

BEFORE THE UNITED STATES
NUCLEAR REGULATORY COMMISSION

2003 MAR -3 AM 11: 12

OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFFREGION II
IA 99-043

DECLARATION OF SAM L. HARVEY

Sam L. Harvey declares and says:

1. I am making this declaration to document the facts surrounding the Gary Fiser case and my involvement. First let me state that the conclusion that TVA was at fault was already made by the Department of Labor (DOL) prior to its investigation. The DOL investigator was biased and never could get my statement correct. From the first time I met with him, he couched the questions in such a way as to slant them toward a conclusion that Gary Fiser was treated badly. Every time the investigator brought my statement back to me for review and approval, the sentences were reworded to support this conclusion. At no time was the investigator ever objective in wanting "just the facts." I finally marked up the last draft copy of my statement in red and signed it since it was patently obvious that he was not going to state it the way I gave it to him.
2. I was never interviewed by the Nuclear Regulatory Commission about the Gary Fiser case and/or my involvement in the case.
3. Regarding the events in question, I was, from the very beginning (1991), told that the Corporate Chemistry staff would continue to shrink as improvements were made and the redesign of programs were brought up to industry standards. This was obvious also from the fact that Gary Fiser and E. S. Chandrasekaran were told to rewrite the job descriptions for only a PWR Program Manager and a BWR Program Manager just prior to the announcement of a reorganization. When the new job descriptions were sent to me for review (I was on assignment at Sequoyah for steam generator chemical cleaning), I protested to Ron Grover (my manager at the time) that the job descriptions were intentionally written to exclude me because the responsibilities that I had were divided between the two positions and were written strongly in favor of Gary Fiser and E. S. Chandrasekaran. It should have come as no surprise to anyone when it was announced that the Corporate Radiation Protection and Chemistry staffs would be merged into a single group and that there would only be two chemistry positions.

TVA Exh. 26

AB000339

CLEAR REGULATORY COMMISSION

License No. _____ Official Exh. No. TVA 26
In the matter of TVA
Staff _____ IDENTIFIED
Applicant _____ RECEIVED
Intervenor _____ REJECTED _____
Other _____ WITHDRAWN _____
DATE 9-10-02 Witness Harvey
Clerk R. Davis

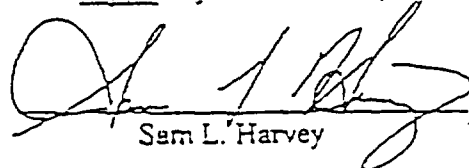
4. Several very interesting things were occurring at this time that need to be brought to light. First, prior to the announcement of the new Corporate Radiation Protection and Chemistry organization, Ron Grover came to me and stated that I needed to talk to Wilson McArthur about "wasn't he ready to retire," and, secondly, Sequoyah wanted me to move to the site. Ron Grover thought this was a good idea so everyone would have a job. After the announcement, Gary Fiser came up to me and stated that the jobs were predetermined and, further, that Tom McGrath was out to get him because of a previous incident between them. Gary Fiser made no mention of any problems he had with Wilson McArthur. Gary Fiser also stated that "he did not care because he knew how the system worked and he was going to get his licks in." I informed Gary that I knew no such thing about the job being predetermined (because I had been on assignment at Sequoyah for the last six months) except that it seemed to me he was the one being pre-selected because he wrote the job-description. Gary Fiser stated, "that was right because Ron Grover told him to because I was not supposed to come back from Sequoyah." I believe this statement, that I was not supposed to come back from Sequoyah, makes it clear that there were some maneuverings going on here and that the problems for Gary Fiser started to arise when it was discovered my staying at Sequoyah was not going to be the case.
5. Gary Fiser then proceeded to tell me and others around him that he did not want to work for TVA, and that he was going to take the year's salary and leave. I believe that Gary Fiser took the action of filing a DOL complaint prior to the jobs being posted in order to obtain financial gain and to manipulate the system for this end, as he had originally stated.
6. I believe that Gary Fiser had to post on the job, and then not get the job, in order to support his DOL complaint. I believe that Gary Fiser purposely did not prepare for and address the review board with his best effort. I believe his intention all along was to put on a show to get what he wanted, which was to get out of TVA with as much money as possible.
7. Finally, the statement by Dave Voeller, who was at that time the Chemistry Manager at Watts Bar, and who stated that prior to the interviews I told him the job was mine, was simply not true. My statement was, "I will be seeing more of you or not at all and I believe it will be more." I do not believe that statement translates to the fact that I was promised the job. Arrogance on my part, maybe. But remember that Gary Fiser was making it known at this point that he does not want to work for TVA anymore. I was assuming that I would not have much competition for the PWR position because Gary Fiser was saying he did not want the job. The week after I made this statement to Dave Voeller I was informed that he was saying that I told him I was promised the job. I made a point of contacting Voeller again and explained it in no uncertain terms that I was not promised anything by anybody, and I repeated my

statement to him, "I will be seeing more of you or not at all."

8. The sad part of all this is that this type of behavior at TVA is one of the main reasons I sought employment elsewhere. It was a mockery to me that this type of behavior could go on year after year, to make a joke out of the truth and to abuse a system put in place to deal with real injustices. During my tenure at TVA, there were only a few people I met with high moral standards and dealt with me with integrity. One of these people was Wilson McArthur. He was always straight with me and never pulled his punches. Because of my respect for him, I listened - even when it was not what I wanted to hear - because I knew he truly cared for the people who worked for him and wanted to help make them better employees and better people. Throughout this whole Gary Fiser matter, Wilson McArthur was the only manager that took the time to sit me down and look me in the eye and ask me if these allegations and statements were true. I will forever respect him for that.

Pursuant to 28 U.S.C. Section 1746 (1994), I declare under penalty of perjury that to the best of my knowledge and belief the foregoing is true and correct.

This 19th day of November, 1999.


Sam L. Harvey