

**United States
Nuclear Regulatory Commission**



Report of Investigation

SEQUOYAH NUCLEAR PLANT:

**ALLEGED DISCRIMINATION AGAINST CHEMIST FOR
ENGAGING IN PROTECTED ACTIVITY**

Office of Investigations

Reported by OI: **RII**

NUCLEAR REGULATORY COMMISSION

Case No. 50-390 Official Ex. No. Staff 177
In the matter of TVA
Staff ✓ IDENTIFIED ✓
Applicant RECEIVED ✓
Intervenor REJECTED
Owner WITHDRAWN
DATE 4/30/02 Witness
Clerk BHM

DOCKETED
USNRC

2003 MAR 11 PM 4:15

OFFICE SECRETARY
RULEMAKING AND
ADJUDICATIONS STAFF

Template = SECY-028

SECY-02

Title: SEQUOYAH NUCLEAR PLANT:

ALLEGED DISCRIMINATION AGAINST CHEMIST FOR ENGAGING IN PROTECTED
ACTIVITY

Licensee:

Case No.: 2-93-068

Tennessee Valley Authority
400 West Summit Drive
Knoxville, Tennessee 37902

Report Date: May 22, 1995

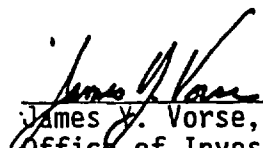
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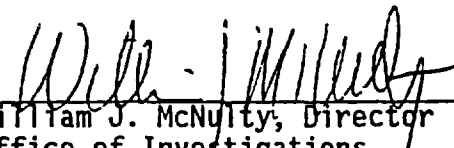
Docket Nos.: 050-327; 050-328

Status: CLOSED

Reported by:

Reviewed and Approved by:


James V. Vorse, Sr. Investigator
Office of Investigations
Field Office, Region II


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

WARNING

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10 CFR § 2.790(a) exemptions nor has any exempt material been
deleted. Do not disseminate or discuss its contents outside NRC.
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SYNOPSIS

The U.S. Nuclear Regulatory Commission, Region II, Office of Investigations initiated this investigation on December 8, 1993. This was based on an allegation received by the Region II staff from a former chemistry manager at the Sequoyah Nuclear Plant who allegedly was discriminated against for raising safety concerns.

Based upon review of the Tennessee Valley Authority Office of the Inspector General investigation into this matter, as well as documents provided by the alleged himself, it is concluded that there was not sufficient evidence developed during this investigation to substantiate the allegation of discrimination for reporting safety concerns.

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DETAILS OF INVESTIGATION

Applicable Regulations

Allegation: Alleged Discrimination Against Chemist for Engaging in Protected Activity

10 CFR § 50.7: Employee protection (1993 Edition)

10 CFR § 50.5: Deliberate misconduct (1993 Edition)

Purpose of Investigation

The U.S. Nuclear Regulatory Commission (NRC), Region II, Office of Investigations (OI) initiated this investigation on December 8, 1993 (Exhibit 1), to determine whether or not Tennessee Valley Authority (TVA) management discriminated against Gary L. FISER, a former Sequoyah Nuclear Plant (SQN) chemistry manager and later TVA corporate chemist in retaliation for reporting safety concerns.

Background

On September 27, 1993, Charles W. Van BEKE, an attorney retained by FISER, reported by letter to the Department of Labor (DOL) with an information copy to the NRC, that FISER's job was surplusd and he was placed in the Employee Transition Program in retaliation for revealing deficiencies in the plant Chemistry Program at SQN. A copy of that letter along with FISER's letter to DOL, with attachments, is Exhibit 2.

Coordination with DOL

The DOL, by letter dated April 8, 1994, notified the TVA that DOL was discontinuing further action regarding FISER's complaint based upon a mutually agreed settlement. In essence, FISER was reemployed by TVA (selected) for the position of program manager, technical support, Chattanooga, TN, and awarded some monies for expenses and attorney fees. A copy of the DOL letter and settlement agreement are Exhibit 3.

Coordination with the TVA Office of the Inspector General (OIG)

Based on the fact the TVA/OIG initiates investigative activity for potential management misconduct whenever an employee files a discrimination complaint with DOL, the TVA/OIG was contacted regarding FISER's complaint. The TVA/OIG did investigate this matter under File No. 2D-135.

Summary

The following individuals were interviewed by the TVA/OIG in association with File No. 2D-135 on the dates indicated:

<u>NAME</u>	<u>POSITION</u>	<u>DATE OF INTERVIEW</u>
Gary L. FISER	Former Site Chemistry Manager, SQN	12/14/93
Ben G. EASLEY	Human Resource Manager, TVA Corporate	10/25/93
Wilson C. McAUTHUR	Manager Operations Services, TVA Corporate	01/10/94
Ronald E. BROCK	Placement Coordinator	01/11/94
Dan R. KEUTER	Former Vice President, Operation Services	01/11/94 & 04/04/94
Charles E. KENT, Jr.	Manager, Radiation Control and Chemistry, SQN	01/11/94
James D. MANIS	Manager, Employee Transition, SQN	01/12/94
Albert V. BLACK	Human Resource Manager, SQN	01/11/94
Robert J. BEECKEN	Former Plant Manager, SQN	02/03/94
Robert FENECH	Site Vice President, SQN	03/02/94
Joseph R. BYNUM	Former Vice President Nuclear Operations, TVA Corporate	02/03/94
Mike POPE	Former Human Resource Manager, TVA Corporate	04/08/94

(NOTE: All the reports of interview for the above individuals are Exhibits 4 through 16, respectively.)

Evidence

The testimony provided by the above individuals as well as OIG File 2D-135 (Exhibit 17) were reviewed to determine if the allegation that TVA management discriminated against FISER for reporting safety concerns was true. In addition, when FISER was interviewed by OI (Exhibit 18), FISER provided an 85-page document titled "Sequence of Events" which FISER claimed thoroughly documented his assertions of discrimination. This document was reviewed by OI and is included as Exhibit 19 to this report. This document was also reviewed by the NRC Regional Counsel who concluded FISER was not engaged in protected activity (Exhibit 20).

Conclusion

Based on the evidence developed and reviewed during this investigation, it is concluded that there is not sufficient evidence to substantiate the allegation that TVA management discriminated against FISER for reporting safety concerns.

Supplemental Information

FISER voluntarily transferred from his chemistry manager position at SQN to be replaced by William F. JOCHER. JOCHER was later terminated from TVA for alleged management deficiencies. JOCHER filed a discrimination complaint with DOL and the NRC. His concerns are being investigated by OI, Region II, under Case No. 2-93-015.

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated December 8, 1993.
2	Charles W. Van BEKE Letter to DOL, dated September 27, 1993.
3	DOL Letter and Settlement Agreement, dated April 8, 1994.
4	TVA/OIG Record of Interview with FISER, dated December 14, 1993.
5	TVA/OIG Record of Interview with EASLEY, dated October 25, 1993.
6	TVA/OIG Record of Interview of McAUTHUR, dated January 10, 1994.
7	TVA/OIG Record of Interview of BROCK, dated January 12, 1994.
8	TVA/OIG Record of Interview of KEUTER, dated January 11, 1994.
9	TVA/OIG Record of Interview of KEUTER, dated April 4, 1994.
10	TVA/OIG Record of Interview of KENT, dated January 11, 1994.
11	TVA/OIG Record of Interview of MANIS, dated January 12, 1994.
12	TVA/OIG Record of Interview of BLACK, dated January 11, 1994.
13	TVA/OIG Record of Interview of BEECKEN, dated February 3, 1994.
14	TVA/OIG Record of Interview of FENECH, dated March 2, 1994.
15	TVA/OIG Record of Interview of BYNUM, dated March 3, 1994.
16	TVA/OIG Record of Interview of POPE, dated April 8, 1994.
17	TVA/OIG Draft Report No. 2D-135, undated.
18	Report of Interview of FISER, conducted on February 1, 1995.

LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
19	Sequence of Events provided by FISER, undated.
20	Memorandum from Regional Counsel, dated April 12, 1995.

EXHIBITS TO CASE NO.: 2-93-068



**U.S. Nuclear Regulatory Commission
Office of Investigations**

DOCUMENT COVER SHEET

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MAY 22 1995

DATE:

INVESTIGATION STATUS RECORD

Case No.: 2-93-068

Facility: SEQUOYAH NUCLEAR PLANT

Allegation No.: RII-93-A-0070

Case Agent: VORSE

Docket No.(s): 050-327/328

Date Opened: 12/08/93

Source of Allegation: ALLEGER

Priority: HIGH

Notified by: EICS

Set by: S. EBNETER, RA

Category: IH

Case Code: RP

Subject/Allegation: ALLEGED DISCRIMINATION AGAINST CHEMIST FOR ENGAGING IN
PROTECTED ACTIVITY

Remarks:

Monthly Status Report:

10/31/94: Allegor claims he was reduced-in-force from his position of chemistry manager because he, or individuals under his direction found, documented and/or reported safety concerns. Further, allegor claims a later offer to become manager of chemistry control was withdrawn due to his expressing safety concerns. Pending prioritization by RA.

CASE NO. 2-93-068

EXHIBIT 1
PAGE 1 OF 1 PAGE(S)

WAGNER, MYERS & SANGER

(A PROFESSIONAL CORPORATION)

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STEPHEN D. PARSONS**
JOSEPH N. CLARKE, JR.
DOUGLAS CAMPBELL, JR.
CARVIN L. CAMPBELL
RONALD D. GARLAND
*ALSO ADMITTED IN W. VA.
*ALSO ADMITTED IN GA.

September 27, 1993

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

VIA HAND DELIVERY

Re: Gary L. Fiser v. Tennessee Valley Authority

Dear Mrs. Merchant:

This letter and the enclosed letter to you from Gary L. Fiser are submitted pursuant to 42 U.S.C. § 5851(b)(1). Mr. Fiser, an employee of the Tennessee Valley Authority (TVA), claims that his April 2, 1993 surplus from TVA 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. Fiser's Complaint is timely, the date of the adverse personnel action leading to his being surplusd being April 2, 1993. Further, as Mr. Fiser's letter details, Mr. Fiser has made a prima facie showing that the adverse personnel action--his job being surplusd--was based on his activities in revealing deficiencies in the plant chemistry program at Sequoyah Nuclear Plant, 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. 1, 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. Fiser'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 made the same decision to surplus Mr. Fiser in the absence of the matters set forth in the enclosed letter. Since Mr. Fiser has never received any unfavorable evaluations of his performance from

EXHIBIT 2

CASE NO. 2 - 93 - 068

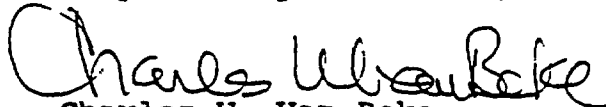
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Mrs. Carol Merchant
September 27, 1993
Page 2

anyone at TVA, we request copies of whatever documents or statements TVA provides in response to this Complaint.

Finally, Mr. Fiser 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

CVB:CCB
Enclosures
cc\enc: Mr. Gary L. Fiser
Mr. Oscar DeMiranda

3280\merchan3.ltr

Gary L. Fiser
[REDACTED]

September 23, 1993

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

Re: Gary L. Fiser v. Tennessee Valley Authority

Dear Mrs. Merchant:

I was hired by the Tennessee Valley Authority (TVA) in August of 1987, as an M6 Program Manager in the corporate chemistry group. In April 1988, I was promoted to the position of Superintendent of Chemistry and Environmental, Sequoyah Nuclear Plant, a PG-9 position which I held until April 2, 1993, when, in violation of Federal Regulations pertaining to reductions in force, I was personally surplused but my job continued on. Since that day, I have been in a non-work status in TVA's Employee Transition Program (ETP). It has now become apparent that TVA's reason for lying about "surplusing" my position at Sequoyah Nuclear Plant, which essentially resulted in my termination, was unlawful and was in violation of 42 U.S.C. § 5851. In actuality, TVA determined to surplus me because of the fact that I or people under my direction had found and/or documented and/or reported and/or corrected problems which affected plant safety at Sequoyah. My basis for arriving at this conclusion is the result of numerous interviews with my manager, Dr. Wilson McArthur; the past Plant Manager of Sequoyah, Mr. Robert Beecken; the past Vice President of Sequoyah, Mr. Jack Wilson; and my Human Resource Officer, Mr. Ben Easley; and others.

On April 2, 1993, my supervisor, Mr. W. F. Jocher, presented me with a letter from Mr. Joe Bynum, Vice President, Nuclear Power Operations, stating that I was being placed in ETP because my position as Superintendent of the Chemistry and Environmental group at Sequoyah was determined to be surplus (Exhibit A).

(Both my immediate supervisor, Mr. W. F. Jocher, and his supervisor, Dr. Wilson McArthur, were very dismayed about the decision to place me in ETP. and expressed their disagreement with this decision publicly and in front of witnesses.) If that

EXHIBIT 2

Mrs. Carol Merchant
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position was abolished, it was done so in name only and as a pretext to get rid of me. An April 27, 1993, memo also authored by Mr. Bynum clearly stated that there would be a Chemistry Manager at Sequoyah (Exhibit B).

The new position of Chemistry Manager is for all practical purposes the same as that of Superintendent of Chemistry and Environmental, a job which I held for several years at Sequoyah. This fact was borne out when I was offered the Chemistry Manager job at Sequoyah on July 6, 1993 by the Rad/Chem Manager Mr. Charles Kent, and the new Sequoyah Plant Manager Mr. Ken Powers. This offer was in fact coordinated through ETP management, specifically Mr. Ron Brock and Mr. Jim Manis, but was withdrawn when, according to Sequoyah's Personnel Manager, Mr. Al Black, "It was blocked at the highest level".

In an interview with Plant Manager, Mr. Rob Beecken, on December 9, 1992, Mr. Beecken stated that one of the reasons that he did not want me back at Sequoyah--I had been rotated to a position in corporate chemistry in March 1992 but without a change of job title or description and was scheduled to return to my position at Sequoyah in March 1993--was because of "[t]he radmonitor effluent calculations not accounting for the vacuum." In 1982 the Nuclear Regulatory Commission (NRC) sent technical information to all nuclear sites (I&E Bulletin) that warned of conditions that could compromise containment radiation monitor setpoints. The bulletin was distributed to chemistry and engineering for an evaluation. The 1982 evaluation was not adequately performed since personnel at Sequoyah did not consider the impact that negative pressure in the noble gas chamber would have on monitor readings. They apparently only considered the impact on monitor flow indication and radioactive iodine readings. This erroneous evaluation was performed fully five years before I accepted employment with TVA. After I assumed my position at Sequoyah, I was informed several times by plant chemistry and engineering personnel in direct response to my questions that radiation monitor readings had been properly established, and did in fact correct for negative pressure. Subsequently, a Significant Corrective Action Report (SCAR) was initiated delineating the problem as well as the necessary corrective actions to bring the monitor into compliance.

Mr. Beecken was not at all pleased with the fact that the issue was reported and documented, his position being that he wanted it fixed without reporting it.

Another reason Mr. Beecken cited for not wanting me back was "[t]he filter change-out scenario". In this case, personnel who

EXHIBIT 2

Mrs. Carol Merchant
September 23, 1993
Page 3

may or may not have been under my supervision--they reported to me on the organization chart but I was on another temporary assignment in the plant at the time--discovered that a containment radiation monitor had been improperly aligned after sampling activities. Once the problem was discovered, appropriate notifications were made as I had previously instructed them, and the incident was entered into the corrective action process using the SCAR. This action is required by Sequoyah procedures as well as federal law. Mr. Beecken was upset because the radiation monitor could have been reset without being reported and no one would have been the wiser. Doing so would have avoided the SCAR process but would have been irresponsible and counter to NRC and TVA regulations.

Thus, even though I was not directly responsible for either of the underlying conditions leading to those situations, I was charged with them by Mr. Beecken. However, whether or not I was actually responsible for them, Mr. Beecken thought I was, and he determined to deny me my job because of the reporting process having been initiated. Therefore, I am suffering reprisals for finding, documenting, reporting and fixing a preexisting problem associated with a radiation monitor required to be operable by USNRC Technical Specifications. Further, to take action against me for reporting problems via the corrective action process is an example of a repressive management structure that seeks to conceal problems. This can only result in problems being suppressed instead of being handled in a forthright manner which would seek to address the root cause and prevent recurrence.

As another example, Bill Jocher and I determined that Sequoyah chemistry personnel could not meet NRC's three-hour requirement for conducting post-accident sampling analyses (Exhibit C). It was our view that NRC had established a three-hour requirement while others in higher positions at SQN, including Site Vice President Jack Wilson, disagreed. Mr. Jocher requested permission from his supervisor, Dr. McArthur, to contact NRC through corporate licensing for clarification on the three-hour constraint. NRC confirmed the three-hour limit, and we conducted exercises to determine the training level of the chemistry staff. Seventy-five percent of the chemistry technicians failed to perform their post accident sampling/analysis activities within the three-hour requirement, and some of them were not able to complete these critical activities at all. These test results were anticipated and predictable in that management had previously surplused all degreed chemistry instructors and converted the training lab into a storage room in an ill-advised attempt to cut costs. Without recurring training to reinforce fundamental concepts, post accident sampling proficiency as well

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Page 4

as other technician skills deteriorated to alarming levels. Subsequent measurements by the Institute of Nuclear Power Operations (INPO) as well as Corporate Chemistry confirmed this condition at considerable cost to TVA Nuclear Program head Mr. O. D. Kingsley, who had previously advised the TVA Board of Directors to the contrary.

Our test results revealed the bankruptcy of management's efforts at cost cutting, and the findings were reported. Such revelations are not well received at TVA.

Further, I was constantly in the position of being understaffed and under-budgeted. My pointing this out at various times to my superiors met with rebuke, notwithstanding Mr. Kingsley's promises to TVA Chairman Mr. John Waters that certain equipment deficiencies noted by INPO would be corrected. Including these items in the budget time after time only to have them deleted or deferred by higher management brought about a recurrent finding condition by various audit groups that kept opening and closing this particular item. Bringing up the sorry state of TVA's equipment maintenance repair program was always met with disfavor and contributed to my current situation.

Denial of my job at Sequoyah and my being surplusd were actions taken by the highest levels in the TVA nuclear management structure. In early July 1993, I was offered the position of Chemistry Manager at Sequoyah by the Chemistry Radcon Manager, Mr. Charles Kent, after I had interviewed with the new plant manager, Mr. Ken Powers. I was given a start date, a salary, and the proceedings were coordinated through the appropriate ETP Managers. A few days later, I was told that I apparently had a "target" on my back because persons high up in the nuclear organization had protested my job offer directly to the new Sequoyah Site Vice President, Mr. Fennach. I believe that TVA's decision to not consummate my job offer as Chemistry Manager at Sequoyah in July was another violation of 42 U.S.C. § 5851.

Also, at one point in the personnel evaluation process, my manager, Dr. McArthur, had me rated very high in comparison to his other direct reports, only to have Mr. Dan Keuter, Vice President of Operations Services, personally intervene and mandate that I be given no pay increase. In spite of the opposition raised by my direct supervisor, and in the presence of my Human Resource Officer, Mr. Ben Easley, Keuter ordered Dr. McArthur to place me in a position which would result in no pay increase, and made it clear that it was his (Keuter's) decision. Two other senior chemistry managers from two different TVA locations were victimized by similar retaliatory actions on

EXHIBIT 2

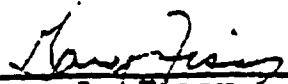
S. Carol Merchant
September 23, 1993
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the part of TVA management for reporting and documenting safety-related issues. Actions of this type appear to be the norm as contrasted to the exception and receive their impetus from the highest levels of TVA nuclear management. This is indicative of a systemic problem within the agency versus an isolated occurrence. Interestingly, while I was the Chemistry and Environmental Superintendent at Sequoyah, the program received outstanding grades as a result of each INPO evaluation. Nevertheless, the types of events recorded above were deemed by upper management as either embarrassing to them or of greater significance than running a good overall chemistry program.

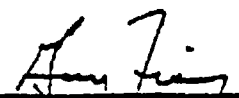
As an employee in TVA's nuclear power program, I am required by federal law to report and document issues related to the safe operation of the facility. To do so at TVA's Sequoyah Nuclear Plant is to invite reprisals in the form of unexplained demotions (Exhibit D), pay cuts in spite of one's performance and irrespective of the direct input from one's supervisor, and eventually the loss of employment. TVA has historically taken action against employees for reporting safety issues with apparent immunity from NRC, an agency for whom they have patent disregard.

As I mentioned earlier, the facts and issues are extremely well documented, and I look forward to sharing this with you, as well as imparting other insights into this case to you and/or members of your staff.

Sincerely yours,


Gary L. Fiser

I hereby designate Mr. Charles W. Van Beke, Wagner, Myers, and Sanger, P.C., 1801 Plaza Tower, 800 S. Gay Street, Knoxville, Tennessee, 37929, as my attorney in this matter.


Gary L. Fiser

Date: 9-25-93

J240merchan2.3r

EXHIBIT 2

PAGE 7 OF 14 PAGE(S)

11 2, 1993

Gary L. Fizer, LP 5D-C
SSN: [REDACTED]

NOTICE OF TRANSFER TO EMPLOYEE TRANSITION PROGRAM (ETP)

This is to notify you that, as a result of reorganization, your position of Manager, Chemistry, PG-9, Sequoyah Nuclear Plant, has been determined to be surplus.

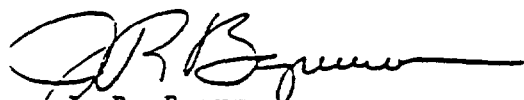
As a surplused employee, you have the following options available to you.

1. You may resign your TVA position. If you do so, you will be eligible for the following benefits:
 - a. If you resign and separate from TVA within 30 days of the date of this notice, TVA will pay you a lump-sum incentive payment of \$5,000. This payment will only be available to you if you resign within that 30-day period. This payment is in addition to any other benefits you may be entitled to as described below.
 - b. You will be paid severance pay if you qualify under the terms of the Articles of Agreement. Severance pay is computed as set out in the Articles of Agreement.
 - c. You are eligible to continue the medical insurance you have currently in effect for up to 18 months from the end of the month that you separate from TVA, provided that you pay the full cost of such coverage at the applicable group rate.
 - d. You are eligible for immediate retirement benefits, if you are vested in the TVA Retirement System, in accordance with the rules of that system.
 - e. You will be paid project life severance pay if you qualify under the terms of the Articles of Agreement.
2. If you do not resign your position by close of business on April 2, 1993, you will be temporarily assigned to the ETP April 5, 1993. You should report at your normal work time to the ETP office at OSB 1A-C, Riverside Drive. This program is designed to provide assistance to employees in finding vacant TVA positions, and, if necessary, to assist in finding jobs outside TVA. If you resign from the ETP, the benefits listed above will be available to you, except that you will be eligible for the \$5,000 lump-sum payment only if you resign within 30 days of the date of this notice.

Gary L. Fizer
Page 2
April 2, 1993

If you choose to enter the ETP and at the end of six months you have not been placed in a permanent TVA position or entered a training program which will qualify you for another TVA position, your employment will be terminated through reduction-in-force procedures.

If you have questions about the options or benefits available to you, please talk to your human resources manager.


J. R. Bynum
Vice President
Nuclear Operations
LP 3B-C

I received a copy of this notice on _____
DATE

NAME

MDP:GLR

cc: Payroll Operations, WT 5D-K
PMU, ET 5R-K
M. D. Pope, LP 3A-C
J. M. Raines, ET 5P-K
S. E. Rathjen, LP 2B-C

6238u

ADMINISTRATIVELY CONFIDENTIAL

, 27, 1993

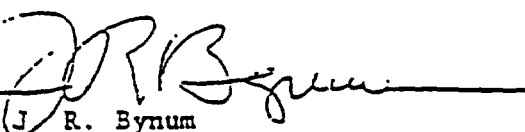
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ADCON/CHEMISTRY/ENVIRONMENTAL ORGANIZATION - SEQUOYAH (SQN) AND BROWNS FERRY (BFN)

The operating plants have evaluated several organizational concepts regarding bringing the Radcon, Chemistry and Environmental groups together. The organization outlined in the attached organization chart represents the consensus of our operating plants. The Radcon/Chemistry/Environmental Managers will be allowed to manage as opposed to running the day-to-day operations. This will allow for time to evaluate problem areas and to look at trends. The Radcon Manager, Chemistry Manager, and the Environmental Manager can pay full attention to the functional operating aspects of their respective organization. The additions of radioactive waste and hazardous waste disciplines reporting to the Environmental Manager will also be a positive change in that some regulations (i.e., DOT, OSHA, EPA) are common to both, and the use of laborers will be maximized.

Addition of an Environmental Manager will address the issue of a major commitment by TVA to the environment and the overwhelming number of regulatory requirements that are coming forth in environmental legislation.

Please implement this Radcon/Chemistry/Environmental organization as quickly as possible at your site. As plants become operational, they will implement this organization. Please advise R. M. Eytchison of your implementation date.



J. R. Bynum
Vice President
Nuclear Operations
LP 3B-C

R. J. Beecken, POB 2B-SQN
R. A. Fenech, OPS 4A-SQN
H. F. McCluskey, OSA 1A-BLN
W. J. Museler, FSB 1A-WBN
J. A. Scalice, POB 2C-BFN
O. J. Zeringue, PAB 1E-BFN

JMB
Attachment
cc (Attachment):

R. M. Eytchison, LP 3B-C
M. O. Medford, LP 3B-C
D. E. Nunn, LP 3B-C

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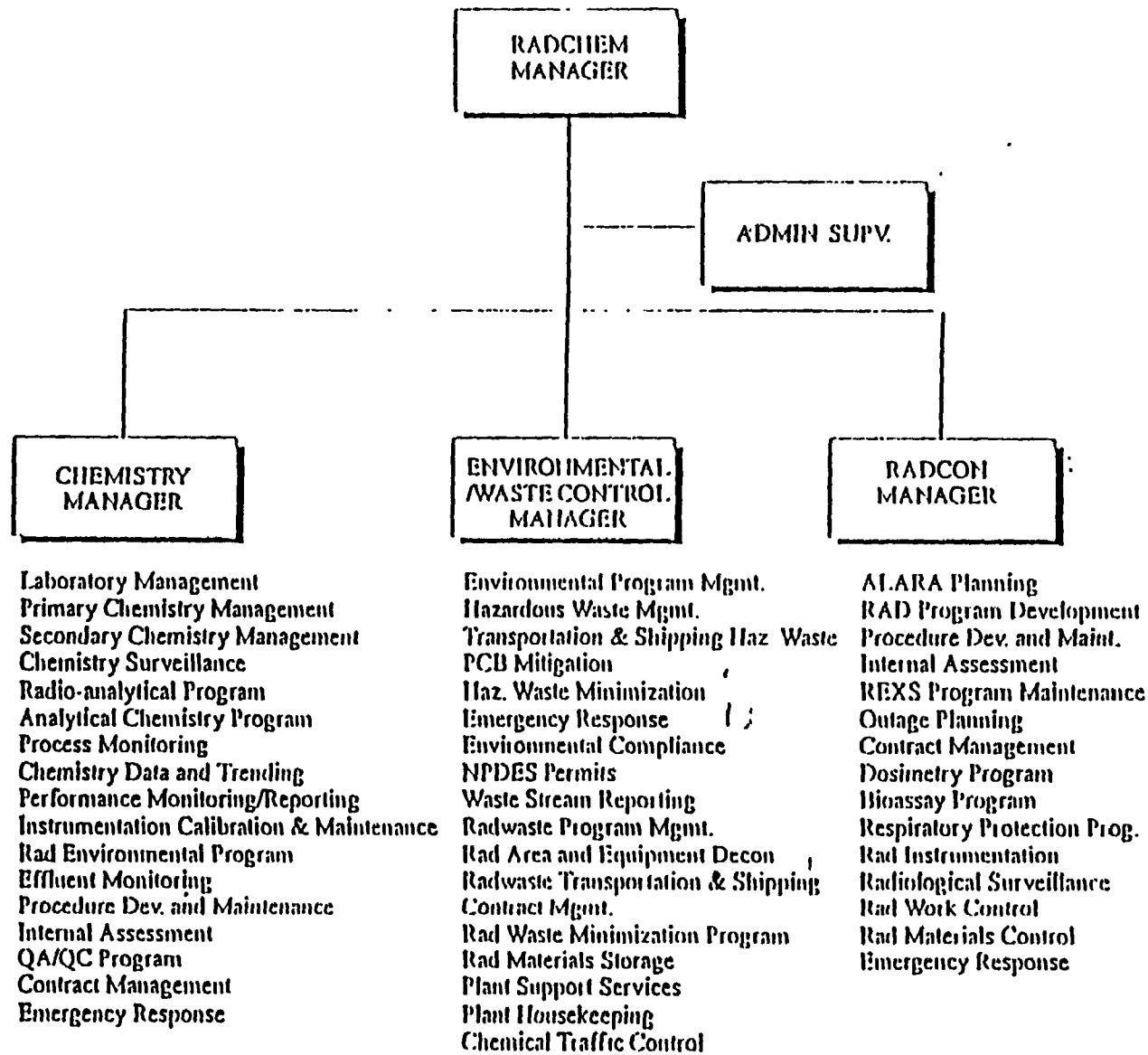
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OFFICE
VICE PRES.
NUCLEAR OPS

EXHIBIT 2

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Concept 1 (Three Direct Reports to Rad/Chem Manager)



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5/5 all R/C
all Chem
all EP
only mgns

D. E. Nunn, LP 3B-C

ADCON/CHEMISTRY/ENVIRONMENTAL ORGANIZATION - SEQUOYAH AND BROWNS
FERRY NUCLEAR PLANTS

J. R. Bynum's April 27, 1993 memorandum directs implementation of a standard Radcon, Chemistry, and Environmental organization for Sequoyah and Browns Ferry. I request you implement a similar organization at Watts Bar Nuclear Plant prior to the loading of fuel.

1. Reguli

Ronald M. Eytchison
Vice President, Nuclear Operations
LP 3B-C

RME:MGF
cc (w/Incoming):
D. R. Keuter, LP 3B-C
W. J. Museier, FSB 1A-WBN
RIMS, MR 2F-C (Re: W56 930427 001

rme2.mem

L59			
ANALYTICAL PROGRAMS			
DATE: '83			
ROUTES TO	NOTES	ACT	RESLT
MGR	V	X	
CSEP	V	V	
EP	V		
ERM&I			
FP			
NS			
RADCN	V		
SEE OWs	V		
RIMS	Yes Intake		

RADIOLOGICAL CONTROL			
L61			
MAY 05 '83			
	NAME	ACTION	REMARKS
CGH			
UNC			
JAF			
IRF			
ALI			
GKK			
YEL			
LIJ			
DAS			
REN			
BLM			
SON			
WEN			
FINIS	Yes	Initiate	

LDO OPERATIONS SERVICES			
NOV 04 '93			
2 c1			
Entered to	Noted	Act'nl	Ready
VP			
VP&C			
IT			
SPRS			
CUTS			
SI			
SS			
TP	✓		
PAS XC <input type="checkbox"/> YES			

January 19, 1992

Chemistry Response to NSRB A132-6

Since the previous NSRB meeting INPO has completely revised their Post Accident Sampling good practice 88-005. The new good practice is 91-019. Site chemistry just received these guidelines in mid-January. A review of these guidelines for incorporation into site procedures is in progress.

Timed exercises have not previously been conducted to ensure that all personnel can meet the three hour requirement of NUREG 0737.

Currently, site chemistry has incorporated a semi-annual timed exercise into the training program. Sampling and analysis times exceeding three hours will be investigated and documented to determine if problems are a result of personnel actions, equipment malfunctions or other isolated causes. Causes will be addressed with corrective actions.

Documentation proving that all personnel can meet the three hour sampling requirement will be established and the above actions will be incorporated into the training procedures by July 30, 1992 by the Chemistry Training Section.


G. L. Fiser
Chemistry and Environmental Superintendent


W. F. Jocher
Manager of Chemistry and Environmental Protection

DJB

PL020201/3066/58

Exhibit C

EXHIBIT 2
PAGE 13 OF 14 PAGE(S)

TOTAL P.07

Those listed

CORPORATE CHEMISTRY MANAGER

Effective Monday, November 23, Sam Harvey will be assigned as the Acting Corporate Chemistry Manager. Gary Fiser will be assigned to the position of Program Manager in Corporate Chemistry. We appreciate Gary's efforts during the last eight months and wish both Gary and Sam success in their endeavors.

W.C. McArthur

W. C. McArthur
Manager, Technical Programs
LP 5D-C

G. L. Fiser, LP 5D-C
S. L. Harvey, LP 5D-C
C. G. Hudson, LP 5D-C
C. L. Kelley, CST 7A-C
R. J. Kitts, LP 6B-C
W. L. Raines, WAR 1A-M
D. W. Sorrelle, LP 5D-C
K. Zimmermann, CST 7B-C

WCM:JMB

cc: R. J. Beecken, POB 2B-SQN
J. R. Bynum, LP 3B-C
J. M. Corey, POB 2H-BFN
J. W. Cox, Jr., MOB 2U-WBN
W. F. Jocher, OPS 4F-SQN
C. E. Kent, POB 2C-SQN
D. R. Keuter, LP 3B-C
O. D. Kingsley, Jr., LP 6A-C
D. R. Matthews, MOB 1F-WBN
M. O. Medford, LP 3B-C
D. E. Moody, MOB 2R-WBN
W. J. Museler, FSB 1A-WBN
D. E. Nunn, LP 3B-C
J. W. Sabados, SBP 1A-BFN
J. A. Scalice, POB 2C-BFN
R. F. Wilson, LP 3B-C
J. L. Wilson, OPS 4A-SQN
O. J. Zeringue, PAB 1E-BFN

[illegible]

EXHIBIT 2

PAGE 14 OF 14 PAGE(S)

U.S. Department of Labor

Employment Standards Administration
Wage and Hour Division



April 8, 1994

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

Certified #P 387 040 433
Return Receipt Requested

File No.	2D-135 (Thomas)
Index	2D-133
Reference	
Attached	
Due Date	

RECEIVED
APR 12 9 10 AM '94
OFFICE OF THE
INSPECTOR GENERAL

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

Re: Gary L. Fiser v. Tennessee Valley Authority

Dear Mr. Kingsley:

This will notify you that we are discontinuing further action with regard to Mr. Fiser's complaint under the Energy Reorganization Act against the Tennessee Valley Authority in view of the Memorandum of Understanding and Agreement received in our Knoxville office April 7, 1994. Accordingly, we plan no further action in this matter.

If we can be of assistance in the future, please contact us.

Sincerely,

George Friday
George Friday
District Director

cc: Gary L. Fiser
Phil Reynolds
Keith Fogleman
George Prosser
Edward Christenbury
Hudson Ragan
NRC, Washington
NRC, Atlanta

EXHIBIT 3

PAGE 1 OF 5 PAGE(S)

2D-135-49

APR 12 1994	
Thomas	BT

CASE NO. 2-93-068

RECEIVED

APR 8 10 12 AM '94

OFFICE OF THE
INSPECTOR GENERAL

April 7, 1994

File No.	2D-133 (Thomas)
Index	2D-135 (Thomas)
Reference	

HAND DELIVERED

Charles W. Van Beke, Esq.
Wagner, Myers & Sanger
1801 Plaza Tower
P.O. Box 1308
Knoxville, Tennessee 37901-1308

Re: Gary L. Fiser v. Tennessee Valley Authority - September 27, 1993,
Energy Reorganization Act complaint

Dear Mr. Van Beke:

We are enclosing a check payable to Mr. Fiser as required by the Memorandum of Understanding and Agreement, a signed copy of which is also enclosed.

By copy of this letter, we are sending a copy of the agreement to the Wage and Hour Division of the Department of Labor. ~~It is our understanding that, based on the agreement, they will dismiss the case and do not need anything further from the parties.~~

Thank you for your cooperation.

Very truly yours,

Brent R. Marquand
Senior Litigation Attorney

Enclosures

cc (Enclosure):

Ms. Carol Merchant
Assistant District Director
Wage and Hour Division
Employment Standards Administration
United States Department of Labor
John Duncan Federal Building
710 Locust Street, Box 123
Knoxville, Tennessee 37902

Mr. Kenneth Stripling (Overnight
Investigator Messenger)
Wage and Hour Division
Employment Standards Administration
United States Department of Labor
Suite 66
Joel Solomon Federal Building
Chattanooga, Tennessee 37402

bc (Enclosure):

G. Donald Hickman, ET 4H-K
Phillip L. Reynolds, LP 3B-C

0061c

EXHIBIT 3

PAGE 2 OF 5 PAGE(S)

2D-135-48
APR 11 1994
Thomas

MEMORANDUM OF UNDERSTANDING AND AGREEMENT

This Memorandum of Understanding and Agreement entered into this ____ day of March, 1994, by and between Gary L. Fiser and the Tennessee Valley Authority (TVA) is for the purpose of setting forth in full the terms and conditions of the agreement for the settlement of all complaints and/or claims of whatever nature that Mr. Fiser may have as of the date of this agreement against TVA in any court of law and/or before any administrative tribunal or agency of the Federal Government or TVA. Mr. Fiser agrees to cooperate to have all legal or administrative actions against TVA, which he initiated, dismissed with prejudice. The consideration granted by TVA herein is for the sole purpose of settlement of all of Mr. Fiser's complaints and/or claims against TVA and shall not be deemed an admission of wrongdoing or liability on the part of TVA.

Nothing in this agreement shall be construed to prohibit Mr. Fiser from reporting any suspected instance of illegal activity of any nature, any nuclear safety concern, any workplace safety concern, or any public safety concern to the United States Nuclear Regulatory Commission, the United States Department of Labor (DOL), or any other Federal or State governmental agency, and shall not be construed to prohibit Mr. Fiser from participating in any way in any State or Federal administrative, judicial, or legislative proceeding or investigation with respect to any claims and matters not resolved and terminated by this Memorandum of Understanding and Agreement.

EXHIBIT 3PAGE 3 OF 3 PAGE(S)*WJH*
AK7

The terms and conditions of this settlement agreement are as follows:

1. TVA will select Mr. Fiser for the position of Program Manager, Technical Support, PG-8, in Chattanooga. Mr. Fiser's salary will be \$76,027.68 retroactive to October 4, 1993.
2. TVA will pay Mr. a lump-sum payment in the gross amount of \$8,000 in reimbursement of expenses incurred by Mr. Fiser in pursuing non-TVA employment and business opportunities. This amount shall not be subject to withholding for federal or state taxes or in any way considered as compensation to Mr. Fiser. In the event that federal or state taxes are due on such payment, Mr. Fiser agrees to pay such taxes, together with interest and penalties thereon. The check will be made out to Mr. Fiser and mailed to Mr. Van Beka.
3. TVA will restore 148 hours of annual leave to Mr. Fiser's account.
4. TVA will pay Mr. Fiser \$3,800 in full and final settlement of all claims for attorney's fees and costs incurred in connection with all complaints and claims of whatever nature filed by Mr. Fiser in any court of law or before any administrative tribunal or agency of the Federal Government or TVA. The check will be made out to Mr. Fiser and mailed to Mr. Van Beka.
5. Mr. Fiser releases TVA, the TVA Board of Directors, and TVA's officers, agents, and employees from any and all actions, claims, demands, damages, and liabilities of every kind, at law

-2-

EXHIBIT 3
PAGE 4 OF 5 PAGE(S)

or in equity, of whatever nature that he may have as of the date of this agreement in any court of law, before any administrative tribunal or agency of the Federal Government or TVA. Mr. Fiser and Mr. Van Beka agree to execute the appropriate papers to effectuate the dismissal with prejudice of all pending proceedings against TVA within five working days of the execution of this agreement by the parties.

6. This agreement is contingent upon its approval by DOL and the dismissal of Mr. Fiser's pending DOL case.

IN WITNESS WHEREOF, the parties have executed this agreement as of the day and year first above written.

