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RECORD OF INTERVIEW

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OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Name: Sam L. Harvey
Position: Program Manager
Office: Chemistry/Environmental Protection
Chattanooga, Tennessee
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Harvey was contacted at his office, advised of the identity of the interviewing agent, and interviewed concerning a Department of Labor (DOL) complaint filed by Gary L. Fiser. In Fiser's complaint, he alleges that TVA recently posted the job they offered him as settlement for a previous DOL complaint in 1994. Fiser had reason to believe that they did so with malice and that the posting was a smoke screen designed to hide their true intentions--the preselection of another candidate (Sam Harvey). Harvey was interviewed and furnished the following information.

Harvey is one of three program managers in the Chemistry/Environmental Group assigned to technical support. The other managers are Gary Fiser, who is assigned to handle Watts Bar, and E. S. Chandrasekaran, who is assigned to handle Browns Ferry.

Harvey is assigned to the Corporate Chemistry/Environmental Group and spends most of his time at Sequoyah Nuclear Plant (SQN).

In March 1996, Ron Grover, Manager of Chemistry/Environmental Protection Group, held a meeting and discussed reorganization and downsizing of the chemistry group. During the meeting, Grover discussed the downsizing process and said some positions would be eliminated. Grover said that the environmental function of the group would be eliminated. They were going to reduce the number of chemists from three to two and eliminate one of

(Continued)

Investigation On: July 12, 1996

At: Sequoyah Nuclear Plant

By: SA David V. VanBockern: DG

File: 2D-169 - 7

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OIG-02 (10/93)

Template = SECY-028

SECY-02

CLEAR REGULATORY COMMISSION

Docket No. _____ Official Exh. No. Joint 39
In the matter of TVA
Staff _____ IDENTIFIED
Applicant _____ RECEIVED
Intervenor _____ REJECTED _____
Other _____ WITHDRAWN _____
DATE 9-10-02 Witness Harvey
Clerk R. Davis

9-10-02

9-10-02

the managers. Harvey understood at that time that he would have to compete for the two advertised chemist positions with Fiser and Chandrasekaran.

Prior to the reorganization meeting, discussions were held with Charles Kent and Gordon Rich at SQN about moving Harvey permanently from the Corporate Office to SQN. Kent and Rich also had discussions with Ron Grover, Harvey's supervisor, about the possibility of transferring Harvey. Shortly after Grover's meeting, Kent and Rich met with Grover and reached some type of agreement to transfer Harvey to SQN. Grover later came to Harvey and told Harvey that it was his decision on whether to be transferred or not. Grover needed to get approval from Corporate for Harvey to be released to SQN. There would also have to be a position available at SQN for Harvey to be transferred. At this time, apparently there was no positions available, and there were none being posted. Therefore, they would have to create some type of position at SQN.

Grover felt that with the reorganization process going on, he thought that this might be the best move if he would transfer to SQN. He thought if he could transfer, it would eliminate any problems. He knew that Corporate was going from three positions to two and that both Gary and Chandrasekaran would each have a position then. At the present time, Corporate was going to advertise two positions -- (1) a PWR (Pressurized Water Reactor) position which included both Watts Bar and SQN and (2) a BWR (Boiling Water Reactor) position which serviced Browns Ferry. Fiser worked mainly at Watts Bar, and Chandrasekaran handled Browns Ferry. By Harvey taking the SQN position, if one developed, then both Fiser and Chandrasekaran would each have a position available for them. They also explained to Harvey that the BWR chemist would assist the PWR chemist because the PWR chemist had two sites.

A short time later, Harvey was told by Gordon Rich, Manager at SQN, that their request to transfer Harvey to SQN was denied. Apparently, Corporate didn't want to do a direct transfer of Harvey to SQN. Harvey had no idea who made the decision at the Corporate level to not transfer him to SQN.

Harvey's options at that time were to return to SQN to handle his day-to-day operations. Harvey then applied for both chemist positions when they were advertised. Harvey did not know if Fiser or Chandrasekaran applied for either or both positions.

