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BEFORE THE OFFICE OF ADMINISTRATIVE LAW JUDGES  
UNITED STATES OF AMERICA  
DEPARTMENT OF LABOR

OFFICE OF  
ADMINISTRATIVE  
LAW JUDGES  
CINCINNATI, OHIO

IN THE MATTER OF )  
 )  
GARY L. FISER )  
 )  
Complainant )  
 )  
v. )  
 )  
TENNESSEE VALLEY AUTHORITY )  
 )  
Respondent )

Case No. 97-ERA-59

DECLARATION OF WILSON C. McARTHUR, PH.D.

Wilson C. McArthur, Ph.D., subscribes and declares:

1. I am currently employed by the Tennessee Valley Authority (TVA) as the Manager of the Radiological and Chemistry Services (RadChem) organization in TVA's Nuclear Power organization. I have held that position and its predecessor position since June 1994. I have been employed by TVA since 1990. I have a masters and a doctorate in radiation physics from the Universities of North Carolina and Purdue. I have read the June 25, 1996, complaint of Gary L. Fiser and have personal knowledge of the matters stated herein.

2. TVA has undertaken a major effort to improve its nuclear power program. In 1985, TVA voluntarily shut down its Sequoyah Nuclear Plant (Sequoyah) and Browns Ferry Nuclear Plant (Browns Ferry) and voluntarily ceased pursuing an operating license for Unit 1 at Watts Bar Nuclear Plant (Watts Bar) in order to address major issues in TVA's nuclear program. Many of the issues which TVA addressed in

CLEAN REGULATORY COMMISSION

Docket No. 50-390 Official Ex. No. SEP 96

In the matter of TVA

Staff ✓ IDENTIFIED ✓

Applicant \_\_\_\_\_ RECEIVED ✓

Intervenor \_\_\_\_\_ REJECTED \_\_\_\_\_

Other \_\_\_\_\_ WITHDRAWN \_\_\_\_\_

DATE 5/2/02 Witness \_\_\_\_\_

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ADJUDICATIONS STAFF

order to improve its nuclear program were identified as a result of the accident at Three Mile Island (TMI), and TVA's efforts were aimed at ensuring that its nuclear plants would not be susceptible to similar accidents. One of the measures implemented by TVA in response to TMI, in accordance with Nuclear Regulatory Commission (NRC) and industry guidelines, was the establishment of a Nuclear Safety Review Board (NSRB), a blue-ribbon committee of the best experts from within and outside TVA that operates outside the chain of command, critically reviews TVA nuclear programs and operations, and reports its findings to top management. I have served as a member of TVA's NSRB at all times pertinent herein. The NSRB's reports are provided as a matter of course to line management so that they can act on its recommendations.

3. In 1993 Gary L. Fiser was removed from the position of Sequoyah Chemistry Manager after it had been well documented that he was not successfully managing that organization. In addition to his performance evaluations (attached as exhibit Nos. 1-4 to the declaration of Milissa W. Westbrook), I received complaints from the Sequoyah plant management, including Robert J. Beecken, the Plant Manager at Sequoyah in 1993.

4. As a member of the NSRB, I also had an opportunity to review the lack of performance of the Sequoyah Chemistry organization under Mr. Fiser. In addition to his weak performance evaluations, deficiencies and weaknesses in the Sequoyah Chemistry Program, which was under Mr. Fiser's management, became increasingly apparent to NSRB during 1991 and early 1992. For example, at the May 22-23, 1991, NSRB meeting (minutes attached as exhibit 1), two critical items were identified that needed to be addressed by Sequoyah Chemistry: (1) PASS training for technicians "to ensure original design criteria can be met in accordance with [NRC

requirements],” and (2) ”effluent analysis and pathway monitoring” (ex. 1 at 14).<sup>1</sup> At the August 21-22, 1991, meeting (minutes attached as exhibit 2), the NSRB found that the two previously identified issues of ”unmonitored radiation release . . . pathways” and PASS ”training concerns” had not been addressed (ex. 2 at 14-15). At the November 20-21, 1991, NSRB meeting (minutes attached as exhibit 3), the very first matter noted by the NSRB in its Executive Summary was that ”a number of site responses were incomplete, inaccurate, or did not address the specific NSRB concerns” (ex. 3 at i). The NSRB also singled out the Site Chemistry Program as one of the ”key items from the meeting,” stating: ”significant problems existed in the Sequoyah [Nuclear Plant] Chemistry Program which, if not promptly corrected, could impact plant chemistry control. For example, required data trend analyses were not being performed, chemicals were purchased to incorrect specifications, some training was delinquent, and several procedure preparation and use deficiencies were identified” (*id.*). The NSRB found that Site Chemistry had still not addressed the issues of PASS training and unmonitored radiation release (*id.* at 3-4, 23). NSRB noted further deficiencies in the Site Chemistry Program including: ”inadequate procedures, failure to follow procedures, unauthorized changes to QA records, lack of management oversight in laboratory operations, training deficiencies, failure to perform required analyses, and poor data trending” (*id.* at 21). At its February 19-20, 1992, meeting (minutes attached as exhibit 4), the NSRB noted that the ”deficiencies and weaknesses in the Sequoyah Plant (SQN) Chemistry Program” had required the intervention of the Plant Manager to develop and implement a corrective action plan (*id.* at i).

