to whether  
9 you thought that Jocher was ever going to be correctable or  
10 not. I understand that that's not your call.

11          A.     Okay.

12          Q.     Did you consult with OGC regarding Jocher's  
13 resignation? And I'm not necessarily going to ask you the  
14 content of those consultations.

15          A.     Yes, I did, and that's normal practice. I had  
16 been involved in several resignations of a similar nature  
17 over the past year or year and a half prior to this  
18 situation, and in almost all of the situations we had  
19 consulted with OGC, and in particular with Maureen Dunn.

20          Q.     Were you involved in Pat Lydon's resignation?

21          A.     I was involved in helping prepare some original  
22 draft paperwork for Mr. Lydon, but I was only asked to  
23 prepare a draft and give that out to Sequoyah's HR family,  
24 who was Joe Wallace, and they handled the action.

25          Q.     Okay. Were you involved in Jim Barker's

1 resignation?

2 A. No, I was not.

3 Q. Okay. You were at the meeting with Wilson  
4 McArthur, and then you called Ben Easley in to get involved  
5 in the process, and you may have talked about this, but  
6 kind of repeat what happened after that as far as you were  
7 concerned.

8 A. Okay. We discussed the various options, and  
9 agreed that we would prepare some draft paperwork for  
10 review with OGC. It seems like I asked Ben to work with  
11 preparing an original draft for my review, and then we  
12 reviewed it at that point with OGC.

13 I also asked Ben -- in looking at any kind of  
14 situation like this you want to make sure that there's  
15 documentation to support the action, and I also asked Ben  
16 to go and work with Wilson to locate any available  
17 documentation that Wilson stated that he had, and review  
18 that with him and give me a report back on that. And Ben  
19 and Wilson, you know, left to do that.

20 Q. And did Ben report back on that to you?

21 A. Yes.

22 Q. He was satisfied with the documentation, the  
23 amount of documentation that you had to go forward with the  
24 action?

25 A. To go forward with asking for a resignation,



1 yes.

2 Q. Okay.

3 A. I guess I would tell you that I was -- would I  
4 have liked to have seen more documentation? Yes, and I'm  
5 on the record in several places as saying that. But that's  
6 not unusual.

7 Q. Okay. Yeah, you would always like to have more  
8 documentation in a move like that.

9 A. Absolutely. You never have enough.

10 Q. At that point in time when Ben came back to  
11 you, what was the extent of the documentation? What was  
12 it, just notes out of a DayTimer or --?

13 A. Handwritten notes from Wilson primarily, yes.

14 Q. All right. And once Wilson and Ben did that,  
15 and Ben prepared his draft documentation, then what  
16 happened?

17 A. Then -- well, the next step was that we  
18 reviewed, I reviewed the documentation which was the  
19 termination letter and a letter of resignation, made some  
20 changes to it, and submitted it to the Office of General  
21 Counsel for review, and had some discussion with Maureen  
22 over content, over the fact that we were taking the action  
23 and so forth.

24 Q. This was Maureen Dunn?

25 A. Maureen Dunn with the Office of General

1 Counsel.

2 MR. FINE: She is assistant general counsel in  
3 the personnel area.

4 MR. ROBINSON: Okay.

5 BY MR. ROBINSON:

6 Q. And did OGC approve the drafts eventually?

7 A. They offered comments and changes to the  
8 drafts, and they don't really say they're approved or not  
9 approved, but they did make some changes for us.

10 Q. Okay. And those finals were presented to Mr.  
11 Jocher by who?

12 A. By Wilson McArthur and Ben Kasley.

13 Q. Okay. And you were not present at that  
14 meeting?

15 A. I was not present. We had -- Larry, at the  
16 time we had several other sensitive things going on. We  
17 had -- as a matter of fact I recall in looking through the  
18 notes when I was looking for my documentation that we had a  
19 positive drug test show up that morning, and Ben had not  
20 been that experienced in dealing with those, and so I was  
21 handling that. It was just, you know, one of those type  
22 days where there were several other things going on.

23 Q. And I'm not indicating that you needed to be  
24 present, I'm just asking.

25 A. I just wanted you to understand the atmosphere

1 we were in.

2 Q. Right. Prior to the late March, early April  
3 time frame that you talked about when McArthur first came  
4 to you, had you had any input regarding Mr. Jocher's  
5 performance?

6 A. No, none that I recall.

7 Q. Had you made any direct observations of Mr.  
8 Jocher's performance?

9 A. Not direct, but I did have a complaint from one  
10 of my employees, one of my personnel clerks, that Mr.  
11 Jocher had been abusive toward her over some action that he  
12 had been attempting to get accomplished, and that she  
13 didn't feel like she deserved to be treated the way she had  
14 been treated by Mr. Jocher.

15 Q. And this is who?

16 A. Gail Richards.

17 Q. Gail Richards?

18 A. Right.

19 Q. She's here in corporate?

20 A. She's here in corporate personnel office, and  
21 this would have been probably in the '91 time frame before  
22 Mr. Jocher went to Sequoyah. I don't recall the specific  
23 date on it.