In June 1996, he had a conversation over the vacancy issues with Dave Voeller, Chemistry Manager at Watts Bar. Harvey said that he actually had two conversations where this issue was discussed. The first time he talked with Voeller, he told Voeller that he would be working with him a lot more or not at all. Harvey said what he meant from this statement was that he would either get the job or he would not get the job. Harvey said that he's been told not to worry, because there's nothing he can do about it.

Harvey said that Gordon Rich at SQN told him not to worry about it, because there is nothing he can do about it. Rich told him that, "If you don't get the position with Corporate," then Rich would fight for him to try and find a position for him at SQN.

Nobody has ever told him that the job was his or that a preselection had been made. Harvey does not know who is on the selection board and did not think the selection board has been selected yet. Harvey said that nobody has guaranteed him anything.

In the second conversation with Voeller, he reiterated to Voeller that he would be working with Voeller a lot more or not at all. He told Voeller that if he didn't get the job, that he would be contacting him as a source for additional employment either inside or outside TVA.

Harvey said that nobody in Corporate or any management position has offered him any position or made any guarantees to him for any of the new positions advertised.

Posting of Positions

Harvey felt that the new positions should be posted. The new positions clearly state that the BWR person and the PWR person handle specific problems at specific sites. This is not a general position description and did change from the previous description. Harvey said they are functionally separating the areas and before they always crossed boundaries and handled both positions.

Harvey has heard for the past five years that this type of reorganization and position description would take place. The new organizational structure is most common throughout the nuclear industry. The new structure makes good sense, and TVA is moving in the right direction. To make it fair, TVA had to advertise the position, because there were three candidates basically qualified to fill the two positions, and it was the only fair way to handle the selection.

Harvey said that he thought this issue probably would come up. There was a meeting held on June 17, 1996, and he had notes from his Daily Planner reflecting discussions he had with Gary Fiser. On this date, Tom McGrath, the manager of Operations Support, had an all-hands meeting to discuss the reorganization process. After that, I went to Fiser's office and asked him if he knew of the reorganization, and Fiser blew up at me.

Harvey said that he had been on special assignment at SQN and hadn't previously heard of any of the details of the reorganization. Fiser was furious at me and blew up at me and said that the position has already been decided and that I would get it because Wilson McArthur was selected as the manager of Operations Technical Support. Fiser felt that Tom McGrath was out to get him.

Fiser accused me that the job has already been pre-selected and that I was already guaranteed the job. Harvey said that this caught him totally off guard and made him mad. Nobody had promised him or guaranteed him anything, and he had to apply for the position just like anybody else.

Harvey said he told Fiser that the position description for the job was written exactly like the job Fiser was performing and more towards Fiser's expertise than his. Harvey felt the position description was written specifically for Fiser, because it specified certain duties that Fiser currently performs and that Harvey does not deal with.

Fiser said he wrote the position description, and he was told to do it that way. Harvey told Fiser that if anybody should be concerned about this selection process, it should be him. Harvey said he had no input in writing the position description and wasn't certain that Fiser actually wrote the position description.

Harvey said he was willing to accept what the selection board ruled for filling the position. Fiser told Harvey that the position description was written for Fiser because Harvey wasn't supposed to come back from SQN and that was the reason why the position description wasn't written for Fiser. Harvey said Fiser indicated that McGrath was after Fiser and blocked Harvey's transfer to SQN so Harvey could be selected for the new position. Harvey said Fiser related to him that Fiser felt someone was after him, he knew how the system worked, and he was going to take advantage of it.

Harvey provided a copy of his notes from his Daily Planner dated June 17, 1996, outlining his discussion with Fiser.

In conclusion, Harvey stated the reorganization process is normal throughout the industry. Nobody has promised him anything, and he has to apply and compete for all positions available. He said he is willing to stand on his technical merits during interview and compete for the jobs.

He does have a concern now that this issue has been blown way out of proportion. He feels the selection committee will not be able to do its job to make an impartial selection. He feels that the selection committee, because of the DOL complaint filed by Fiser, will not be able to make a fair and objective selection.

DVV:DBG

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