Tennessee Valley Authority

Gary L. Fiser
Gary L. Fiser

By Mark O. Medford
Mark O. Medford
Vice President, Technical Support

Charles W. Van Beka
Charles W. Van Beka, Esq.
Attorney for Gary L. Fiser

0011310/aw.naa

-3-

EXHIBIT 3
PAGE 5 OF 5 PAGE(S)

**TENNESSEE VALLEY AUTHORITY
Office of the Inspector General
RECORD OF INTERVIEW**

Name: Gary L. Fiser
Position: Former: Site Chemistry Manager
Office: Former: Sequoyah Nuclear Plant (SQN)
Current: Employee Transition Program (ETP)
Work Tel.: (615) 751-1313
Residence: [REDACTED]
Home Tel.: [REDACTED]
SSN/DOB: [REDACTED]

(I,)

Fiser was contacted at the ETP offices on Amnicola Highway, Chattanooga, Tennessee and advised of the identity of the interviewing agent. He was interviewed concerning his Department of Labor (DOL) complaint. Fiser provided the following information.

Background

Fiser began working for TVA in Fall 1987 as a Program Manager in Corporate Chemistry. In this position, Fiser reported to Jim Bates, Corporate Chemistry Manager.

In April 1988, Fiser became the SQN Chemistry and Environmental Superintendent. He initially reported to Ron Fortenberg (phonetic), Technical Support Manager, SQN, until a reorganization occurred and Chemistry reported directly to the Plant Manager, Steve Smith. Chemistry was a direct report to the Plant Manager for about a year and a half until it was moved under the Operations Manager, Bill Lagergren. Lagergren was the Operations Manager until approximately December 1991 when Pat Lydon replaced him.

Investigation On: December 14, 1993

At: Chattanooga, Tennessee

By: ^{BBT} SA Beth B. Thomas

File: 2D-135 - 8

02FISER.DOC
OIG-02 (10/93)

EXHIBIT 4
PAGE 1 OF 7 PAGE(S)

CASE NO 2 - 93 - 068

Fiser continued to report to Lydon until he (Fiser) and Bill Jocher, the Corporate Chemistry Manager, switched positions in March 1992. Fiser believes he was counted under SQN's headcount when he was the Corporate Chemistry Manager, but his salary was paid by Corporate.

Fiser's Demotion

As the Corporate Chemistry Manager, Fiser reported to Wilson McArthur, Manager, Technical Programs. However, in November 1992, Fiser was "demoted" to a Corporate Program Manager position and Sam Harvey, a former direct report when Fiser was the Corporate Chemistry Manager, became the Corporate Chemistry Manager. As a result, Fiser reported to Harvey until Jocher returned as the Corporate Chemistry Manager in March 1993. Fiser stated that he was very upset at this "demotion," even though he retained the same title (Chemistry Manager and Environmental Superintendent) and pay grade (PG9).

Right before Fiser was demoted, McArthur told him that he (McArthur) had ranked him (Fiser) high on the direct managers' report. However, McArthur was ordered by Dan Keuter, Vice President, Nuclear Operations Services, to move Fiser to the end of the list and give him no increase. Fiser stated that Ben Easley, Human Resource Officer, can confirm the conversation between McArthur and Keuter about Fiser's ranking.

After Fiser was demoted, he talked with Lagergren and Lagergren advised that he had been happy with Fiser's performance. In addition, Fiser stated that Lagergren had awarded him a bonus because he (Fiser) was a successful performer.

Fiser's Failure to Return to SQN

After finding out he was being demoted, Fiser began hearing rumors that SQN management did not want him back (at SQN). Fiser contacted Al Black, SQN Human Resource Officer, and Black assured him that no one was dissatisfied with his (Fiser's) performance. According to Fiser, Black was "flabbergasted" that Fiser believed they did not want him (Fiser) back to SQN.

Fiser stated that he originally did not believe the rumors that Rob Beecken, Plant Manager, SQN, and Jack Wilson, Site Vice President, did not want him back at SQN because the three had informally met in the stairwell of the Plant Manager's building prior to Fiser going to Corporate. At this meeting, Beecken and Wilson "went out of

their way to express their appreciation" for the job Fiser had done at SQN. Furthermore, they told Fiser that the move to Corporate was a good move professionally because it would make him more promotable. Beecken had also commented that he wanted to get Jocher to SQN to see if he (Jocher) could perform.

On November 16, 1992, McArthur told Fiser that they (Beecken, J. Wilson, Dan Keuter, Vice President, Nuclear Operations Services, and Joe Bynum, Vice President, Nuclear Operations) had a change of heart about Fiser going back to SQN and were not willing to honor the agreement that he would return to SQN. According to Fiser, McArthur was "apologetic" about the arrangement. McArthur believed Fiser was being blamed for the SQN Chemistry problems even though he had not been given adequate resources.

According to Fiser, there was never a finding against the SQN Chemistry Program in any Institute of Nuclear Power Operations (INPO) evaluation when Fiser was the SQN Chemistry Manager. As a result, Fiser being named Outage Manager was essentially a reward for his good work in the Chemistry Program. Fiser advised that when he moved to the Outage position, he made a "clean break" and placed Rob Ritchie in charge of the SQN Chemistry Program.

On November 21, 1992, Fiser went to SQN to confront Beecken about the decision to not bring him (Fiser) back to SQN because McArthur was indicating that Beecken was "the problem". However, Beecken was not at SQN so Fiser talked with J. Wilson. According to Fiser, J. Wilson acknowledged the conversation in the stairwell. He then stated that Fiser was not aggressive enough and that the chemistry manager needed to demand that upgrades occur.

On December 8, 1992, Fiser called Beecken in order to set up a meeting. During this conversation, Beecken told Fiser that the only time they could meet would be the next morning at 6:00 a.m. at SQN and Fiser agreed to this time. During their meeting at SQN, Beecken told Fiser that he (Fiser) was not coming back to SQN because "I wanted a perfect INPO evaluation that's how come." Beecken went on to say that Fiser was to blame for the problems at SQN although he acknowledged that the instrumentation problem was not in Fiser's ability to control. However, Beecken "hammered" him (Fiser) on the training issue.

Fiser stated that he knew that training was weak because the training facility had been changed to a storage room and they had lost almost all of the degreed instructors. In addition, Fiser would set up mock question/answer sessions with the technicians prior to an INPO evaluation. Fiser admitted that he "covered up" that SQN had inadequate training resources by conducting these sessions. When Jocher was the SQN

Chemistry Manager, he chose not to have the mock sessions and therefore, the technicians "blew it" during the INPO evaluation. As a result, there was a finding against technician training in the 1992 INPO evaluation report. Fiser believes that Beecken was holding this (the training problems and eventual INPO finding) against him (Fiser).

During the December 9, 1992, conversation, Beecken also mentioned the "filter change-out scenario." Fiser explained technicians are required by federal law to change a chemistry filter daily. During one of the routine changes, a technician realized that a valve which was supposed to remain open was closed. The technician reported the closed valve and the incident eventually led to a Licensee Event Report (LER) which goes to the Nuclear Regulatory Commission (NRC). Fiser stated that this incident occurred when he was in the Outage group and had no contact with the Chemistry Program. However, Fiser believes that Beecken did not want the violation reported and has unfairly blamed him for this incident. Fiser specifically recalls that Beecken was mad when the problem was found because Beecken came to him (Fiser) in Outage and said that the Chemistry technicians had blown it and he (Beecken) wanted someone fired.

According to Fiser, Beecken also made a comment in this December 9, 1992 meeting about the rad-monitor affluent not accounting for the vacuum. Fiser explained that in 1982 the NRC issued Bulletin 80-10 which stated that there were some problems with the radiation monitor set points. When Fiser came to TVA, he repeatedly asked the technicians if the rad monitor set points were correct (if they had been properly corrected for vacuum). and was continually assured by his staff that the problem had been corrected. However, while Fiser was at Corporate in 1992, the radiation monitor set points were found to be incorrect and a LER was issued.

Fiser stated that the basis for his DOL complaint is that Beecken is blaming him for the problems with training, the filter change-out and the radiation monitor set points.

Fiser believes that his involvement with testing for the 3 hour post accident sampling analysis had emphasis on the decision to "swap" positions with Jocher and as a result, may be interconnected with management not wanting him back at SQN. Fiser indicated that initially he did not feel like the swap was a bad thing; however, Fiser now realizes that being in a temporary position left him vulnerable.

Although Fiser never went to INPO to discuss the chemistry problems, he indicated that he answered very pointed questions during their evaluations. However, Fiser denied going to INPO to "air dirty laundry."

In the December 9, 1992 meeting, Beecken also asked Fiser about a disagreement with Tom Peterson of the Nuclear Safety Review Board (NSRB). Fiser stated that when he returned from Outage (approximately January 1992), Peterson told Fiser to implement a procedure where the computers would generate daily trend plots about chemistry parameters. Fiser told Peterson that it was impossible, but Peterson refused to accept this. Peterson told everyone that Fiser was not a team player and they should get rid of him. Fiser stated that he explained the situation with Peterson (in the December 9, 1992 meeting) and that Beecken understood his reasons for not being able to comply with the request.

After meeting with Beecken, Fiser talked to Don Amos, a SQN chemistry technician, who confirmed that he had given Fiser the wrong information about the radiation monitor set points.

Fiser advised that the instrumentation problems at SQN were already on-going when he came to TVA in 1987.

Knowledge of RIF'ed Position

On April 2, 1993, Jocher told Fiser that he (Fiser) was being Reduced-in-Force (RIF'ed) from the SQN Chemistry Manager position. According to Fiser, TVA management "lied" and said that his position was being done away with.

Fiser believes that Charles Kent, RadCon/Chemistry Manager, SQN, wanted to do away with the Chemistry Manager position. However, on April 27, 1993, memorandum from Joe Bynum, Vice President, Nuclear Operations, reinstated the Chemistry Manager position at SQN. In addition, Ron Etchysion (phonetic), the new Vice President, Nuclear Operations (replaced Bynum) gave his stamp of approval on the position.

Fiser stated that he, Jocher, John Sabados, Browns Ferry Nuclear Plant Chemistry Manager, and Ralph Matthew, Watts Bar Nuclear Plant Chemistry Manager, had come up with a new chemistry organization which was on the books as early as June/July 1992.

Events Following Fiser's RIF

On May 5 and 7, 1993, Fiser attempted to contact Kent in order to see if he was being considered for the Chemistry Manager position since it was reinstated by Bynum's April 27, 1993 memorandum. On May 10, 1993, Kent called Fiser and said that the organization had been standardized (all nuclear plants had the same organizational structure) and that the new organization did contain a Chemistry Manager position. Fiser told Kent that management may not want him back because Beecken did not consider him aggressive enough. Kent denied ever hearing Beecken say that. Fiser stated that he then had some hope that he could get the Chemistry Manager position.

On June 7, 1993, Fiser got a phone call from Jim Bates of INPO who called to say that TVA had contacted INPO the week before to find out if anyone was interested in the SQN Chemistry Manager position. Bates said that Kent had contacted the Radiological Protection Manager at INPO. According to Fiser, Bates was calling to let him know that they (TVA management) were going to replace him (Fiser).

On July 3, 1993, Kent contacted Fiser to see if was willing to come to SQN to meet with the new Plant Manager, Ken Powers, because Beecken had been replaced. Kent said that his purpose was to fill the SQN Chemistry Manager position. Kent told Fiser "don't get your hopes up - it is not a sure thing yet," but that he (Kent) felt pretty confident.

On July 6, 1993, Fiser met with Kent and Powers at SQN. According to Fiser, they all three "hit it off." At the end of the meeting, Powers stood up and told Kent that he had no objections to hiring Fiser and to work on getting Fiser into the Chemistry Manager position. Powers then left and Kent quoted Fiser a salary of \$81,000 (the same amount Gordon Rich, Corporate Chemistry Manager, was making) and said he (Kent) was putting Fiser in the PG10 Chemistry Manager slot. Fiser told Kent that he (Kent) would have to deal with the Employee Transition Program Managers, Ron Brock and Jim Manis, on any offer. Kent then contacted Brock and Manis and arranged for Fiser to report to SQN on July 8, 1993 (Thursday).

Kent then asked Fiser to be quiet and lay low so he (Kent) could work out the details of the offer. Kent said he was going to ask McArthur to "talk to the right people" to make sure the coast was clear. Fiser stated that he immediately asked Kent if McArthur would talk to Keuter and Bynum. Kent assured Fiser that McArthur would talk to the "right people."

On the evening of July 6, 1993, Kent contacted Fiser at home and said that Robert Fenech, Site Vice President, SQN, had given his approval and that McArthur had

seemed supportive and the plan was still for Fiser to report on July 8, 1993. However, Kent said if Kingsley had a target on his (Fiser's) back, he (Kent) would have to rethink the whole thing.

Fiser advised that he contacted Kent on July 7, 1993 to see if the coast was clear but he never received a reply. Consequently, Fiser did not report to work on July 8, 1993.

On July 9, 1993, Kent called Fiser and said that the offer was not going to work out. They then met face-to-face and Kent told Fiser that McArthur had talked to some other people (names unknown). As a result, Kent and Fenech had decided it was not in Fiser's best interest to take the Chemistry Manager position because he was "doomed from the start."

On July 14, 1993, Fiser went to McArthur and asked "who is torpedoing me?" McArthur did not answer, but acknowledged that he had talked to Keuter and Bynum about Kent's plan to hire Fiser. McArthur also said that Bynum had approached Fenech about the offer.

Fiser stated that Brock and Manis could confirm that Kent had given Fiser an offer, report date and salary quote.

On July 16, 1993, Brock contacted Al Black, SQN Human Resource Officer, because he (Brock) had never heard anything official about withdrawing the offer. Brock had paged Black and Black called Brock back on his (Brock's) office phone. Fiser stated that he does not believe that Black realized he was on a speaker phone or that Fiser and Manis were also present in the office. Black stated that "it (Fiser's offer) was blocked at the highest level." Brock then asked Black if they were going to fill the position. Black stated that he did not know, but they were not going to fill it with Fiser.

Involvement with Upper Management

Fiser advised that he never had a discussion with Keuter, Bynum or Beecken about his performance prior to his RIF.

McArthur told Fiser that he (McArthur) felt like Beecken was giving Keuter and Bynum a bad picture of Fiser.

Keuter and Bynum would both have been aware of the filter change-out and rad-monitor setpoint issues.

TENNESSEE VALLEY AUTHORITY
Office of the Inspector General
RECORD OF INTERVIEW

Name: Ben G. Easley
Position: Human Resource Officer
Office: Employee Relations and Development
Generating Group
Nuclear Power
Work Tel.: (615) 751-2234
Residence: [REDACTED]
Home Tel.: [REDACTED]
SSN/DOB: [REDACTED]

~~1~~

Easley, who is aware of the identity of the interviewing agent, was contacted at his office and advised that this interview would pertain to his knowledge of the events surrounding the surplusing of Gary Fiser on April 2, 1993. Easley provided the following information.

Easley advised that Fiser had been surplused from his position as the SQN Chemistry Manager because that position had been revised and was not the same position Fiser originally held. Easley advised that the position went from a PG9 to a PG10.

Easley stated that Rob Beecken, Plant Manager, Sequoyah Nuclear Plant (SQN) and Robert Fenech, Site Vice President, SQN, did not want Fiser to come back to SQN after his one year temporary assignment in Corporate and wanted Corporate Chemistry to find a position for him. However, either Corporate did not have a position for Fiser or did not want to put him in one.

Easley stated that the process to put Fiser in the Employee Transition Program (ETP) began during the first couple of weeks in March.

continued

Investigation On: October 25, 1993

At: Chattanooga, Tennessee

By: ^{BBT} SA Beth B. Thomas: BBT

File: 2D-135 - 7 EXHIBIT 5

02EASLEY.DOC
OIG-02 (10/93)

PAGE 1 OF 8 PAGE(S)

Since Fiser was being surplused from a SQN position, Easley originally told the SQN Human Resource Office to surplus Fiser. However, Mike Pope, Easley's supervisor, told Easley to do it. Easley stated that he told Pope that they (Corporate Human Resources) should not be doing this (handling the surplus of a SQN position) and Easley believes that Pope "knew we shouldn't." Easley stated that someone (name unknown) must have told Pope that Corporate needed to handle the surplus.

Easley stated that Fiser's surplus should have been handled by Charles Kent, Chemistry and Radiological Control Manager, SQN, but instead everything went through Joe Bynum, former Vice President, Nuclear Operations. Easley advised that Ron Eytchison signed the final letter in place of Bynum who had switched to a different position.

Easley advised that he dealt with Wilson McArthur, Manager, Operation Services, on surplusing Fiser.

Attached are copies of Eytchison's letter and Fiser's Notice of Transfer to ETP which Easley provided.



Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402-2801

Ronald M. Eytchison
Vice President, Nuclear Operations

August 13, 1993

Mr. Gary L. Fiser
[REDACTED]

Dear Mr. Fiser:

I regret that because of a reduction in force (RIF) specifically the elimination of your position of Manager, Chemistry, PG-9, Sequoyah Nuclear Plant, because of a reorganization, it will be necessary to terminate you from your position effective October 15, 1993.

You will be terminated from TVA at that time unless you are offered and accept another TVA position.

You will be continued in work status through October 15, 1993.

Information regarding the RIF and your retention standing is as follows:

Competitive Area: Sequoyah Nuclear Plant

Competitive Level: Manager, Chemistry, PG-9

Your Group and Subgroup: I-B

Your Federal Service Date: September 8, 1987

You have been selected for termination in accordance with established procedures. I shall be glad to discuss any questions you may have about this action. The retention register and all other records related to your case are available in the office of Ben G. Easley, Human Resource Officer, 1101 Market Street, Lookout Place 3P, Chattanooga, Tennessee, 37402-2801.

EXHIBIT 5

PAGE 3 OF 8 PAGE(S)

Gary L. Fiser
Page 2
August 13, 1993

If you think an error has been made in applying the procedures, you may appeal directly to the Merit Systems Protection Board (MSPB), St. Louis Regional Office, 911 Washington Avenue, Suite 615, St. Louis, Missouri 63103-1203. I have enclosed a copy of the regulations of the MSPB concerning such appeals and a copy of the Board's appeal form. An appeal to the Board must be filed no later than 20 calendar days after the effective date of this personnel action. Any appeal filed after this time must include a request to waive the time limit and evidence and argument - showing good cause for the untimely filing. See Sections 1201.22, 1201.23, 1201.24, 1201.26, and 1201.31 of the enclosed regulations for an explanation of the proper procedure for filing an appeal, including how to file, the computation of time limits, content of petition of appeal, number of copies, and the right to representation.

If you believe this action is based, in whole or in part, on discrimination on the basis of race, color, religion, sex, national origin, handicap, age, or reprisal for participating in an equal employment opportunity (EEO) complaint as complainant, witness, or representative, you may file either an appeal with the Board or a complaint with TVA's Equal Opportunity (EO) staff. If you elect to file a discrimination complaint, you must first contact an EO counselor within 30 days of the alleged discriminatory personnel action to begin the EO complaint procedure.

If you decide to appeal, you must elect one of the above procedures. Your appeal will not be processed under more than one. If you file an appeal with the MSPB and a complaint with the EO Staff, the one filed first will be considered an election by you to proceed in that forum, and any subsequent appeal will be dropped.

After termination you will be paid a lump sum for your accrued annual leave, if any, as provided by leave regulations. If you are reemployed in an annual position in TVA, or in another federal position under the same leave laws as TVA, within three years of termination, your accrued sick leave, if any, will be restored to you.

Efforts have been made to find another position to offer you, and such efforts will be continued during the notice period. If you request reemployment consideration, you will be given a preference for two years after termination for appointment to positions for which you are eligible. After that you will continue to be considered for appointment on the same basis as other applicants for employment. Your human resource manager can give you information about applying for work in other federal agencies.

I suggest that before termination you find out about benefits to which you may be entitled. If you have insurance under the Federal Employees' Group Life Insurance plan, you may wish to get information about continuing such insurance. We will be glad to help you do this.

EXHIBIT 5

PAGE 4 OF 8 PAGE(S)

Gary L. Fiser
Page 3
August 13, 1993

Your eligibility for unemployment compensation will be determined by a local office of the State Employment Security Agency (SESA) according to the laws and regulations of the state of your last official duty station. You should file for unemployment compensation at a local office of the SESA. When filing, you should take with you forms provided by your human resource manager. These forms are (1) a copy of the termination information from the Human Resource Information System (HRIS), (2) Standard Form 8, Notice to Federal Employee About Unemployment Insurance, and (3) proof of wages earned, such as your check stub (called Earnings and Deductions Statement). If you have not received these forms by the date you apply for unemployment compensation, you should bring your RIF notice when filing. If you have questions about unemployment compensation, you should contact the local office of the SESA.

We appreciate and thank you for your services and your contribution to the TVA program and wish you success in your future employment.

Sincerely,


Ronald M. Eytchison

Enclosures

7038u

EXHIBIT 5
PAGE 5 OF 8 PAGE(S)

Mr. Gary L. Fiser
Page 4
August 13, 1993

I received this notice and a copy of the Merit Systems Protection Board's regulations and appeal form.

B-13-93

Date

Gary Fiser
Employee's Signature

I personally handed a copy of this notice and a copy of the Merit Systems Protection Board's regulations and appeal form to the employee to whom it is addressed on 8/13/93

[Signature]
Signature

HRO
Title

[Signature]
Witness

✓ ETP
action
Done.

April 2, 1993

Gary L. Fizer^S, LP 5D-C
SSN: [REDACTED]

NOTICE OF TRANSFER TO EMPLOYEE TRANSITION PROGRAM (ETP)

This is to notify you that, as a result of reorganization, your position of Manager, Chemistry, PG-9, Sequoyah Nuclear Plant, has been determined to be surplus.

As a surplused employee, you have the following options available to you.

1. You may resign your TVA position. If you do so, you will be eligible for the following benefits:
 - a. If you resign and separate from TVA within 30 days of the date of this notice, TVA will pay you a lump-sum incentive payment of \$5,000. This payment will only be available to you if you resign within that 30-day period. This payment is in addition to any other benefits you may be entitled to as described below.
 - b. You will be paid severance pay if you qualify under the terms of the Articles of Agreement. Severance pay is computed as set out in the Articles of Agreement.
 - c. You are eligible to continue the medical insurance you have currently in effect for up to 18 months from the end of the month that you separate from TVA, provided that you pay the full cost of such coverage at the applicable group rate.
 - d. You are eligible for immediate retirement benefits, if you are vested in the TVA Retirement System, in accordance with the rules of that system.
 - e. You will be paid project life severance pay if you qualify under the terms of the Articles of Agreement.
2. If you do not resign your position by close of business on April 2, 1993, you will be temporarily assigned to the ETP April 5, 1993. You should report at your normal work time to the ETP office at OSB 1A-C, Riverside Drive. This program is designed to provide assistance to employees in finding vacant TVA positions, and, if necessary, to assist in finding jobs outside TVA. If you resign from the ETP, the benefits listed above will be available to you, except that you will be eligible for the \$5,000 lump-sum payment only if you resign within 30 days of the date of this notice.


EXHIBIT 5

PAGE 7 OF 8 PAGE(S)

Gary L. Fizer
Page 2
April 2, 1993

If you choose to enter the ETP and at the end of six months you have not been placed in a permanent TVA position or entered a training program which will qualify you for another TVA position, your employment will be terminated through reduction-in-force procedures.

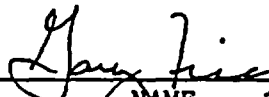
If you have questions about the options or benefits available to you, please talk to your human resources manager.


J. R. Bynum
Vice President
Nuclear Operations
LP 3B-C

I received a copy of this notice on

4-2-93

DATE


NAME

MDP:GLR

cc: Payroll Operations, WT 5D-K
PMU, ET 5R-K
M. D. Pope, LP 3A-C
J. M. Raines, ET 5P-K
S. E. Rathjen, LP 2B-C

6238u

EXHIBIT 5
PAGE 8 OF 8 PAGE(S)

**TENNESSEE VALLEY AUTHORITY
Office of the Inspector General
RECORD OF INTERVIEW**

Name: Wilson C. McArthur
Position: Manager
Office: Operations Services (Nuclear)
Chattanooga, Tennessee
Work Tel.: (615) 751-8715
Residence: [REDACTED]
Home Tel.: [REDACTED]
SSN/DOB: [REDACTED]

McArthur, who is aware of the identity of the interviewing agent, was contacted at his office and interviewed regarding Gary Fiser's reduction-in-force (RIF) and issues raised in Fiser's subsequent Department of Labor (DOL) complaint. McArthur provided the following information.

In March 1992, Fiser, the SQN Chemistry Manager, "swapped" positions with Bill Jocher, the Corporate Chemistry Manager, for a one-year temporary assignment. Prior to the swap, Jocher and the Nuclear Safety Review Board (NSRB) had identified problems (some long-term) in the SQN Chemistry Program while Fiser was serving in another temporary position as the Outage Manager. According to McArthur, Fiser was looked at as the one who caused the problems. During one NSRB meeting, Tom McGrath, an NSRB team member, left the meeting very upset and went to speak with Rob Beecken, the SQN Plant Manager. Soon after, Beecken contacted McArthur and said that he wanted Jocher to come to SQN as the site Chemistry Manager.

Jocher and McArthur were very upset about the possibility of Fiser becoming the Corporate Chemistry Manager. They spoke with Dan Keuter, Vice President, Nuclear Operations Services, about their concerns and explained that Fiser did not know secondary water chemistry and had bad management skills. However, Keuter insisted that they give Fiser a chance as the Corporate Chemistry Manager.

Investigation On: January 10, 1994

At: Chattanooga, Tennessee

By: SA Beth B. Thomas

File: 2D-135 -29 EXHIBIT 6

02MCARTH.DOC

OIG-02 (10/93) CASE NO. 2 - 9 3 - 0 6 8

PAGE 1 OF 4 PAGE(S)

About 3 months after Fiser began serving as the Corporate Chemistry Manager, McArthur prepared Fiser's service review and it was "the worst performance appraisal I've ever written." McArthur believes the deck may have been stacked against Fiser because two of the three Program Managers in Corporate Chemistry had been recruited by Jocher. In addition, Fiser did not have any boiling water chemistry experience.

Between 3 and 6 months into Fiser's term as Corporate Chemistry Manager, McArthur told Keuter that Fiser was not working out. Kueter told McArthur to make any changes that he (McArthur) felt were necessary. As a result, McArthur demoted Fiser to a Program Manager position and named Sam Harvey (also a Program Manager) as the Acting Corporate Chemistry Manager. McArthur stated that the demotion was "definitely my idea." McArthur indicated that, although Fiser was not happy with the demotion, he (Fiser) did not make an issue of it.

McArthur cannot recall being told by Keuter to lower Fiser's ranking on a list used to determine which employees receive monetary bonuses or to place Fiser in a position where he would receive no increase. McArthur stated that it was possible that Keuter may have directed him to take this action; however, McArthur cannot remember. According to McArthur, Kueter was dissatisfied with Fiser only after McArthur complained about his (Fiser's) performance.

Toward the end of the swap (approximately March 1993), there was some indication that Jocher wanted to stay at SQN. Since Beecken had already told McArthur that SQN management did not want Fiser back, McArthur felt like Gordon Rich, a prospective employee/former Chemistry Manager from Trojan Nuclear Plant, could take over as the Corporate Chemistry Manager. In addition, Don Adams, a Corporate Program Manager, was considering going to SQN which would have allowed Fiser to continue in Corporate as a Program Manager.

McArthur initially stated that Beecken first told him in March 1993 that the site did not want Fiser back. However, when questioned regarding Fiser's statement that McArthur told him as early as November 1992, McArthur acknowledged that he could not specifically recall when he first found out about the site not wanting Fiser back, but he does know that it was Beecken who first told him. Beecken never gave a reason as to why Fiser was not being allowed to return, nor did he indicate that Fiser had done something to upset him.

During a meeting at the SQN turbine building, Beecken told McArthur that Fiser had come to see him after the decision had been made that Fiser would not be returning as the SQN Chemistry Manager. Beecken then told McArthur that he (Beecken) had certain things that he was concerned about with Fiser. However, Beecken did not elaborate as to what type of things.

Fiser's Reduction-in-Force

Around March 1993, McArthur attended two meetings with Keuter and Joe Bynum, Vice President, Nuclear Operations. In one of these meetings (specific date unknown), Bynum told McArthur to terminate Jocher and to put Fiser in the employee transition program (ETP). According to McArthur, Bynum specifically said to put Fiser in ETP, but did not indicate which position Fiser was to be RIF'ed from. McArthur stated that he "assumed" that Bynum meant from the SQN Chemistry Manager position because Fiser was on loan from that position; however, Bynum "didn't make it clear."

According to McArthur, it was Kent's decision not to have a site Chemistry Manager. However, McArthur would say that the actual organization in SQN Chemistry was "up in the air" when Fiser was RIF'ed.

McArthur stated that it did not "seem logical" to RIF Fiser because there was potentially a slot (Adam's position) open if Adams decided to go to SQN. McArthur advised that he told Bynum that Fiser could fill Adams' position, but Bynum said to put Fiser in ETP.

McArthur admitted that he does not have the "foggiest idea" of why Bynum wanted Fiser put into ETP. However, a couple of times before Bynum issued his directive, he (Bynum) had commented that Fiser had done a good job as the Outage Manager, but did not do well as a Chemistry Manager.

McArthur assumes that Ben Easley, Human Resource Officer, Operations Services, handled the RIF since Fiser was currently working in the Corporate organization. McArthur acknowledged that he cannot really recall specific details about Fiser's RIF because he (McArthur) was more concerned with Jocher's situation.

McArthur stated that Bynum was under a lot of stress about this time (March 1993) and would often give people contradictory information. McArthur further stated that it got to the point where he and other managers would generally not take action on one of Bynum's directives unless it was written down. However, McArthur advised that there is no documentation regarding Bynum telling McArthur to put Fiser in ETP.

The Attempt to Re-hire Fiser as the SQN Chemistry Manager

Not long after Fiser was sent to ETP, Kent told McArthur that he (Kent) wanted to hire Fiser as the SQN Chemistry Manager. McArthur believes that Fiser had already been interviewed by Ken Powers, the new SQN Plant Manager. McArthur further believes that Kent spoke with him (McArthur) about hiring Fiser on the advice of Robert Fenech, the new SQN Site Vice President. McArthur told Kent that he would support the decision to hire Fiser, but that Kent needed to check with "everyone." McArthur does not know who else Kent spoke with about hiring Fiser.

McArthur stated that he only talked with Kent and Fenech about hiring Fiser. McArthur had advised Fenech that Fiser was not a good performer and he (Fenech) needed to evaluate if they (SQN management) wanted Fiser as their lead Chemistry person. As a result, McArthur believes Fenech made the decision not to hire Fiser.

During the time that SQN was considering Fiser, McArthur did not tell Keuter or Bynum of the attempt to hire Fiser as the SQN Chemistry Manager. However, McArthur did tell Keuter after it was determined that Fiser would not be returning to SQN. McArthur does not believe that either Bynum or Keuter was involved in the decision to forego hiring Fiser as the SQN Chemistry Manager.

**TENNESSEE VALLEY AUTHORITY
Office of the Inspector General
RECORD OF INTERVIEW**

Name: Ronald E. Brock
Position: Placement Coordinator
Office: Employee Transition Program (ETP)
Chattanooga, Tennessee
Work Tel.: (615) 751-1302
Residence: [REDACTED]
Home Tel.: [REDACTED]
SSN/DOB: [REDACTED]

(X)

Brock, who is aware of the identity of the interviewing agent, was contacted at his office and interviewed regarding his knowledge of Gary Fiser's reduction-in-force (RIF) and the subsequent attempt by Charles Kent, the Radiological Control and Chemistry Manager at Sequoyah Nuclear Plant (SQN), to re-hire Fiser as the SQN Chemistry Manager. Brock provided the following information.

Brock advised that he is not aware of who made the decision to RIF Fiser's position and that whichever Human Resource Office handled the RIF would have the documentation.

After Fiser had been placed in ETP, Jim Manis, Manager, ETP, contacted Brock because he (Manis) had spoken with Kent about the possibility of bringing Fiser back to SQN as the Chemistry Manager. Manis told Brock to call Kent to check out the details. During Brock's call with Kent, Kent gave Brock the title, salary quote and the grade level of the position he (Kent) was offering Fiser. Furthermore, Kent said the job they were offering Fiser was his (Fiser's) old job.

Since Brock knew that Kent was not authorized to make an official offer, he (Brock) contacted Al Black, Human Resource Officer, SQN. Black was unaware of Kent's intentions of hiring Fiser. Black agreed to check on the details and call Brock back.

Investigation On: January 12, 1994

At: Chattanooga, Tennessee

By: ^{AS1} SA Beth B. Thomas

File: 2D-135 - 37 EXHIBIT 7

02BROCK.DOC
OIG-02 (10/93)

CASE NO. 2 - 93 - 068

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When Black called back, he (Black) said that they would not be able to hire Fiser. Black went on to say it had been "squelched." When Brock asked who had stopped the offer, Black said something to the effect of "at a higher level than Charlie (Kent)." Brock confirmed that this conversation took place on a speaker phone with Fiser present. Brock advised that he "couldn't swear to the exact words Black used, but it was somebody higher than Charlie had gotten involved and the offer was being withdrawn." According to Brock, Black never stated who caused the offer to be withdrawn.

Brock indicated that Fiser never had an "official" offer, but rather had an offer from a supervisor who did not have the authority to make offers. According to Brock, only the Human Resource Office, the Employment Office or an Employment Manager can officially make offers.

Brock advised that only a position (and not a person) can be RIF'ed or surplused. According to Brock, federal guidelines mandate that management is permitted to determine which positions are no longer needed. They must then identify those positions and the type of work no longer needed.

Brock stated that management cannot RIF an individual because they do not like him or because he is a bad performer, but rather the job has to go away.

Brock stated that TVA is famous for changing a couple of words on a Position Description and claiming that the old position is gone and a new one has been created.

Brock does not believe a position should be surplused from a temporary organization which did not have final approval.

Brock advised that we interview Betty Krueger (phonetic), a Corporate Human Resource Officer in Knoxville, Tennessee, regarding the federal guidelines concerning a RIF and about the "new position rule." Brock believes the "new position rule" says there has to be a significant change in the positions and if 70% of the new position is made up of the same requirements/responsibilities of the old position, then the individual whose job was RIF'ed must be brought back into that new position.

In regards to Fiser's RIF, Brock stated that he "doesn't have to be from Denmark to know when something smells fishy."

**TENNESSEE VALLEY AUTHORITY
Office of the Inspector General
RECORD OF INTERVIEW**

Name: Dan R. Keuter
Position: Current: Vice President, Nuclear Readiness
Former: Vice President, Operations Services
Office: Chattanooga, Tennessee
Work Tel.: (615) 751-7407
Residence: [REDACTED]
Home Tel.: [REDACTED]
SSN/DOB: [REDACTED]

Keuter, who is aware of the identity of the interviewing agent, was interviewed at the. OIG satellite office at SQN regarding Gary L. Fiser's reduction-in-force (RIF) and allegations made in Fiser's subsequent Department of Labor (DOL) complaint. Keuter provided the following information.

Keuter's Knowledge of Fiser in a Corporate Position

Keuter cannot recall who initiated the discussion regarding swapping positions between Fiser, the SQN Chemistry Manager, and Bill Jocher, the Corporate Chemistry Manager. However, Keuter believed the swap would be a good idea because it would give Jocher a chance to "put his money where his mouth is" and would give Fiser a chance to succeed in a different environment (Corporate as opposed to Plant).

In Keuter's opinion, Fiser was not a strong SQN Chemistry Manager and did not pursue problems. As a result, several individuals were against Fiser going to Corporate because it was a higher position and gave the appearance of rewarding Fiser. Keuter specifically named Tom Peterson and Tom McGrath of the Nuclear Safety Review Board (NSRB) as being opposed to Fiser going to Corporate. However, Keuter made the final decision to give Fiser a chance as the Corporate Chemistry Manager.

Investigation On: January 11, 1994

At: Sequoyah Nuclear Plant

By: SA Beth B. Thomas

File: 2D-135 - 34

EXHIBIT 8

02KEUTER.DOC
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About 3 months after the swap, McGrath and Wilson McArthur, Manager, Operations Services, indicated that Fiser was not working out as the Corporate Chemistry Manager. Consequently, a consensus was reached between Keuter and McArthur to demote Fiser to a Program Manager position and put Sam Harvey, another Chemistry Program Manager, as the Acting Corporate Chemistry Manager.

Keuter cannot specifically recall telling McArthur to place Fiser's name at the end of a ranked list of McArthur's direct reports or to not give him (Fiser) an increase. However, Keuter acknowledged that, after his direct reports (like McArthur) had ranked their people from top to bottom, a meeting was held in which all of the lists were combined. Keuter stated that he was the facilitator of this meeting and that Ben Easley, Human Resource Officer, was present. During his interview, Keuter stated that if he had ranked Chemistry, he would have "put Gary at the bottom of the list," but that he (Keuter) did not specifically single Fiser out.

Keuter stated that he agreed with McArthur that Fiser was a poor performer as the Corporate Chemistry Manager. However, Keuter believed that Fiser probably would have worked out in a lower level technical position.

A few months after Fiser came downtown (to Corporate), McArthur told Keuter that SQN management (Keuter believes McArthur may have said Rob Beecken, Plant Manager, SQN) did not want Fiser back at SQN because he (Fiser) had not done a good job as the site Chemistry Manager. At the time, Keuter felt that SQN would probably keep Jocher as the site Chemistry Manager since Fiser was not wanted back in that position. However, Keuter also believed that Fiser would go back to SQN in a lower level position. Keuter thought SQN would have to deal with Fiser because there was not an open position in Corporate.

Keuter never spoke with Beecken about Fiser having performance problems. Beecken never told Keuter about the training problems in SQN's chemistry program. In addition, Keuter had no knowledge of Fiser being blamed for radmonitor setpoints being incorrect or for technicians reporting a valve being in violation of NRC standards (i.e. a filter change-out).

Keuter believes that Fiser was not wanted back as the SQN Chemistry Manager after his rotational assignment with Jocher because the Chemistry program was hurting and Fiser, as the head of the program, had been unable to fix it.

Keuter's Knowledge of Fiser's RIF

Keuter stated that he did not know that Fiser was being RIF'ed until after it had occurred.

Keuter does not recall Fiser being mentioned in either of the two meetings where Joe Bynum, Vice President, Nuclear Operations, discussed Jocher's fate. Keuter also cannot recall Bynum ever saying to put Fiser into the Employee Transition Program (ETP).

In Keuter's opinion, McArthur was asked to do the SQN's "dirty work" by RIF'ing Fiser. He stated that the fact that Corporate (specifically McArthur) handled the RIF of an SQN position is an example of McArthur being over accommodating.

The Elimination of the SQN Chemistry Manager Position

Keuter advised that he never agreed with Charles Kent's (RadCon/Chemistry Manager) plan to eliminate the position of Chemistry Manager and, to his (Keuter's) knowledge, Bynum never agreed to SQN not having a Chemistry Manager.

Keuter believes Kent was implementing an organization without a Chemistry Manager because Bob Fenech, Site Vice President, SQN, was agreeing with him (Kent). Keuter described the disagreement (about whether or not to have a Site Chemistry Manager) as being between Fenech and Bynum.

Keuter feels Fiser was RIF'ed rather than being demoted or terminated because the RIF was "convenient".

The Attempt to Re-hire Fiser as the SQN Chemistry Manager

Keuter advised that he had already left Operation Services when he heard from McArthur that Kent wanted to hire Fiser back as the SQN Chemistry Manager.

Keuter denied telling Bynum about the attempt. However, Keuter "may" have talked with either Fenech or Kent and said that it would be a problem bringing Fiser back based on Keuter's observations of his (Fiser's) performance at SQN and at Corporate. Kent stated that his comments had nothing to do with Fiser having filed safety concerns, but rather because Fiser was a bad performer. Keuter could not specifically

recall if he talked to Fenech or Kent, and stated that he may have just given his opinion to McArthur. Regardless, Keuter advised that he "didn't make it a point to go out and talk to someone (about rehiring Fiser)."

Keuter stated that he had no knowledge of what made Kent decide to forego hiring Fiser.