24 Q. And just briefly what was the nature of her  
25 complaint again, if you recall?

1           A.     From what I recall it was we weren't getting  
2 things done quickly enough for him, and he was extremely  
3 vocal, and in her opinion abusive to her.

4                     The thing that bothered me is that he was  
5 talking to her instead of the HRO, you know, the  
6 professional in that case, or myself about any issue that  
7 he had along those lines, and I assured her that we would  
8 take care of that. I discussed it with Ben, and from what  
9 I recall there was some further discussion that, you know,  
10 just bring those kind of comments to me in the future  
11 between Ben and Bill, and it was done.

12           Q.     So you think that Ben did confront Bill with  
13 that issue, and kind of let him know that if you've got a  
14 problem, come to Mike?

15           A.     Yes.

16           Q.     Okay. Was that the only input that you had  
17 regarding Mr. Jocher's performance prior to that late March  
18 time frame?

19           A.     Yeah, that's all I recall, right.

20           Q.     Okay. After Mr. Jocher signed the final  
21 resignation letter -- was the initial resignation letter  
22 for a six-month time frame, or was it prepared with a blank  
23 time frame? Do you remember?

24           A.     I think it was prepared with a blank effective  
25 date is the way it was dealt with.

1 Q. And so there was going to be probably kind of a  
2 negotiation between Ben and Wilson and Jocher at the  
3 meeting when he was going to be presented with the letter?

4 A. Exactly, and that's sort of a typical pattern  
5 that we follow in those situations.

6 Q. Okay. And to the best of your knowledge that  
7 blank was filled in that day, or did Jocher have to think  
8 about it, take it home, think about it for a day or a week  
9 or so, or did that happen on the day that Ben and McArthur  
10 went to him?

11 A. Well, here's the sequence of events as I recall  
12 it.

13 Q. Okay.

14 A. The week before -- the 5th was on a week end,  
15 that's the day he was originally confronted -- was on  
16 Monday rather.

17 Prior to that Wilson had made some verbal  
18 comments to Jocher to let him know that this was occurring  
19 either Thursday or Friday, and we had been working on it  
20 probably since at least Monday of that same week.

21 He was not confronted with the letter until  
22 Monday, but he was asked to fill in the date on Monday, and  
23 it was filled out as six months. Wilson said he would  
24 attempt -- from what I recall he had some discussion with  
25 his boss, and they agreed that that was too long, and it



1 was reduced to three months.

2 Q. That same day?

3 A. The day after.

4 Q. The day after?

5 A. I mean they probably talked the same day, but  
6 didn't talk back with Bill until the following day. But I  
7 was not involved in that discussion either.

8 Q. And how do you know that Wilson told Jocher he  
9 was probably going to be confronted with this on the  
10 Thursday or Friday prior to that? You didn't witness that  
11 conversation, just Wilson told you he did that?

12 A. Just Wilson told me that. I did not witness  
13 it, was not involved.

14 Q. Okay.

15 A. And I don't think Wilson gave him a lot of  
16 details, it was more along the lines of, you know, "We'll  
17 be talking with you."

18 Q. Was Wilson uncomfortable with this procedure,  
19 Wilson McArthur?

20 A. Well, he was uncomfortable with having to take  
21 the action, yes. Wilson is a very human-type sensitive  
22 person from what I know of him. In several dealings that  
23 I've had with him I've found him to be very sensitive to  
24 other people, and I don't think it was a pleasant duty for  
25 him, but I don't think it was from the standpoint of that

1 he didn't think the action needed to be taken. It's just  
2 not fun terminating, or asking people to resign. It's not  
3 fun. It's not a pleasant thing to do for any of us.

4 Q. That's right.

5 I think that's basically all I have. Is there  
6 any other issue or item in that chronology and right in that  
7 time frame that you feel is pertinent to this issue with me  
8 that we haven't talked about?

9 A. None that I know of, Larry, no.

10 Q. Okay. Do you have any final comments that you  
11 want to make before we go off the record?

12 A. The only thing is I would like to get a copy of  
13 my transcript if I could, please.

14 Q. Okay. The arrangements for that will be is  
15 that we will make a copy of your transcript available after  
16 the investigation is completed.

17 A. Okay.

18 Q. If necessary, obviously I can make arrangements  
19 to get with you, and you can review the transcript for  
20 corrections, but at that point if the investigation isn't  
21 completed you won't get a copy, you will get a copy after  
22 the investigation is complete. So you'll see it, but --

23 A. Okay. Whatever you can do there will be fine.

24 Q. Any other requests or comments?

25 A. No, sir.

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

MR. ROBINSON: All right. I thank you for your  
time. It is now 9:27, and this interview is terminated.

(At 9:27 a.m., Thursday, February 9, 1995 the  
interview was concluded.)

+ + +

## C E R T I F I C A T E

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

Name of proceeding: Interview of Michael Pope

Place of Proceeding: Chattanooga, Tennessee

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

*L. V. Partain*

---

L. V. Partain,  
Certified Court Reporter,  
Official Reporter,  
Neal R. Gross & Co., Inc.