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<sup>1</sup> PASS refers to a system for sampling the reactor core in the event of an accident to determine the extent of damage, while ”effluent analysis and pathway monitoring” refers to the potential for releasing radiation into the river, a problem which Mr. Fiser’s Chemistry organization called ”trivial.”

5. As shown by the minutes of the NSRB's May 21-22, 1992, meeting (attached as exhibit 5), Mr. Fiser was replaced as the Sequoyah Chemistry Manager because of the problems in his organization which needed to be corrected:

At the previous NSRB meeting, weaknesses in the Sequoyah Chemistry Program were discussed which, if not corrected, could impact chemistry control. The Plant Manager approved a comprehensive plan to prioritize and implement corrective actions to improve the chemistry program. The Corporate Chemistry Manager was assigned as the Site Chemistry Manager at Sequoyah to manage those activities and implement the Chemistry Improvement Program [at 2].

6. Mr. Fiser was removed from the position of Sequoyah Site Chemistry Manager because of the many program deficiencies in the Sequoyah Chemistry organization and his perceived weak management skills. Mr. Fiser was rotated from the Sequoyah Site Chemistry Manager position to the position of Corporate Chemistry Manager. Because he continued to exhibit weak leadership skills, he was subsequently moved from Corporate Chemistry Manager to the position of Chemistry Program Manager.

7. As part of the workforce planning effort for the year 2001 and the budget planning process for fiscal year 1997, my supervisor, Thomas McGrath, the acting General Manager of Operations Support, requested his subordinates to propose an organization supporting the year 2001 goal, including specific functional activities. Mr. McGrath also requested that the Radiological Control and Chemistry organizations be combined under the existing but then vacant Radiological and Chemistry Manager position, thereby eliminating one level of management. Thus, Ron Grover, Manager of Corporate Chemistry and Environment, and I, as Manager of Corporate Radiological Control, proposed that their two staffs be combined under one manager. The organizational structure which Mr. McGrath ultimately approved included Mr. Grover's proposal to create two chemistry specialist, PG-8, positions in place of

the three existing generalist chemistry and environmental protection, PG-8, positions. Those positions were separate BWR and PWR Chemistry Program Manager positions, which would enable the corporate organization to provide the sites with in-depth expertise to the plants. The idea was to have a chemistry specialist for TVA's two Boiling Water Reactors (BWR) at Browns Ferry and a chemistry specialist for TVA's three Pressurized Water Reactors (PWR) at Watts Bar and Sequoyah. Although Mr. Grover also proposed that a third chemistry specialist position be created to supervise the two PG-8 positions, which he intended that he would occupy, that recommendation was not implemented. Thus, in the area of chemistry and environmental protection, the new organization eliminated one PG-11 manager and two staff positions, a PG-7 and a PG-8 position. Besides the chemistry program manager positions, a number of other positions were eliminated and new ones created within the new RadChem organization.

8. I was selected as the Manager of the new RadChem organization. In order to select individuals for the new positions in RadChem, a selection review board was formed to evaluate the applicants and make recommendations for the positions. Since the board evaluated E. S. Chandrasekaran as the best candidate for both the BWR and the PWR Chemistry Program Manager positions, I selected him for the BWR Chemistry Program Manager position because of his experience in working with Browns Ferry, which is a BWR plant. Since the board evaluated Sam L. Harvey as the second best candidate for both positions, I selected him for the PWR Chemistry Program Manager position. Copies of my July 31, 1996, memorandums selecting Mr. Chandrasekaran and Mr. Harvey are attached hereto as exhibits 6 and 7, respectively. Neither Mr. Chandrasekaran nor Mr. Harvey were preselected for those positions.

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

Executed on this 15<sup>th</sup> day of January, 1998.

Wilson C. McArthur  
Wilson C. McArthur, Ph.D.

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