TENNESSEE VALLEY AUTHORITY
Office of the Inspector General
RECORD OF INTERVIEW

Name: Dan R. Keuter
Position: Current: Vice President, Nuclear Readiness
Former: Vice President, Operations Services
Office: Chattanooga, Tennessee
Work Tel.: (615) 751-7407
Residence: [REDACTED]
Home Tel.: [REDACTED]
SSN/DOB: [REDACTED]



Keuter, who is aware of the identity of the interviewing agent, was telephonically contacted at his office and advised that this interview pertained to Joe Bynum's (former Vice President of Nuclear Operations) claim that a downsizing occurred in Keuter's Corporate staff and as a result, Gary L. Fiser (former Chemistry Manager, Sequoyah Nuclear Plant [SQN]) was reduced-in-force (RIF'ed). Keuter provided the following information.

Keuter confirmed that a downsizing of approximately 1/3 of his organization did occur around March/April 1993; however, the Corporate Chemistry staff was not downsized. Keuter stated there were originally 199 positions, but that number was reduced to 134. Keuter agreed to provide documentation that this downsizing occurred.

Keuter stated that he was not even aware that Fiser was still in Corporate when Bill Jocher returned as the Corporate Chemistry Manager in March 1993. Keuter had assumed that Fiser was going back to a position at SQN. He did recall that SQN management had made statements about not wanting Fiser back at SQN; however, Keuter still assumed that Fiser was going back.

Investigation On: April 4, 1994

At: Knoxville, Tennessee
(telephonic)

By: *BBT*
SA Beth B. Thomas

File: 2D-135 - 46 EXHIBIT 9

02DKTR.DOC
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Keuter advised that he was not involved in Fiser's RIF because he (Keuter) had moved out of his position in Operations Services in early April 1993. Keuter stated that he "definitely did not know that Fiser was going to be RIF'ed." According to Keuter, Wilson McArthur, Manager, Operations Services, handled Fiser's RIF after he (Keuter) left Operations Services.

Keuter agreed that Fiser's name did not come up during discussions with Bynum about the downsizing because Keuter was not aware that Fiser was still at Corporate. When questioned as to Bynum's claim that he (Bynum) assumed that since Keuter did not mention Fiser by name, then his (Fiser's) position was being RIF'ed, Keuter replied "I probably didn't mention Fiser because I thought he was going to be at Sequoyah so Bynum could have assumed that." However, Keuter stated that he never proposed any cuts in the Corporate Chemistry program.

Keuter stated that he never spoke with McArthur about what to do with Fiser. However, Keuter disagreed with Bynum's claim that McArthur was not involved in the downsizing. Keuter stated that McArthur had input into which positions were being cut.

BBT

02dktr.doc

TENNESSEE VALLEY AUTHORITY
Office of the Inspector General
RECORD OF INTERVIEW

Name: Charles E. Kent, Jr.
Position: Manager
Radiological Control and Chemistry
Office: Sequoyah Nuclear Plant (SQN)
Work Tel.: (615) 843-8874
Residence: [REDACTED]
Home Tel.: [REDACTED]
SSN/DOB: [REDACTED]

Kent, who is aware of the identity of the interviewing agent, was interviewed at the OIG satellite office at SQN in connection with Gary Fiser's reduction-in-force and the subsequent attempt to re-hire Fiser as the SQN Chemistry Manager. Kent provided the following information.

Kent advised that on approximately January 27, 1993, he assumed responsibility as the manager of the combined Radiological Control and Chemistry programs. Since he was not happy with the way the old organizations were set up, Kent began creating a new organizational structure. On February 26, 1993 (after receiving approval from Rob Beecken, SQN Plant Manager, and Bob Fenech, SQN Vice President), Kent implemented the new organizational structure on an interim basis. The new structure eliminated the level of management which consisted of the Chemistry Manager and RadCon Manager positions.

As a condition to taking the RadCon/Chemistry Manager position, Beecken had promised Kent the freedom to make any changes he (Kent) felt were necessary.

Kent stated that it was his decision to do away with the positions. Kent cited the trend in the industry to do away with layers of management as one reason he decided to cut

Investigation On: January 11, 1994

At: Sequoyah Nuclear Plant

By: SA Beth B. Thomas

File: 2D-135 - 33
EXHIBIT 10

02KENT.DOC
OIG-02 (10/93)

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the Chemistry Manager and RadCon Manager positions. Another reason was that Kent felt the programs would be better served by having two more technical people as opposed to managers. Kent felt that he could manage a large amount of direct reports, but needed more people with technical expertise.

Kent stated that no one told him to implement an organization without a Chemistry Manager. In addition, Kent denied that the organization was created and implemented in order to get rid of Fiser.

At the time the new organization was implemented, Kent believed Fiser had a permanent position downtown (at Corporate) and would not be impacted by the changes.

In the middle of March 1993, Kent finished writing the new position descriptions and sent them to the Hay Committee. Prior to proposing the new position descriptions, Kent had lobbied Wilson McArthur, the Manager of Operations Services and a member of the Hay Committee. However, with the exception of passing Kent's new position description and grade, the Hay Committee refused to pass the other position descriptions pending approval from other management (i.e. Corporate). Kent believes the Hay Committee received feedback (possibly from McArthur) that Joe Bynum, Vice President, Nuclear Operations, wanted the organizations to be standardized (i.e. that SQN's organization would have the same structure as the Browns Ferry Nuclear Plant's structure). According to Kent, no one "outside" of SQN knew the details of new organization prior to March 1993.

Until the end of April 1993, Fenech and Bynum were having discussions about whether or not SQN should eliminate the level of management. Because Fenech was backing Kent's proposed organization, he (Kent) proceeded on and continued to work under the new organizational structure. In addition, McArthur was in the process of coming up with a completely new organizational structure. At the end of April, Bynum approved McArthur's organization and it was implemented at SQN. This new organization contains a Chemistry Manager and a RadCon Manager.

Fiser's Reduction-in-Force

Kent has no knowledge of who made the decision to RIF Fiser. Kent stated that he was never contacted or advised about the decision to RIF Fiser.

Kent admitted that the chemistry organizational structure was "in limbo;" however, Kent felt confident that it would be implemented because the site was holding firm that it would be set up his (Kent's) way.

In regards to the new organizational structure, Kent felt that the Chemistry Technical Support Manager would be the key position in the chemistry program. Prior to Fiser's RIF, Kent had asked Fiser about taking the Technical Support Manager position. However, Fiser told Kent that he (Fiser) did not want the job because it would be a lower level position.

According to Kent, Fiser was aware that the Chemistry Manager position was being eliminated when he (Fiser) was asked to become the Technical Support Manager, but he (Fiser) felt that he was going to stay in Corporate. Likewise, Kent stated that he, Beecken and Fenech believed Fiser would stay downtown. About this same time, Kent and Al Black, Human Resource Officer, SQN, were working with the Corporate Human Resource personnel to get Fiser off of SQN's headcount and under the Corporate headcount.

Kent has no knowledge of Beecken or Fenech being involved in the decision to RIF Fiser.

According to Kent, Fiser was the only individual RIF'ed when the new organization was implemented. Kent explained that the new organization only called for the elimination of the Chemistry Manager position and the RadCon Manager position. Prior to being named the RadCon/Chemistry Manager (in January 1993), Kent was the RadCon Manager. Since the RadCon Manager position had not been filled since Kent was promoted, there was no one to RIF from that position.

Fiser's Performance

Kent has no personal knowledge of Fiser's performance; however, he is aware that Beecken did not consider Fiser to be a good manager.

According to Kent, the SQN chemistry program had technician training problems when Fiser was the Chemistry Manager. However, the extent of the problems did not become evident until after Bill Jocher, the Corporate Chemistry Manager, became the SQN Chemistry Manager on a temporary rotational assignment. Kent stated that the training program was far from where it should have been and it was reasonable to hold Fiser accountable. Kent further stated that the Institute of Nuclear Power Operations

(INPO) had a finding against Chemistry in 1991 and from that point on, Fiser should have been more aggressive at finding and fixing the problems.

Kent also believes that it was reasonable to hold Fiser accountable for not finding out there was a problem with the rad-monitor setpoints.

Jocher's Position in the New Organizational Structure

When Kent became the RadCon/Chemistry Manager in January 1993, Jocher was still on loan to SQN as the Chemistry Manager. Kent believed it was Jocher's wish to return to his permanent position of Corporate Chemistry Manager at the end of his rotational assignment (on March 8, 1993).

Kent explained that eliminating the Chemistry Manager position did not affect Jocher because the new organization (without a Chemistry Manager) was implemented on February 25, 1993, and Jocher went back to Corporate on March 8, 1993. Therefore, Jocher spent the week in a "transition" period of turning over documents and getting ready to return to Corporate.

The Decision to Upgrade the Chemistry Manager Position

Once it became apparent that SQN would have a Chemistry Manager position, Kent decided to make some changes to the position. Kent stated that the new Chemistry Manager position description has more stringent experience and educational requirements than the old Chemistry Manager position. In addition, the accountability and technical knowledge/skills increased with the new position. However, Kent acknowledged that the new Chemistry Manager position lacks some of the responsibility of the old Chemistry Manager position because the environmental program was removed from under Chemistry.

Kent stated that he felt the new required levels of education, experience and accountability justified the position being reclassified to a PG10.

Kent stated that John Sabados, the current Chemistry Manager at Browns Ferry Nuclear Plant, was a PG9 until "maybe days ago." Kent explained that BFN is just now beginning to implement the new organizational structure. According to Kent, it was always intended that SQN would be the first plant to implement the new structure because there was an immediate need.

The Attempt to Re-hire Fiser as the SQN Chemistry Manager

Kent stated that after an attempt to hire Gordon Rich (who became the Corporate Chemistry Manager) as the SQN Technical Support Manager failed, he (Kent) put out "feelers" in the industry for someone qualified to handle that position. Once it was determined that he would have a Chemistry Manager, Kent continued to look in the industry for a Chemistry Manager.

Kent stated that he did not initially feel comfortable about hiring Fiser as the site Chemistry Manager because he wanted someone who could come in and handle the problems. In addition, Kent did not want to hire Rich as the SQN Chemistry Manager because not only did he feel like Rich was not a "driver," but Kent also felt like Rich was being pushed on him by Dan Keuter, Vice President, Operations Services. Therefore, Kent continued to look around the industry until approximately July 1993.

By July 1993, Kent was becoming "desperate" so Kent talked to his staff about the possibility of bringing Fiser back as the SQN Chemistry Manager. Since his staff seemed supportive of the idea, Kent contacted Fiser and set up a meeting for July 6, 1993. Kent stated that another reason why Fiser was not considered until July 1993 was because Beecken had such a low opinion of him and Powers, the new SQN Plant Manager, did not take over until approximately July 5, 1993.

On July 6, 1993, Kent met with Fiser in his (Kent's) office at SQN. Kent stated that the meeting was not a formal interview because the job had not yet been posted. Kent also denied that Powers was in on this meeting. Kent explained that Powers happened to walk by his (Kent's) office and Kent introduced him to Fiser. Kent stated that the three of them chatted for about 10 minutes. Kent advised that Powers "certainly didn't" interview Fiser.

Also during the July 6, 1993 meeting, Fiser told Kent that hiring him (Fiser) could be a liability.

After Fiser left, Kent went in to talk to Powers. Powers stated that Fiser was a nice person, but seemed meek. However, Powers then stated that some of the best Chemistry personnel are meek. Powers told Kent that he would support any decision Kent made regarding filling the Chemistry Manager position. Kent denied that Powers told him to hire Fiser.

Kent then talked with Fiser about the possibility of Fiser coming out to help Kent on loan from ETP. Kent explained that he was hoping Fiser could come out to SQN immediately while he (Kent) went about seeing if he could hire Fiser as the Chemistry Manager. Kent asked Fiser "if we can work it out, either on loan or permanent if we can do that, when could you come?" Fiser stated that he could come the next Thursday.

Kent denied ever telling Fiser that he was going to hire him. Kent stated he originally interviewed Fiser to find out if he had a negative attitude toward TVA, SQN or the Chemistry Program. In addition, Kent was attempting to find out if Fiser would be a desirable candidate as far as interest, availability, salary requirements etc. Kent denied quoting Fiser a salary. Furthermore, Kent stated it was not accurate to say that Fiser had an offer and/or a report date.

Kent stated that he would not have checked with Corporate about hiring Fiser if Fiser had not raised the concern that he was a liability. On the afternoon of July 6, 1993, Kent contacted Wilson McArthur, Manager, Operations Services. After Kent told McArthur of his (Kent's) intentions of hiring Fiser, McArthur stated that he would support Kent, but would also check around to see if there was a problem in bringing Fiser back to SQN as the Chemistry Manager. Kent has no knowledge of who McArthur talked to. However, when McArthur called Kent back (July 7, 1993), he (McArthur) said that his inquiries had shown that although Fiser was considered pretty good technically, management (names unknown) did not believe that Fiser had the managerial ability for the Chemistry Manager position.

On approximately July 8, 1993, Kent told Fiser that he had McArthur check around and the word was that management did not have much confidence in his ability.

Kent cannot recall Fenech ever telling him not to hire Fiser. Kent explained that Fenech was supportive of him hiring whoever he (Kent) wanted.

Kent had told Fenech prior to his July 6, 1993 meeting with Fiser that he was going to talk to Fiser about the Chemistry Manager position. Fenech told him to check with McArthur first. McArthur told Kent that he was supportive of Kent considering Fiser for the Chemistry Manager position. Kent had then relayed McArthur's message to Fenech. However, Fenech later talked to McArthur (after the decision had been made not to hire Fiser) and McArthur told Fenech that it (hiring Fiser) would have been a bad idea. According to Kent, Fenech felt like Kent had lied to him and they had to make a conference call to McArthur to get things straightened out. During the conference call, McArthur explained that he would have been supportive, but that he did not think it was a good idea. Kent believes that McArthur talked to someone who made him change his

story between the time he (Kent) first talked to McArthur and when Fenech talked to McArthur.

Kent denied ever telling Fiser that he (Fiser) had a "target on his back." Instead, Kent feels like Fiser may have used that term when he (Fiser) was talking about being a liability.

On July 15, 1993, Kent contacted Rich about becoming the SQN Chemistry Manager. The position closed on August 19, 1993 and Rich was selected. Kent advised that Fiser did not apply on the posted Chemistry Manager position and that if he had applied, Fiser would have been given fair consideration.

According to Kent, Fiser met the minimum qualifications of the new site Chemistry Manager position description.

Miscellaneous

Kent does not believe Fiser was RIF'ed because of filing safety concerns. Instead, Kent believes Fiser was RIF'ed because he was not the right person for the chemistry program and had numerous performance problems.

According to Kent, SQN management has stressed the importance of reporting problems so the plant can get better. Therefore, Fiser's belief that he was being held accountable for reporting problems is inconsistent with the way SQN management really acts.

**TENNESSEE VALLEY AUTHORITY
Office of the Inspector General
RECORD OF INTERVIEW**

Name: James D. Manis
Position: Manager
Office: Employee Transition Program (ETP)
Chattanooga, Tennessee
Work Tel.: (615) 751-1301
Residence: [REDACTED]
Home Tel.: [REDACTED]
SSN/DOB: [REDACTED]

Manis was telephonically contacted at his office and advised of the identity of the interviewing agent. He was interviewed concerning his knowledge of a July 1993 attempt to hire a Gary Fiser, an employee in ETP, as the SQN Chemistry Manager. Manis provided the following information.

Manis cannot recall how he initially found out that Charles Kent, SQN RadCon and Chemistry Manager, was offering Fiser the position of SQN Chemistry Manager. Manis stated that he never talked to Kent about the offer. Manis does recall Ron Brock, ETP Placement Coordinator, saying that he (Brock) did not feel comfortable with the offer coming from a manager instead of through the Human Resource Office. Since Manis agreed, he told Brock to contact Al Black, SQN Human Resource Officer, to "check out the particulars.

Manis was present when Brock placed a call to Al Black, Human Resource Officer, SQN. Manis heard Black say on the speakerphone that he (Black) would look into the offer, would get the details worked out and would call them back. Manis stated that this initial call is the only time he was present when the offer was discussed with Black.

Manis stated that he did not hear Black say that the attempt to hire Fiser was blocked at the highest level.

Investigation On: January 12, 1994

At: Chattanooga, Tennessee
(telephonic)

By: SA Beth B. Thomas

File: 2D-135 - 32 EXHIBIT 11

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TENNESSEE VALLEY AUTHORITY
Office of the Inspector General
RECORD OF INTERVIEW

Name: Albert V. Black
Position: Human Resource Officer
Office: Human Resources
Sequoyah Nuclear Plant (SQN)
Work Tel.: (615) 843-8110
Residence: [REDACTED]
Home Tel.: [REDACTED]
SSN/DOB: [REDACTED]

Black, who is aware of the identity of the interviewing agent, was contacted at his office and interviewed concerning his knowledge of the events surrounding Gary Fiser's reduction-in-force (RIF) and issues raised in Fiser's subsequent Department of Labor (DOL) complaint. Black provided the following information.

Black stated that he initially felt that Fiser would be returning to his job of SQN Chemistry Manager after he and Bill Jocher, the Corporate Chemistry Manager, switched positions for a year. However, the chemistry organization was reorganized after Charles Kent was named the Radiological Control and Chemistry Manager (RadChem) and the new organization did not have a Chemistry Manager. Black was told by Ben Easley, Corporate Human Resource Officer, Operation Services, that there was a position for Fiser in Corporate.

Black advised that he was not involved in Fiser's RIF because Easley told him (Black) that Corporate Human Resources was handling it. Black believes Corporate handled the RIF because they felt responsible for Fiser being downtown without a position. Black acknowledged that it is unusual for Corporate to handle the RIF of a SQN position.

Investigation On: January 11, 1994

At: Sequoyah Nuclear Plant

By: SA Beth B. Thomas: BBT

File: 2D-135 - 31 EXHIBIT 12

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Following the reorganization at SQN, Kent wrote new position descriptions for each position. One of the new positions was the Chemistry Support Manager position which reported directly to Kent. Kent contacted Fiser at Corporate and asked if he was interested in filling the Chemistry Support Manager position. Kent told Black that Fiser was not interested because it would be a step down. Black advised that the position was a PG9 (same pay grade as the old Chemistry Manager position).

Around February or March 1993, the organization charts and new position descriptions were completed and submitted to the Hay Committee (a committee which independently reviews positions and duties and determines the pay grade.). The Hay Committee returned the documents to Black and refused to pass the proposed organization because there was not an approved organization chart. SQN Management then approached Joe Bynum, Vice President, Nuclear Operations, for approval, but Bynum was adamant that there would be a Chemistry Manager position.

A new organization was developed which contained a site Chemistry Manager position. However, the new Chemistry Manager position did not include any environmental duties, had "beefed up" qualifications and was more accountable than the previous Chemistry Manager position. Black advised that Kent could be more specific about the actual changes in the Chemistry Manager position description. The new organization was submitted to the Hay Committee and passed (approximately June 1993).

Black denied that the new Chemistry Manager position description was changed to get rid of Fiser. Instead, the position was upgraded because there was a general consensus that the position needed to be more accountable. The decision to upgrade the positions was made by Kent. Black believes the Hay Committee approved the upgrade because the Chemistry Manager (previously a PG9) was now reporting to a higher level manager (Kent).

Miscellaneous

Black had no involvement in the original attempt (during early 1993) to bring Gordon Rich to SQN as the Chemistry Manager.

Rob Beecken, former Plant Manager, SQN, never indicated to Black that Fiser had performance problems. However, Black was personally aware that Fiser was a "whiner" who struggled with many decisions.

Black was aware that Fiser has talked with Ken Powers, the new Plant Manager, SQN, but not for any particular job. Black stated that he never heard of the outcome of the discussion and did not realize it was a formal meeting.

Black recalled Ron Brock, Placement Counselor, Employee Transition Program (ETP), asking him (Black) if the SQN Human Resource Office had made Fiser an offer for the SQN Chemistry Manager position. Black knew that the position had come back, but was not aware that Fiser was being considered. Black denied saying that hiring Fiser was "blocked at the highest level." Instead, Black believes he may have said something to the effect of "this thing is bigger than me". According to Black, the statement he made was in no way meant to imply that Fiser's hiring was blocked. Black believes his comment may have been misunderstood.

Black advised that Don Adams, a former Corporate Program Manager, officially began reporting to SQN on May 31, 1993.

**TENNESSEE VALLEY AUTHORITY
Office of the Inspector General
RECORD OF INTERVIEW**

Name: Robert J. Beecken
Position: Current: Plant Readiness Manager
 Watts Bar Nuclear Plant (WBN)
 Former: Plant Manager
 Sequoyah Nuclear Plant (SQN)
Work Tel.: (615) 751-6055
SSN/DOB: [REDACTED]

Beecken, who is aware of the identity of the interviewing agent, was contacted at WBN and advised that this interview pertained to the Gary L. Fiser (former Chemistry Manager, SQN) reduction-in-force (RIF) and Fiser's subsequent Department of Labor (DOL) complaint. Beecken provided the following information.

Beecken stated that Fiser was not adverse to the idea of swapping positions with Bill Jocher, former Corporate Chemistry Manager, in March 1992. Beecken originally felt that the swap was a good idea because it would give Jocher a chance to fix the chemistry problems he (Jocher) had been identifying. Furthermore, Beecken had not been happy with Fiser's performance at SQN and the swap would give Fiser a chance to perform under a different manager (i.e. Wilson McArthur, Manager, Technical Programs).

Beecken does not recall having a specific conversation with Fiser and Jack Wilson, former Site Vice President, SQN, in the stairwell. However, Beecken stated that it was possible that Fiser caught them in the stairwell and he (Beecken) "said something to the effect of you (Fiser) have done a good job, but there are a lot of problems in the Chemistry Program and here is a good offer for you to go downtown - a good career move." In addition, Beecken believes he may also have told Fiser that he (Beecken) wanted Jocher to prove himself.

Investigation On: February 3, 1994

At: Watts Bar Nuclear Plant

By: SA Beth B. Thomas

File: 2D-135 - 41

EXHIBIT 13

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Beecken denies telling Fiser that going to Corporate would make him more promotable. Instead, Beecken recalls telling Fiser that it would be a good idea for him to go to Corporate to prove himself because of the problems in the SQN chemistry program.

According to Beecken, the longer Jocher was at SQN, the more it became apparent that Fiser had not been doing his job (as SQN Chemistry Manager). Therefore, Beecken told McArthur (exact date unknown) that he did not want Fiser to return as the SQN Chemistry Manager because the underlying performance problems showed that Fiser was not the "right guy" to run the SQN Chemistry program. According to Beecken, the decision not to bring Fiser back to SQN had nothing to do with Fiser raising safety issues. Instead, Beecken stated that Fiser was a "good chemist, but not a good manager."

When questioned regarding Fiser's claim that he was held accountable for chemistry problems which occurred when he (Fiser) was assigned to the Outage Team, Beecken advised that Fiser's performance problems and the chemistry program problems had not just developed in that one year (when Fiser was in Outage), but rather were long-standing. In addition, Fiser was still on-site when he worked in outage and therefore, should have been aware of what was happening in the chemistry program (even though there was an Acting Chemistry Manager at that time).

Beecken's December 1992 Meeting with Fiser

Beecken recalled meeting with Fiser in December 1992 to discuss why he (Beecken) did not want Fiser back as the SQN Chemistry Manager. During this meeting, Beecken told Fiser that he (Fiser) was not wanted back at SQN because there were so many problems in the SQN Chemistry Program that he (Beecken) did not see how Fiser could be effective. Beecken recalled that he and Fiser discussed the problems with the "rad-monitor setpoints not accounting for the vacuum" during this meeting. According to Beecken, Fiser was held accountable for this problem (which resulted in an incident investigation) because he had been the Chemistry Manager during much of the time that the rad-monitors were "out of whack."

According to Beecken, Fiser was held accountable for technicians misaligning valves and misassembling filters. Specifically, Beecken stated in the "filter change-out scenario" (where technicians found a valve which is supposed to remain open was closed and it resulted in a Licensee Event Report [LER]) there was a problem with supervisory oversight. Beecken explained that the root cause of the problem was the technicians were not using the correct procedures and there was supervisory

acceptance of them (the technicians) using incorrect procedures. Beecken stated that Fiser did not let the technicians know what was expected or what might occur if they did not use the correct procedures. As a result, according to Beecken, the manager is held accountable instead of the technicians. Beecken stated that Fiser would have been held accountable even though he was not working in Chemistry at the time because of the tone that Fiser had previously set for the chemistry department.

Beecken stated that the instrumentation problem had been out of Fiser's ability to control. However, Beecken feels that Fiser should have been more effective at presenting the instrumentation problems.

Beecken stated "I was real upset about training." Beecken explained that he was not even aware that SQN had such a nice chemistry lab at the training center until Jocher took him over to it (when Jocher was the SQN Chemistry Manager). When Beecken saw the lab, it was "locked up with cobwebs." Even though Beecken realized that resources for training had been cut, he feels that Fiser should have been more resourceful with what was there instead of "whining that he didn't have any instructors, etc."

Additionally, Fiser would "pump" up the technicians prior to an Institute of Nuclear Power (INPO) evaluation. Beecken stated that he told Fiser during the December 1992, meeting that the technicians should know the basics instead of being told before the test. Beecken stated that his position was "why do we have to pump these guys, what's wrong?"

Beecken stated that there were continuous findings against Chemistry by INPO while Fiser was the SQN Chemistry Manager.

According to Beecken, Fiser not being brought back to SQN was not because he (Fiser) raised safety issues, but rather because Fiser did not raise the issues.

Beecken believes he "went the extra mile" to give Fiser a chance to succeed by sending him downtown.

Beecken stated that he never told Fiser that he was not wanted back at SQN because "I (Beecken) wanted a perfect INPO evaluation that's why." Instead, Beecken believes he may have said something like "I wanted an improved INPO evaluation."

Organizational Changes

According to Beecken, it was a company wide decision to combine Radiological Control (RadCon) and Chemistry and it involved the other nuclear sites.

Beecken stated that he gave Charles Kent, the new RadCon/Chemistry Manager, the freedom to change the organizational structure, but Kent was limited by Corporate wanting the sites to remain consistent. According to Beecken, it was Kent's wish to flatten the organization, but Beecken did not necessarily agree. However, Beecken stated that he did not care what organization ended up happening.

Beecken could not recall an interim organization being implemented. In addition, Beecken was not involved in the Hay Committee dealings for the new positions.

Beecken stated that he was in kind of a fog about the organizational changes because he knew Kent had it under control. Beecken stated that he has a lot of confidence in Kent.

Beecken's Knowledge of Fiser's Reduction-in-Force (RIF)

Beecken believed that Fiser had been RIF'ed from a Corporate position not from the SQN Chemistry Manager job. Beecken believes McArthur may have told him that Fiser was being RIF'ed, but "it didn't even dawn on me that it was from the SQN Chemistry Manager position." Beecken stated that he did not realize that the Chemistry Manager position had officially gone away.

Beecken stated that when he originally told McArthur that he (Beecken) did not want Fiser at SQN, McArthur said that he (McArthur) did not want him either. However, once the decision was made that Fiser would not be returning to SQN, Beecken felt like Fiser was a Corporate person and therefore, Beecken did not worry about what happened to him.

Beecken stated that he did talk to Joe Bynum, former Vice President, Nuclear Operations, about Fiser's performance problems and the swap. Beecken denied telling Bynum that they needed to do away with Fiser, but Beecken did probably tell Bynum that he (Beecken) did not want Fiser back at SQN. In addition, Beecken stated he also told Dan Keuter, former Vice President, Nuclear Operations Services, that he did not want Fiser back at SQN because Fiser was in Keuter's organization.

Miscellaneous

Beecken advised that he actually left SQN on July 7, 1993. However, Beecken became less effective after February 8, 1993.

Beecken was not aware that the Chemistry Manager position had been upgraded. In addition, Beecken was not aware that Kent was trying to hire Fiser back as the SQN Chemistry Manager (out of the employee transition program). Beecken stated that if he had known of the attempt to re-hire Fiser, he (Beecken) would have agreed that Fiser was not the right person for the SQN Chemistry Manager position.

Beecken stated that Kent felt like Gordon Rich, a candidate for the Chemistry Manager position, was being forced upon him (Kent) by Keuter.

**TENNESSEE VALLEY AUTHORITY
Office of the Inspector General
RECORD OF INTERVIEW**

Name: Robert "Bob" Fenech
Position: Site Vice President
Office: Sequoyah Nuclear Plant (SQN)
Work Tel.: (615) 843-7001
Residence: [REDACTED]
Home Tel.: [REDACTED]
SSN/DOB: [REDACTED]

Fenech was contacted at his office and advised of the identity of the interviewing agent. He was interviewed concerning his knowledge of Gary L. Fiser's (former SQN Chemistry Manager) allegation that he was reduced-in-force (RIF'ed) for raising safety concerns. Fenech provided the following information.

Fenech replaced Jack Wilson as the SQN Site Vice President on November 9, 1992. Fenech stated that he did not have much interface with Fiser because Bill Jocher was the SQN Chemistry Manager when Fenech took over. Fenech believed that Jocher was a poor manager because he constantly talked "big picture stuff" and rarely got things accomplished. In comparison, Fiser was not as broad as Jocher. However, Fenech stated that he was not impressed with Fiser's prior performance as the SQN Chemistry Manager.

After Fenech made the decision to combine Radiological Control and Chemistry, the new RadChem Manager, Charles Kent, did not want to fill the position of Chemistry Manager. Fenech stated that he talked with Wilson McArthur, Manager, Operation Services, and Joe Bynum, Vice President, Nuclear Operations, and they (McArthur and Bynum) recommended that Fenech fill the Chemistry Manager position. In addition, Fenech felt like it would be best to fill the position, but he also wanted to support Kent.

Investigation On: March 2, 1994

At: Sequoyah Nuclear Plant

By: SA Beth B. Thomas

File: 2D-135 -44 EXHIBIT 14

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Fenech stated that he originally gave Kent permission to implement an organization without a Chemistry manager and at the time Fiser was RIF'ed, there was "definitely" not going to be a SQN Chemistry Manager position. According to Fenech, the Chemistry Manager position was "really, truly going away." However, Fenech stated that his boss (Bynum) eventually convinced him to have a Chemistry Manager.

Fenech stated that even if the Chemistry Manager position had stayed, Fiser would not have been considered because of his poor performance.

Kent's Plan to Re-hire Fiser

Fenech was aware that the Chemistry Manager position changed from a PG9 to a PG10. However, as far as Fenech is concerned, Fiser was going away anyway so the position change did not matter.

Fenech recalls telling Kent to check with McArthur about Kent's plan to bring Fiser back from the employee transition program to become the SQN Chemistry Manager. Fenech stated that it was ultimately Kent's decision not to bring Fiser back. Fenech advised that he would have gone along with Kent if Kent had really pushed him (Fenech) to hire Fiser.

Fenech stated that he never discussed Kent's attempt to re-hire Fiser with either Bynum or his (Bynum's) replacement, Ron Eytchison. Fenech believes that he probably talked with McArthur about Fiser's potential return; however, Fenech cannot recall any specifics. Fenech stated that he never discussed Fiser with Oliver Kingsley, President, Generating Group.

According to Fenech, no one ordered him to keep Fiser from coming back to SQN.

TENNESSEE VALLEY AUTHORITY
Office of the Inspector General
RECORD OF INTERVIEW

(I)

Name: Joseph R. Bynum
Position: Former: Vice President, Nuclear Operations
Former: Vice President, Maintenance and Testing, Fossil and Hydro
Current: Vice President, Fossil Operations and Hydro Power
Office: Chattanooga, Tennessee
Work Tel.: (615) 751-2601
Residence: [REDACTED]
Home Tel.: [REDACTED]
SSN/DOB: [REDACTED]

Bynum, who is aware of the identity of the interviewing agent, was contacted at his office and advised that this interview pertained to Gary L. Fiser's (Former Sequoyah Nuclear Plant [SQN] Chemistry Manager) allegation that he was reduced-in-force (RIF'ed) because he filed safety concerns. Bynum provided the following information.

Bynum's Knowledge of Fiser's Performance

Bynum stated it was evident to him that Fiser was "not strong or decisive" and that he (Fiser) had a problem getting things done as the SQN Chemistry Manager. Bynum based this opinion on personal observations because he (Bynum) spent a lot of time at SQN. Bynum advised that he heard very little about the problems in the SQN Chemistry program until Bill Jocher, former Corporate Chemistry Manager, became the SQN Chemistry Manager on a temporary basis.

Bynum stated that he would characterize Fiser as a bad performer. In addition, Rob Beecken, former Plant Manager, SQN, and Jack Wilson, former Site Vice President, SQN, also considered Fiser to be a poor performer. As a result, they proposed to Bynum that Jocher and Fiser switch positions. Bynum stated that he was aware of the

Investigation On: March 3, 1994

At: Chattanooga, Tennessee

By: ^{BBT} SA Beth B. Thomas

File: 2D-135 - 45

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EXHIBIT 15

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swap and approved of it, but he was not involved in the actual details. Bynum stated that his main concern was that Fiser might get the wrong idea that he was performing adequately because the Corporate Chemistry Manager position was a higher level than the SQN Chemistry Manager position.

According to Bynum, even though Jocher was supposed to return to his position of Corporate Chemistry Manager in one year, Fiser was never supposed to return to the position of SQN Chemistry Manager following the switch. When shown a copy of a letter signed by him (Bynum) prior to the swap which stated that Fiser would return to the position of SQN Chemistry Manager in one year, Bynum could not recall the letter. He stated that he must have made a mistake issuing the letter because he knew at the time that Fiser would not continue on as the SQN Chemistry Manager because of his (Fiser's) poor performance.

Bynum stated that he was aware of the plan to demote Fiser from the Corporate Chemistry Manager position to a Program Manager position. However, Bynum denied that he initiated the demotion.

Knowledge Concerning Fiser's RIF

About the time Jocher was scheduled to return to Corporate, there were discussions ongoing with Oliver D. Kingsley, President, Generating Group, about reducing the size of the Corporate Staff (including Corporate Chemistry). Bynum told Dan Keuter, former Vice President, Nuclear Operations Services, to work on a plan of reducing his departments (one of which was Corporate Chemistry). Keuter proposed an option for a new organization and gave it to Bynum. Bynum then took the option in to discuss it with Kingsley. Following his meeting with Kingsley, Bynum gave Keuter a "marked-up form" which consisted of approximately three sheets listing Keuter's organization by job title and the number of people in each job. Bynum believes that Keuter may still have a copy of this form/proposal. Bynum stated that a Human Resource Officer probably would not have a copy of this sheet, but Keuter would have had to give them (Human Resources) something in order for a retention register to be prepared.

Bynum stated that he did not realize that Fiser was being RIF'ed from the SQN Chemistry Manager position, but instead thought that Fiser was being RIF'ed from a Corporate Program Manager position. Bynum stated that he "would not have knowingly RIF'ed the SQN Chemistry Manager position because I was arguing with Charles Kent (Radiological Control and Chemistry Manager, SQN) to fill it." In addition, Bynum stated that he realizes that you do not RIF people, but rather positions. Bynum acknowledged that he signed the RIF letter to Fiser which indicates that Fiser is being

RIF'ed from the SQN Chemistry Manager position; however, Bynum stated that he signs all RIF letters from the sites or corporate and he did not notice that the SQN Chemistry Manager position was being RIF'ed.

Initially, Bynum stated that it was Keuter's decision to RIF Fiser and he (Bynum) did not know how Wilson McArthur, Manager, Operations Services, could say that he (Bynum) ordered him (McArthur) to RIF Fiser. However, Bynum stated that he now believes that he and Keuter discussed who Keuter would be keeping in the Program Manager positions. At the time, Bynum believed that Fiser occupied one of the Program Manager positions (Fiser was actually not in a named position at that time). Therefore, when Keuter did not mention Fiser's name as being one of the Program Managers they were keeping, Bynum assumed that they were RIF'ing Fiser's Program Manager position. Since Fiser held no position and, therefore, no position actually went away, there was not a downsizing of the Corporate Chemistry program.

Bynum stated that Fiser was never mentioned by name in the downsizing discussion with Keuter. However, Bynum believes that Keuter should be able to recall talking about who would be left in the Program Manager positions.

Bynum believes that when he and McArthur were discussing bringing in Gordon Rich, a prospective employee from Trojan Nuclear Plant, and, consequently, what to do with Jocher and Fiser, he (Bynum) told McArthur that Fiser was going to be RIF'ed. Bynum based this statement on his prior discussion with Keuter in which Bynum assumed that Fiser was being RIF'ed from the Program Manager position. Since McArthur was in no way involved in the downsizing and had no knowledge of the potential RIFs, it is understandable that McArthur believes that Bynum made the decision to RIF Fiser.

Bynum stated "I was never consciously aware that they were RIF'ing Fiser out of the SQN Chemistry Manager job." In addition, Bynum could not have told McArthur to RIF Fiser from an SQN position because McArthur only has the authority to RIF corporate positions. Furthermore, Bynum stated that Human Resources should not have allowed it (the RIF) to happen since McArthur did not have the authority.

Bynum does not recall McArthur telling him that Fiser could fill Don Adams' (Program Manager) position. Bynum stated that it is possible that McArthur mentioned Adams' position; however, Bynum would not have considered it because it would have meant keeping a position when they were trying to downsize.

According to Bynum, the decision to RIF Fiser was based on downsizing the corporate organization and not with Fiser raising safety concerns.

Organizational Changes at SQN

Bynum stated that he had blessed the initial decision to combine radiological control and chemistry together under one manager. However, Bynum said "absolutely not" to Kent's plan of eliminating the Chemistry Manager position. Bynum told Beecken and Bob Fenech, the new Site Vice President, SQN, that he would not agree to giving up the Chemistry Manager position specifically because Kent did not know anything about chemistry and the chemistry program had extensive problems which needed attention.

Bynum was aware that the SQN Chemistry Manager job was vacant and that they were in the process of looking for someone to fill that position. However, Bynum stated that "no organization without a chemistry manager had been implemented at SQN."

Bynum stated that he got the impression that Fenech agreed with him about the need for a Chemistry Manager; however, Bynum can also see how Fenech could have been attempting to appease Kent since he (Fenech) was new.

Bynum stated that after he disagreed with Kent's plan, there were no discussions about implementing an organization without a Chemistry Manager. However, Bynum understood that SQN had to keep running and, as a result, he agreed that SQN had to operate without a Chemistry Manager because that position was currently vacant. However, Bynum stated he never entertained the thought of an organizational change.

The Attempt to Hire Fiser Back as the SQN Chemistry Manager

Bynum advised that he left Nuclear Power on April 19, 1993. Some time after that, McArthur contacted him and told him that Kent was trying to hire Fiser for the SQN Chemistry Manager position. Bynum told McArthur that he (Bynum) could not believe that Kent would select Fiser because of the problems in the SQN chemistry program. With the exception of this discussion with McArthur, Bynum never spoke with anyone about the attempt to hire Fiser back. Furthermore, Bynum denied that he ever told McArthur or anyone else not to hire Fiser. Bynum stated that he was surprised that McArthur was even calling him about Fiser because he (Bynum) was no longer in Nuclear Power.

**TENNESSEE VALLEY AUTHORITY
Office of the Inspector General
RECORD OF INTERVIEW**

Name: Mike Pope
Position: former: Human Resource Manager
current: Manager, Employee Worklife Programs
Office: former: Nuclear Power, Chattanooga, Tennessee
current: Fossil and Hydro, Chattanooga, Tennessee
Work Tel.: (615) 751-2542
Residence: [REDACTED]
Home Tel.: [REDACTED]
SSN/DOB: [REDACTED]

Pope, who is aware of the identity of the interviewing agent, was contacted at his office and interviewed concerning the allegation that Gary L. Fiser, a former Sequoyah Nuclear Plant (SQN) Chemistry Manager, was reduced-in-force (RIF'ed) because he filed nuclear safety concerns. Pope provided the following information.

According to Pope, Fiser's "position of record" was still the SQN Chemistry Manager even during the year that he and Bill Jocher, the Corporate Chemistry Manager, switched positions. Pope stated that the swap was an "informal rotational assignment" and no paperwork was ever cut to change Fiser's position title.

Pope stated that Fiser had not been cutting it as the SQN Chemistry Manager and also did not work out as the Acting Corporate Chemistry Manager. Pope stated that Fiser never went through a demotion in the traditional sense where his level and pay were cut; however, Fiser was taken out of the "top job" of Corporate Chemistry Manager and Sam Harvey, a Corporate Program Manager, took over.

Decision to RIF Fiser

Pope stated that he and McArthur sat down one day and discussed the options of what needed to happen with Fiser. According to Pope, the options ranged from termination for performance to surplusings his position. Pope stated that they actually considered

Investigation On: April 8, 1994

At: Chattanooga, Tennessee

By: SA Beth B. Thomas:

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terminating Fiser for poor performance. However, Pope stated that McArthur is a "softy" and he (McArthur) chose the most humanistic position (to RIF Fiser).

Pope stated that McArthur never named anyone, but Pope got the impression that McArthur was under some pressure to remove Fiser from the job.

Decision to RIF Fiser from the Central Office

Pope stated that it was a "joint decision" between himself and McArthur to handle the RIF from the central Human Resource Office even though the position being RIF'ed was the SQN Chemistry Manager position. Pope stated that McArthur has the corporate oversight and support of the plant Chemistry and RadCon programs. In turn, the central Human Resource Office, managed by Pope, services McArthur's Corporate organizations.

Pope stated that he did not see a problem with McArthur's authority in carrying out the RIF because the Radiological Control and Chemistry Manager, Charles Kent (who technically was the SQN Chemistry Manager's direct manager), was new to the position and not as familiar with Fiser. According to Pope, McArthur had the experience even if he was not Fiser's supervisor of record and therefore, it was more logical for McArthur to take the action.

Pope stated that he never spoke with Kent about the RIF, but he assumes that McArthur did. Pope advised that he did inform SQN Human Resources (probably Human Resources Officers Caroline Crowe and/or Al Black) about Fiser's impending RIF.

Pope denied that Fiser was RIF'ed for any reason except that his position was going away due to a reorganization. Pope stated that he never would have agreed to let the RIF happen if he believed the position was being surplusd in order to get rid of Fiser.

Pope indicated that he was not aware that the SQN Chemistry Manager position had been reinstated or upgraded. Likewise, Pope was not aware of any attempt by Kent to bring Fiser back as the SQN Chemistry Manager following the RIF.

Pope advised that he changed positions and became the Compensation and Employment Manager for Generating Group in July/August 1993.

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Oswald J. Zeringue, LP 3B-C

TVA MANAGEMENT

**GARY L. FISER, FORMER CHEMISTRY AND ENVIRONMENTAL SUPERINTENDENT
SEQUOYAH NUCLEAR PLANT (SQN) - COMPLAINANT
DEPARTMENT OF LABOR - ENERGY REORGANIZATION ACT MATTER
OIG FILE NO. 2D-135**

We have completed our investigation of the circumstances surrounding a September 1993 complaint which Gary L. Fiser, former Chemistry and Environmental Superintendent, SQN, filed with the Department of Labor (DOL). In his DOL complaint, Fiser 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, Fiser alleged that because he reported safety concerns, (1) his position as SQN Chemistry and Environmental Superintendent was surplused and he subsequently was reduced-in-force (RIF'd), and (2) a later offer to become SQN Chemistry Manager was withdrawn.

Our investigation did not find evidence of misconduct on the part of TVA management. Rather, our investigation revealed the following.

- The evidence does not support Fiser's assertion that actions were taken against him due to his raising concerns. To the contrary, management concluded Fiser was a weak manager because there were problems falling under his management responsibilities which he did not identify and/or correct. Based on management's evaluation of Fiser's management skills, he was transferred from SQN to the Corporate Chemistry Group Manager for a one-year assignment, moved to a position of lesser responsibility in Corporate Chemistry during that year, not allowed to return to SQN at the end of the year, and not considered for the SQN Chemistry Manager position.
- Fiser's RIF was due primarily to miscommunication and misunderstanding among managers regarding what position was being RIF'd; specifically, whether Fiser's position as a Program Manager in the Corporate Chemistry Group or as SQN Chemistry Manager was being RIF'd.
- The SQN Chemistry Control Manager position was discussed with Fiser while he was in the Employee Transition Program, but he was ultimately told management felt he could not perform adequately in that position. (In fact, Fiser did not apply on the posted vacancy for that position.)

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Oswald J. Zeringue
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The results of our investigation are described in the attached investigative report.

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

G. Donald Hickman
Assistant Inspector General
(Investigations)

EHS:RPL:JMF

Attachment

cc (Attachment):

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

Mark O. Medford, LP 3B-C

OIG File No. 2D-135

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CASE SYNOPSIS

1. FILE NUMBER: 2D-135

CASE AGENT: Beth Thomas

2. SUBJECT AND COMPLAINANT

Subject: TVA Management

Complainant: Gary L. Fiser, Former Chemistry Manager, Sequoyah Nuclear Plant (SQN)

3. BASIS OF INVESTIGATION

Department of Labor (DOL) letter dated September 28, 1993, and a request for an investigation dated October 6, 1993, from Oliver D. Kingsley, Jr., President, (formerly Generating Group) Nuclear Power, TVA.

4. ISSUES

Fiser alleges the following:

- 1) He was Reduced-in-Force (RIF'ed) from his position of Chemistry Manager, SQN, on April 2, 1993 because he or individuals under his direction found, documented and/or reported safety concerns.
- 2) A later offer for him to become the SQN Manager of Chemistry Control (PG10) was withdrawn due his safety concerns.

5. POLICY/REGULATION OR STATUTE VIOLATED

TVA's policy pertaining to the expression of differing staff views (CODE II - Expression of Staff Views) and the Energy Reorganization Act (ERA), Public Law 95-601, 42 USC 5851

6. FINDINGS

Issue 1 - Not Substantiated
Issue 2 - Not Substantiated

7. SCOPE OF INVESTIGATION

- 1) Interviewed 22 individuals
- 2) Reviewed documents regarding realignment and organizational changes occurring at SQN (including pertinent memorandum and organization charts)
- 3) Reviewed "old and new" position descriptions for SQN Chemistry Manager.

8. INVESTIGATIVE SYNOPSIS

Issue 1

Fiser claimed his RIF was due to his expression of safety concerns. Our investigation revealed, however, that while Fiser's RIF involved miscommunications among management and apparent procedural errors, the RIF was not related to his purported safety concerns. As a result, our investigation found no intentional misconduct on the part of TVA management. This determination is based on the following information.

A. Statements Regarding Safety Concerns

Fiser stated that the basis for his DOL complaint is that Rob Beecken, Former Plant Manager, SQN, blamed him for SQN's problems with technician training, reporting of a filter changeout violation and incorrect radiation monitor setpoints. Fiser made the following statements about his safety concerns.

- 1) Training: Fiser admitted to knowing that technician training was weak and that he would set up mock question/answer sessions with the technicians prior to Institute of Nuclear Power Operations (INPO) evaluations. Fiser admitted that he "covered up" that SQN had inadequate training resources by conducting these sessions. When Bill Jocher became the SQN Chemistry Manager, he (Jocher) chose not to have the mock sessions and, therefore, a finding against technician training appeared in the 1992 INPO evaluation report. Fiser believes that Beecken held the training problems and eventual INPO finding against him (Fiser).
- 2) Filter Change-out: During a routine filter change, a chemistry technician realized that a valve which is supposed to remain open was closed. The technician reported the closed valve and it led to a Licensee Event Report (LER) which goes to the NRC. Fiser stated that this incident occurred while he was working in the Outage Group and had no contact with the Chemistry Program. However, Fiser believes that Beecken did not want the violation reported and unfairly blamed him for this incident.

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3) Incorrect Radiation Monitor Setpoints: In 1982, the NRC issued a Bulletin which stated that there were problems with radiation monitor setpoints. When Fiser came to TVA (around 1987-1988), he repeatedly asked the technicians if the radmonitor setpoints were correct and was continually assured by his staff that the problem had been corrected. However, while Fiser was at Corporate in 1992, the radiation monitor setpoints were found to be incorrect and a LER was issued.

While our investigation found that Beecken had informed McArthur around November 1992 (and McArthur had consequently informed Fiser during the same time period) that SQN did not want Fiser back as the Chemistry Manager due to performance problems, there is no evidence that Beecken was involved in the decision to RIF Fiser. In fact, Beecken believed that Fiser had been RIF'ed from a Corporate position. Beecken made the following statements about Fiser's allegations.

1) Training: Beecken admitted to being very upset with Fiser about the technician training. Although Beecken was aware that resources had been cut, he felt that Fiser should have been more resourceful with what he had instead of "whining" about what he did not have. Furthermore, Beecken did not like the fact that Fiser would "pump" up the technicians prior to an INPO evaluation instead of making sure that the technicians knew the basics.

2) Filter Change-out: Beecken stated that he held Fiser accountable for the problem with the closed valve because the root cause of the problem was that the technicians were not using the correct procedures and there was supervisory acceptance of them using incorrect procedures. Fiser had failed to let the technicians know what was expected or what might occur if they did not use the correct procedures. As a result, the supervisor is held accountable instead of the technicians.

3) Incorrect Radiation Monitor Setpoints: Beecken stated that Fiser was held accountable for this problem because he was the Chemistry Manager during much of the time the rad-monitors were "out of whack."

B. Management's Statements Concerning Fiser's RIF

Management indicated the RIF was not due to Fiser's safety concerns. Our investigation revealed the following about Fiser's RIF.

1) Joe Bynum, Former Vice President, Nuclear Operations: After Jocher returned to Corporate (March 1993), Bynum believed that Fiser still held the demoted position of Corporate Program Manager. About the time Jocher returned, discussions were ongoing about reducing the size of the Corporate

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Staff. Bynum discussed who Corporate would be keeping with Dan Keuter, former Vice President, Nuclear Operations Services. When Keuter did not mention Fiser as being one of the Program Managers they were keeping, Bynum assumed that they were RIF'ing Fiser's Program Manager position. In a later meeting between Bynum and Wilson McArthur (who was not involved in the downsizing discussions), McArthur asked Bynum what they were going to do with Fiser. Bynum, recalling his assumption from the earlier meeting with Keuter, told McArthur that Fiser was going to be RIF'ed. Bynum stated that because McArthur was not involved in the downsizing and had no knowledge of the potential RIFs, it is understandable that McArthur believes that Bynum made the decision to RIF Fiser.

Bynum stated that he was "never consciously aware" that Fiser was being RIF'ed from the SQN Chemistry Manager position (rather than a Corporate position) even though he signed the RIF notice. Bynum stated that he was aware that positions and not people are RIF'ed and he had been fighting with SQN management to keep a Chemistry Manager at SQN. In addition, Bynum could not have told McArthur to RIF Fiser from an SQN position because McArthur only has the authority to RIF Corporate positions. According to Bynum, Human Resources should not have allowed the RIF to happen since McArthur did not have the authority to RIF a SQN position.

2) Dan Keuter: Keuter was under the impression that when Jocher returned to Corporate from SQN, Fiser went back to a position at SQN. Keuter agreed that Fiser's name did not come up when he was discussing downsizing with Bynum. When questioned as to Bynum's claim that he (Bynum) assumed that since Keuter did not mention Fiser by name, then Fiser's position was being RIF'ed, Keuter replied "I probably didn't mention Fiser because I thought he was going to be at SQN so Bynum could have assumed that." Keuter also advised that he never spoke with McArthur about what to do with Fiser. However, during two separate interviews, Keuter gave differing statements on whether or not he knew Fiser was going to be RIF'ed.

3) Wilson McArthur: McArthur stated that Bynum specifically told him to put Fiser in ETP; however, Bynum did not indicate which position Fiser was to be RIF'ed from. McArthur stated that he "assumed" that Bynum meant from the SQN Chemistry Manager position because Fiser was on loan from that position, but he (Bynum) did not make it clear.

4) Mike Pope, former Human Resource Manager, Nuclear Power: Pope advised that he and McArthur discussed the options of what needed to happen with Fiser up to and including the possibility of terminating him for poor performance. However, McArthur chose to RIF Fiser. Pope did not

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see a problem in McArthur and Corporate Human Resources carrying out the RIF'ing of a SQN position because the RadChem Manager, Charles Kent (who at that time was the SQN Chemistry Manager's direct supervisor), was new to the position and not as familiar with Fiser as McArthur. Pope never spoke with Kent about Fiser's RIF, but he assumes McArthur did.

5) Charles Kent: Kent stated that he was never contacted or advised about the decision to RIF Fiser.

C. Fiser's Allegation that TVA Management "Lied" About the SQN Chemistry Manager Position Being Surplused

Fiser was RIF'ed from the SQN Chemistry Manager position on April 2, 1993. On April 27, 1993, a memorandum from Bynum reinstated the SQN Chemistry Manager position. We found no evidence to substantiate Fiser's allegation that the SQN Chemistry Manager position was expressly eliminated in order to get rid of him. Rather, as previously outlined, Bynum (the person ultimately responsible for Fiser being RIF'ed) was not even aware that Fiser had been RIF'ed from the SQN position. However, although there were ongoing discussions between Corporate and Site Management about the need for a site Chemistry Manager, it appears that an interim organization (without a Chemistry Manager) was implemented at SQN without Bynum's knowledge or approval. This determination is based on the following:

1) In a February 29, 1993 memorandum to All Radiological Control and Chemistry Personnel from Kent, he stated that effective immediately, he was implementing the attached functional organization. The organizational chart attached to this memorandum shows the removal of the Site Chemistry Manager and the Site RadCon Manager (the position Kent had previously held).

2) Bob Fenech, Former Site Vice President, SQN, stated that he originally gave Kent permission to implement an organization without a Chemistry Manager and at the time Fiser was RIF'ed, there was "definitely" not going to be a SQN Chemistry Manager position. Fenech advised that Bynum had initially recommended that Fenech fill the Chemistry Manager position and eventually convinced him (Fenech) to have a Chemistry Manager.

3) Kent advised that he implemented the interim organization after receiving approval from Beecken and Fenech. However, Kent stated that until the end of April 1993, Fenech and Bynum were having discussions on whether or not to eliminate the Chemistry Manager and RadCon Manager positions. In addition, Kent submitted the new position descriptions to the Hay

Committee in March 1993, but they were rejected because SQN and Browns Ferry's organizational structures were not standardized.

4) Beecken advised that he had given Kent the freedom to reorganize the Chemistry organization and he was in kind of a fog about the organizational changes because he knew Kent had it under control. However, he was not aware that an interim organization had been implemented or that the Chemistry Manager position had officially gone away.

5) Al Black, Former Human Resource Officer, SQN, advised that SQN Chemistry had reorganized and the new organization did not have a site Chemistry Manager. Furthermore, Black advised that the Hay Committee rejected the new organization's position descriptions because they did not have an approved organizational chart. According to Black, SQN management approached Bynum to approve the new organization, but Bynum was adamant that there would be a Chemistry Manager position.

6) Bynum advised that "no organization without a chemistry manager had been implemented at SQN." In addition, although Bynum realized that SQN had to operate without a Chemistry manager, he never entertained the thought of an organizational change.

7) According to Kent, Fiser was aware that the SQN Chemistry Manager position was being eliminated before the actual RIF because Kent had talked with Fiser about taking the SQN Technical Support Manager position (PG9 - the same grade as the "old" SQN Chemistry Manager position). Kent said Fiser told him that he (Fiser) did not want the job because it was a lower level. In addition, Kent believes Fiser thought he (Fiser) was going to stay in Corporate.

Issue 2

Fiser alleges that in July 1993 (while he was in the ETP program), Kent offered Fiser the reinstated SQN Chemistry Manager position (which had been upgraded to a PG10), but it was withdrawn due to his filing of safety concerns. While there is evidence to indicate that the position was offered informally, a formal offer of employment was not made. Furthermore, management made inconsistent statements about who was involved in the decision to not make a formal offer, but there is some evidence to indicate that the reason Fiser was not selected was due to a lack of confidence in Fiser's management ability. However, this lack of confidence does not appear to be related to Fiser's expression of safety concerns.

A. Fiser's Statements

1) Fiser alleges he was offered the SQN Chemistry Manager position by Kent after interviewing with the New Plant Manager, Ken Powers, on July 6, 1993. Fiser further alleges that after the interview, Powers told Kent to work on getting Fiser into the Chemistry Manager position. In addition, Kent allegedly gave Fiser a salary quote, report date and coordinated the offer with the ETP managers, Ron Brock and Jim Manis. In addition, Kent told Fiser to lay low while he had McArthur "talk to the right people."

2) On July 9, 1993, Kent withdrew the offer. According to Fiser, McArthur admitted that he had talked with Keuter and Bynum about the offer. Fiser stated that McArthur told him that Bynum had approached Fenech about the offer.

3) Fiser stated that on July 16, 1993, Brock contacted Black about the offer and Black stated over the speakerphone that "it (the offer) had been blocked at the highest level." Fiser stated that he, Brock and Manis heard Black's comment.

B. Management's Statements

1) Powers denied interviewing Fiser for the Chemistry Manager position. He recalls talking to Kent and Fiser for about 5 or 10 minutes after Kent "pulled me over to say hello to him (Fiser)." In addition, Powers denied telling Kent to hire Fiser as the SQN Chemistry Manager. Kent confirmed Powers statements.

2) Kent denied that he formally interviewed Fiser for the position. In addition, Kent denied making Fiser an offer, quoting a salary or giving Fiser a report date. However, Brock confirmed that he and Kent had a discussion in which Kent discussed the title, salary quote and the grade level of the position he (Kent) was offering Fiser. Furthermore, Brock stated that he was told by Kent that the job they were offering Fiser was his (Fiser's) old job. Manis denied talking with Kent about the offer.

3) McArthur denied that he talked with anyone but Kent and Fenech about hiring Fiser. However, Fiser stated that McArthur told him that he (McArthur) had spoken with Keuter and Bynum about hiring Fiser. In addition, Bynum, who was working in Fossil and Hydro in July 1993, stated that McArthur contacted him about the attempt to hire Fiser back. Keuter advised that he may have spoken with Kent, Fenech and/or McArthur about bringing Fiser back, but he cannot specifically recall. Regardless, Keuter denied that he said anything negative about Fiser because he raised safety concerns, but that he may have reacted negatively because of Fiser's poor performance. Kent stated that he believes McArthur spoke with someone in management about bring Fiser back, but he (Kent) is not aware of who.

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According to Kent, McArthur said that management did not believe that Fiser had the managerial ability for the Chemistry Manager position.

Bynum denied speaking with anyone but McArthur about Fiser coming back to SQN. Fenech confirmed that he did not speak with Bynum about Kent's attempt to re-hire Fiser.

4) Brock stated that Fiser never had an "official" offer, but rather had an offer from a supervisor (Kent) who did not have the authority to make offers. According to Brock, only the Human Resource Office, the Employment Office or an Employment Manager can officially make offers.

5) Black stated that he was aware that the Chemistry Manager position had been reinstated at SQN, but he did not know that Fiser was being considered. Black denied making a comment that implied that Fiser's hiring was blocked. Brock stated that when he asked Black who had stopped the offer, Black said something to the effect of "at a higher level than Charlie (Kent)." Manis stated that he did not hear Black say that the attempt to hire Fiser was blocked at the highest level.

9. CASE AGENT RECOMMENDATIONS AND COMMENTS

A) Although we found extreme miscommunications and a failure to follow proper procedures concerning a RIF, we did not find any misconduct. Accordingly, no recommendations are warranted.

B) On April 7, 1994, DOL discontinued any further investigation into Fiser's complaint under the ERA in view of a Memorandum of Understanding and Agreement between Fiser and TVA. As a result of this agreement, Fiser was placed in a Program Manager (PG8), Technical Support, Corporate Chemistry, position, and received \$8,000 for expenses incurred in pursuing non-TVA employment and business opportunities. In addition, 148 hours of annual leave were restored to Fiser's account and he received \$3,800 in settlement of all claims for attorney's fees.

10. DISTRIBUTION

Oliver D. Kingsley, Jr., President, TVA Nuclear and Chief Nuclear Officer

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Tennessee Valley Authority
Office of the Inspector General

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Report of Administrative Inquiry

TVA MANAGEMENT
GARY L. FISER, FORMER CHEMISTRY AND ENVIRONMENTAL
SUPERINTENDENT, SEQUOYAH NUCLEAR PLANT, COMPLAINANT
DEPARTMENT OF LABOR - ENERGY REORGANIZATION ACT MATTER

OIG File No. 2D-135

APPROVED BY: _____
George T. Prosser

DATE ISSUED: _____

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INTRODUCTION

We have completed our investigation of the circumstances surrounding a September 1993 complaint which Gary L. Fiser, former Chemistry and Environmental Superintendent, Sequoyah Nuclear Plant (SQN), filed with the Department of Labor (DOL). In his DOL complaint, Fiser 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, Fiser alleged that because he reported safety concerns (1) his position as SQN Chemistry and Environmental Superintendent was surplused and he subsequently was reduced-in-force (RIF'd), and (2) a later offer to become SQN Chemistry Manager was withdrawn.

We investigated Fiser's allegation 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. (During March 1994, TVA and Fiser reached an agreement to Fiser's DOL complaint. As a result of the agreement, Fiser became Technical Support Program Manager, Corporate Chemistry, and DOL stopped its investigation.)

SUMMARY OF INVESTIGATION

Our investigation did not find evidence of misconduct on the part of TVA management. Rather, our investigation revealed the following.

- The evidence does not support Fiser's assertion that actions were taken against him due to his raising concerns. To the contrary, management concluded Fiser was a weak manager because there were problems falling under his management responsibilities which he did not identify and/or correct. Based on management's evaluation of Fiser's management skills, he was transferred from SQN to the Corporate Chemistry Group Manager for a one-year assignment, moved to a position of lesser responsibility in Corporate Chemistry during that year, not allowed to return to SQN at the end of the year, and not considered for the SQN Chemistry Manager position.
- Fiser's RIF was due primarily to miscommunication and misunderstanding among managers regarding what position was being RIF'd; specifically, whether Fiser's position as a Program Manager in the Corporate Chemistry Group or as SQN Chemistry Manager¹ was being RIF'd.

¹The terms SQN Chemistry and Environmental Superintendent and SQN Chemistry Manager are used interchangeably in this report.

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- The SQN Chemistry Manager Control position was discussed with Fiser while he was in the Employee Transition Program (ETP), but he was ultimately told management felt he could not perform adequately in that position. (In fact, Fiser did not apply on the posted vacancy for that position.)

The bases for these conclusions are outlined below.

BACKGROUND

Organization

During August 1988 when Fiser became SQN Chemistry and Environmental Superintendent, he reported to Ron Fortenberg. After a subsequent reorganization, Fiser reported directly to the Plant Manager, then Steve Smith. About a year and a half later, Chemistry was moved and Fiser reported directly to the Operations Manager, then William R. Lagergren. (Patrick M. Lydon replaced Lagergren during December 1991.) Lagergren's (and then Lydon's) supervisor was Robert J. Beecken, then SQN Plant Manager.

When Fiser became Corporate Chemistry Manager, Wilson C. McArthur, Operations Services Manager, was his immediate supervisor. McArthur's supervisor was Dan R. Keuter, then Vice President, Operations Services. Keuter's supervisor was Joseph R. Bynum, then Vice President, Nuclear Operations. When Fiser was demoted to program manager, Sam L. Harvey, III became the acting corporate chemistry manager and was Fiser's supervisor.

Chronology

The following is an outline of significant events concerning Fiser.

<u>Date</u>	<u>Action</u>
September 1987	TVA hired Fiser as Program Manager, Corporate Chemistry Group.
April 1988	Fiser selected as SQN Chemistry Group Manager.
August 1988	Fiser selected as SQN Chemistry and Environmental Superintendent.
1991	Fiser rotated to Outage Manager position.
March 1992	Fiser temporarily assigned (for one year) as Corporate Chemistry Manager and William F. Jocher was assigned to Fiser's position.

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November 16, 1992 McArthur (Operations Services Manager) told Fiser that the Operations Services managers² were not willing to honor the agreement that Fiser could return to SQN.

November 23, 1992 Fiser was "demoted" to a Corporate Chemistry program manager, and Harvey was assigned as Acting Corporate Chemistry Manager.

January 27, 1993 SQN Radiation Protection and Chemistry were combined and Charles E. Kent, Jr., was appointed the group's manager.

February 26, 1993 Kent implemented an interim organization at SQN without a Chemistry Manager position.

April 2, 1993 Bynum by memorandum notified Fiser that the SQN Chemistry Manager position was surplus and assigned Fiser to ETP.

April 27, 1993 Bynum stated in a memorandum that there would be an SQN Chemistry Manager.

May 1993 Bynum approved a revised SQN Radiological and Chemistry organization which included the Chemistry Manager position. (This position was somewhat different from Fiser's former SQN position.)

July 6, 1993 Fiser met with Kent concerning SQN Chemistry Manager position.

July 15, 1993 Kent asked Gordon L. Rich, then Corporate Chemistry Manager, if interested in the SQN Chemistry Manager position.

August 13, 1993 Ronald M. Eytchison, Vice President, Nuclear Operations, notified Fiser that his RIF was effective October 15, 1993.

August 19, 1993 Vacancy announcement for SQN Chemistry Manager position closed with two applicants. Fiser did not apply for it.

August 20, 1993 Rich selected for SQN Chemistry Manager position.

Below we further discuss some of the events preceding Fiser's RIF.

Fiser's Transfer to Corporate Chemistry

During March 1992, management decided to have Fiser (SQN Chemistry and Environmental Superintendent) and Jocher (Corporate Chemistry Manager) swap

²The Operations Services managers included Beecken, McArthur, Bynum, and Jack L. Wilson, then SQN Site Vice President.

positions.³ According to a March 16, 1992, agreement between the Operations Services managers and Fiser, Fiser was entitled to return to his original official station, classification, schedule and grade (PG-9) on or before the appointment ending date of March 4, 1993.⁴ McArthur coordinated the temporary transfer and Bynum approved and signed the agreement.

Management statements about this swap were as follows.

- Bynum stated that Beecken (former SQN Plant Manager) and Wilson (former SQN Site Vice President) considered Fiser a poor performer and they proposed to Bynum that Jocher and Fiser swap positions. Although Bynum was not involved in the details of the swap, he approved it. Bynum stated his main concern was that Fiser might get the wrong idea that he was performing adequately because the Corporate Chemistry Manager position was higher than the SQN position.
- According to Beecken, there were two reasons for Jocher and Fiser to swap positions: (1) to see if Jocher could fix the chemistry problems at SQN, and (2) he had not been happy with Fiser's performance at SQN and the swap would give Fiser a chance to perform under a different manager, which would assist him (Beecken) in seeing if he was judging Fiser's management abilities correctly.
- Keuter (former Vice President, Operations Services) stated that when he came to SQN during September 1991, several past assessments had shown that significant problems in SQN's Chemistry Program were not being addressed, and he was dissatisfied with Fiser as SQN Chemistry Manager. Accordingly, someone (unknown) recommended Jocher be brought to SQN to implement corrective action and put Fiser in Corporate to see if he could do better in a corporate environment rather than a site environment. According to Keuter, the swap was not a disciplinary action. Keuter also stated Fiser was not a strong manager at SQN and did not pursue problems. As a result, several individuals were against Fiser going to Corporate because it was a higher position and gave the appearance of rewarding Fiser. Keuter said he made the decision to give Fiser a chance as Corporate Chemistry Manager.

³Lydon (former SQN Operations Manager) stated Bynum and Beecken wanted him to fire Fiser because he (Fiser) was not competent. However, Lydon had only been at TVA since November 1991 and he told them he could not fire Fiser because he did not have any documented justification to take such action.

⁴Mike Pope, former Nuclear Human Resources Manager, stated Fiser's "position of record" was still SQN Chemistry Manager even though he was assigned to Corporate Chemistry. According to Pope, the swap was an "informal rotational assignment" and there was no paperwork filed to change Fiser's title.

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- McArthur stated that before Fiser and Jocher swapped positions, Jocher and the Nuclear Safety Review Board had identified problems (some long-term) in SQN's Chemistry Program. According to McArthur, Fiser was held responsible for causing the problems.

Fiser's Transfer to Program Manager Position in Corporate Chemistry

During November 1992, Fiser was moved to a Program Manager position in Corporate Chemistry. Our investigation revealed the following regarding this transfer.

- Fiser stated that before he was "demoted" during November 1992, McArthur told him that on one evaluation McArthur had rated him very high in comparison with his other direct reports. However, Keuter intervened and ordered McArthur to put Fiser in a position where he would not have a pay increase. Ben G. Easley, Employee Relations and Development Human Resource Officer, witnessed the conversation.

(Easley, McArthur, and Keuter could not remember the incident. However, Keuter stated he {Keuter} would have put Fiser "at the bottom of the list." McArthur added that Keuter was dissatisfied with Fiser only after McArthur complained about his performance.)

- According to McArthur, about three months after Fiser began serving as Corporate Chemistry Manager, McArthur prepared Fiser's service review and it was "the worst performance appraisal" he'd ever written.⁵ McArthur stated that between 3-6 months into Fiser's term, he told Keuter that Fiser was not working out. Subsequently, he demoted Fiser to a Program Manager and appointed Harvey as the Acting Corporate Chemistry Manager.⁶

(Keuter confirmed McArthur's statements. According to Keuter, Fiser was a poor performer as Corporate Chemistry Manager.)

⁵In Fiser's evaluation dated September 4, 1992, McArthur stated Fiser "has attempted to manage the Chemistry Group under the cloud of the previous manager's strong influence. This has been a difficult task. Efforts to bring this group into full cooperation have been slow and the technical leadership needs attention. This has been a difficult experience by an individual that has performed well in some other efforts (U1C5 Outage Management Team at SQN)." Further, McArthur ranked Fiser in the middle (not high or low) on all the behavior standards, including the overall evaluation.

⁶Fiser stated that even though he retained his title and pay grade, he was very upset about the "demotion." Pope (former Human Resources Manager) stated that Fiser never went through a demotion in the traditional sense where his level and pay were cut. Rather, Fiser was taken out of the "top job" and Harvey took over.

- Harvey believed Fiser was "technically inadequate" and had difficulty handling more than one issue at a time.

Decision Not to Allow Fiser to Return to SQN

In the Temporary Transfer Agreement dated March 16, 1992, Fiser, Bynum, McArthur, Wilson, and Beecken agreed that Fiser would be "entitled to return to his original official station, classification, schedule, and grade (PG-9), on or before the appointment ending date of March 4, 1993." The agreement further provided that "A decision to place [Fiser] permanently in Operations Services, Technical Programs, Chattanooga, shall be agreed upon by the above mentioned parties."

Fiser made the following statements about not being allowed to return to SQN.

- After he learned he was being demoted, he began hearing rumors that SQN management did not want him back at SQN. Subsequently, he talked to Albert V. Black, SQN Human Resource Officer (HRO), and Lagergren, Operations Manager. Black assured him no one was dissatisfied with Fiser's performance. Lagergren said he was happy with Fiser's performance. In fact, Lagergren awarded Fiser a bonus because Fiser was a successful performer.⁷
- Initially, he did not believe the rumors that Beecken and Wilson did not want him back at SQN because the three of them had informally met in the stairwell before Fiser went to Corporate. During the meeting, Beecken and Wilson "went out of their way to express their appreciation for the job" he had done at SQN. Further, they told him that the move to Corporate was a good move professionally because it would make him more promotable.

(Beecken could not remember having a specific conversation with Fiser in the stairwell. However, he stated it was possible they had talked. According to Beecken, he said "something to the effect that you {Fiser} have done a good job, but there are a lot of problems in the Chemistry Program and here is a good offer for you to go downtown--a good career move." He denied telling Fiser that his move to Corporate would make him more promotable. Rather, he told Fiser that it would be a good idea for him to go to prove himself because of the problems in the SQN Chemistry Program.)

⁷According to Fiser's performance evaluation for fiscal year 1990, Lagergren stated Fiser's management performance was "very good" and he ranked Fiser high in all the behavior standards. Further, Fiser received a lump sum program award of \$3,795 during 1990. According to Fiser's FY 1991 evaluation, for the first quarter summary Lagergren stated Fiser was "very organized and has potential to perform at a higher management level than Chemistry Superintendent. Will rotate to Outage Manager position . . . to observe leadership skills outside of his area of expertise." In the fourth quarter summary, Lagergren stated Fiser "is having difficulty operating independently outside the Chemistry area. Is not using the authority of his position as an Outage Manager effectively."

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- On November 16, 1992, McArthur told him that they (Beecken, Wilson, Keuter, and Bynum) did not want Fiser to return to SQN.
- On November 21, 1992, Fiser talked to Wilson about Fiser's return to SQN. Wilson told him that he was not aggressive enough and that the chemistry manager needed to demand that upgrades occur.
- During a December 9, 1992, meeting with Beecken, Beecken told Fiser that he (Fiser) was not coming back to SQN because Beecken wanted a perfect Institute of Nuclear Power Operations (INPO) evaluation. Further, Beecken told him that he blamed Fiser for SQN problems although Beecken acknowledged that the instrumentation problem was not in Fiser's ability to control.
- While he was at SQN, there was never a finding in an INPO evaluation against the SQN Chemistry Program. As a result, Fiser was named Outage Manager as a reward for his good work at SQN's Chemistry Program.

(However, contrary to Fiser's statements, INPO evaluations did have findings against the Chemistry Program. For example, in the 1988 INPO evaluation, there were six findings in Chemistry, and during the 1991 evaluation there was one new finding and a finding that several past findings had not received sufficient management emphasis. Further, Keuter stated that when he came to SQN during September 1991, several past assessments had shown that significant problems in SQN's Chemistry Program were not being addressed.⁸)

Beecken stated the decision not to bring Fiser back to SQN had nothing to do with Fiser raising safety issues. Rather, Fiser was a "good chemist" but not a good manager. Beecken made the following statements about Fiser.

- The longer Jocher was at SQN as Chemistry Manager, the more it became apparent that Fiser had not been doing his job as SQN's Chemistry Manager. Accordingly, he told McArthur that he did not want Fiser to return as the SQN Chemistry Manager because the underlying performance problems showed Fiser was not the "right guy" to run SQN's Chemistry Program. (McArthur confirmed Beecken told him that the site did not want Fiser to return to SQN. McArthur stated Beecken did not give a reason for Fiser not being allowed to return.)

⁸However, on Fiser's FY 1992 evaluation, McArthur said that while Fiser was at SQN there had been no chemistry related findings by INPO for SQN. "This is a record for SQN." He also wrote that during the recent INPO assist trip, no items were identified that had not already been assigned action to resolve.

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- He was concerned with Fiser's performance because although Fiser's technical ability was good, Fiser was a weak manager. One of Fiser's problems was that he had been too quiet and not aggressive.
- He told Fiser during the December 1992 meeting that he did not want him back at SQN because there were so many problems in the SQN Chemistry Program that Beecken did not see how Fiser could be effective. The decision not to allow Fiser to return to SQN was not made because he raised safety issues but rather because Fiser did not raise issues.

Bynum stated he considered Fiser to be a "very, very weak manager" and technically incompetent. Further, Bynum stated that he never intended for Fiser to return to SQN. Bynum could not remember signing the March 1992 agreement with Fiser that he could return to SQN in one year. According to Bynum, he must have made a mistake issuing the letter because he knew at the time (i.e., March 1992) that Fiser would not continue as the SQN Chemistry Manager because of his poor performance. He stated Fiser never got involved or made decisions and it was evident to him that Fiser was "not strong or decisive."

Keuter started out a few months after Fiser went to Corporate. McArthur told him that SQN management did not want Fiser back because he had not done a good job at SQN. At that time, he thought Fiser would go back to SQN at a lower level position.

FISER'S ALLEGED SAFETY CONCERNS

Fiser stated the basis for his DOL complaint was that Beecken blamed him for the problems at SQN even though he was not responsible for the underlying conditions. More specifically, Beecken allegedly blamed Fiser for SQN's training problems, the "filter change-out scenario," and the radiation monitor set points. Fiser added INPO did not have a finding against the SQN Chemistry Program while he was the manager there, and he made a "clean break" when he was named Outage Manager. (Fiser served as Outage Manager during 1991 and the early part of 1992.)⁹

Beecken acknowledged holding Fiser responsible for these three areas. (Beecken was not holding Fiser responsible for raising concerns in these three areas, but for not fixing them as the responsible manager.) Beecken stated Fiser's performance problems and the Chemistry Program's problems had not just developed in the one year that Fiser was assigned to the Outage Team. Rather, they were long-

⁹In his DOL complaint, Fiser alleged Beecken was upset because he (Fiser) "reported" these concerns. We found no evidence to support Fiser's assertion. Management consistently testified that Fiser was held responsible for not identifying and fixing the problems.

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standing. While Fiser was on the Outage Team, he was still on-site and should have been aware of what was happening in the chemistry program. (Keuter said Beecken never talked to him about Fiser's performance problems in this area.)

Each of these three areas is discussed below.

SQN Training Problems

According to Fiser, during a December 9, 1992, meeting, Beecken "hammered" him on the training issue. He (Fiser) knew the training was weak because the training facility had been changed to a storage room and they had lost almost all of the degreed instructors. Fiser acknowledged he set up mock question/answer sessions with the technicians before an INPO evaluation and he "covered up" that SQN had inadequate training resources by conducting these sessions. Jocher, who replaced Fiser at SQN, did not have the mock sessions and therefore the technicians "blew it" during the INPO evaluation. As a result, there was a finding against the technician training in the 1992 INPO evaluation report. He believed Beecken was holding this (the training problems and eventual INPO finding) against him.

Beecken acknowledged he was "real upset about training." Beecken was not aware that SQN had a chemistry lab at the training center until Jocher (who swapped positions with Fiser during March 1992) took him to see it. When Beecken saw the lab, it was "locked up with cobwebs." Even though he knew the resources for training had been cut, he believed Fiser should have been more resourceful with what was there instead of "whining that he didn't have any instructors."

Beecken also stated Fiser would "pump" up the technicians prior to an INPO evaluation. He told Fiser that the technicians should know the basics instead of being told before the test. Beecken denied ever telling Fiser he wanted a perfect INPO evaluation. Rather, he may have said something like he wanted an "improved INPO evaluation." According to Beecken, there were continuous findings against Chemistry by INPO while Fiser was the SQN Chemistry Manager. In our opinion, there would be nothing improper for Beecken to tell Fiser he wanted a perfect INPO evaluation.

Kent stated the training issues became more widely known after Jocher went to SQN. According to Kent, the training program was far from where it should have been and it was reasonable to hold Fiser and the previous management accountable. Kent added that after INPO's findings against Chemistry in 1988, Fiser and prior managers should have been more specific in finding and fixing problems.

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Filter Change-Out Scenario

According to Fiser, another reason Beecken cited for not wanting Fiser back at SQN was the "filter change-out scenario." According to Fiser, technicians are required by federal law to change a chemistry filter daily. During one of the changes, a technician realized that a valve which was supposed to remain open was closed. The technician reported the closed value and the incident eventually led to a Licensee Event Report (LER). This occurred when Fiser was on temporary loan to the Outage group and he was not in SQN Chemistry. He believed Beecken unfairly blamed him for the incident.

Beecken stated he held Fiser accountable for the technicians misaligning valves and misassembling filters. In the "filter change-out scenario" there was a problem with supervisory oversight. The root cause of the problem was the technicians were not using the correct procedures and there was supervisory acceptance of them using these incorrect procedures. Fiser did not let the technicians know what was expected or what might occur if they did not use the correct procedures. Fiser would have been held accountable even though he was not working in Chemistry at the time because of the tone that Fiser had previously set for the chemistry department.

Radiation Monitor Set Points

Fiser stated that during a December 9, 1992, meeting, Beecken told Fiser that one of the reasons he did not want Fiser back at SQN was because of the radiation monitor set points--a problem which, according to Fiser, was identified five years before he came to TVA. When he came to TVA, he repeatedly asked the technicians if the radiation monitor set points were correct, and his staff continually assured him the problem was corrected. However, while Fiser was at Corporate Chemistry, the radiation monitor set points were found to be incorrect and a LER was issued. Fiser stated that after his meeting with Beecken, Don Amos, an SQN Chemistry Technician, confirmed that Amos gave Fiser the wrong information about the radiation monitor set points.

Beecken stated he held Fiser accountable for the problems with the radiation monitor set points because Fiser was the Chemistry Manager during much of the time the monitors were "out of whack."

FISER'S RIF

Our investigation revealed that Fiser's RIF was due primarily to miscommunication and misunderstanding among managers regarding what position was being RIF'd; specifically, whether his job as a Program Manager in the Corporate Chemistry Group or as SQN Chemistry Manager was being RIF'd. (Because the evidence

does not show a motive based on retaliation and Fiser settled his DOL complaint, we are not resolving whether Fiser's RIF was procedurally valid.)

Background

During January 1993, SQN Radiation Protection and Chemistry were combined and Kent was selected as the group's manager. Kent made the following statements about the new group.

- He did not believe the old Chemistry organization provided sufficient management or technical resources. Accordingly, he began creating a new organizational structure and he decided to do away with Chemistry and Radiological Control Manager positions. He made this decision because: (1) the industry trend is to reduce levels of managers, and (2) the program would be better served by having two more technical people as opposed to managers.
- During February 1993, after receiving approval from Beecken and Fenech, he implemented an interim organization which did not have a Chemistry Manager position. Kent wrote new position descriptions and during March 1993 submitted them to the Hay committee for approval. However, Hay refused to approve the proposed position descriptions pending Corporate approval of the new organization.
- No one told him to implement an organization without a Chemistry Manager and the organization was not created and implemented to get rid of Fiser. When he implemented the new organization, he believed Fiser had a permanent position at Corporate.¹⁰

(Fenech confirmed he originally gave Kent permission to implement an organization without a Chemistry Manager and at the time Fiser was RIF'd there was "definitely not going to be a Chemistry Manager at SQN." Beecken (former SQN Plant Manager) stated he gave Kent the freedom to change the group's structure and Beecken was not fully aware of the organizational changes because he knew Kent had it under control.)

- Until the end of April 1993, Fenech and Bynum were discussing whether SQN should eliminate the plant Chemistry Manager level of management. Because Fenech was backing Kent's proposed organization, Kent continued to work under the new organizational structure. In addition, McArthur was tasked with coordinating a standardized organizational structure. At the end of April,

¹⁰Keuter stated he never agreed with Kent's plan to eliminate the Chemistry Manager position at SQN. According to Keuter, Kent implemented the organization without a Chemistry Manager because Fenech agreed with him.

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Bynum approved the standardized organization and it was implemented at SQN. McArthur's organization contained Chemistry and Radiological Control managers.

- Once it became apparent that SQN would have a Chemistry Manager position he decided to change the position. (The position changed from a PG-9 to a PG-10.) He added more stringent experience and educational requirements and increased the accountability and technical knowledge/skills.¹¹ However, the new position lacked some of the responsibility of the old position because the environmental program was removed from under Chemistry. (Black, SQN HRO, stated the Chemistry Manager position was not changed to get rid of Fiser. Rather, there was a general consensus that the position needed to be more accountable.)

Bynum stated he blessed the initial decision to combine radiological control and chemistry together under one manager. However, he said "absolutely not" to Kent's plan of eliminating the Chemistry Manager position. Bynum told Beecken and Fenech that he would not agree to eliminate the Chemistry Manager position because Kent did not know anything about chemistry and the Chemistry Program had extensive problems which needed attention. According to Bynum, "no organization without a chemistry manager had been implemented at SQN." After he disagreed with Kent's plan, there were no discussions about implementing an organization without a Chemistry Manager. During April 1993, he announced there would be a chemistry manager at SQN.

The RIF

Our investigation revealed that there was miscommunication and misunderstanding among managers concerning Fiser's RIF; specifically, whether Fiser was being RIF'd for a Corporate Program Manager position or from the SQN Chemistry Manager position. The basis for our conclusions is outlined below.

On April 2, 1993, Fiser was notified that his position as Manager, Chemistry, PG-9, SQN, was being surplusd. The letter was signed by Bynum and gave Fiser the option of resigning or entering the ETP for six months. On August 13, 1993, he was advised that his position of Manager, Chemistry, PG-9, SQN, was being eliminated in a reorganization and he was being RIF'd. It was the only position in the competitive level and area.¹² The letter was signed by Ronald M. Eytchison.

¹¹According to the position descriptions, the PG-9 position (Fiser's old job) reported directly to the Plant Manager and required 5 years' experience in Chemistry. The new PG-10 position reported directly to the Radiology and Chemical Control Manager and required 8 years' experience in Chemistry. (However, the former position, in fact, reported to the Operations Manager.)

¹²According to Fiser's personal history record, Fiser's position at SQN was Chemistry and Environmental Manager.

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Fiser stated that on April 2, 1993, Jocher, his immediate supervisor, gave him a letter from Bynum stating that he was being placed in the ETP because his position as SQN Chemistry Manager was determined to be surplus. In his DOL complaint, Fiser stated Jocher and McArthur were very dismayed about the decision to place him in ETP and expressed their disagreements publicly. Fiser stated that TVA management "lied" about his position being abolished. "If that position was abolished it was done so in name only and as a pretext to get rid of me." Fiser stated the upgraded SQN Chemistry Manager position was "for all practical purposes" the same as his old job. He further stated he never had a discussion with Keuter, Bynum, or Beecken about his performance prior to his RIF. McArthur told him that he (McArthur) felt like Beecken was giving Keuter and Bynum a bad picture of Fiser.

Jocher stated that during January 1993 Beecken told him (Jocher) that he (Beecken) did not have a place for Fiser and did not want Fiser back at SQN. According to Jocher, around March 10, 1993, McArthur and Easley told Jocher that Fiser was going to be terminated. (Easley recalled having a discussion with Jocher about what would happen to Fiser, but he does not specifically remember telling Jocher that Fiser was going to be let go.) Jocher never told Fiser that his job was in jeopardy. However, he told McArthur that it was unfair and that he (Jocher) had an open position that Fiser could fill.

McArthur stated Bynum told him to put Fiser in ETP and McArthur did not have the "foggiest idea" of why Bynum wanted Fiser put in ETP. McArthur made the following additional statements.

- Around March 1993, Bynum told McArthur to put Fiser in the ETP but did not indicate which position Fiser was to be RIF'd from. He assumed Bynum meant from the SQN Chemistry Manager position because Fiser was on loan from that position. However, Bynum did not make it clear.
- The actual organization in SQN Chemistry was "up in the air" when Fiser was RIF'd. It did not seem logical to RIF Fiser because there was potentially a slot open if Don Adams decided to go to SQN. He told Bynum that Fiser could fill Adams' position but Bynum said to put Fiser in ETP. (Adams officially began reporting to SQN on May 31, 1993.)¹³
- He assumed Easley handled the RIF but he could not remember any specific details.

¹³E. S. Chandrasekaran, Program Manager, Corporate Chemistry, also stated there was an open Program Manager's position after Adams went to SQN.

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Easley stated Fiser was surplused because his position at SQN was revised and was not the same position he previously held. Easley stated he dealt with McArthur on surplusing Fiser. According to Easley, Beecken and Fenech did not want Fiser to return to SQN and wanted Corporate Chemistry to find a position for him. Since Fiser was being surplused from an SQN position, Easley told SQN's HRO to surplus Fiser. However, Pope (Easley's supervisor) told Easley to do it. Easley stated he told Pope that they (Corporate HR) should not be doing this (handling the surplus of an SQN position). Pope stated Fiser was RIF'd because his position was going away due to a reorganization. He made the following statements.

- He and McArthur discussed what would happen to Fiser and the options ranged from terminating him for poor performance to surplusing his position. He told McArthur that since the scope of work for the SQN Chemistry Manager was increased and the position was upgraded to a PG-10 and the old position no longer existed, surplusing Fiser was a viable option.
- He and McArthur jointly decided to handle the RIF from the central Human Resources Office even though the position being RIF'd was the SQN Chemistry Manager position. According to Pope, McArthur has corporate oversight and support of the plant's chemical and radiological control programs. In turn, the central Human Resource Office, managed by Pope, services McArthur's Corporate organization.
- He did not see a problem with McArthur's authority in carrying out the RIF since Kent was new to the position and not as familiar with Fiser. McArthur had the experience even if he was not Fiser's supervisor of record and therefore it was more logical for McArthur to take the action.
- He never spoke with Kent about the RIF but he did inform SQN HR about Fiser's impending RIF. (Black, SQN HRO, stated he was not involved in Fiser's RIF because Easley told him that Corporate HR was handling it. According to Black, it was unusual for Corporate to handle the RIF of an SQN position. However, he believed Corporate handled it because they felt responsible for Fiser being downtown without a position.)
- He would never have agreed to RIF Fiser if he believed the position was being surplused in order to get rid of Fiser.

Bynum stated it was clear to him that Keuter and McArthur wanted to get rid of Fiser. According to Bynum, he could not have told McArthur to RIF Fiser from an SQN position because McArthur only has the authority to RIF Corporate positions. Bynum stated he believed Fiser was RIF'd from a Corporate position. He made the following additional statements.

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- He confirmed he signed the letter to Fiser which indicated Fiser's position as the SQN Chemistry Manager was being surplusd. However, he stated he signed all such letters from the sites and did not notice that the SQN Chemistry Manager position was being surplusd.
- Initially, Bynum stated it was Keuter's decision to RIF Fiser and he (Bynum) did not know how McArthur could say that Bynum ordered McArthur to RIF Fiser. However, Bynum later stated he believed that he and Keuter discussed who Keuter would be keeping in the Corporate Program Manager positions. At the time, Bynum believed that Fiser occupied one of the Program Manager positions, and when Keuter did not mention Fiser's name as being one of the Program Managers they were keeping, Bynum assumed that they were RIF'ing Fiser's Program Manager position.

(Keuter stated Fiser's name was not mentioned during discussions with Bynum about the downsizing because Keuter was not aware Fiser was still at Corporate. According to Keuter, he "probably didn't mention Fiser because [Keuter] thought he [Fiser] was going to be at Sequoyah." Keuter stated Bynum could have assumed Fiser's position was being RIF'd because Keuter did not mention Fiser by name.)

- In a subsequent discussion with McArthur, Bynum told McArthur that Fiser was going to be RIF'd. He based this statement on his previous discussion with Keuter in which he assumed that Fiser was being RIF'd from a Program Manager position--not the Chemistry Manager position. Since McArthur was not involved in the downsizing and had no knowledge of the potential RIF's, it is understandable that McArthur believed that Bynum made the decision to RIF Fiser.
- Bynum "was never consciously aware that they were RIFing Fiser out of the SQN Chemistry Manager job." He would not have taken the stand that SQN needed a site Chemistry Manager if he had known Fiser had been RIF'd from the site Chemistry Manager position because "you can't fill a position that you've RIF'd. He "would not have knowingly RIF'd the SQN Chemistry Manager position because [he] was arguing with Charles Kent to fill it." He knew that positions are RIF'd and not people.¹⁴

¹⁴Brock stated that according to federal guidelines, management is permitted to determine which positions are no longer needed and they must then identify those positions and the type of work no longer needed. Management cannot RIF an individual because they do not like him or because he is a bad performer but rather the job has to go away. Brock also stated that he did not believe a position should be surplusd from a temporary organization which did not have final approval.

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- Further, Human Resources should not have allowed the RIF to happen since McArthur did not have the authority. He does not remember McArthur telling him that Fiser could fill Adams' Program Manager position. It is possible that McArthur mentioned Adams' position. However, he would not have considered it because it would have meant keeping a position when they were trying to downsize.
- The decision to RIF Fiser was based on downsizing the corporate organization and not with Fiser raising safety concerns.

Keuter stated he was not involved in Fiser's RIF because he was no longer in Nuclear Operations.¹⁵ In fact, Keuter did not know Fiser was being RIF'd until after it had occurred. Keuter stated he was not aware that Fiser was still in Corporate when Jocher returned as Corporate Chemistry Manager during March 1993. Although he knew SQN management did not want Fiser to return to SQN, he believed Fiser would return to SQN in a lower level position. Keuter stated McArthur handled Fiser's RIF and he never spoke with McArthur about what to do with Fiser. According to Keuter, McArthur was asked to do SQN's "dirty work" by RIFing Fiser and it was an example of McArthur being overaccommodating. He stated Fiser was RIF'd rather than being terminated because the RIF was "convenient."

Harvey stated that after Jocher returned as the Corporate Chemistry Manager, Harvey, Jocher, and McArthur discussed the ETP for Fiser because they all agreed that Fiser had been promoted above his ability but was not a candidate for termination.

Beecken (former SQN Plant Manager) stated he believed Fiser was RIF'd from a Corporate position, not from the SQN Chemistry Manager position. McArthur may have told him Fiser was being RIF'd but it "didn't even dawn on [him] that it was from the SQN Chemistry Manager position." He did not realize that SQN's Chemistry Manager position had officially gone away. He originally told McArthur he did not want Fiser at SQN. Once the decision was made that Fiser would not be returning to SQN, Fiser was a Corporate person and Beecken did not worry about what had happened to him. He talked to Bynum about Fiser's performance problems and probably told Bynum (and Keuter) he did not want Fiser back at SQN. However, Beecken denied he told Bynum they needed to do away with Fiser.

Kent stated he did not know who decided to RIF Fiser and he (Kent) was not contacted or advised about the decision. He made the following additional statements.

¹⁵During early April 1993, Keuter was assigned to head Nuclear Readiness.

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- The Chemistry organizational structure was "in limbo" for several weeks. However, Kent felt confident that it would be implemented because the site was holding firm that it would be set up his way.
- Under Kent's new organizational structure, Kent felt that the Chemistry Technical Support Manager would be the key position in the Chemistry Program. Prior to Fiser's RIF, Kent asked Fiser about taking the Technical Support Manager position. However, Fiser told Kent that he (Fiser) did not want the job because it would be a lower level position. (Black stated Kent said he had talked to Fiser about the position and Fiser was not interested.)
- When he asked Fiser about the Technical Support Manager position, Fiser was aware that the Chemistry Manager position was being eliminated. However, Fiser believed he was going to stay in Corporate. About this same time, he and Black were working to get Fiser under the Corporate headcount.
- He had no knowledge of Beecken or Fenech being involved in the decision to RIF Fiser. ..
- Fiser's position was the only Chemistry position eliminated when the new organization was implemented. Kent was the Radiological Control Manager before he became the combined group's new manager so there was no one to RIF from his former position.
- Fiser was not RIF'd for reporting safety concerns. Rather, Kent believed Fiser was RIF'd because Fiser was not the right person for the Chemistry Program which had numerous problems. (Kent's statement supports a conclusion that Fiser's RIF was improper. However, Kent was not actually involved in the RIF decision, and there is insufficient evidence to support Kent's statement.)

THE SQN CHEMISTRY MANAGER POSITION

Our investigation revealed Kent discussed the SQN Chemistry Manager position with Fiser while he was in the ETP. However, Kent subsequently told Fiser management felt he could not perform adequately in that position. (Fiser did not apply on the posted vacancy.) The evidence shows management's concerns about Fiser were based on his past performance, not on his raising safety concerns. The bases for our conclusions are outlined below.

Fiser's Statements

Fiser made the following statements about the SQN Chemistry Manager's position.

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- On May 10, 1993, Kent told Fiser that the new organization had been standardized and the organization contained a Chemistry Manager position. Fiser told Kent that management may not want him back because Beecken did not consider him aggressive enough. Kent told him that he had never heard Beecken say that about Fiser.
- On July 3, 1993, Kent asked Fiser if he was willing to come to SQN to meet with the new plant manager, Ken Powers. (On June 28, 1993, Powers replaced Beecken as SQN's Plant Manager.)
- On July 6, 1993, he met with Kent and Powers. At the end of the meeting, Powers said he had no objections to hiring Fiser. Kent then offered Fiser the PG-10 Chemistry Manager position with a salary of \$81,000.
- He told Kent to deal with the ETP managers, Ron Brock and Jim Manis. Kent contacted them and arranged for Fiser to report to SQN on July 8. Kent told him to lay low so he (Kent) could work out the details of the offer. Kent said he was going to ask McArthur to "talk to the right people" to make sure the coast was clear.
- On the evening of July 6, Kent told him that Fenech had approved of hiring Fiser and McArthur seemed supportive, and the plan was still for Fiser to report on July 8, 1993. However, Kent added that if Kingsley had a target on Fiser's back, he (Kent) would have to rethink the whole thing.
- He tried to call Kent on July 7 to see if the coast was clear and never received a reply. Accordingly, he did not report to work on July 8.
- On July 9, Kent told him that the offer was not going to work out. Fiser told him that McArthur had talked to some people and as a result Kent and Fenech decided it was not in Fiser's best interest to take the position because he was "doomed from the start."
- On July 14, McArthur told him that he had talked to Keuter and Bynum about Kent's plan to hire Fiser, and Bynum had approached Fenech about the offer.
- On July 16, Brock contacted Black because he had not heard anything official withdrawing the offer. Black told Brock on a speakerphone that it (Fiser's offer) was "blocked at the highest level." Fiser and Manis heard his response.

Brock confirmed Kent told him Fiser's proposed job title, salary quote, and the grade level of the position. Further, Kent stated the job they were offering Fiser was his old job. Since Brock knew Kent was not authorized to make an official offer, he called Black (SQN HRO). Black was unaware of Kent's intentions of hiring Fiser. Later, Black told him that they would not be able to hire Fiser. He

went on to say it had been "squelched." When Brock asked who had stopped the offer, Black said something to the effect that the offer was stopped "at a higher level than Charlie (Kent)." Brock confirmed that this conversation took place on a speakerphone with Fiser present. Although Brock could not "swear to his exact words," Black said "somebody higher than Charlie" had gotten involved and the offer was withdrawn. According to Brock, Fiser never had an "official" offer, but rather, had an offer from a supervisor who did not have the authority to make offers.

Manis stated Brock told him that he (Brock) did not feel comfortable with the offer because it came from a manager instead of through the Human Resource Office. Since Manis agreed, he told Brock to call Black to "check out" the particulars of the offer. He was present when Brock initially called Black and Manis heard Black say on the speakerphone that he would look into the offer. According to Manis, this was the only time he was present when the offer was discussed with Black. Manis denied he heard Black say that the attempt to hire Fiser was blocked at the highest level.

Black denied he said that hiring Fiser was "blocked at the highest level." Rather, he stated he may have said something to the effect that "this thing is bigger than me." According to Black, he did not mean to imply that Fiser's hiring was blocked and he believed his comment was misunderstood.

Kent's Statements

Kent acknowledged he talked to Fiser about the new Chemistry Manager position. However, he denied he offered the position to Fiser. Kent stated he had no personal knowledge of Fiser's performance but he knew Beecken did not consider Fiser to be a strong manager. He made the following statements.

- During July 1993, he was receiving "significant" pressure from his management to fill the Chemistry Manager position. He had tried to find someone for the Chemistry Manager position and did not feel comfortable with his choices. He talked to his staff about the possibility of rehiring Fiser and his staff seemed supportive of it. He added that Fiser was not considered until July because Beecken had such a low opinion of Fiser, and Powers, the new SQN Plant Manager, did not take over until July 3.
- On July 6, 1993, Kent met with Fiser in Kent's office. This was not a formal interview because the job had not been posted. Kent denied Powers was in the meeting. However, during the meeting, Powers walked by Kent's office and Kent introduced him to Fiser. They talked about 5 to 10 minutes. Fiser told Kent that hiring Fiser could be a liability and suggested that Kent "test it out with Corporate." Fiser did not want to do anything that would harm the SQN program. (In an outline of events surrounding the reorganization, Kent

stated that during the meeting Fiser stated that he was concerned that his reputation or relations with Corporate management would inhibit the success of the program.)

- After Fiser left, Kent talked to Powers about Fiser. Powers told Kent that he would support any decision Kent made regarding filling the Chemistry Manager position. Powers did not tell him not to hire Fiser.

(Powers confirmed he talked to Fiser for 5-10 minutes. Powers said it was not an interview, but rather Kent pulled him over to say hello. However, he denied telling Kent to hire Fiser as SQN's Chemistry Manager. Rather, he delegated the responsibility of selecting the new Chemistry Manager to Kent. He had no knowledge of Fiser receiving any formal offer, salary quote, or report date. No one told him not to hire Fiser.)

- Kent then talked with Fiser about the possibility of Fiser coming out to help Kent on loan from ETP. He wanted Fiser to come to SQN immediately while he (Kent) went about seeing if he could hire Fiser as the Chemistry Manager. He asked Fiser that if they could work it out that he could come to SQN either on loan or permanent, when could he come to work? Fiser told him the next Thursday (July 8).
- He denied telling Fiser that he was going to hire him. He originally interviewed Fiser to find out if he had a negative attitude toward TVA or SQN. He denied he quoted Fiser a salary. It was not accurate to say that Fiser had an offer and/or report date.
- Since Fiser voiced a concern about his own hiring, Kent talked to McArthur who told him that he would support Kent's consideration of hiring Fiser. However, McArthur was going to check around to see if there was a problem in rehiring Fiser. He would not have checked with Corporate about hiring Fiser if Fiser had not raised a concern that hiring him was a liability.

(Fenech stated he told Kent to check with McArthur about rehiring Fiser. According to Fenech, it was Fiser's decision who to hire and if Kent had really pushed Fenech he would have approved Fiser's hiring. No one ordered him to keep Fiser from coming back to SQN.)

- On July 7, 1993, McArthur told him that although Fiser was considered pretty good technically, management (names unknown) did not believe Fiser had the managerial ability for the Chemistry Manager position.
- On July 8, 1993, he told Fiser that McArthur checked around and the word was that management did not have much confidence in his ability.

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McArthur confirmed Kent told him he wanted to rehire Fiser. According to McArthur, he told Kent he would support the hiring but Kent needed to check with "everyone." McArthur stated he only talked to Kent and Fenech about rehiring Fiser. He told Fenech that Fiser was not a good performer and Fenech needed to evaluate if SQN management wanted Fiser as its lead Chemistry person. He did not tell Keuter or Bynum of the attempt to rehire Fiser. However, he told Keuter after it was determined Fiser would not be returning to SQN.

Bynum and Keuter stated McArthur talked to them about Kent trying to rehire Fiser. Bynum, who was no longer in NP at that time, stated he told McArthur he could not believe Kent would select Fiser because of the problems in the Chemistry program, but he did not tell McArthur not to hire Fiser. Keuter stated he may have told Fenech or Kent that based on Keuter's observations of Fiser's performance, it would be a problem rehiring Fiser.

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RECOMMENDATIONS

Based on our investigative findings, no recommendations are warranted.

REMARKS

Our investigation of this matter is closed.

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EXHIBIT 17

**REPORT OF INTERVIEW
OF
GARY L. FISER**

Gary L. FISER, former site chemistry manager at the Sequoyah Nuclear Plant, Soddy Daisy, TN 37379, and now in the Chemistry and Environmental Program at the Tennessee Valley Authority (TVA) Corporate Headquarters in Chattanooga, TN, was interviewed by U.S. Nuclear Regulatory Commission, Office of Investigations, Senior Investigators James Y. Vorse and Larry L. Robinson in Chattanooga on February 1, 1995. FISER provided the following information in substance:

FISER reported to TVA in 1987 and 6 months after he arrived, he was promoted to chemistry manager at the Sequoyah Nuclear Plant. In November 1992, he voluntarily transferred to TVA Corporate Chemistry and was later placed in the Employee Transition Program as a result of downsizing. FISER filed a Department of Labor discrimination complaint and later settled with TVA. FISER provided an 85-page document entitled "Sequence of Events." FISER stated that it is a compilation of notes, memory, and surreptitious tape recordings he took. The recordings were done with a hand-held recorder which he had in his pocket. According to FISER, he provided the TVA Office of the Inspector General copies of his tapes for their investigation of his complaints. FISER related that the document provides all of the details of his complaints.

This interview report was prepared on February 6, 1995.

James Y. Vorse, Sr. Investigator
Office of Investigations
Field Office, Region II

SEQUENCE OF EVENTS**April 15 to 26, 1991:****INPO ASSESSMENT OF SEQUOYAH CHEMISTRY PROGRAM**

After an intensive, two week evaluation by Chemistry experts from the Institute of Nuclear power Operations in Atlanta, it was determined that the Sequoyah Chemistry and Environmental program was being effectively implemented. There were no "Concerns or Findings".

Note: Not only were there no findings this time, but there were no findings in the 1989 INPO site chemistry assessment. This was and still is the record for Sequoyah!

April 29, 1991

My direct supervisor, Mr. Bill Lagergren, in a private meeting with me, asked if I would like to be temporarily reassigned to the Outage Management group for the Unit 1 Cycle 5 (U1C5) outage. He told me that he felt this was a good way for me to really show what I could do outside the Chemistry area. He said that if I did well, that it would open the door for me to advance into other jobs with the company. He warned me however, that if I decided to take the assignment and then performed poorly, that it would result in my being placed back in my job in Chemistry, and that I would rot there.

I decided at that very time, on the spot, to accept the assignment.

Mr. Lagergren then asked me to come up with a plan to cover the position of Chemistry Superintendent while I was in the Outage Management job. I presented him with a plan which consisted of Mr. Rob Richie and Mr. Scott Watson alternating in the position during my absence.

Therefore, from about May 1, 1991 through the end of the U1C5 outage I was not in charge of the Chemistry and Environmental organization at Sequoyah.

NOVEMBER, 1991**WILSON McARTHUR'S PHONE CALL REGARDING CHEMISTRY BEING "OUT OF CONTROL"**

During the outage, on an evening shift, I was beeped by Wilson McArthur's secretary, Pat Blevins. She wanted me to call Wilson as soon as possible. Upon calling Wilson, I found that he was very disturbed by a comment that Mr. Bill Jocher had made to a member of the NSRB. He told me that Bill had told the NSRB that he felt that the Chemistry group at Sequoyah was out of control. I asked what examples Bill had cited as a basis for the statement, and Wilson proceeded to give me some examples.

I told Wilson that in almost every case Bill was not bringing up anything that had not already been identified. As a matter of fact, I told Mr. McArthur that the list of areas that we (Rob Richie, Scott Watson, Don Adams and I) had developed was much longer and more extensive than the one that Bill had developed.

I went on to tell Mr. McArthur that the fact that there was a list of items to be addressed, even though it was a long list, was no indication that the program was out of control. On the contrary, I pointed out that if there had been no list at all, or had the list not been properly prioritized, then we could be in for some justifiable criticism.

I then offered to provide a list of the corrections we had already implemented, and then we could prove that we had indeed properly prioritized the items. Mr. Wilson then said that would not be necessary, that if we were that screwed up, that INPO would not have given us a good report the last two visits.

DECEMBER, 1991

MR. LAGERGREN'S DISCUSSION WITH ME AFTER THE COMPLETION OF U1C5

At the conclusion of the outage, Mr. Lagergren met with me and told me that I needed to get back to chemistry immediately. He said that Bill Jocher had been stirring up a lot of trouble for the entire Chemistry organization, and that I needed to start straightening it out right away.

At that time Mr. Lagergren suggested that I initiate a request for an INPO assistance visit in order to prove once and for all if there was no merit to Mr. Jocher's claims.

JANUARY, 1992 MEETING WITH ROB RICHIE

Rob Richie, had a discussion with me and provided the following information. He said that the problems between Jocher and the Sequoyah chemistry group started because he had offended Jocher. He stated further that the way that he offended him was because he was very busy, and stopped returning Bill's phone calls. This gave Bill the impression that Sequoyah was snubbing him and was going to operate independent of Corporate Chemistry.

After the "sparks settled", the two of them met in an effort to develop a list of areas for improvement. Once Bill saw the length and thoroughness of the list that Sequoyah already had, he told Rob that he wished he had never brought this matter up, and that he had simply worked together with Sequoyah to resolve all the issues.

I told Rob that he needed to learn that he cannot shut down communications without paying a high price. I further told him that his, and Scott Watson's decision to cut off communications with Corporate Chemistry had presented me with a monumental task to resolve.

TIM MARTIN AND ASSOCIATES REPORT PRESENTED TO TVA

The Tim Martin and Associates report indicated that the Chemistry section at Sequoyah was operating very efficiently. The report stated that for the amount of work that the Chemistry group at Sequoyah was accomplishing, when compared to other nuclear plants in their data base, we were getting the job done with 12 fewer people.

FEBRUARY 24-28, 1992: INPO ASSIST VISIT FOR SEQUOYAH CHEMISTRY

The following items were brought to the attention of Management by the INPO evaluators:

> Material deficiencies:

40 work requests submitted on chemistry related equipment, some dating back to 1990. Corrosion on bottom of tanks. Numerous hoses running across floors, presenting trip hazards. Numerous leaks in acid and caustic diluter valves, as well as other valves throughout various plant systems. Some hoses were spraying water into the air. The make-up water treatment plant was specifically pointed out as having numerous deficiencies.

> Chemical Traffic Control:

Several chemicals were noted in the CONDI building that were not properly labeled. Chemistry was complemented on the procedure that had recently been developed and implemented, and given an action item to add a section to the Managers Walk down procedure to inspect areas for CTC related problems.

> On Line Monitors:

On line monitors are in sad shape. 30 to 40% scatter in some standard data. 35% of the on line monitors were inoperable, indicating they are not getting the attention needed to keep them running. Too much reliance on manpower intensive grab samples. Most chemistry groups are using on line monitors and using the laboratory personnel as a quality control check. Virtually all instrumentation associated with the water treatment plant was not operational.

> Need to perform a metal transport study on unit 1 and 2. This had been an identified on the chemistry list for some time, and work was well underway when the INPO assist visit took place.

>PWST dissolved oxygen was high. This too has been identified as needing repairs for years, yet was delayed due to budget constraints.

> Need to trend the analytical instrument indications, not just the final value. This work too was already in progress.

> Emergency Cooling Water Chlorination System is frequently out of service. This system has a litany of work requests written and outstanding against it.

> The inspector was appalled at the paperwork (1/2 inch thick) associated with a turbine building sump sample. He mentioned that such a request at other sites was only a page or two in length.

It should be noted that the INPO evaluator sent to perform this assistance visit, Mr. Bill Burke, was the most experienced evaluator working for INPO. He had over 10 years experience evaluating chemistry programs all over the United States and Canada.

I asked Mr. Burke specifically if there was anything that we as a chemistry organization could do to significantly improve our standing. He responded that as far as he could tell, we were doing everything we could given the state of equipment and support that we had to work with at Sequoyah. He further stated that until Sequoyah management was willing to invest the dollars to upgrade the equipment, that not improvement was expected.

MARCH 3, 1992: MR. PAT LYDON ARRANGED ROTATION BETWEEN BILL JOCHER AND ME

On or about March 2, 1992, I informed Mr. Pat Lydon that Bill Jocher had contacted NRC and questioned them regarding their views regarding certain issues regarding the readiness of the Post Accident Sampling System at Sequoyah. Pat was very upset that Bill had gone over everybody's head and contacted NRC. Then he made the statement, "I don't see how you are going to survive with Bill running around making accusations at every turn", (paraphrased).

I told Pat that he should inform the Plant Manager, Mr. Rob Beecken, since Rob may be quizzed by the NRC site inspector regarding this issue.

The Next day, just after the morning Plan of the Day meeting, Pat asked me if I would consider rotating into Jocher's position down town. He said that I had done a good job, and he felt it would be a good opportunity for me.

I told Pat that I had not thought about it, but it would be a good opportunity for me.

Pat told me that he would call Mr. Dan Keuter and work out the details, and get back to me as soon as soon as he knew something.

Later that same day, Pat told me that everything was approved by Keuter, and that Bill Jocher and I were to get together and work out the transition.

MARCH 5, 1992, MEETING WITH MR. JACK WILSON AND MR. ROB BEECKEN

As I was descending the stairs in the Sequoyah plant office building, I met Jack wilson, the Sequoyah Site Vice President, and Mr. Rob Beecken, the Sequoyah Plant Manager. Rob started kidding me about taking an easy job downtown. I told him that I was looking forward to it, but that I wanted to make sure that they supported the move, and I asked specifically if they were upset with me in any way. They both responded with enthusiastic support for the change. Rob went on to tell me that I had done an excellent job at Sequoyah and during the outage, and that therefore I deserved the chance to broaden my horizons. I thanked them for their support and went to my office to begin packing.

MARCH 5, 1992

Bill Jocher and I met to discuss the turnover, and he let me know that he was not pleased with the swap. He said he had no input into the decision, and was concerned that Mr. Beecken was getting him out to the plant site in order to exercise more supervisory control over him.

JOE BYNUM LETTER: ATTACHMENT 5

MARCH 6, 1992 MEETING WITH WILSON McARTHUR

Wilson McArthur arranged to meet with me at Sequoyah, on the morning of March 6. Wilson wanted to lay out some areas where he wanted us to maintain a lot of chemistry oversight and emphasis. They were as follows: corrosion control, hydrogen water chemistry at Browns Ferry, maintaining a corporate chemistry presence at the Ferry, I was to get to know Mr. John Sabados, I was to get a list of outstanding items from Bill Jocher, complete the corporate chemistry business plan, set up daily communications with the sites, make sure the chemistry managers meetings were conducted quarterly, and to work closely with the RadCon manager, Dr. Glenn Hudson.

Wilson went on to tell me that Mr. David Goetcheus had been very outspoken in his opposition to me coming downtown. I asked him why and all he would say was that Mr. Goetcheus was not one of my friends. I expressed my concern, in that Goetcheus was so closely tied to Keuter, but Wilson seemed to think that we could overcome any "bad press" by keeping the communication lines open with both these gentlemen.

I told Dr. McArthur during this meeting that if he ever became dissatisfied with my performance, that all he needed to do was whisper the following to me, "Gary, things just aren't working out". I told him that if he would simply do that, I would quietly go out and find another job.

Wilson McArthur told me that Mr. Jocher had a meeting with Mr. Keuter. Wilson told me that Jocher told Keuter that "Fiser is not my cup of tea". He further said that when Dan pressed him on the subject, that Bill could provide no specifics.

MARCH 11, 1992 PHONE CALL FROM BILL JOCHER

After conducting some routine business, Mr. Jocher said that he wanted to clear the air about an issue, and said that he was not trying to stab me in the back the preceding week, by expressing his opposition to management about me coming down town. I told him that I had heard that he had paraded Dr. E.S. Chandrasekaran around from office to office in an attempt to have him installed as the Corporate Chemistry Manager instead of me, and that concerned me. I also mentioned the fact that he had offered to establish Mrs. Martha Rollins as well.

Bill then told me that the only problem he had with me taking over for him was that I did not have any BWR (boiling water plant) experience.

AUGUST 1992 APPRAISAL: ATTACHMENT 6

OCTOBER 28, 1992 (APPROXIMATE DATE)

INPO representatives met with members of the TVA Board of Directors and Mr. Oliver Kingsley. The purpose of the meeting was to inform the Board of all the "findings" (that is to say problem areas) during the recently completed Sequoyah site INPO evaluation. One of the points INPO made was that chemistry resources were limited at Sequoyah. Mr. Waters, Chairman of the Board of Directors, turned to Mr. Kingsley and reminded him of a letter that Mr. Kingsley had sent to him in which Waters was told that there were problems in training, resources, and equipment, and that resources had been committed to resolve these problems. Mr. Kingsley then looked at Mr. Waters and said, "Will, I guess I'm in trouble."

Mr. Kingsley then affirmed that chemistry would be fixed, and Mr. Waters said, "Yes it will."

NOVEMBER 16, 1992

McARTHUR: How much, from your standpoint, with everything that has been going on, do you think it has impacted your ability to do things at work, in your own mind? I know in my mind when I worry about my mother, and I haven't even gone to see her. The guys, your guys, other than

Adam's who never really talks to me, Chandra and Sam, although Chandra, what he was asking for today, he says "Wilson, what do I need to do in this organization to be recognized if some day later there is a RadCon/Chemistry position at one of the sites that I could qualify for that position?"

I told him that I do not know a lot about your radcon background, I know your chemistry background. It is something definitely we can talk about. He was looking for some advice on how to get ahead.

The guys feel that you are not communicating with them.

FISER: O.K.

McARTHUR: And, in the same vein, I was out talking to Rob Beecken, and I said Rob we've got this transition coming back here very shortly, maybe 3 months from now, maybe 6 months from now, we don't know, but at some point in time. And he just made it very clear that you were not going back to Sequoyah.

FISER: Really!

McARTHUR: He made it clear to me. In fact he said that he will not be coming back into chemistry. Then he said, "Well I guess I could put him back in outage management", then he said, "No, I don't want to have him back here".

I'm just, I'm probably violating his confidence, I'm just telling you, I believe in shooting straight, and I get criticized for doing this.

FISER: Well, O.K. so Rob has made that kind of a statement.

McARTHUR: Yeah, he made it very clear to me, and that means that we've got to figure out what to do with you when Jocher comes back here.

FISER: Well what do you...

McARTHUR: I can't tell you why. He did not elaborate, he did not get into a discussion. I really believe, I'll give you my frank opinion based on nothing.

FISER: Yeah.

McARTHUR: O.K. Just a gut feeling, that the problems in the chemistry program are being blamed on Gary Fiser. That's my gut feeling. Boy, if you asked me to prove it, I'd have no basis for it.

FISER: Well, you see that's sort of where I feel we are with Keuter, but I ...

McARTHUR: I talked to Joe about it, and I tell you the feeling is just pretty well bound as far as Keuter and Joe is concerned, and I said well, you know, we made a commitment to return this guy to the site. And I was first of all told, "Wilson, you can't even talk about this to him."

And, I said hay, I'm not going to play the game like that. So finally Joe gave in and said, well...I asked his permission this morning, I said, "This guy has to understand where he stands."

FISER: Yeah.

McARTHUR: But not shoot somebody...and I had to battle to even do that. I expect that the time would have come and somebody would have said, will you are not going back to the site, and I just don't feel that way. I wish I could tell you, you are going back to the site. I have no basis to say you should not go back to the site.

I know that from a corporate standpoint, the vote is not very strong. So I'm having to look at that very strong and say now how do we handle that.

FISER: Always I have told you that if ...

McARTHUR: By the way, I really hate having this discussion after what you have been through. I don't want 1992 to be even worse than it is. I hope you understand that I'm the guy that is honest and open, and I'll tell you directly how things are.

FISER: First of all, I guess I really have a problem with the fact that anybody would even think that the chemistry problems were my problems, because you know what INPO has said and you know what NUS has said. In addition to that, come April I would have been out of chemistry for two years, at Sequoyah. So how in the world can they...

McARTHUR: I'm not even saying that's real, I don't even know everything between ...

FISER: It just sounds to me like...

McARTHUR: You see, Bill Logergren has never, I, I even talked to him, and he said (a107)"Hey, I think the guy"...He said the same thing you did, "We didn't have any INPO findings, and things looked pretty good, and I have no complaints".

FISER: Right!

McARTHUR: It may be that he is being impacted by others.

FISER: The only thing I can figure out is, you know, I don't know what Jocher has been telling Beecken, I don't know what Jocher has been telling Lydon.

McARTHUR: Jocher is not your friend.

FISER: I know that!

McARTHUR: O.K.

FISER: I feel like what I need to do is get my resume' up to date and get on out of here. I really don't feel that there is any option.

McARTHUR: One thing I will do, if that is what you decide to do after we finish our discussion, I would support you. I would tell others...I don't have any basis to tell others that you are the one that messed up chemistry. I think what happened to chemistry, my own opinion is that money wasn't available, and a lot of things didn't happen, and you survived.

FISER: Right. Well that's it, and I got by and we did well, but then you see we had Jocher. When I pulled out of chemistry, and Jocher had a real riff with Rob and Scott, and started elevating all this. And since then he has made statements like, even with the NSRB just the other day he said, "You know after getting out here and looking at things, things are not really as bad as what I thought." Do you recall him saying that?

McARTHUR: Yes.

FISER: You see, so I got this elevated...

McARTHUR: He also did his own self a disservice, he went out and said we've got a hundred and something procedures that are shot.

FISER: I know.

McARTHUR: And I believed him, and I went to...I even screwed myself up, I...reported that we've got to rewrite procedures, probably four years to rewrite the procedures, and then when it really got down to it, we were talking about 12 procedures.

FISER: And they really were not wrong, they were just...

McARTHUR: Heavy, cumbersome, whatever you want to call it.

FISER: So you see, he has done that about a lot of things, and he has done that about me. And it is a great disservice to me and to the work that Don and I did when we were out there. But I'm telling you...

McARTHUR: How does Don feel about all this?

FISER: Well you have got a problem, I say you, we have got a problem with Betsy not wanting to work for him, but you've got another problem with Don not wanting to work for him, and you've got another problem because there is a lot of people at Sequoyah not wanting to work for him, or with him. Period! And yet the only thing...He's really got Keuter's ear, he's really got apparently Bynum's ear...

McARTHUR: He called me the other day, and my phone was messed up and he talked to Keuter.

FISER: Who did?

McARTHUR: Bill did. Bill was trying to get hold of me last night and I, my phone...

FISER: For what?

McARTHUR: They are thinking about having a RadCon Chemistry position out at Sequoyah.

FISER: Yeah, I know that.

McARTHUR: Keuter is very much against it, and Rob Beecken is very much in favor of it, but he is saying I don't want my plate too filled up, and if you have the chemistry guy reporting to me I won't be able to do any good. And he may have a point. So he is saying I want to have a RadCon Chemistry guy, and I'm recommending that Charles Kent be that guy.

FISER: He may, he may, but if we do that we haven't done chemistry any favors. I mean we haven't helped them out. We've said that they have been buried under Ops, well not they are going to be buried under RadCon. So I don't see any net gain at all for chemistry if you do that. That's just my opinion.

McARTHUR: Well I think Charles Kent's comment to me was, I don't think it is the time to do it, but as a good employee, if someone tells me to do it, I'll do it.

FISER: Well I don't know what's gone wrong, now I talked to Rob Beecken and I talked to Jack Wilson in the stairwell at Sequoyah when I was getting ready to leave, and I said Guys, is there anything...you know I'm going to go downtown...I want to make sure that you guys are not upset with anything. And both of them looked at me and said, "Gary there is absolutely no problem, we are very proud of what you have done, we want you to get downtown, we want you to get some other experience, broaden your horizons, and lets let Jocher come out here and see if he can do anything." Now that is what they told me. Now either they have misrepresented the facts, or what I feel like has happened is that they have been getting one side of the story, and believing it. Just like you did, and just like Keuter did.

McARTHUR: You see the goal right now is to put Sam Harvey out there. That's who they want to have out there to replace Bill Jocher.(a134a) That's kind of...that's more Keuter and Joe's opinion. Now if I had to pick somebody, if you were not going back out there, I'd probably say that Sam could do a good job, but he just doesn't have the managerial experience. He has some reasonably good technical experience, but not enough managerial experience. I guess if I had my own real preference, I'd say that I'd really want to think about that one.

FISER: You see, even if you put Gary Fiser out there, and if I've got a Corporate organization that really supports, like I have done them, if they would return that favor, we'd do fine. I mean it's hard when you are taking on everybody, including your corporate support organization, and trying to run an program at the same time. That's difficult!

Well I think what I will do...the only thing I have done, the only thing I am guilty of, is them giving me a package, and me taking it and running with it and doing the absolute best that I could, which was top notch, according to everyone before Jocher came here.

McARTHUR: You are talking about out at Sequoyah?

FISER: Yes. So I have been rewarded for that very handsomely recently haven't I?

McARTHUR: Yeah.

FISER: Yeah.

McARTHUR: I don't know what, Gary I wish I could tell you why I would get that comment. I really can't tell you, because nobody has come to me and said well here is the reasons we don't want Gary back out here. Maybe they feel like they don't owe it to you.

FISER: Maybe I've been out there for so long that they want me to find something else.

McARTHUR: What's your relationship with Goetcheus, does he support you?

FISER: I trust him as far as I can throw a pregnant elephant.

McARTHUR: Yeah.

FISER: You know how far I can throw one don't you? I'm telling you, I feel like he is really dangerous. That's what I feel like, particularly after what he did and said whenever the rotation was announced. I don't have any use for him at all.

Now, do you think he is making a play for chemistry downtown, with NUS?

McARTHUR: Sure he is. I'm sure he is making a play for it.

FISER: Well I see that as a possibility, and I see also as a possibility if they combine RadCon at the site, put chemistry under RadCon, that they could do the same thing down here. Either one of those scenarios, Jocher's gone.

McARTHUR: That's the way it used to be, we used to have RadCon and chemistry downtown. That's when Barker was here.

FISER: But you do that and Jocher, you know he will never work for Glenn, and he will never work for Kent.

McARTHUR: Yeah.

FISER: That's the way I see it.

McARTHUR: Why do you think you are on the outs with those people out at the site? I don't want to put you on the...I don't want to have you running and saying...

FISER: I wish I knew. I wish I knew, I really do. I wish I knew why I was on the outs with Keuter. Why did he select me as the...

McARTHUR: He was very strongly in favor of you coming down and getting a chance downtown. He was strongly in favor of that.

FISER: Yeah?

McARTHUR: Jocher came down and personal visit with him, and told him that you were not the guy to come downtown. I was setting in that meeting, and he was very strongly opposed to you coming downtown. And Keuter looked beyond that, and said well we'll give the guy a chance. Now what are the reports that he gets back? I don't know all of his channels, maybe his channels are Joe Bynum, I don't know, but whatever reports he gets back are never very strong reports. In fact, which I did in your appraisal, but I also told Keuter, you have a very difficult assignment.

FISER: Yeah, I did.

McARTHUR: To somehow get Harvey and Chandra on your side, so that was, from my standpoint was an impossible effort. You know I don't care who had been in there, they would not have been successful.

FISER: The allegiance there is so strong it will never be broken. I've tried to live with it, and to make the very best use of it that I can. And I feel like we have. We have supported Bill, we have supported the sites, we have supported Brown's Ferry, Watts Bar, and yet I'm in trouble, and I don't understand that. I'm sure you don't...

McARTHUR: Listen, I guess they feel, like for example Sam and Chandra, they feel like they just go their own direction. Their comments to...and a lot of this comes back through Bill...he'll call me and say Wilson, can't you get Gary to give these guys more direction. He says they feel like they are just floundering...so now they just go their own merry way. They just do their own thing.

FISER: My direction has been, dad blame it, to support Bill, and to support John, to support the sites and to get them the help that they need to run a top notch chemistry program. And that is what we have done. Anytime Bill has asked for them he has gotten them. It might have not been on the timetable that he was looking for, but it was darn close to it. I feel like we are support. Now in addition to that we are oversight. And they do it. We do it, we do oversight. We take the pulse, we do the assessment, and we know where they stand. And we were not surprised by anything.

McARTHUR: How do you measure your guys, let's talk about each one of them. Adams first, then Chandra, Sam and Betsy.

FISER: Chandra first, he's got a pretty strong educational background, you can't deny that. He knows a lot about resin. I don't see him as being...He is thorough, he does a good job. I don't see him as being absolutely outstanding. I see him as a good, solid man with the technical background to do the job if you give him the time, and we make sure he has the time.

McARTHUR: Now this is Sam?

FISER: No, this is Chandra.

McARTHUR: Oh, Chandra. Chandra, it is very obvious today he does not know where his next place is, and he wants to get ahead. And he seems to be, he is not laid back, he is just kind of quiet type.

FISER: Oh, yes. Well he is a lot like me. He is kind of laid back.

McARTHUR: I'll tell you one thing I've found out about TVA Gary, is that the laid back individual has a tough time.

FISER: Oh yeah, he does.

McARTHUR: Holbert Harper is a good example, he is a laid back guy, he is not aggressive, and his management beats him to death over that.

FISER: Well you know I discussed that pretty extensively with the shrink, and I told him that that's the way I felt, that I felt like that the fact that you could get the job done is one thing, but that it does not count near as much as the aggressive person that is presenting himself well.

McARTHUR: I can tell you that, they will end up walking all over you.

FISER: And I asked him specifically to point out ways that I could benefit.

McARTHUR: Did he give you any help?

FISER: No, but he is going to work on it and get back with me, so he says.

But it is one thing to run a good program, its one thing to support the sites, its one thing to get the job done, but it is another thing to demand the recognition to get yourself in the limelight. That seems to be what it takes.

Now, your not that way either, you know I'm surprised that you are doing all that well.

McARTHUR: Well Kingsley beats on me, he says you are too soft. But I believe in giving people a chance, if they are doing their job, you know you are not going to get a 10 out of 10 out of everybody. You are going to have some 8's and 7's in there, you can't get down to 5's and 4's, you've got to have top notch people doing it. If somebody would let us run our program ourselves, without telling us how to run it I think we'd do a lot better.

FISER: What would have helped would have been if Jocher had just come out there like I've done and get with you and say these are the things I see, lets fix them...

McARTHUR: Jocher has just created a situation where he just won't communicate with you. I know what's happened.

FISER: Yeah, and he will not!

McARTHUR: That's just Bill's way of doing things.

FISER: What he wants to do is come back and save the day. I know it.

McARTHUR: Oh yeah.

FISER: I know that's what he has got in mind.

McARTHUR: Keuter said when he talked to him last night, he said , "Man, every time I talk to, its different, he's changed his mind about something". That's typical of the guy.

FISER: He's got Keuter eating out of his hand, you know that. The guy is good. He presents himself well, it doesn't matter if he has got the facts, it doesn't matter if he presents them truthfully.

(NOTE: At this time we entered Wilson's house and he took care of some personal business)
(a200a)

FISER: O.K., so I've done a lot of talking, so what advice do you have for me? I don't know what to do, other than leave.

McARTHUR: Well. I know one thing I'm going to do, in talking with Dan Keuter, and with Joe Bynum. One thing we need to do is someone is going to have to lead the organization, and I think right now the chemistry organization, you need to spend time either finding out what you are going to do within the company or looking for a job or something like that. I believe, and we need to discuss this, I believe we ought to take you out of that position, and put you in as a Project Manager, and put Sam Harvey or Chandra or somebody in there acting until Bill comes back. I really believe this will make sense to give you time to do something, because right now it is not effective. O.K., its not going to be effective because I don't think you have the backing that you need to get it done. I'm talking about management, and everything. That's my belief. I think it would be to your advantage to decide if you are going to find something else within TVA or, because you can't stay in that position because Jocher is going to come back to that position. O.K., that's an obvious thing. I assume that is what is going to happen, and either find something in TVA or find something outside. That's my advice, O.K. I think that would be the best thing for you, because...and it, you know, you are going to take it on the chin because its going to say that I failed as the corporate guy.

But I don't look at it that way.

FISER: I was going to say, man if there is anyway you could see around that I would like to...

McARTHUR: Well that's the suggestion that I'm getting from Dan and from Joe Bynum. They feel that the direction is not there, I don't know who is talking to who,...I'm not covering up here either, ...

FISER: Well I think we know who is talking to who, don't you think we know? Really?

McARTHUR: You know, I always think I know.

FISER: Well you have told me before that Jocher would go in there...

McARTHUR: Well he talks to Joe, but Sabados talks to Joe too, they all cause different types of problems and everything, but I don't know if you have any feelings about going to INPO, or trying something like that. A lot of different things that we can do.

I don't want you, I know you have gone through a heck of a lot just with your family, and its got nothing to do with work, but to me it does have something to do with work.

FISER: Well, it's been difficult, but again, hammering on the point that when the sites squeal, we respond. We've done the assessments, we've done the ORR's, we've done all those type things to make sure we are right the way we call the shots. I don't know, I don't feel like there is anything...

McARTHUR: The direction I'm getting is, I've got to cure a chemistry problem.

FISER: At Sequoyah?

McARTHUR: At both, everything. Chemistry in general, and I've got to have a guy... You see I've got a basic problem, in that Joe, O.K., if you've got Jocher coming back, and he does not get along with Sabados, I can't have that.

FISER: He absolutely does not.

McARTHUR: So then I've got a real problem then, I don't...

FISER: Well you've got that, but you've also got Jocher coming back and he does not get along with Larry Jackson, or the Watts Bar people at all.

McARTHUR: Yeah I know. Jocher may be digging his own grave, I don't know. That's the reason I figure I've got a little bit of time here to evaluate and determine if he...and I told him the other day that, "You have got to be able to work out your disagreements and differences with both of these guys, including who goes out to the site, if it is Sam Harvey, or whoever. You have to be able to work with those guys." And I'm not sure that's a possibility.

FISER: I'm telling you that he and Sam, on the surface they get along, but there is a real rivalry there. I don't know how many times I've told Sam, "Now look, you've got to settle down, you can't be making these caustic statements behind Bill's back, at a high level. I don't know what he did with the shrink the other day, but if it was anything close to what he said he did, then I don't see how we can keep him.

McARTHUR: Do you want me to tell you what the shrink told me?

FISER: Yeah.

McARTHUR: Very positive on Sam Harvey, and he said it was like you were not even there.

FISER: Me?

McARTHUR: I don't have any idea, I don't know if he even talked to you, did he, he did talk to you didn't...

FISER: Yeah, he did.

McARTHUR: He said it was like Gary is not here. I'm just telling you what, and I was stunned by his comment though. I did not know how to respond to that. I said what do you mean. And he said it was like everybody goes and does their own thing, and they don't have a leader. This is the psychologists talking. That was his words.

FISER: O.K., so he got that out of Sam.

McARTHUR: I don't know, when he hit me with that, I said this goes directly up to my management. That was his comment, he said it was like he was not there.

FISER: Well, I would ask you to be a little patient, give me some time and let me see what I can work out, because I don't see how, without the support downtown, and without...

McARTHUR: I know it must be disheartening to you.

FISER: It is, especially after...

McARTHUR: I give you permission to talk to anybody you want to, but I can guarantee you that what I am telling you is pretty well set in...I wouldn't have this discussion with you if I hadn't...I made an appointment and set down and talked with Joe, I talked with Dan, I talked with Beecken. I think the thing that really set it off was when Rob said...his first comment was, well I said very shortly Gary is going to be back out here. He says, "No," he says, "well I guess I could put him in Outage Management," then he says "No, I don't want him out here at all." That was his exact words. Now if you tell him that I'll be ticked off, because you have to know the whole story, you can't do, you can't make up your mind what you are going to do. You need to have that in your thinking cap.(a239) ✓

I asked him at that point, I said what is it that is a problem? He said, "Well I just had some discussions with Jack and Joe and I think this is best for Sequoyah." And they are going through a lot of that right now, with Pat Lydon going away, with Jack Wilson going away, others. There are a number of people. There is some more going away after this morning.

FISER: I wish they had been a little more straight forward. The biggest mistake I ever made was going to Outage Management, because that's when...

McARTHUR: There are only complements from...I'll tell you, when I talked to Joe he said you did a good job in outage management, and I mentioned this to Dan Keuter, I said, "Dan, remember the guy has been out of Sequoyah chemistry organization for", I couldn't remember exactly the time, I said, "a year of that was in outage management, and my understanding is he did very well". And he said, "Did you check that out thoroughly?". I said, "No, because Joe told me, you know, if Joe tells me something I don't go check it out thoroughly."

FISER: And Bill. The only question I have is did Keuter check it out. I mean, good gosh!

McARTHUR: But here we are, there is too much of it all together. If it was Jocher, and if Beecken was supportive, one of those kind of things...

FISER: Well I'm not too surprised about Beecken turning, because you've got Jocher out there for a year, and I think they were pretty close, although Pat specifically came to me and said, "This is ridiculous, this guy won't leave you alone, he won't reason, he is totally out of control, why don't we just put you downtown and put him out here, and tell him to put up or shut up." Basically, that is what he said. You realize that there are a lot of people out at Sequoyah that...

McARTHUR: I understand if you... go ahead, Oh, go ahead...

FISER: There are a lot of people out at Sequoyah that are working for him that have suits in on him.

McARTHUR: I understand. And I understand that he made the recommendation, I don't know who, but to Rob Beecken that he take some of the shift supervisors out of their positions. And by the way, we need to get some movement on this. Beecken, and Jack Wilson, and human resources says, "no, we can't do it, it doesn't work that way. What we can do, is do like we did with the electricians, we can take those people and tell them that we are not doing well, and come up with a corrective action plan. But Bill doesn't like that, I guess these guys are his enemies, I suppose.

FISER: Well, ...

McARTHUR: You probably know who they are, and I don't. But he feels pretty strongly about making those changes, and Sam supports that.

FISER: Oh yeah.

McARTHUR: And they have talked about it enough, and both of them know who those people are. And their recommendation was to take them out and go find a career someplace else, and bring in some other people.

FISER: I had a discussion with Chandra last week, to which he was just pretty much amazed at what all we had been through, the corrections that we had made, and the politics bit. I feel like what I would like to do is have a chance to meet with...and really it is a slant on Don Adams and I both.

McARTHUR: Is it on Don, I didn't, somehow I don't...

FISER: Oh yeah. Just maybe to allow us to go in and just talk and answer questions and clear up perceptions with Keuter.

I've got a standing offer from, I don't mean an offer...the guy that did our INPO assessment visit, Bill Burke, has been wanting to swap positions with me, as a trade...

McARTHUR: Really.

FISER: ...for some time now. I told him that I really didn't want to, that I wanted to get this experience in corporate. So that is an avenue we could pursue, and I think get a resolution fairly quickly. Also, I may just look at going down there permanently, because I don't know what kind of...

McARTHUR: Do you know Bates and those people, who is the key chemistry guy down there?

FISER: Bates would be probably the one that I would talk to. I could pursue that, I would just really appreciate it, as a personal favor if you would let me try to work something out. If you put Chandra, or Don, or Sam in charge, that would just be...

McARTHUR: I may not have any choice.

FISER: Well if you do, just give me some time, I'll work something out.

McARTHUR: O.K.

FISER: For sure. Talk to me before you do anything.

McARTHUR: O.K.

FISER: Because that is a personal insult I would like to avoid. It is really unfortunate that it has progressed...I feel like the guys at Sequoyah were not up front with me to tell you the truth. But I feel like we could resolve it, but I'm not sure that is what they want.

McARTHUR: I wish I could help you there, but I don't know why that position...I told both Joe and Dan that I am going to sit down with Gary and have a serious talk with him, and they said, well I want you to make this transition as fast as you can. But I'm willing to work out something here.

FISER: I would appreciate it if you could help me out here. As soon as I get back to the office, let me make a phone call.

McARTHUR: O.K.

FISER: I don't know what the shrink was talking about, I was very depressed, I had been depressed ever since Keuter decided I wasn't worthy of a raise after what all we did.

McARTHUR: Keuter made that decision independently.

FISER: I know.

McARTHUR: I can tell you that very...I shouldn't tell you that kind of thing what I...

FISER: Well I know it wasn't you.

McARTHUR: Well he made it very...he just said...at one point in time we were ranking people...and he said, "I want to put Gary Fiser on no increase". I said, "Why, we haven't...that's not the way you were, we had evaluated things". At that point he said, "That is my decision". That was the end of the discussion. I'm learning at TVA that, and I told Chandra that today, I said, "Chandra, you've got to recognize something", he was saying, "I've noticed that all the time Sam Harvey is sending copies of his research papers, and publications to senior management, and stuff like that", and I said, "Well, that's because he is a politician, and you are not, and to be quite frank with you, at TVA that is not an unwise thing to do".

FISER: Yeah.

McARTHUR: I hate to tell you that, I think that is so improper, to have to sell yourself to somebody, and not going to the credit, and value of your works. And he said, "I understand". I said, "Chandra, whenever you get enough chance, my opinion to you is whenever you go by Joe Bynum's office, and he waves at you, step in and talk to him.

FISER: Well, gee Wilson, I mean...

McARTHUR: What I am proposing, Gary, is very shortly we are going to have Jocher coming back here, three to six months, that will be up to Sequoyah and Rob Beecken telling me that's agreeable to him, I've committed to him staying there until he gets us going, put Sam Harvey in charge of corporate chemistry, and put you in his position, until such time as you decide exactly what you want to do. That is what I am proposing. If you want to take the time to work that out somehow, I don't know best to do it, but I know that is what management wants me to do. They are very supportive of that move. You are going to look at it as a shot in the face.

FISER: Oh yeah, well it is. You can't look at it any other way, and I just wish that there was something that I could point to where I had failed, I just don't feel like I have, I don't feel like I failed at Sequoyah, I don't feel like I failed in outage management, I don't feel like I failed downtown...

McARTHUR: Maybe it is the observation of many things coming together, I guess. I don't know, I'm setting here, I'm kind of at a loss for words myself, because I like to be able to tell a guy...

FISER: Yeah, they screwed up.

McARTHUR: ...I put you in that position, here is the ten reasons...

FISER: Which is what I had asked you to do, so I feel like that I know where it is coming from.

McARTHUR: Well, I hate to put the burden on other people, I'm the guy in this position, and I'm the guy that is having to tell you, so I guess, if I had a bottom line it would be that it hasn't been effective, and it hasn't been effective because I don't think you have got the support that you need...

FISER: That's right.

McARTHUR: ...to do what you have...that, that's pretty much a slant on Chandra and Sam Harvey, and Bill Jocher's face, but you know, look at management, what is management going to support, if they came back to say we were going to only keep Bill Jocher or Gary Fiser, what do you think they are going to say? Be quite frank with me, what would you say? We are going to keep one of those two guys, what would they say?

Bill has won the political battle, whatever you say.

FISER: Oh he has. He is an absolute master at it.

McARTHUR: What I think the best to do is, think about it, I'm going to be in hay tomorrow, but lets you and I talk when I get back. Put this in your mind.

FISER: Let me do some phone calling, and see what I can do, O.K.?

McARTHUR: O.K.

FISER: ...and I will try to work something out.

McARTHUR: Do you want to talk to Dan? I don't have any problem. But you are going to put him on the spot, but that's O.K.

FISER: Well...

McARTHUR: I wouldn't talk to you if they didn't...

FISER: Well, what do you, you know we've got INPO, they came in here and they said, "Guys, chemistry, at Sequoyah, is doing about all chemistry can do. The problem is that they haven't got the support, the money, the funding to get the upgrades that they need to run a top notch chemistry program, and we are tired of hearing it. So what do you do, I mean, they made that statement, according to Bill Jocher, they made that statement, "Hay, you guys are doing about all you can do". And I'm still in trouble.

McARTHUR: Do you know when the downhill slide started on you? What Tom Peterson and Tom McGrath said in your office that day. I don't know what happened.

FISER: I do.

McARTHUR: Well you know and I don't. When I walked out of that meeting, Tom McGrath said, "We can't have this guy in the Sequoyah chemistry position". Tom Peterson said the same thing, and I'm saying to myself, what happened in there that I did not see?

FISER: Well, I'll tell you what happened, they put, you see when I was gone again, they stopped generating the daily trend plots, that I started when I got back. But Peterson was wanting me to put in writing, in a procedure, that I would turn those things out every day, 50 something plots. And I said, I can't do that, I mean that's weekends, that's holidays. I said, "We come in on Mondays, it takes a full day to get all the data in because of the antiquated way we have to put it in", I said, "You are asking me to do something that is impossible, I am doomed to failure, I cannot do that". And I called INPO later, and I said "Guys, I want to make sure that I am not wrong, this is what they asked me to do, and they laughed, and they said, "At the very most, people would printout an RCS iodine dose equivalent, and a feedwater catcon number, that's it on a daily bases". That would be fine, but the guy, he does not know chemistry.

McARTHUR: Did you recognize that they felt that strongly?

FISER: No.

McARTHUR: They openly said it in the NSRB meeting, Tom McGrath said that we have a Chemistry Manager at Sequoyah that is not effective. Now it was just that clear.

FISER: That's because they don't know anything about chemistry, and they did not know the full impact of what they were demanding.

McARTHUR: Well I didn't appreciate the way Peterson handled it, I don't like any outside consultant to...He did the same thing, tried to do the same thing to John Corey down at...That one I was enough involved in, and you hadn't been here very long when this took place, and I was saying to myself, "What do you guys know about this guy that I don't know".

FISER: Well, that's true, but that is because they did not understand what they were asking me to do, and that it was impossible, and that it was a ticket to failure. Now to reinstate the plots, I had already done that. That's why again I say, If I had never gone to outage management, Bill Jocher and I could get along, we could work things out, and we would have addressed it.

McARTHUR: It will teach you something about the guys at the plant, it difficult to within a company like this to take another position, and try to come back to a position. Because, anything that happens that goes wrong, you get blamed for it. I would not accept at TVA any temporary position. Well I did, I took Keuter's position for a while, and that was...

FISER: We even had Bill Jocher come out there and, after he finally set down and started talking to Rob Richie, and he said, "Gosh I wish I had known this, if I had already known that you all had already had these things identified and were working on them, I would have never elevated it to the to the level that I did".

I'm the one that is in trouble, and I feel that I got in trouble when I wasn't even there.

McARTHUR: I agree, its probably...I owe you, I feel like in this case, I wish there was a way I could help you. The only thing I can do, I can put you in a position to see that you get a job with TVA. And I've had to fight that.

FISER: Isn't that ridiculous?

McARTHUR: I did get the agreement to say O.K., if you put him in a Project management position, nobody is going to ask him to leave the company. That wasn't easy, that is all I can say.

What has been your employee appraisals out at Sequoyah?

FISER: I get bonuses, before I came downtown.

McARTHUR: Do you get bonuses each time?

FISER: Yeah. You see there is something that doesn't jive here, does it? Ask Logergren.

McARTHUR: You know the thing that happened to the chemistry program at Sequoyah, because it did get into a period of rapid decline, a lot of personnel problems and that kind of thing, a lack of attention to training. What would you say is, Oliver Kinglsey came into my office today, what would you say is the reason the chemistry program is slipping at Sequoyah?

FISER: The rapid decline started when...

McARTHUR: when they cut back on training...

FISER: ...well that, but when Bill Jocher started going off half cocked, and he didn't have all the facts. That's the rapid decline. Of course, the thing with Peterson didn't help, you've got a guy out there that would not listen. He did not realize the impact on chemistry.

FISER: I guess that's why Jocher told me that he was going to come back downtown quickly.(b23a)

McARTHUR: No, that one I did not understand. He started a couple of rumors that were way off base. He just called me one day and said, I guess he got to feeling that there was some criticism in the corrective action program. The NSRB did give him a rough time. They told him he did not have everything together, he did not have his act together, he needed to put it all in one place, and get to leading these guys...and I think he got to feeling that in order to save my bacon, I better get on back downtown, and get Sam out here. That was the feeling I had, but then I was faced with, I've got Gary there, I can't put him back out at Sequoyah, what do I do? And I'm not one, I'm not going to send you out on the street, I'm not going to do that. I would not do that, first of all because it is not fair...so that's why I came over to the thinking that I would just put you in that position. If you could work something with INPO, that might even be better.

I want whatever happens here, I want you and I to end up being friends. >

FISER: Yeah, I just hope I have not let you down.

McARTHUR: I don't, I feel you have been, that's what I said in the employee...I hated to write it the way I did. It was tough, because that was saying, I can't win.

FISER: It was impossible.

McARTHUR: Yeah. I wish, at the very beginning, that you and I had a chance to sit down and talk, before everything happened.

FISER: It was quick. It was because Pat and Beecken were so frustrated with Jocher. And Jocher...they were just wanted him to come out here.

McARTHUR: I think that was probably the wrong move.

FISER: It was for me. But who knows, maybe it will work out.

McARTHUR: This is a perception thing Gary. It's just like the same thing I went through this morning with Holbert Harper..There is a perception, and it is not going to change. Joe finally said, "you know this guy could work his buns off for the next six months, still on probation, and there is no way he could win".(b48a)

FISER: And I'm probably in the same boat. But I don't see how you survive, I really don't. You are straight forward, you are honest, how can you make it downtown? How do you survive?

McARTHUR: A few people ask me that,...and sometimes I have got myself in what might be a key position, like placing me in Keuter's position...I'm sure the reason I didn't get it was because I'm a nice guy. I'm telling you that's probably the reason I didn't get that position, more than anything else. I stepped back and I said "Gee, that's too bad".

FISER: I feel like that's where I am. It has been a hard year.

McARTHUR: But you see I should have been in that position. I have no question in my mind that is where I should have been...I am thought of by Kingsley as being a nice guy, too soft. Technically competent, but soft. But I don't care, that's me, I'd rather be that way. I'd rather have somebody evaluate me that way.

FISER: Does Lagergren know anything about this?

McARTHUR: I don't think he does.(b57a)

FISER: Not that it will help, but I want to talk to him. Keuter is out of the picture, but I would like to talk to Joe and just make sure hasn't been mislead, not that it will help me any...because he was my supervisor, and he evaluated me, and I have a lot of respect for...

McARTHUR: Did he do an evaluation where you have it on record?

FISER: Yeah.

McARTHUR: Well hang on to that.

FISER: I talked to him a little bit about it last week. He said he did not understand it, but he said I think you know how I feel about you, because, you know that you always got a bonus.

McARTHUR: I think that when you went to outage management, you cut off your ties with chemistry, and things went downhill...

FISER: ...a riff developed between Scott, Rob and Jocher. He subsequently apologized for that and said that if I had stayed we could have worked it out. I really believe that, because if he can't get along with me, he can't get along with anybody.

McARTHUR: That's a possibility, but I think, like I say, when you left there things didn't improve, things went downhill, and Jocher was in a position to heat it up, that's why when you came back you were right in the middle of a fight.

FISER: Live ammunition too!

McARTHUR: Well, you think about it tonight and talk to me in the morning.(b71a)

NOVEMBER 16, 1992

Mr. Bill Lagergren told me that he knew that TVA was going to get rid of Bill Jocher. I told Mr. Lagergren that Wilson McArthur had told me that Beecken said that he did not want me back at Sequoyah. Bill was very surprised to hear that news, and asked me if Rob had talked to me about it. I told him that he had never said anything to me about it, that I had never heard anything derogatory from him. Bill then reaffirmed that he was very pleased with my performance and stated that the proof was in the bonuses that I had received while working for him. He said that he felt that Jocher was talking to Beecken, and giving him a one sided and biased opinion of the past performance of the chemistry group.

Bill then said that he was going to talk to Beecken and find out what was going on, and when he knew something he would get back with me.

NOVEMBER 17, 1992, 1530

I called Mr. McArthur and told him that Mr. Bill Burke with INPO was very interested in a reverse loan arrangement with me.

NOVEMBER 18, 1993

FISER: I am talking to Ben, to see if there is something. I just feel like, as long as those two guys are around, that I don't have any business being in chemistry. If they are not willing to work, they

are not up front, they are not honest, they will not come to you if there is a problem, they run around you to Keuter...

McARTHUR: I agree that it is not a good situation at all.

FISER: So I want to get out of chemistry, and INPO is a real opportunity at getting out of here.

McARTHUR: It is unfortunate that we are in the situation that we are in.

FISER: Yes sir.

McARTHUR: The reality is before our very eyes. You know the thing that really worries me, I was in the elevator with Marie, and I said "Marie, there is so many things going on around here, you never know who is going to be next.

FISER: Well, I am concerned about you, because your demeanor, and your actions are a very close to mine, in the way you treat people.

McARTHUR: But I am going to stay that way.

FISER: Well, I am too! But I do want to listen, and if there are ways I can improve, I want to do it. But I don't want it like this, when you find out after it is too late! (b89a)

McARTHUR: Yeah.

FISER: Ben got into a few specifics with me about the meeting he had with you and Keuter, whenever Keuter made his decision that he was not going to allow me to get a raise.

McARTHUR: Oh yeah. You were high up on the list, I don't know if Ben told you or not.

FISER: But he just confirmed what you had already told me.

McARTHUR: Really we should not tell you these kind of things, but you have got to tell somebody something.

FISER: That helps, that at least tells me that somebody thought I was worth my salt.

McARTHUR: I was actually surprised at the comment, and I cannot tell you why he decided that. (b95a) That is part of the problem. I always hate for somebody to get the news and say, well what is Keuter upset about?" I don't know.

FISER: Again, he was in a pretty rough position, because suddenly, after we did the evaluations, and ranked everybody, Kinglsey puts the word out, "Oh, by the way, 10% or 12%, whatever it was, are not going to get raises. Figure out who it is and let me know". So here is Keuter, is he going to bust a person like Ronnie Kitts, and give me a raise, when I am temporary.

McARTHUR: I never thought about it that way. You are more familiar with TVA then I am, my mind doesn't think that way.

FISER: He was in a tough position, that ODK put him in.

McARTHUR: Keep me up to date on what is going on.

FISER: This is an immediate out, all it takes here is a letter. The only thing I'm holding back for is talking to...

McARTHUR: Should I talk to licensing, or do you want me to wait for you to...I don't want to do that until we compose the letter and then

FISER: I think we ought to go ahead and get things ready, and talk to them and see what negotiations have to take place.

McARTHUR: Do you have any draft letters like we need. I've seen a letter like that before.

FISER: Oh they have got plenty of them. Who would write the letter?

McARTHUR: I guess it would be licensing. There is a way of doing it, because I've seen it done before.

FISER: There is an INPO...Vic Whaley, that is the INPO liaison.

McARTHUR: In fact I will give him a call right now.

FISER: O.K. (b116a)

NOVEMBER 18, 1992

I had a meeting with my Personnel Resources representative, Mr. Ben Easley, in order to find out if he knew of any problems with me and my performance. Ben told me that the only thing he knew was the fact that Mr. Keuter made the decision not to give me a raise, and that decision was made against Mr. McArthur's advice and wishes. Ben went on to say that Mr. McArthur actually had rated me very high, when compared to all the other people reporting directly to him. This meeting took place in Ben's presence.

I asked Ben if he would talk to Mr. Lagergren and Sorrelle, and see if he could find me a job. He agreed to do that.

NOVEMBER 18, 1992

Mr. Jim Bates, an INPO employee, called to tell me that all that had to be done to arrange the swap between Mr. Bill Burke and me was for Mr. McArthur to call Mr. Ken Strahm, INPO Sr. V.P., and request that the necessary arrangements be initiated.

NOVEMBER 18, 1992

Mr. McArthur came by to ask me how things were going with regards to the swap with INPO. I told him about the recent phone calls. He expressed reservations about placing Burke in my position downtown, but said that he would go ahead and start the ball rolling a swap.

NOVEMBER 19, 1992

EASLEY: I talked to Wilson, he said for me to come and talk to him. He said he was going to work out something, it may not be exactly what you want, but he is going to work out something. I mentioned Sorrelle's job, he said he and Sorrelle had talked, and he know more about it, and instead of getting into it with me, that he rather just sit down and talk. And when I find Bill, I will talk to Bill about that other job.

FISER: So, again you don't know what else is available. The problem is that I don't feel like I can stay in Chemistry, with all this going on with Keuter. Especially after what Wilson told me took place whenever Keuter didn't want to give me a raise, and now this added on top of that. So I just wonder if there is anything else out there anywhere that is available.

EASLEY: No I sure don't, as we get jobs available, I'll let you know. See we don't know, we know there is some vacancies out there, but we don't know when they are going to fill them, or if they are going to be approved to be filled...

FISER: Well, let me go and talk to Wilson and see what he has come up with, he apparently has already talked to David.

EASLEY: I think he, he going to try to work something out, because he says that he don't think that you were treated fairly.

FISER: He has told me that several times.

EASLEY: Oh yeah.

FISER: I told him the other day that I hate to go through this, but if I have to go through it, I can't think of a better person to go through it with.

EASLEY: Right, right, right, right.

FISER: You know I appreciate your comments the other day. You know it helps me to at least know that I didn't screw up.

EASLEY: Right, right...right, right.

FISER: It is just unfortunate.

EASLEY: Like I said, he had you were up there high for the IIP.

FISER: I know, he told me that. You didn't tell me anything he hadn't already told me.

EASLEY: Well, he didn't lie.

FISER: I know. That tells me that it is just an unfortunate coming together of events that has caused this, and it is really not related to my work performance.

EASLEY: Right. O.K. and I still am going to talk to Bill. (b159a)

NOVEMBER 19, 1992

McARTHUR: You want to talk to me?

NOVEMBER 19, 1992

FISER: Ben said you wanted to talk to me.

McARTHUR: Oh, I guess what I wanted to say was, I didn't get any kind of communication from David about what he felt about you being in that position. But my feeling is, if you can't work anything out with INPO, we ought to be able to work out something, if that's a viable plan.

FISER: You couldn't get any feeling...

McARTHUR: David and I haven't talked. That's what I'm saying.

FISER: O.K.

McARTHUR: Especially with what has happened, I want something to work out good for you, some way. And I'm not sure how good you think that is?

FISER: Well it's going to hurt.

McARTHUR: Have you thought about applying for any of those positions in the resource group?

FISER: That's what I've been trying to get with Ben on, to find out what is available, and Ben is saying, "I don't really know".

McARTHUR: Well I know there is a lot of things going on up there, I don't know what's really available.

FISER: Who would have the information?

McARTHUR: Gosh, I don't know...David would probably have the information.

FISER: My information is that we don't have any time, that Keuter wants this to happen.

McARTHUR: No, what I would say is...let me make this suggestion, that we would go ahead and make it happen, but you would still be able to sit there in Sam Harvey's position till you decide what you are going to do. Don't put yourself in the position of saying that you've got to make the decision over night. What we'll do is make the transition, and let you think about...and work out something what would be good for you. I'm being pushed to make things happen. O.K., that's the biggest problem I have. In fact, I'm not making it as fast as I've been asked to. But I just don't feel like, in that environment where it would make you do something stupid.

FISER: In that case, if I am going to work out something that would be best for me, then I don't feel like I should take Sam's position. So if we have got to do something, and you've determined that you have to do something now, then I feel like I'd be safer working for David.

McARTHUR: What I need to do then, when I get back...somebody said David may be in today?

FISER: David is not in today, David is sick today.

McARTHUR: Jocher is off sick today too. I don't want to bother him at home, I'm just not good at bothering someone at home. Let's just set up something with him first thing in the morning, and go talk to David. O.K.?

FISER: You understand why I don't want...

McARTHUR: I understand exactly. But I think I would not let you get hurt that way, but you can see that I haven't done too good so far with other things.

FISER: Neither one of us did.

McARTHUR: But that came before your and my time, whatever happened, which I don't know, but why Rob wasn't willing to take you back, I don't know.

FISER: The only thing I can say is that I feel that Rob is still upset with the February condenser tube leak, and how long it took to clean up.

McARTHUR: I heard that.

FISER: We absolutely could not have done better, as the matter of fact, following David Goetcheus' recommendation of going to the water treatment plant hurt us, because it wasn't operating properly, and it was contributing organic sulfates. But that is the only thing we could have done better, was to have not followed his recommendation. But if we had not followed his recommendation, you would have got fired and I would have got fired.

McARTHUR: That's right. I take it that you think he was wrong?

FISER: Oh yeah. It turned out to be wrong. Bill agreed with that, everybody agreed with that but David.

McARTHUR: Well, let's just set up something for the first thing tomorrow morning, we'll get that worked out somehow.

FISER: I feel like that is the only thing he could be upset about, and Wilson, I had the best minds in the country involved in that. And we were absolutely vindicated...we couldn't do any better. It took a long time to clean it up, it was a big mess. I feel like, here again, a mess was made, I had to clean it up, I'm in trouble because I cleaned it up.

McARTHUR: I don't understand this place anyway...(b201a)

NOVEMBER 20, 1992

McARTHUR: (b239a)What happened?

FISER: When I left the other day, you said you were going to get with Sorrelle the first thing this morning.

McARTHUR: Yeah, he and I haven't really had the chance to talk, in any great detail, but I think we can work something out.

FISER: You don't think Keuter would be opposed to it do you?

McARTHUR: No, I don't, I can't...You know honestly I don't know the answer to that question. You asked me a question that I don't know the answer to, but I think he will listen to me.

FISER: O.K.

McARTHUR: Now why would he listen to me, and not have listened to me before?

FISER: Yeah, now answer that one, that is a good question.

McARTHUR: I don't know but I will pose the...he and I are going to talk this evening, about several matters, so I'll talk to him then.

Have you found out anything about INPO? Are you still pursuing that?

FISER: Yeah, but again, the way I took it you said you had to have a decision quickly, and you were in trouble because you hadn't made one already.

McARTHUR: Well, that's true.

FISER: That tells me we don't have time to work out anything with INPO. And, who is pushing this thing, why does it have to happen Monday?

McARTHUR: Actually, I could probably get by maybe a little bit longer. Joe Bynum asked me yesterday where I was, and I told him I was holding out trying to get something worked out. And I told Dan Keuter the same thing, he asked the same thing.

FISER: If they are not pushing to have something happen immediately, I would appreciate a little more time, and work out something with INPO.

McARTHUR: Well, lets work it out.

FISER: I told my wife today, I said "Hay, I think that today I'm going to get word on what we are going to do". I was thinking that we would just go ahead and put me in Sorrelle's position. Now, what about Sam, what has Sam been told? Is he coming in Monday thinking...

McARTHUR: No. He doesn't know what is going to happen, I told him I was putting in an acting role, but I haven't given him a date. He just sees himself eventually going to Sequoyah, that's the

biggest thing for him, and Rob has agreed to that. As far as what he is doing here, he just sees himself in an acting role. He said "I really hate to do that, I'd rather just go out to Sequoyah at some point in time".

FISER: That's a good comment, I don't see...

McARTHUR: I thought, I figured he would be more enthused, he didn't want to replace you. He never asked for that, he didn't comment whatsoever, so I think that Sam is clean, he's not been clean in a lot of things, but he is clean in that one for sure. (b246a) I just want you to understand that.

FISER: Well, I am glad you told me that.

McARTHUR: No, he really hasn't, in fact he said, "Hay, I'm only doing it because you asked me to it, I'd be willing just to stay like we are". But there is enough push to make it go that we have to do it.

But let's just let it ride for right now, unless I get told something different. If that is the case I'll let you know.

FISER: When we talked...

McARTHUR: Now I have to talk some more with David, he and I have not really had a chance, but we talked just briefly, but I need to talk to him some more and say is there something that we can let you have.

Have you applied on any of those positions that are going on within...

FISER: I've got a whole list of them that I mentioned to Ben, but a lot of them have got due dates that have already passed.

McARTHUR: Today is the date on most of them.

FISER: No they have already passed on most of them...

McARTHUR: I thought that...

FISER: I've got them in my office.

McARTHUR: Do you?

FISER: I'll go double check that, but I think they have already passed.

David, I talked to them about them, and he said there had been a major shakeup, and there is going to be a lot more postings come up.

McARTHUR: Oh, did he?

FISER: Yeah.

McARTHUR: I haven't herd that?

Think about things this weekend, and if you need to call me call me at home.

FISER: O.K.

McARTHUR: I'll be here tomorrow morning for a while. (b253a) I'm going to try to stay away, I've spent too many nights this week at work.

FISER: Well that helps a little bit, you see I've been turning stuff over to Sam because I thought Monday was it.

November 21, 1992

J. WILSON: Hay, how are you?

FISER: Have you got a minute?

J. WILSON: Well, I'm about to though.

FISER: That's what I heard...I wanted to come by and say bye. When is your last day?

J. WILSON: Next week or Monday, a week from Monday. The 30th, Bob Fennech takes over. I thought all I would do would be to check out, but I think I go to an all day with Jill. I said do you really want me to go to that, am I going to come back and implement anything.

FISER: Oh well.

J. WILSON: I guess they want me to be there as a ... for management.

FISER: I wouldn't blame them. I went by to see Rob.

J. WILSON: Was he over there?

FISER: He is not in today. Obviously I've done something to offend him or you one, and I just wanted to come by and at least talk to you and try to set it straight if I could.

J. WILSON: To offend him or us?

FISER: Yeah, McArthur told me that he didn't want me back...I don't know what I've done.

J. WILSON: Well...out here, and then that's all I can talk about, I think the consensus was that you were not effective. Now, was that you, or was the problem bigger than that? Who knows? Who knows at all? We had not gone where we wanted, in terms of chemistry, in terms of performance, in terms of pounding on the table...I can sympathize with you, there is a lot of reasons.

Clearly, it was recognized a long time ago, that the chemistry systems were not right. Right may not be the right word, but were not optimum, were not good is probably better. And it kept getting held at arms length...I kept pounding the table and telling them, "Damn it, you people don't pick at me for that". Finally, last year, I made sure that the chemistry upgrade program stayed on, and things happened, because there was a lot of people saying, "Do you really have to do this?"

FISER: I think that is how, Jack, I got into trouble, because when I came here, Bill Lagergren said, "Now I'm going to give you some resources, it is going to include money, and it is going to include people, and its going to include equipment and I expect you to run it. And we got some equipment, I don't mean to imply that we did not, and we made improvements, but I took that program and I ran it, and we were INPO "best plant" in every category. And I feel like not I am paying for it, because, I made it work. That is the best way I know how to put it.

J. WILSON: Well, I don't know, we at TVA are an outfit that tends to deal with unsat information by...and yet...my assessment would be that you were not aggressive enough, but there are a whole parade of people that are not aggressive enough. It is still kind of that way, we are getting towards INPO at least, they keep beating us up. We are getting aggressive now. I don't know if we are getting aggressive now or not.

FISER: Time will tell.

J. WILSON: I heard yesterday that, somebody heard that the chemistry upgrade program was going to cost a lot of money, and wanted it to be known that we were not going to spend that much.

FISER: That is one reason, Jack, that I was excited when you came, because I knew that you had experienced the rough stuff, and that you would help us. And you are about the only one that has. Because, you have replaced generators, you know what we are talking about, and you know we are not kidding. It is a serious matter.

J. WILSON: Anyway, I here people saying...they can't believe it takes that much money. Now I don't know if it takes that much money or not, I don't know how much money they are talking about, what I know is that I drove them through to do a good study, and we've got to look at that study after it is finished.

I also know that to not redo the sampling system, to put merely in the lab, well to some extent we did the lab, but not a lot, but merely to fit good online systems in existing stuff, was two and a half million dollars five years ago. I suspect that it did not get any cheaper.

FISER: I'll bet you your right.

You remember when I left I talked to you and Rob out here in the stairwell, that was in March, and I said "Hey guys, I'm going downtown", and I asked you and Rob at that time, I wanted to make sure that there was nothing wrong, that there was nothing that you all were dissatisfied with, and the comment that I got was, "Heck no, get down there, you have been here a long time, you need a break, broaden your horizons, it looks like a good opportunity for me.

Do you realize that I got told Monday that I need to find a job. When I asked the question why, the only thing I got was what you just said, this came from Wilson, that he could not give me an answer, except if I really pushed him, which I did, he said "ineffective, and that was because he did not feel like I had the management support in getting the money for the upgrades", and he also mentioned support below me.

That is just really hard, and I want to talk to Rob and make sure that I have not offended him in any way, I want to make sure of that, and that we are at least parting on good terms. I'm going to try to find something downtown.

J. WILSON: Yeah, you see, I think the thing that we have all got to worry about, very regularly, is the standards are changing, and standards are rising. Are the standards higher? Are you and I, I need to quit worrying about it after 42 years, I'm going to do something else, but it is the same thing, the standards are rising, and as it becomes evident that we are lagging behind those standards, then...

FISER: If I had it to do over again, and you and I were just starting out two years ago, whatever it was, what advice could you give me that would help me not face what I am facing right now?

J. WILSON: Well, yeah,...

FISER: I want to if I can just keep from...

J. WILSON: The advice would be, where ever you are, but certainly in the nuclear business, but kind of in industry in general, is strive for, somehow the absolute best, and don't compromise. And that is a fine line, because...

FISER: I think you would have fired me.

J. WILSON: ...because, if you don't compromise, then you piss some people off and you don't get anywhere. You don't get anything done from that point of view either.

But that is really what everybody looks for, is constantly diving for some super high standard, and that is what we kind of lack here at Sequoyah, and we still lack that in chemistry, and we still lack it in chemistry. We're probably starting to get something, but we are way behind the curve, we should have had the...I guess the thing that surprised us all was the fact that when INPO came in was that they found that their basic knowledge was not there. And we all kind of assumed that.

FISER: Every year, I had the same training managers that Bill's got, and boy I'd hit them hard. We'd pass out mock tests, and have interviews and all kinds of things, you know if you get them used to being interviewed, and ask questions...

J. WILSON: The thing that I see that makes the most successful people stand out is the fact that they, whatever it is that they are doing, that they don't accept anything less than the absolute best. But they are able to do that without taking forever either. We have some people here that try their absolute best, right here, but they need 10 million dollars and 50 people to do it, you see, and we can't do that either.

The whole bottom line is that the world is getting as competitive as hell. Europe is doing...I was just reading through this INPO thing. Here is a chart, and the black is the European plants, and they run with as good or better capacity factor then we do, and look at the difference in manning, across the board. Total, they man half as much. That's what we are competing with. Average staff per megawatt...look at that, maintenance is about the same. Every place else is not. We've really grown over in engineering,...

That's, maybe that is just fresh on mu mind since I am reading this Zach Pate thing, but that is really my advice, you've got to rise to the competition, but you've got to do it by pushing the people to give the ultimate product. You also worry about schedule pressure. That's what your fear is, schedule pressure.

Well I've seen that, once you get over, once you get the target right, it is easy to overcome schedule pressure. What is tough id to overcome schedule pressure and the other at the same time. Because we are all just so human, and we can't sort it out. So we have got to learn one of them right, and the one to do right first is to set the high standards, and achieve that high standard, without taking forever. But once you set that high standard, and learn to achieve that high standard, then it gets

easier and easier to do it faster and faster. That is what I've seen in the past. We have not achieved that here at Sequoyah.

FISER: My goal was in chemistry was to do the best and to help get the funding to do the things that...but all the time I wanted to be "best plant" in every category. We did that, but obviously I failed on the other one. But plainly, we should have...

J. WILSON: It's tough in the climate here, we're in a climate to be tough on individuals, and holding them accountable. I think you can go out and do fine, I think you have a lot of basic knowledge, a lot of knowledge, a lot of just stuff like that.

FISER: I told Bill Jocher, I said what I think they would really like to do is take Bill Jocher and Gary Fiser and add them together and divide by two.

I wanted to make sure that you were not upset with me, I guarantee you that I gave it my very best

J. WILSON: Well, where I am, I bought into the move because we really wanted to do something to upgrade, to make the thing more effective, and I'm not setting here talking about Bill Jocher. We haven't achieved it yet. We haven't achieved it yet. That is nothing for you or any of us to take comfort in, but I guess one thing that ought to tell me is, and that is something to take some comfort in, is the fact that we couldn't get to being effective and really high quality and top notch, is clearly not solely you. (b339a)

FISER: I do take comfort in that, but I feel that I'm the one that taking the heat.

J. WILSON: Well, I know, I understand clearly the dilemma you are dealing with now, I think you just have to set your sights, and go out and attack a new mountain.

FISER: Well, you confirmed what I thought.

J. WILSON: I'll be downtown, I'll probably see you or something.

FISER: Good luck.

J. WILSON: Best of luck to you, I know what I'm going to do, I'm going to go see my grandkids.

NOVEMBER 23, 1992

FISER: ...it has got to be done, because he stood in the gap and insisted that they do it...

LAGERGREN: And I stood in the gap the previous two years, just to keep the study going.

FISER: and he mentioned training, he said he was a little upset that they had a training finding. I told him that I had the same training people that Bill had. I said that the thing that I did whenever INPO come in, we had mock interviews, and we should set up and give the tech's tests, get them into a room even, just like INPO does, to where they would get used to being questioned, and the type of questions. We would even call other plants and see what they were asking. We did that to get them accustomed to being interviewed by an outsider, to where they were a little more comfortable. If I had been out there this time, I would have done that and we would not have had a training finding, because I would have had them ready.

So basically, it just came down to the fact that we don't have the instrumentation upgrade, we are behind the eight ball, we should be a lot further along. Therefore he felt like that was why Beecken did not want me back out there.

You realize that I have not been in chemistry for, this coming April, it will be two years. The last time INPO came in we did fine.

They can't really say anything, they don't really have any complaints other than INPO hit us this time. I feel like that they have got to find a goat.

I feel like Kingsley is probably in trouble, because he told Waters that everything was fine, we had some problems, and we were going to fix them. And it didn't happen. I know that during the INPO debrief two or three weeks ago, when they go over these things verbally, Kingsley and Waters were with INPO, and when this came up, Waters looked at Kingsley and...(I got this through licensing)..., Waters looked at Kingsley and said, "you wrote me a letter, and you said that we had a good program, we were doing well, the chemistry index was good, there were some problems with instrumentation. and you were going to fix them". Kingsley made some comment like, "He guessed he was in trouble".

But now you see who is in trouble. So I feel like I'm really taking the fall for ODK. Really what happened, Waters went to...

LAGERGREN: Who wrote him a memo.

FISER: Waters went to an INPO meeting, in October or November of 19...

LAGERGREN: Yeah, but who would have drafted the memo for Oliver?

FISER: Me.

LAGERGREN: Did it have anything...

FISER: No. Because I drafted the thing and sent it to Jim Barker, and Jim Barker took it and massaged it and sent it to Wilson McArthur, and Wilson sent it to ODK. And what caused that, Waters went to a meeting with INPO, where the comment was made that chemistry across the nation appears to be slipping, and kind of falling behind.

So he comes back and he writes Kingsley, and he made this comment, are we O.K., at Browns Ferry and Sequoyah? So they called me and I said, "No, we are not O.K." And Barker pretty incorporated my comments, he changed a few things. He sent it to Wilson, who sent it to Kingsley. According to Wilson, I just talked to him a few days ago...

LAGERGREN: Was that a couple of years ago?

FISER: It was in December of '90, I've got the memo.

But Kingsley threw that back in Wilson McArthur's face and said "I am not sending this to John Waters, you change it, you make it more positive, and then I will send it to him."

And they changed it, and they made it more positive, and then he sent it to him, and Wilson said that he came in and said that he was not going to send a memo that sounded that bad to Waters. So he changed it.

But the bad part about that is, even the letter that he finally sent said, "Yeah, we've got problems, and we are going to fix it, and we are going to fix it in '91". And nothing got done.

So even what he committed to Waters did not get done. So see he is hopping mad, because it makes him look bad.

LAGERGREN: Well yeah, but why didn't he fund the CUP then?

FISER: Because I didn't make it a big issue, Bill.

LAGERGREN: No, it didn't matter how big of an issue you made it. It had to come from the line back down to Jack to say, this is a sacro-sanct. I mean there was other pet projects...

FISER: The cafeteria!

LAGERGREN: Yeah, in all honesty, what does building that dad gum new security thing do for us. We could have built six chemistry labs for what we paid for security. But there were sacrosanct projects that would come down that we were told...

FISER: So after that meeting, I'm guessing that Kingsley chewed Bynum out, but I know for a fact from talking to Wilson that Kingsley chewed Keuter out, and Keuter chewed Wilson out, and

Wilson called me in and said "Boy, I got chewed out because we didn't make CUP a big enough issue to get it done."

LAGERGREN: It wouldn't matter how big of an issue the Wilsons, Gary Fisers the Dan Keuter side of the house could make it...it could have been their number one priority, the fact of the matter is with the dollar limit placed on the plant...

FISER: By Kingsley.

LAGERGREN: ...by Kingsley, personally,

FISER: I know.

LAGERGREN: ...personally,...

FISER: It couldn't happen.

LAGERGREN: ...it couldn't happen. The only way that project, independent of how much noise you all made, the only way that project would have got funded, is for them to come down through the line side of the house, and say, "That project was sacred". (b75b)

But Jack took the same position on the feedwater heaters, see I don't think I can disagree with that. That essentially used up the equivalent amount of money that the CUP did. CUP was on there funded, and the funding decreased, decreased...

FISER: But they did the feedwater heaters.

LAGERGREN: Well I know, but where do you think the money came from?

FISER: I don't know.

LAGERGREN: Well I mean that is where the money came from. (b78b) It came from that and several other projects.

FISER: To do anything, you've got to bump something else?

LAGERGREN: Yeah. Yeah. Unless you are given some more money, and told "This project is going to go, no matter".

Like the feedwater heaters, the feedwater heaters were a sacred project. It was on Jack's sacred projects list. But I don't disagree with that.

FISER: I don't either.

LAGERGREN: I mean...

FISER: That had to be done.

LAGERGREN: It had to be done.

FISER: And the condensers have got to be replaced too, you've got to get the copper out.

LAGERGREN: And Goetcheus is telling me that has kind of fallen by the way side.

FISER: I know it. Our steam generators have two cancers, the copper cancer, and then the molar ratio cancer. The copper cancer takes a long time to get you, years. But it has been years. So we are in real jeopardy, and I don't know where we are. The molar ratio cancer can get you in a cycle, go ask Trojan. It can get you in one cycle, and that is CUP, you've got to have on line, accurate, instruments to be able to get your molar ratio right. If you don't you are guessing. And it will eat you alive, in one cycle.

So you have got two cancers, don't even talk to me about just treating one. If you are going to a doctor and you have got two, one is a slow killer that you have had a long time, and one will get you in 18 months, which one are you going to treat?

LAGERGREN: The quick one.

FISER: Well, you are going to treat it, but you better get that other one.

So I sort of...it made me feel better, he looked at me and he said, "We should not take any comfort in this, but nobody else has been able to do it".

I said, "Yeah, but when you came on board I figured we had our best shot, because, you have been at Surrey, you have replaced generators, you know we are not kidding." And even he, in a Vice President position, couldn't get the money. So, what chance do I have? (93)

LAGERGREN: Yeah.

FISER: And he knows what it will cost you.

LAGERGREN: I talked to Joe, and Joe will give you money...If he has got it to give. But they maintained the last outage on 50 million dollars. And INPO came around and hit up for fermanite jobs and stuff getting whacked. If you don't have the money, you don't have the money.

FISER: So that is what happened, and I've got it from Wilson, and I've got it straight from Jack Wilson. And I am going to talk to Beecken and make sure that nothing...

LAGERGREN: Yeah, it's about time you had a talk with Rob.

FISER: I put a note under his door Saturday, and also told Jack to be sure and tell Rob that I want to talk to him, because I sure don't want there to be any hard feelings. It doesn't matter if I have hard feelings, but it matters to me if he does.

So it was CUP, and it is hard for me to understand, it is hard for me to swallow. But I'm going to have to swallow it.

You don't have a job at Bellefonte, do you? Do you want to send someone down there to SRO school. I'll go down there and I'll go to school for four years, I don't care.

LAGERGREN: No, I don't think we'll start work until '95.

FISER: That would be a fun place.

LAGERGREN: Well, what are you looking at right now.

FISER: The only thing that is open, I looked at the board down here by your office, I got in there Friday when you were not here, and went through all the vacancy announcements.

There are a lot of Resource jobs, pretty high up jobs, that are open. INPO would like to send somebody here and swap me out. They would like to send old Bill Burke, the one that came and did our assist visit back in February. They would like to send him because he has been at INPO for ten years, and they would like to get him some fresh plant or corporate experience. And they know what is going on. And they have already talked to their Vice President, what ever...Schaum?, something like that. And he is just waiting on a phone call, and if somebody calls and makes the right offer, he wants me down there. A reverse loan type thing.

LAGERGREN: What has to happen, for that to happen?

FISER: The only thing that has got to happen, they have got to provide Bill Burke, the one that wants to come, with a position that would really add to his credentials as an evaluator.

But I don't think he would take anything at Sequoyah, except the chemistry manager's job. And I don't think he would take anything down here except this job here, or maybe a program manager. If they would call and offer that, it could happen tomorrow.

LAGERGREN: I mean, has somebody got to be doing that over on this side of the house?

FISER: Yeah, it has got to be initiated from this side.

LAGERGREN: Well, who is it?

FISER: Wilson will have to get our INPO liaison, Vic Wahley, to fire off a letter. Of course, they would have to have everybody's blessing, Joe's blessing at least. And I don't know if he would be a problem.

LAGERGREN: No.

FISER: But, that's our way out. I don't feel like any of this was my doings, or my fault. I don't want it on my record that I took a demotion, and that is what I will have to do if we don't work something out like that. So if I take a demotion, that would make it difficult for me from now on...

LAGERGREN: Yeah.

FISER: ...to get a job outside, or anything like that. It would be O.K. if I had done something wrong, and deserved it. But man Bill, everywhere I go I just get conformation that they didn't have any problems. I feel like I am the fall guy.

LAGERGREN: Well is there anything in the Water Resources area that you want to do?

FISER: Yeah. I don't know much about the job, he didn't tell me. But look at the closing date...closing date...According to David Sorrelle there is a big shakeup coming, and there was a lot more of these jobs coming available.

LAGERGREN: Yeah, there will be because Ralph Brooks, who is over that thing, he came to the Hay, Committee, and I know Ralph. I mean if there is a job in there that you think you'd like a shot at...

FISER: I don't know a whole lot about it. But I would sure like to give it a try. I feel like that would be a good place to go with Bill Clinton and Al Gore taking over. I feel like it would be a good opportunity there.

I don't want to stay in chemistry, if I stay in chemistry I will have to step down, and I don't feel like I deserve that.

LAGERGREN: Well, I was just looking at a Hay presentation of where that organization is going, that would be a good good place for you. A good career move for you.

FISER: I would like to go to licensing school, but they have got to do something so quick, that I don't think they will give me any chance at all. According to McArthur, Joe Bynum is on him wanting to know why he has not done anything already. I think they would have done something week before last except for the fact that my father died. It has been two weeks ago this past Saturday, and I was out of town, or they would have probably done something then.

So that's the only thing I know to do because these dad blame things are past the closing dates.

LAGERGREN: Yeah, but you can apply on these things after the closing date, they don't have to consider you, but they can. And I know that there is a number of those jobs that they don't have anybody in house earmarked for it. If I believe Ralph Brooks, which I believe Ralph. So they are going to have to hire those people from somewhere.

FISER: See, that would be an excellent opportunity, and if I could take a promotion then it would not look bad on my record.

LAGERGREN: Right.

FISER: It would be a good opportunity.

LAGERGREN: Well, why don't you apply on it?

FISER: I'm going to. I'll do that today.

LAGERGREN: O.K. Use me as a reference.

FISER: I'm not going to use Keuter.

LAGERGREN: No, use me as a reference, I think that would help with Brooks, because I have helped him.

FISER: He and I took some training together for quality improvement, and we had a good time. He will remember me I think from that.

LAGERGREN: Well O.K.

FISER: I'll get something going on these things and see if any more have been added. I'll go ahead and apply on these.

That would be a good way out, that would be a win win situation.

Wilson kind of indicated that he was not all that pleased with Jocher. And I said, if it was two years ago, and you could have given me some advice that would keep me out of the how water I'm in right now, what would it be? He said, "Well, you just should have been pounding on that table, you should have not taken no for an answer, you should have been a lot more aggressive", but he said, "you know, you can't carry that too far, because if you carry that too far, you get people mad at you, and you don't get any support".

I think he was alluding to Jocher.

But, oh what a year. (b160b)

NOVEMBER 23, 1992

McARTHUR: ...that says Sam is going to be in the position that you are going to be. Now what I am doing is putting you in Sam's position right now and we will work out other things. O.K.? I'm not sure what we are going to do yet but we are going to work on it.

FISER: That's the one thing I didn't want.

McARTHUR: Well, now look, I don't want to debate on that.(b162b) Anything.

FISER: Well what about Sorrelle?

McARTHUR: Well, Sorrelle says he wants to talk about it, and he wants to talk to me.

The only thing I want to do is get this thing done, and we can worry about what we are going to do later. We will work out something for you. If I have to overrule, now I want David to make up his own mind, I'd like you guys to talk, if I could get all three of you together to get it resolved.

FISER: Yeah.

McARTHUR: That does not mean that you have to stay in that position, you understand, I'm just saying that I have to get this thing moving.

O.K.?

FISER: Well, if you have got to, then you have got to.

McARTHUR: Then I want to set down with you and David. Is David here this afternoon?

FISER: I don't know.

McARTHUR: When you find out if he is, lets make sure we sit down with him.

FISER: Well, I talked with Bill Lagergren, and he was talking about the positions that were available.

McARTHUR: Yeah, he was mentioning something that I didn't know anything about.

FISER: ...some elevens, even those are past the dates.

McARTHUR: Which group are they in?

FISER: Water Resources.

McARTHUR: All I am doing right now is...you've got a place, and if we can get you over in David Sorrelle's group, we'll do that. But I'm being, I was supposed to have done this thing last week. (b170b)

Did you hear anything from INPO at all?

FISER: Yeah, they want to come. I talked to them this morning.

McARTHUR: Well, what do we do?

FISER: We've got to get with Wahley over here and get them to fire off a letter.

McARTHUR: Can you set it up?

FISER: If you want me to do that, I will do that.

McARTHUR: Set it up and we will go talk to them.

FISER: Now, the position, I talked to Bill Burke, I called him to see what he was interested in, and he said the only position he was interested in was the Corporate Chemistry Manager, or the Chemistry Manager at Sequoyah. He said there was a possibility that he would consider a program manager position here, but he does not think INPO would.

McARTHUR: That may be a tough battle.

FISER: Yeah.

McARTHUR: There may be some possibilities in a day or two, O.K.

FISER: Yeah, O.K.

FISER: I went out and talked to Jack Wilson.

McARTHUR: Did you? How did that go?

FISER: Saturday. It went real well. He basically said, in a nut shell, that it was the chemistry upgrade project, not getting that done.

McARTHUR: That's not your fault.

FISER: Well, I said, what could I have done better. He said "Well, you should have pounded your fist, and demanded that they fund CUP..."

McARTHUR: We did that, we sat down with...

FISER: ...But he said, "You can't carry that too far, you know if you make enemies you can't get anything done either". He was very supportive as far as anything...(b180b)

Note: At this point we were interrupted.

NOVEMBER 24, 1992

Mr. Sam Harvey came in to see me and say that the INPO swap would take weeks to work out, and maybe even take until January. He went on to say that there was a lot of work to be done, several audits, etc., and that I would have to help out. I volunteered to do both the audits.

He then expressed concern that Dr. E.S. Chandrasekaran was so upset about the fact that Sam was now the interim Chemistry manager, that he was going to leave. I told him that I would do everything that I could to calm Chandra down.

DECEMBER 3, 1992

Mr. McArthur came by to see me and asked how everything was going, and I told him that with regards to the INPO swap arrangements, nothing was going on. He asked me if I had talked anymore with Mr. Sorrelle about working for him. I told him that I had not yet had an opportunity to discuss it with him. I then asked him if Jocher was coming back downtown, or if he would become the new Chemistry/

RadCon Manager at Sequoyah. He told me that there would not be a chemistry RadCon merger at Sequoyah, and he immediately called Jocher and told him that he had talked to Joe Bynum, and that Joe had agreed to wait at least six months.

DECEMBER 9, 1992

FISER: What is the matter Rob?

BEECKEN: What? What do you want to talk about?

FISER: What is the matter, I just wanted to find out what is going on. Obviously I feel like you are upset with me for something, because you don't want me back.

BEECKEN: I wanted a perfect INPO evaluation, that's how come. The chemists, when you look the, now the one issue of material condition...that's O.K., I understand it. But you start looking at this training thing, general lack of knowledge, chemistry data...analysis. And then get into some of the other personnel issues, see that's where you could have done better.

FISER: Let me say something about that, Rob I honestly believe that if I had been here, you may have had one finding, not three. I may have been able to get you out of the equipment problem again, but I can't state that unequivocally, because we had that excursion the first day they were here, and went into action level two in DO because somebody jerked the bags off the...

BEECKEN: Well, yeah, but that is not the issue. The thing that pisses, that tees me off on that one is, the systems engineer called the chemistry shift supervisor and said that he was going to remove the bags, watch for DO. Did he effectively do that? (He shakes his head no)

FISER: I have not heard that. The problem INPO has with that is that there are no alarms in the control rooms and all that kind of stuff. So I don't know that I could have got you out of that one. But Rob, I had the same training people that Bill has got, and I made it for years. So what is the problem?

The problem was that Bill had directed them to do some training in Reg. Guides and stuff like that, and that is not a bad thing, that is a good thing to do, but there is some other stuff that you have to have them boned up on when INPO comes in. Also, every time that they came in, I would set the guys down, and I would give them mock interviews, I would come up with a set of questions just like they do, get them used to being questioned, get them used to providing answers and presenting themselves well, I did that every time. And this time we got some sample questions that INPO was asking, Sam Harvey showed them to me, and I said you have got to get these to Bill right away so he will have an idea of the type questions that INPO was asking. He showed them to Bill, and Bill did not follow my recommendation in getting them together and briefing them, doing the same thing I had done in the past. He did not do it, he did not feel like they needed it. I think he felt like they would do alright.

That was not the case.

On the data review, every time I sent data to INPO I reviewed it myself. I spent days if that is what it took, and we corrected the errors, and if there was any discrepancy, along with that data to INPO went a list saying that on this date, this sodium value is going to be at this level, and this is the explanation for it. For some reason, that was not done.

So if I had been here, I honestly believe that you would have had one finding...

BEECKEN: Which would have been the material condition?

FISER: Yeah, I can't sit here and tell you Rob that I could have got you out of that one...

BEECKEN: No, I don't believe that you could have.

FISER: Well, I've got out of it for years, It's the same equipment out there. It's the same stuff...but we were on borrowed time on that one. Now honestly, with the progress that we have made in getting the study done, I honestly thought I could have got you out of that one too, but I may not have been able to, but we have made more progress these past two years then we ever have, as far as chemistry upgrade.

But we got the finding, but I'm telling you that you would not have had the other two, because I had the same training people that he had, and I made it. It's difficult...(c41a)

(Interruption, 41-74)

FISER: There is another thing on that training Rob, that I can't prove, but...Bill may have wanted that one to get training in trouble so that he could clean house over there and get some of his people in. Now I can't prove that, but it is almost as if he sort of encouraged that in a way to show them up, to make them look bad so he could get rid of them and get some of his people in here. I don't know.

That is just between you and I, and if that gets out, you had to have said it because I haven't told anyone else, but it is almost as if that sort of thing was going on, he was sort of encouraging that one.

BEECKEN: ...you know, I don't think Bill, Bill needs to go on back downtown one way or the other. He about drove me,...but I'm real upset, I'll tell you where I'm coming from Gary, right now...a year, two years ago was fire the guy. Every time you turned around it was, "Oh my God, what are you guys doing, this is terrible". And now I am starting to get it from...

FISER: Well I'm telling you, now hear me, you may have had one finding if I had been here, and I am going to give you a maybe on that one.

BEECKEN: But the problem..I didn't like...Peterson and those guys...

FISER: Yeah, I pretty well, you know, in January, now I really crossed those guys, because they sat in my office Rob, and they demanded that I turn out 52 or 53 plots everyday, seven days a week, holidays, weekends, everything. I refused, I could not do that, it was impossible. Not only did they want me to commit to doing it, they wanted me to put it in procedures, and absolutely could not understand why I would not do that. So they got real upset with me because I would not do that. Because that was the kiss of death, there was no way. It is all we could do to turn them out the way we do. Now you get this new spiffy system, then there is a possibility.

But I talked to INPO about that, and they said that is ridiculous, at most you would turn out a couple a day. Remember when I would give you guys, Cal Vondra, a RCS dose equivalent and DO, or something like that everyday, that is all they wanted. But these guys wanted me to turn out 53 a day, I couldn't do it, it was impossible, and I refused to do it, and they got all huffy and ran off and told all sorts of terrible tales on me.

But it was not because I was not wanting to be responsive, it was because that was an impossible situation.

So, yeah, I fully admit it. And I, I didn't throw them out of my office, but my gosh I couldn't do that Rob. There is no way. No human being, no organization could do that, no one does.

So, yeah, I got in trouble with NSRB. But you have got to understand that Bill was down town at that time, and Bill was whispering all sorts of things in their ear.

Now you have got to also understand that I have been gone for 18 months. I haven't been in chemistry. My gosh, I'm in trouble for something that happened in the past 18 months and I haven't even been here. (c100a)

BEECKEN: The issue is were you aware, were you aware, and it is not good enough to find something after the fact, and I realize Jocher is going to say yeah...but when I look into this thing...like the chemistry knowledge thing, you may have been able to pump it up, or at least make sure that INPO thought it was, but I tried looking at things...this is not overnight stuff,...how effective has their training been, how critical have they been of their manpower, this has just has been going on for a long time...I think a lot of the stuff was there.

What I am concerned about, I don't want chemistry to be an issue. There are some of those guys that, you can send them to training and they don't even pass. How are we dealing with that?

Some practices, like that filter change-out scenario, where the guy..

FISER: The guy checking the valve, and he swears he checked it, and it was in... Yeah, I remember it. That is one of the things I observed.

BEECKEN: The radmonitor effluent calculations not accounting for the vacuum.

FISER: Inaccurate corrections for vacuum. When we made changes, it was a directive, to raise the CVI setpoint, and we did it, and I asked no less than a half a dozen times, possibly a dozen times, "Are you absolutely sure that we have correctly built in the corrections for vacuum in the gas chamber?" I did that myself.

BEECKEN: Yeah, but it was a chemistry procedure.

FISER: Yes I know, but that information had to come from the engineering group, and I received all kinds of assurances that this had been looked at in 1982, and the response was made and there was no problem. They convinced me that there was no problem. But I did ask the question.

Because I got into a similar type of thing at Arkansas, whenever we were purchasing a new system, around...it was after TMI. In 1982 that IE notice comes out. I am in the process of buying a new gaseous effluent monitoring system, and I asked that question, and they did not have it right, and I made them get it right before they shipped it. So I was well aware of it, but all the information, all of it on paper back in 1982 indicated that problem was taken care of. It looked good, I bought it. I believed it. It was wrong.

I feel like what I have done, Rob, I have taken the resources, the people, the money, the equipment, that you guys provided for me, and I ran the very best chemistry program we could run. I mean I did, and I had no findings, ever. Ever!

And I feel like I'm in trouble.

BEECKEN: Well the reason you are in trouble is, and I'm not looking at the big dollar thing. Fundamentally you have got payroll, you have these people, O.K.? You've got training assets, you've got all sorts of stuff, and you've got some allegiance groups, but what we look at is the performance on training issue, God damn that is not a budget issue... (c130a)

FISER: Rob, the training people provided the training we asked for, and now we would have to correct the lesson plan, and really get involved, but they did what we asked them to do. Bill had asked them to do something that was a little bit esoteric. If he had asked them to do...

BEECKEN: That's that immediate "pump up" training.

FISER: No, that's for the last five years. They do what I ask them to do. They do what Bill asked them to do. They did it, now...

BEECKEN: Yeah, well my issue is, is the training cyclic? When I look at this training, now I got to go look at the retesting for fundamental knowledge, and they fail that stuff...so he doesn't understand about conductivity and its relationship to total dissolved solids, or he doesn't understand pH, he doesn't understand why we use boric acid...which I think the analysts should have known that.

FISER: They should have known that.

BEECKEN: But they don't. They don't even know if boric acid should go up or go down over a cycle. They didn't know that.

FISER: The only thing I can say is 18 months ago they knew it.

BEECKEN: You don't forget that, that's what I mean. I'll tell you the program has been less than fully effective for a long time, you were there, and something that I am looking at is not the big dollar thing, not the laser light shows and all that other stuff to put in, data collection, reverse heat exchangers...just a real fundamental, you've got following procedure problems down there, you've got the work ethic issue, I've got people that ask fundamental questions, and they are supposed to be RLA's. Fundamental questions relative to chemistry.

And I'm taking a look at those issues which are real, Gary. Now is he really going to give a shit, come down and...dammit, it doesn't decay!

Even with Jocher and his adjunct professors couldn't screw that up that quick. (146)

Well yeah I'm upset with you. I said O.K., if I bring Gary back, the same old routine. I guess I want to get somebody in my mind very very sharp in chemistry, a guy that is real effective, and is going to hold his people to standards, and I am not talking about, I just want to control the assets that we've got...we've got to do it right. And I don't think we are there yet.

We're not there now.

FISER: It is not there now.

BEECKEN: ...but for a long time chemistry has been reading through the lines and they have been winging it. Now they know that they can do an analysis, but they have no clue as to what the hell they are doing, is the way I see it.

Their ALARA consciousness is no good, they don't understand the reason...and that's not something you've got to have a \$400,000 study on...just have a little seminar on pH.

You don't need a contractor, I don't want...it doesn't make sense...

FISER: That's what I did! I did that, repeatedly.

BEECKEN: Well, they must be really stupid.

FISER: Either that...I don't know who they selected, I don't know who they talked to. I don't even know if they were asking primary questions to a guy on the secondary. I do not know, I have not seen the list of people. I'll bet that had something to do with it.

And the other thing is, I feel like, there is some passive aggressive behavior. I feel like they disliked Bill very much, and they are going to try to make him look bad. I suggested that to him.

BEECKEN: ...that damn Fiser, he didn't take care of the training, these guys are not qualified, and now we are paying for it,(159) he didn't do it.

Training is not something you can take a week before hand, or month before hand, and make sure that he can pass in front of INPO. You can't do it in operations, you...

FISER: No, we did it all along.

BEECKEN: Then where the hell did all the knowledge go?

FISER: That's a good question. When I was here, INPO asked them the same questions, there are not any new questions. There is nothing new out there.

BEECKEN: That's why I'm...

FISER: I just want you to know that when I was here, we got it done, we would have got it done this time too, if I had been here.

BEECKEN: ...is one thing that I appreciate, but I want to get to where they can walk in at any time, they can walk down and go away duly impressed, and say "fuck, these guys are sharp"(164)...

FISER: Well, that's what has happened.

BEECKEN: ...Every time I turn around, my perception is, every time they turn around in chemistry, I hear another world of garbage...What is going on? My God! This ... is terrible.

Do you know how long it takes, it took me, I had to almost write the chemistry response. I'm not real thrilled with Bill, I'll tell you that right now.

FISER: Well I'm going to tell you, I did not see the responses until after they went in, and INPO is going to throw them back in your face. There is no way they are going to let that go.

BEECKEN: Why?

FISER: Because, the data review thing...

BEECKEN: He blew it off.

FISER: You disavowed it, you cannot deny it. I mean I have seen too many cases of it. I've pointed them out, all throughout the year. All throughout the year Rob. You are claiming that you have failed fuel when you don't, and you are not claiming you have it when you do. And, I am the one that was catching that and was telling the guys about it. If he denies a data review problem, they are going to stomp him in the dirt. And that is exactly what is going to happen, and you heard it here first, and I have not talked to one person at INPO about it. It is going to happen.

BEECKEN: Well let me, I have got to sit down and talk to Wilson about this. The perception I've got is that chemistry is broken, in my mind, but it is not one of these things that happens...Jocher didn't come in and break it. It was broken, weak, struggling and now I want to get it fixed. How am I going to get it fixed? Make the same guy that was here when I said it was weak, broken, in trouble, getting by, and let him back.

FISER: I got it done before, I could do it again, but I'm not here asking for the job.

BEECKEN: No, but I'm ...

FISER: I just want you to understand that if I had of been here, we would have kept it...See, when I left and went to outage management, that's when Bill got at odds with Rob Richie, and Scott Watson, and started all this mess, and whispering in the NSRB's ear. If I had never left, Bill and I could have continued communication, I can talk to anybody, and we would have fixed this thing, and kept it fixed, and you would have never known about it. And that is the way it should have been done. And all this whispering behind my back would do nobody any good.

BEECKEN: Well, I'm not, I'm considering all the whispering behind your back and all the other brew hah shit, well I know what's been going on, and I'm looking. I'm looking...

* * *

BEECKEN: Here's the fundamental question, that Gary had to have known about it, or it wasn't fixed. Now that training issue, that's not an overnight, unless you are saying that it's malicious ...because his troupers wanted to submarine him. I don't know. Let me talk, I need to, have you sat down and, I assume you have, so I can talk to Wilson McArthur?

FISER: I don't think that there is anything that I have said that I have not told him.

BEECKEN: O.K., so I can sit down with Wilson and say, "Well, what do you think? Am I being a crass ass hole?"

Cause, my problem is that I want to fix it. Here is all I want to do, I can't have any friends I guess, but I want to fix chemistry, O.K.? Here's my problem, so O.K. Jocher, I'm not, he's not, he's not what I want, O.K.? So what about Gary, "Well shit, Gary was here...it looked like there was lots of frigging problems, at the basic level, the training, the methods, the use of procedures, performance, being held to an expectations, all that stuff. Who was there? Who was there? Who was there? Who was there?"

FISER: ...I was there.

BEECKEN: No, I want to be successful, but you understand where I am, I want to fix it.

FISER: Do you understand where I'm at? I came into a program that was in trouble, when INPO came in a few weeks later, and there was six findings, and there was more but they just quit. And I fixed it, and we have not had a finding since. I left and got in trouble, and I feel like I'm being blamed for it.

BEECKEN: Well, no, you know where it's coming from, it's hay, this shit didn't transpire over night.(200) A lot of inherent weaknesses that were here that were here, that weren't properly dealt with?

FISER: It took a lot of tender loving care.

BEECKEN: Yeah, hell yeah, but it's not different then any of the other section managers had to be doing.

FISER: Your right, and that's what I did.

BEECKEN: Well, but the problems were there. The problems were there, that's why in a, now God damn it now Gary is fixing to fool right around and...that's my mind set.(203) That's the way I'm looking at this whole problem, how's this going to work?

But let me, I'll go sit down, and I'll go through this with Wilson, O.K., and I want to, you know I don't, How close do you think is Wilson to Bill?

FISER: Close. They all are, everybody downtown, they all sit before him, he pukes and they eat, and they don't ask questions.

BEECKEN: How do I get an objective viewpoint, It's my responsibility, I've got to make the...

FISER: Wilson is the closest you can get.

BEECKEN: But I want to make sure we get an objective viewpoint and I'm not getting it. You know I'm getting all the ... too. You know, this is fucked up, that is fucked up. So I want to make sure I am objective, and fully forthright, and I'll make the right choice. I've got to make the right choice, that is all I want to do is make the right fucken choice. I want chemistry to, I want a strong, solid, fundamental chemistry program. I don't want all the bells and whistles, I don't need any adjunct professors, but I want a good ...

FISER: See you Rob. (211)

DECEMBER 9, 1992

FISER: ...INPO came in, and I understand that they did not even know what boron did in the cycle, and some ridiculous stuff like that.
You've heard about that?

MULLENIX: Yeah, parts of it.

FISER: What is your assessment of it? I'm going to tell you mine, but I want to hear yours.

MULLENIX: Centrally in the fact that what that proves, or what has caused it?

FISER: Well...

MULLENIX: I haven't heard the details of who they asked, Gary. I read the reports, but I think the people that should answer those questions are the shift supervisors. The workers are really not trained that well in...since 1989. They haven't had training.

FISER: Well, I know they haven't.

MULLENIX: I think that is one of the biggest downfalls.

FISER: At Arkansas, I had on the primary side, I had a guy with a chemistry degree, who had been a school teacher for years and years and years. That's the caliber of people I had...

MULLENIX: But, but, O.K., you had a primary person and a secondary person, what did they do differently then what we do here? Do they actually participate in the training and retraining of people? Go down and talk to people, and perform a QA function, or like a semi hands on function, that we don't do here? They don't do that.

FISER: Yeah, you may be right. I told Bill that I felt like there may have been some passive aggressive behavior in the people, maybe hoping that he would not look so good. Do you feel like they are that mad at him?

MULLENIX: No. They were at first, I don't think they are right now.

Now, here is what I told Joe Bynum, in my kitchen, when he was over at one of my Christmas parties, the year that they closed the training center, "When the training center closed, the whole chemistry training program went down the tubes." It died. That was their retraining. They don't have anything anymore, because, when you leave them in the environment over here, and you expect them to get trained, or retrained, it doesn't happen. There are too many things going on, they are too short handed. They are not getting the focus on laboratory safety, laboratory process, theory. The...stuff that Ester taught, those things are just dying away.

FISER: You don't feel like we have a quantity or quality problem of people...

MULLENIX: In training?

FISER: Yes.

MULLENIX: Yes, and I don't mean to cut Danny down...

DECEMBER 11, 1992

(c000b)

FISER: This issue that has, this is a different subject Don, this issue that has arisen on the setpoints for monitors, and the fact that we were...the response in, I guess in 1982, we did not do a thorough job investigating the vacuum, IE '82 whatever.

When we raised the setpoint, we did it a couple of times, I remember asking the question a half a dozen times, "Have we adequately addressed the vacuum issue, and corrected for the vacuum in the chamber?", and the response that you gave me several times was that it had all been looked into, it had been documented, we had responded to NRC, there is no problem, it is hunky-dory.

Where were you getting your information? Who would have looked into that back in '82?

AMOS: Well, the '82 response, I wrote.

FISER: The buck stops here, right?

AMOS: Fortenberry signed it.

FISER: Well, what happened, how did we not...

AMOS: I thought '82 didn't even address vacuum, did it? I mean...didn't one come out later?

AMOS: No, the '82 one it was...

FISER: No, because that was in the process at Arkansas. I was buying a new effluent monitoring system after TMI, and that came out. So I hit Eberline up about it, and not they had not corrected either, so I had them make a software correction.

AMOS: We primarily, two or three things, we primarily addressed it from the particulate and iodine issue, because, if you read that IE notice, 90% of it talks about rotometers, measuring flow and stuff like that. I mean the piece out of the textbook was about rotometers, mass flow change with the different types of rotometers and stuff like that, and we had that, that was addressed.

The other thing. Palo Verde, the problem they had, the way I read it was, that they quantified releases based on radmonitors, and we've never done that. So that's the two respects that I looked at it. I never did look at it from a setpoint, quote unquote.

FISER: O.K.

AMOS: There again, up until 1990, there was no setpoint problem.

FISER: Then we got into all these CVI's, they said raise it as high as you can get it, we did it, and then we were in trouble. (c28b)

JANUARY 22, 1993

McARTHUR: Tell me what is happening with you, Gary.

FISER: I've just been keeping my head down and working.

McARTHUR: One thing that I've got...has Sam talked to you at all about Joe and Rob Beecken called and said that you're still on the head count at Sequoyah, and he said we need to get Gary on the head count downtown.

FISER: They called and told you that?

McARTHUR: Yes, or if you are not going to then we need to work out something else.

I said, well a lot of that is up to Gary. Gary may want to take up some other kinds of challenges.

Have you had any talk at all with Sam about this?

FISER: No I have not. He has not said a word about it.

McARTHUR: I asked him to do it, and this just really pisses me off. You need to decide what you want to do, now I am willing to keep you here, but you have to make a decision that this is what you want to do.

FISER: Well, I don't really have much of a choice.

McARTHUR: No, you could take up a challenge, you could say because you are going off the head count, that "I had been treated improperly." There is a lot of things you can do. I think, I don't know.

There is a lot of things you can do, because you've got some mixed responses to this, not that, I wouldn't suggest it, but...

The question is, do you want to stay where you are right now, or look around?

FISER: Yeah, I don't see that there is really any option to that.

McARTHUR: Can you instigate that on your end?

FISER: Beecken, when I went out and talked to him that morning, I felt like he hadn't really thought this thing through, and then he came back and said "Well, you know, I'll just talk to Wilson again and see if I am crazy", or something like that.

McARTHUR: He did, but he did not say anything different. He had that discussion with you, and he talked with you, but he said that the best thing for you was to stay downtown. (d020a)

You can tell me what you want to tell me, and I can make the decision.

FISER: Well, I've been keeping my head down and trying to do a good job where I am.

McARTHUR: Well, every reading I get back, that is the case, but...

Interrupted by waitress.

FISER: Where were we?

McARTHUR: You need to talk to Sam, and I do too.

FISER: I feel like what I need to do is just keep my head down and...

McARTHUR: In fact, Jocher made it very clear, he said, he will be coming back down here.

FISER: Yes.

McARTHUR: As far as, it is so confused right now. I personally think Jocher is doing a pretty good job out there, but I am not getting the same reading from others. (d033a) Jocher is at odds with...Kingsley, I think it was unfortunate. I may agree that what he did was kind of embarrassing, but it wasn't anything that I would have...Apparently it embarrassed Kingsley, and he won't let it go.

Jocher knows about this, nobody had said, Wilson we can't bring Jocher back downtown. As far as I know we are going to bring him back down here.

I talked to Leonard Bush about it, and he is evaluating whether to keep Jocher or to bring in somebody else, within TVA or outside.

That really the sites decision, I talked to Leonard about giving my recommendation.

I think that Jocher and Sam are not getting along, I don't know the reasons for it, I can't seem to find out. Jocher tells me that he's stabbing him in the back...

FISER: Yeah, they are really having problems, It is really sad for me to watch it and see what is going on. We can all speculate on what is going on, I know Sam has been very upset.

McARTHUR: Well, when guys work together that long, and then they have problems.

FISER: But anyway, I think what I would like to do is, it won't do any good to fight it, stay where I am at. I'll continue to support Sequoyah.

McARTHUR: Do you feel like you have got a good relationship between Jocher, do you spend most of your time with him or with Rob, or what?

FISER: Well, both. Probably more time with Rob. The way we have it set up now, I am supposed to do my interfacing with Rob. Of course, some of it is with Bill, but we have been doing fine.

I'm a little concerned about him coming back downtown. My philosophy is, we are support for the sites, we are oversight for the sites, but our mission is for them to succeed. I'm not sure he shares that view.

McARTHUR: You are satisfied to stay down here right now?

FISER: Yes. I was hoping that you were going to take one of those V.P. jobs if possible.

McARTHUR: I've been offered one...if I had wanted to be the senior scientist, I could have been the senior scientist. If I had wanted to but I'm a nuclear power guy, I don't want to change.

FISER: I'm really quite hurt by Rob Beecken, I feel betrayed. You know, he encouraged me to go downtown, Pat Lydon was very upset with Bill Jocher, he said, "I'm tired of this, I'm going to call Keuter and see if we can swap, do you want to go downtown?"

I told him that I had never thought about it, but...

McARTHUR: I don't think they shot straight with you, O.K.?

FISER: You don't think so? That's what he said.

McARTHUR: That's just my own personal opinion...see the results.

FISER: Then I got with Beecken and with Jack at the same time, and they said "Hay, you have done a great job, you deserve it, this is a good break for you, a great opportunity, then they cut me off.

McARTHUR: I was straight with you, I told you something was not right here.

FISER: You know when I talked to Rob, he speculated that the training problems and the data review problems, and he theorizes that that was going on when I was out there.

If that is the case, I have pulled off the miracle of the century, because I fooled, consistently, the best INPO has to offer.

You know, if they bring Jocher back downtown, we are going to be over head count.

McARTHUR: Yeah.

FISER: Unless they put Sam out at the site.

McARTHUR: Yeah, I agree with you, it will be if we decide to keep you here. It is usual in this organization to make things as confusing as we can possibly make them.

I pointed that out to Bill when we talked about it, I said, what about Sam.

McARTHUR: That's why he asked me the other day what he did, he said "Do I still have a job downtown?".

That's keeping my, I made a deal, with the site, we were to rotate you two guys, O.K.?, and that is what it was to me. I don't back down on a deal. Jocher is welcome to come back downtown, I may not be the happiest in the world about it, but I made a deal.

FISER: We've got it in writing from Bynum, and he reneged on the whole thing.

McARTHUR: He did. I hope I have been fair to you Gary, If I haven't I want you to tell me, through all this. It has been very difficult at times to know what the right thing to do was. I don't like being put in the position of kicking somebody out of a position and not being the one that makes the decision to do it. (d096a)

I feel like that I could quit real quick.

FISER: Then you would be in trouble with your wife.

McARTHUR: Maybe not. Sometimes I wonder what I am doing.

Have you thought about looking someplace else, or are you going to stay around here for a while?

FISER: I've looked, but I'm going to have to because, I've been ruined, look at what happened. Have you ever been demoted?

McARTHUR: I never have.

FISER: How would you like to have that on your record, for no apparent reason?

McARTHUR: Sometimes you can explain it. I've interviewed people before for jobs, with an apparent demotion, of course you get only one side of the story, and you don't know which side to believe.

FISER: Honestly, I feel like if Bill had started the job downtown and supported me like I have supported him, it would have been fine. We would have had some rough spots...That's what I was

trying to do, when I came down here I was going to show him what it was like to have a corporate staff that really supported and tried to help.

McARTHUR: He was trying to block you most of the time. You could not do what you wanted to do probably.

What can I do? You have got to be honest with me.

FISER: If you don't bring Jocher back...I would like a shot at the corporate chemistry job...

McARTHUR: I don't think that is possible.

FISER: Why?

FISER: Joe, I don't think Joe or Keuter would support it. I really don't think...just being honest with you...I don't have a problem if you want to do it, but...

FISER: We are getting along with Brown's Ferry, we are getting along with the sites.

McARTHUR: They weren't getting that feedback, the guys in the organization were saying "Gary doesn't give us direction".

They wouldn't say anything, not to me, they say that you are not talking to them. But I think that Joe got whatever story he got from Jack Wilson and Rob Beecken, and he also got input from Pennington, and also the NUS audit says, "it is kind of like the guy is not there." That is exactly what the NUS audit guy said.

I asked the question, I said, "Tell me how you think Gary Fiser is doing". The lead guy said it is kind of like he is not there.

FISER: Unfortunately, I feel like there is a bit of truth to that. If you will look in December, my wife fell down the stairs and broke her sacrum, in January my father came down with cancer, in April my mother-in-law had a heart attack in my house, and moved in with us, in June my father had a heart attack and never recovered from it, in September my mother had major reconstructive back surgery, in November my Dad died, and he died within 72 hours of the time I met with NUS and the shrink.

McARTHUR: He did?

FISER: Yes.

McARTHUR: That is what he came away with.

FISER: Well you see, Pennington, I started to tell but I didn't, because I felt like I could hide it, but obviously I wasn't able to.

So there is truth to that Wilson, but I think that there is an explanation for it.

McARTHUR: What I am saying, to answer your question...I can go, I can support you, but I don't think I can win. I don't mind getting Keuter and Joe with you and talking. If you want to do it I will do it.

FISER: But what you are telling me really I ought to do is to continue to work where I am, and look elsewhere. (d136a)

McARTHUR: Maybe it would give you a chance to see if they support you. The biggest support is Bill Lagergren...

FISER: Well, I feel like they have really treated me unfairly. (b206)

McARTHUR: Well, you know what you it may be that you really need, I tried to explain this to Jocher...I don't know how long Keuter will be there. I don't know if that is very encouraging or not?

FISER: Well, it is.

...

McARTHUR: Alrightee, I appreciate your time.

JANUARY 22, 1993

HARVEY: ...it's Wilson's goal to bring Bill back down here, it always has been, and you were to go back to Sequoyah.

FISER: That option has basically been taken away.

HARVEY: I don't think so by Wilson.

FISER: No, but what he said was, "Gary, you can go back out there and raise all kinds of Cain, and tell them that this wasn't fair, and demand that you get your position back". But, he said, "I wouldn't advise you to do that".

HARVEY: I think...

FISER: Honestly Sam I don't think Bill can wait that long. I told Bill I didn't think he would last long, because I know he won't put up with that. He won't put up with Sequoyah. He'll blow...

JANUARY, 22, 1993 PHONE CALL TO WILSON McARTHUR REGARDING PG-8.

FISER: Hay Wilson, this is Gary. I just wanted to let you know that I did talk with Sam a little bit ago about our discussion earlier. I told him that I had told you that I felt like I had only one option. Even though you listed two, one was to go out to Sequoyah and raise a raucous, and the other was to just settle in here and settle down and do a good job and wait for the powers to be to change. And so I told him that is what I had decided to do.

So I don't know if I need to do anything else, go talk to Ben, or if there is anything that I need to do, if there is, let me know. But lets just go ahead and make it permanent, and we will make it. So let me know if I need to do anything.

Thanks, bye.

MARCH 24, 1993

FISER: I appreciate...Bill said you talked to Bynum yesterday.

McARTHUR: Yeah.

FISER: I got your comments.

McARTHUR: Well, you know, that is what I am supposed to be doing.

FISER: Bill said that he mentioned that there was not a position for me in chemistry at Sequoyah?

McARTHUR: Well, what it really came down to, he said that Don is probably going out to the site. He wants to go on and define the organization, I think the organization is going to end up being like Joe is interested in doing. Joe said he did not know if Charles' organization is what he wants in chemistry. So that means that somebody will be in the Chemistry Manager position, and Don will probably fill one of those direct report positions. I assume that is what he has in mind.

So what he is saying is...and he asked me if I wanted to do. I told him we only had one option, and that is for me to get tucked in out here, and keep my head down, and do as good a job as I can do.

He said, "Good, I'm glad. I'm glad to here that."

He lead me to believe he would take care of it. Then he asked me if I had discussed it with Sam. I said no, and said, "Why?".

He said, "Well, I told him this two weeks ago, and I told him to talk to you". That is why I thought he might be mad at you.

Honestly Sam, I thought it was a done deal anyway.

HARVEY: ...The guy that is going to be in this job ought to make the decision. Now, if you are asking me about Gary's performance, I'd say he has done everything he has been asked to do. There has not been a problem. I want to make that clear, that there has not been any problems...I said, if you make this decision, I said I'm happy about it. I said if you are going to tell me I'm going to make that decision, I'll make it, but...

FISER: Well, I got the distinct feeling Sam that he had already made the decision. That is why he came to me and wanted to make sure it was O.K. I've got a feeling it is a done deal. I've got a feeling that it is.

HARVEY: I don't know. (d309a)

FISER: I don't either...

FISER: On this other thing, I don't see anyway else to deal with Sequoyah's refusal to own up to their end of the bargain.

HARVEY: On?

FISER: Swapping Bill and I. So just go ahead and tell Wilson...to make it permanent. I don't know what to do other than that, it that is the only option I have. (d349a) Other then get in here and buckle down, do your job, and try to find something else. And it sounds like I better do that just in case we get into a head count problem whenever Bill comes back.

Now Bill says he is not coming back until September, six months or something like that.

HARVEY: Now, I'm not going to be acting in this job that long. I don't want the damn thing to begin with. I do not want this job, I'm in a no win situation as long as I am acting...

FISER: You don't think you and Bill could get things worked out?

So that means we will have a defined organization, and we will have something we can get into. So if Don is there, that spot is open here, and we'll put you in it.

FISER: Is Bynum upset with me?

McARTHUR: I think that he is getting a lot of input, I'm just being straight with you, he didn't say he was upset with Gary. His comment was, "What are you going to do with Gary?"

I said, "Well, we were supposed to have a transition with the site." I'm just not one to withhold the guy's support, get him off site and not take a him back. I can afford a position, I want to make sure the guy has a place to go, so I kept him here hoping we could work something out. (f242b)

The workout was going to be, somebody was going to go to the site, Don was going to the site, and that would leave a slot open. And, so he says, "O.K."

I didn't get any comment about it.

FISER: Bill made a comment that made me wonder if he was mad.

McARTHUR: I'm sure he has heard everything everybody else has had to say. It is like this, I believe that people are trying to hide the problems at Sequoyah. I can't sit here and tell you that for sure.

I told Joe, "You know, right after that Gary left for outage management, so if you want me to say that the guy is going bad, I can't say that, because everything I've seen..."

FISER: I wasn't in chemistry.

McARTHUR: Yeah, that's right. So, I don't know where all the mess is coming from, I wish I could say, but it is certainly at the site. One thing for sure it is at the site...if I could pinpoint it I would tell you so you would have something to fight. I don't know where it is.

FISER: Bill said that Bynum said, "Yeah, we are going to have a Chemistry Superintendent but, you better not try for it because if he does he will lose". I just wondered was that in a threatening tone or is he...?

McARTHUR: No.

FISER: So he is not upset with me personally?

McARTHUR: That was not, what he was saying was that you had been in that position before. He was not threatening, in no way was it said in a way to say that this guy did not perform. What he

was saying was that we were going to find somebody for that position that it would not be anybody I know around here.

FISER: O.K., I just wondered. I just wanted to make sure that if somebody is upset with me that I go and get it worked out and understand it.

McARTHUR: If I knew he told you...

FISER: He was upset, until he put two and two together and realized...

McARTHUR: What I am afraid of though, is that whatever that circle is, that circle is not being closed. Everybody I've talked to is very wishy-washy about it. That is typical of what I have seen.

I'd rather have somebody look at me and say...

interruption

FISER: I appreciate you Wilson.

McARTHUR: Well, I'll tell you these are difficult times. Things are not, the problem is, it is just like this organization thing, if you were allowed to be put in a position where, you know...I'll tell you what I don't understand, when I was told, Joe was coming down and said, "Do we want to go to a chemistry-radcon organization?" I said, maybe at some point we want to do that, but here is the reasons we shouldn't do it now...a lot of it had to do with Brown's Ferry, things were not stabilized in chemistry out here, with all the corrective actions and things. So I said, "You know, the plan is to look at this again in about six months, maybe." He said, "I agree." I got a memo in my file. The next day...

FISER: You told me...

McARTHUR: What happened yesterday, he said I want a new Radcon-Chemistry organization, all sites, a chemistry manager and a radcon manager, the organizations like they exist now...That is what he wants. So that is what we are going to do.

John does not want it, so they are not going to like it down at Browns Ferry, but somewhere along the line management makes the decision, you've got to go do it.

But what my point is, we don't get involved in those kinds of decisions enough. Now I don't have any problems going that way, but we need to sit down...Now why would somebody tell me we are not going to do this? That's what this means.

FISER: But I appreciate you.

See you.

APRIL 9, 1993

McARTHUR: How are things going with you, Gary?

FISER: Well, I'm just looking for a job.

McARTHUR: You've got this six month thing. I think that was very unfortunate. I'm still trying to figure out how TVA operates.

FISER: I know you are.

McARTHUR: If we are ever able to run our own organizations, I think that is going to make the difference here. In fact in this meeting yesterday that Oliver was in...I learned one thing, you have got to figure out how to do it right. The first month I was here, we identified the fire protection problem, so we went out and developed a corrective plan. In my employee appraisal for that year, they said, "The biggest problem in Technical Programs is the fire protection problem". It was a negative, O.K.? I'm saying to myself, wait a minute, we identified it, we put in a...

The chemistry thing, whatever the difference of opinion about how significant the problem was, at least it was identified and a corrective action plan put together. Kingsley said this to me, he said, "I'm still pissed off about the chemistry problems".

I'm saying to myself, How do you do this, if you find a problem, do you just not say anything? That is the message you kind of get. (g37a) It shouldn't be that way, it should be, if you've got a problem, bring it out and talk, you know.

I think what the message is though, I think he wants you to bring it to him. And, I have never operated...when I work with somebody, that's the message I catch. If he catches me in the hall, and says hey have you got any problems...well, yeah we've got some problems, you know. Then you tell your boss right away that you told him.

FISER: But when he says, Wilson, "chemistry problems", what is he referring to? INPO?

McARTHUR: I suppose. He hit me on that one, he hit Jim Teague on Maintenance...he says I get very good feedback from site on how maintenance performs, Corporate Maintenance, but we have a real serious maintenance problem, and that is your fault. Jim thought he was being built up, and wham.

I wish you a lot of luck, I hope you...things go well. I'll say right here in front of Ronnie, if that had been my decision, that's not what we had planned. (g053a)

FISER: I know that.

McARTHUR: And you hate to say that. You are supposed to support your bosses completely.

Even, in the same situation, it wasn't Dan's decision.

FISER: I know that.

McARTHUR: It's tough.

FISER: He's mad at chemistry, I think he is just on a temper tantrum.

McARTHUR: Let me know what you find, O.K.? I did check with Philadelphia Electric yesterday, I heard that they had an open chemistry position, they told me that they didn't. They were cutting back also, and if they were going to promote, they would promote within. Apparently there is some kind of problem in chemistry. I don't know if you have heard anything or not?

I've been looking around for positions that were out there.

FISER: Well, keep looking. Bill is looking too, we will find something. You take care of yourself.

McARTHUR: Good look to you. (g075a)

PERSONAL STRESSES

Taking a temporary job in outage management, May, 1991

Long hours during the outage (95+ hrs/wk), Nov, 1991

Wife fell and broke her sacrum, Dec, 1991

Going back to a "troubled" group, Jan, 1992

Father's cancer, Jan, 1992

Taking a temporary job as Corp Chem Mgr, March 1992

Mother in law's heart attack in my house, and long recovery,

Father's heart attack (June '92), and went into a comatose

Getting no raise, Sept 1992

Mothers back surgery, Oct 1992

Father's death, Nov 7, 1992

SNQ telling McArthur that they do not want me back, Nov, 1992

April, 1992
state until his death

Being demoted and working for a direct report, Dec 1992	
Not being placed in the job (PG-8) as promised, March 1993	
Having my job at SQN surplusd and being placed in ETP, April	1993
Finding out that my job had really not been surplusd, April,	1993
SQN telling me I had been selected for the PG-10 Chemistry	Manager, July, 6, 1993
SQN telling me that I was not going to get the job after all,	July, 9, 1993
Getting my official termination notice, still under the false	pretense that my job
was surplusd, August 13, 1993	

MAY 5, 1993

I called Mr. Charles Kent, the Chemistry RadCon Manager at Sequoyah, and left a message asking if he had made any decisions about whether he was going to have a Chemistry Manager or not.

MAY 7, 1993

I left another message at 1452, asking to speak to him regarding some rumors I had heard regarding my old job.

MAY 10, 1993

Charles Kent called and told me that the organization had been standardized, and that it did contain a RadCon and Chemistry Manager job. He further said that he was recruiting for the Technical Support Manager job. He further stated that Rob Beecken was not of the opinion that I was not aggressive enough.

JUNE 7, 1993

At 1430, Mr. Jim Bates of INPO called, to tell me that TVA had contacted INPO last week to see if anyone was interested in the Chemistry Manager's job at Sequoyah Nuclear Plant. He said that Mr. Charles Kent had called the Radiation Protection Manager at INPO to see if he knew if anyone was interested. The RP section then went to the Chemistry section with the message.

JULY 3, 1993

Charles Kent beeped me about 0840 from his office at Sequoyah. He asked how things were going, and wanted to know if I had found a job yet. I told him I had not yet found one. Charles then asked me if I would agree to come out to Sequoyah and meet with the new Plant Manager.

I told him that I would be happy to, and asked him what was going on. Charles then told me that he intended to fill the Chemistry Manager's position at Sequoyah. He then told me not to get my hopes up too high, that it was not a sure thing as of yet, but that he felt pretty confident about it.

Charles mentioned that he had filled Mr. Ken Powers in to some extent on the circumstances about my case, and that he was very understanding and supportive of whatever Charles wanted to do.

We agreed to talk again on Tuesday morning.

JULY 6, 1993

At approximately 1040 Mr. Charles Kent and I met to discuss the possibility of my return to Sequoyah. He mentioned that he knew what had gone on before, and that I was not treated fairly.

He had arranged for me to meet with the new Plant Manager, Mr. Ken Powers, in order to see if the two of us had compatible philosophies regarding the running of the chemistry program at Sequoyah.

* * *

Met with Mr. Ken Powers (and Charles Kent) and found him to be a very pleasant and likable person. We had no differences in our approach to various scenarios and issues that were raised during the interview.

He then got up from his chair, looked at Charles, and told him that he had no objections to me taking the job, and told him to get on with placing me in the position.

Charles then quoted me a salary of over \$81,000 per year, and said he was placing me in the Chemistry manager's slot, and said it was a PG-10. I told him at that time that he would have to work through the Employee Transition Program personnel, Mr. Jim Mannis and or Mr. Ron Brock. He agreed to give them a call right away.

He said for me to plan on being at Sequoyah on Thursday morning, ready to start work. He then asked me to be very quiet, and "lay low" for a day or two so that he could arrange the details. He did not want any news of this transaction to leak out until it was a done deal. This was to prevent my anyone from having an opportunity to oppose the move until it was "too late".

He said he was going to ask Wilson McArthur to "talk to the right people" and make sure the coast was clear.

I immediately questioned him about the possibility of McArthur talking to Keuter or Bynum. He said that I did not have anything to worry about, because Wilson would talk to the "right" people.

I said O.K. and agreed to wait for his phone call before showing up to work. I thanked him for standing up for me when it obviously was not a popular position to be in. I told him that his intervention was an answer to prayer, since now it was not going to be necessary for me to pursue legal help.

JULY 6, 1993

At about 9:30 pm Charles called me and said that everything had not come together yet, but he still wanted me to plan to come to Sequoyah Thursday morning and resume my duties as the Chemistry Manager.

He said that he had received the approval of the Sequoyah Site Vice President, Mr. Fennech. He had also called Dr. Wilson McArthur and discussed my return with him. He said that Wilson was very supportive of the decision. Wilson is going to approach the "right" people tomorrow and make sure that there is no serious opposition to my return.

(I do not know who the "right" people are, but I think, based on the following that at least one is Mr. Kingsley).

Charles then proceeded to say that if Mr. Kingsley had a "target" on my back, that we would have to rethink the whole thing.

He then told me the reason that he wanted me to lay low for another day was to give him time to get the whole thing in place so that it would be too late for Mr. Keuter, or anyone else, to mount an offensive against me.

JULY 7, 1993

I talked to Charles on the phone Wednesday evening and asked him if I was still to report to Sequoyah in the morning, and he said for me to wait. He simply indicated that there were still a few details to be worked out, and he would call me when he was ready for me to come.

JULY 9, 1993

Charles beeped me around 1130. I gave him a call, and asked what was going on. He said that it was not going to work out, and he would go over the details with me over the phone or face to face. I told him that I would prefer to do it face to face. He then asked me to come out to sequoyah and meet with him at 1430.

* * *

FISER: I talked to Lamar this morning. He is out in the program this morning, much to his dismay.

KENT: Yeah.

FISER: What a place.

KENT: Well, let me tell you what...

FISER: What happened?

KENT: ...what has transpired. Well, I told you that I had talked to Fennech and he said to talk to you.

FISER: O.K.

KENT: I felt fairly comfortable at what I was going to get, and I think if it were left up to Wilson, I would have got it.

FISER: Yeah.

KENT: He in turn talked to other folks, I don't know how many other folks...he was trying to find out like we were trying to find out, is there something like Kingsley putting...

FISER: A target on my back.

KENT: That would say, "Hay it doesn't matter where he is going to be dead meat". I'm not kidding you, it was like throwing a rock in a hornet's nest. I'm trying to be honest with you. They came out of the woodwork. Comments came out of the woodwork.

FISER: Who did?

KENT: I don't know, I don't really know...but I know several people called Fennech. And I asked Wilson to not let anyone talk to Fennech until I get back with him. But several people talked to Fennech. So Bob and I talked and decided it would not be fair to you. I know that sounds strange, but it would be like a baby bird that fell out of the nest, and putting it back in the nest. That mamma bird would pick you to death, and I think you are doomed from the start. (i016a)

FISER: Why hasn't anybody ever told me about this. I just can't figure out where all these hornets are coming from, and why they haven't been honest in the past.

I guess that is what I am most dismayed about, not really surprised. Well in a way I was, because I figured I had enough friends. You know, that they just have not been straight forward and honest.

KENT: Well, I really wanted to give you a shot at it, because I thought you could do a good job, but I don't think you could survive. Honestly, because there would be so much skepticism, criticism, that I believe every time something didn't go perfectly, they would say you are responsible.

I don't know what other things you are pursuing, but I'm trying to be honest with you, I think it would be an unpleasant experience for you no matter what.

FISER: Did you get any feedback from Kingsley, that you know of?

KENT: No. Fenneck did not talk to Kingsley, I don't think anybody talked to Kingsley. But a lot of people say Kingsley is the one, but I'll tell you what I suspect now. Somebody was telling Kingsley about all the problems at Sequoyah...he has been given that perception probably on purpose because of all the things that have transpired. But he thinks that Sequoyah chemistry is in bad shape, so what he is, I'm sure, I feel that he knows the problems, you were out here. Jocher came out here and replaced you, because things were all hosed up, and it got worse instead of getting better, and Kingsley said "Just get rid of both of them".(i053a)

I think somebody went him, he doesn't know you, he didn't know Jocher. He might have heard Jocher's reputation, because Jocher has got a big mouth. I know he has been in a meeting or two where Jocher...

FISER: Yeah, he did not like that.

KENT: I think that Kingsley may have very well said, well what do you want to do, he says..."Well, just get rid of both of them".

And everybody now is saying, well Kingsley said to do it. But, if I go to the plant manager and talk him into supporting me, and he says, "Yes", I cannot now say that the plant manager told me to do it. That is not the way I do business.

So I don't think that Kingsley...

(Note: Much more conversation is on this tape, but nothing important).

JULY 14, 1993

FISER: Hay.

McARTHUR: How are you doing? How did they get you in here?

FISER: You feeling alright?

McARTHUR: I'm feeling fair for an old man. If they will just leave me alone and let me do my work.

FISER: Have you been cut on enough?

McARTHUR: Yes I have, for a while. They have been trying to do little more though.

FISER: Cut?

McARTHUR: Not cut, but give me radiation. I told them I would just stand on top of Browns Ferry reactor...

How are you doing? Where do you spend your time now?

FISER: It is over on Amnicola.

McARTHUR: Are you looking at things internally, or what?

FISER: Mainly externally, although I got that call from Charles, but then things fell through. Who is torpedoing me?

McARTHUR: Well, I think it really comes all the way from, in fact I don't know for sure who, but I'll tell you things, I don't know, I just know that...

FISER: I don't want to know when it is all over.

McARTHUR: ...when Charles' phone call said check it out and tell me how you think it will go.

I talked to Keuter and I talked to Joe Bynum...

FISER: You talked to Keuter?

McARTHUR: Yeah. I had to, these two guys were involved in it. They just all seemed to, I don't think it will work. I don't know if that comes from information from above them, or what.

But I told him, I told Kent.

FISER: Yeah, I know you did.

McARTHUR: I was supportive, but I said "Gary is going to be bucking against a lot of people. You have got to recognize that is the case. Do you want to do that?" I think when it got down to the final analysis, he said, "I won't do it".

It is unfortunate, but it is the kind of thing that happens.

* * *

McARTHUR: So you know, I told him, in fact he went to Fennech. I have no idea if Fennech recommended to him.

It is unfortunate, because Charles' feeling was that you could do the job.

FISER: Well if I remember correctly that was yours too.

McARTHUR: Yeah. His attitude was that we'd give him a shot. It is a shock, too many people involved, the decision is coming from too high a level.

FISER: Well I couldn't figure out if...but if you talked to Keuter, I mean, but what does Keuter know. He never has talked to me.

McARTHUR: Joe's comment was...

FISER: You are talking about Joe Bynum?

McARTHUR: Yeah.

FISER: What, I have no idea?

McARTHUR: He just responded, I think we just do that around here, we just say something.

McARTHUR: It is unfortunate.

FISER: They have pretty well ruined me.

McARTHUR: You think so?

FISER: Oh yeah. Don't you? Oh come on, you have always been honest with me.

McARTHUR: ...in TVA, with the current level of management, it would be very difficult for you to find a position. If somebody called me from outside about you, I'd do the same thing I would do with Jocher.

It is just unfortunate that the decisions are made where they are made. We are not astute in how we handle people. I wish it had been my decision, but quite often it is not my decision.

FISER: Or Bill's. It wasn't Bill Jocher's either.

McARTHUR: ...it is just a heck of a way for a company to handle people. It is discouraging...

FISER: Well, my inclination right now is to take them to court.

McARTHUR: What I would do...

FISER: I talked to Lagergren about it and he said...that you need to be real careful about that because even if you win, it might not be good.

McARTHUR: If you loose...in fact that is what I told Bill Jocher, what happens is, nobody wants you. They don't want somebody that is a trouble maker. Even though you are defending your own manlyhood, the right to have a job and those kinds of things. That is not the way people look at it. That is a big decision you have to make...a lot of companies will not hire you if you have a legal history.

That is the thing you have got to keep in mind.

FISER: O yeah, that is what I told Bill. I said if I were going to do it, I'm going all the way, and get out of nuclear power...

McARTHUR: Have you had any contacts out in industry?

FISER: A few.

McARTHUR: How is it looking? Anything really leading the pack? Anything I can help you with?

FISER: Not until it gets a lot closer. When it gets a lot closer then what it is right now then I'll get you involved.

McARTHUR: Have you been out on interviews?

FISER: I've turned two down out of state, because I just hate the thought of moving my family. It was early on, and I decided I would try to find a business to buy, or find something with TVA.

But with this crap going on still. I'm tired of it. I'm tired of these two guys, Keuter and I guess Bynum, putting a knife in my back.

They have had their say, I'm fixing to have mine.

McARTHUR: This could be rough.(i282a) I don't know how I would respond, not being in your shoes...

FISER: They are just a bunch of snipers, cowards, hiding in the trees and shooting me in the back.

I feel like if they would ever come forward and talk, we'd fix the problems...

McARTHUR: The biggest thing is that you don't know where it is coming from, for sure. I don't. I can only speak for the people that are talking to me. I can't tell how high it goes. I have no idea.

Good luck to you, let me know if I can help you as far as a job. I'll be honest with them, I'll tell them you were, I guess they will know the story about why you are leaving. I don't know, maybe they wont...

AUGUST 13, 1993

Mr. Fred Vichich with TVA's Inspector General called ant threatened disciplinary action against me unless I agreed to meet with them regarding Jocher's DOL case, no matter what my attorney had recommended.

AUGUST 13, 1993

Mr. Ben Easley met with me to present me with the final package of termination papers.

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a000b-080b Wilson McArthur, discussing the possibility of a reverse loan with INPO, as well as more on how things got out of hand.

a080b-endb Nothing, simply an old recording.

b000a-043a Wilson McArthur, discussing Bill Burke coming to TVA in a reverse loan to corporate, or as the Chemistry Manager at Sequoyah.

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d222a-283a 1/22/93 Ben Easley, in his office, discussing my case, options, advising me to take the PG-8.

d283a-298a Sam Harvey on the CTC, and training film issue.

d298a-enda Sam Harvey, I told him I wanted the PG-8.

d000b-019b Phone call to Wilson accepting the job.

d020b-105b Discussion with Ben, outside the main entrance, about McArthur making me an offer. February 12, 1993.

d105b-end Discussion with Bill Jocher, too weak to hear, needs enhancing. Goetcheus called and said that they were going to have a Chemistry Manager at Sequoyah, and bet Bill a lunch.(d181b)

e000a-200a Bill Jocher discussing Pat Lydon, the negative pressure in the gas chamber of the radmonitors, also discussed conversations with Beecken on the radmonitor issue, assigning blame to engineering. (e093a) Rob Richie confirmed this on the tape. (e107a) March 4, 1993.

e203a-224a Bill and Tom McGrath on the low pressure extraction steam line. March 8, 1993.

e227a-end Bill blasting Goetcheus, and supporting me being placed in the Sequoyah Chemistry Manager position, morpholine Vs copper. Meeting with

Lagergren and Lorek solidifying support for me taking the Sequoyah chemistry job back.

- e000b-endb** Blank!
- f000a-204a** Ben Easley on the swap, and the head count problem, Bynum placing Wilson in a bind, relating to me that he knew something very wrong was fixing to happen. March 22, 1993.
- f204a-f005b** Jocher and I discussing a meeting that took place between McArthur and Bynum. Joe does not want me back out at Sequoyah, and if I try, he will loose. Bill expressing his support for me, my record, (f253a) my conversation with Al Black (f319a). Wilson not being in a position to take a strong stand with Keuter regarding me, because he is facing radiation treatments, surgery, etc. Not posting Don's position, and placing me in it. (f341a) March, 23, 1993.
- f007b-030b** Ben saying that they had no intention, from the beginning, of honoring the letter and returning me to Sequoyah.
- f032b-231b** Me telling Jocher that with Gordon Rich here, that they may get rid of Bill. March 24, 1993. Discussed the Watts Bar emergency exercise drill, and my functions. (f128b)
- f233b-270b** McArthur telling me about his discussions with Bynum.
- g000a-082a** McArthur discussing the RIF.
- g085a-enda** Week of APRIL 5, 1993 Ben Easley discussing me being placed in ETP. Wilson was told to take action on Jocher and Fiser (g169a), it came from Kingsley (g180a). It was supposed to be a termination, but he intervened and arranged for a surplus.
- h000a-189a** APRIL 9, 1993 Charles Kent, wanting me to consider a temporary position. Says he does not have a head count, to fill my position, and does not have an approved organization. I told him that if I took a temporary position that it would eat up my ETP clock. I asked him if it would hurt him if I came out there (h085a), and he said that there was no bad blood at the site against me. Telling him I applied on the Technical Support job. (h112a) I asked him to talk to Rob Beecken about me. (h141a)
- i000a-197a** JULY 9, 1993 Charles Kent telling me that I did not have the job.

i198a-305a JULY 14, 1993 Me telling Wilson that Bynum shot me in the back.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W., SUITE 2900
ATLANTA, GEORGIA 30323-0199

April 12, 1995

MEMORANDUM TO: William J. McNulty, Director
Office of Investigations Field Office, RII

FROM: Carolyn F. Evans, Regional Counsel

SUBJECT: REVIEW OF DOCUMENTS (CASE NO. 2-93-068)

I have reviewed an 85 page document entitled "Sequence of Events" and a TVA Inspector General Report of Interview of Gary Fiser. On the basis of this review, I could not conclude that Mr. Fiser was pursuing an underlying safety issue or other concern such that his demotion and subsequent RIF were a consequence of his having engaged in "protected activity". The "Sequence of Events" document and the TVA IG Report of Interview seem to reflect that there were performance based issues with Mr. Fiser nothing more.

CASE NO. 2 - 93 - 068

EXHIBIT 20
PAGE 1 OF 1 PAGE(S)