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Special Instructions: PER PHONE CALL.I WILL CALL WITH HR.

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OFFICE OF INSPECTOR GENERAL
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NOV 04 1997

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Daniel [Signature]

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TVA 15536 F-RM 3/04

TO OIG-RCX

FROM TVA CRS

CCT-31-1997 10:43

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Exhibit B

NUCLEAR REGULATORY COMMISSION

Case No. 01-791-01-Civ Official Docket No. TVA 151

Matter of TVA

IDENTIFIED

RECEIVED

REJECTED

WITHDRAWN

Date 9-9-02

Witness N/A

Sign R. Davis

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OFFICE OF THE SECRETARY
RULEMAKINGS AND
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CONFIDENTIAL

November 27, 1997

W. C. McArthur, BR 5D-C

DISCRIMINATION AND HARRASSMENT

I am writing this memorandum to document several concerns that I would like to see resolved in light of today's staff meeting where you and Mr. Bailey emphasized the point that I should be able to freely bring up issues of harassment and discrimination. I would first like to point out that my only goal since I have been employed at TVA was to contribute to the team to make each of our sites as successful as I could. I have expected to be rewarded (raises, bonuses, etc.) on the basis of contributing to that success and feel that some of the following issues may be what has impacted my ability to receive a raise in the last four years.

This pattern of harassment and discrimination started when I was first employed with TVA. In January 1993 I was acting as the corporate manager of chemistry while Bill Jocher was on assignment at Sequoyah. I had been working with Bill and the steam generator group to develop a better secondary chemistry program for Sequoyah to minimize steam generator corrosion and erosion corrosion of plant piping. Bill decided that he did not want to continue this program and wanted to go back to the old program that was in place in 1990. I told him that it was the wrong thing to do where upon he told me that I was trying to get ahead at his expense and that he would fire me when he came back to the corporate office if I pursued this. Bill resigned from TVA in April 1993 so this threat was not carried out.

In 1994 Ron Grover came to TVA as the Manager of Corporate Chemistry. At the time Mr. Grover arrived I was in the process of putting in place the Calgon partnering contract. The contract has a provision for an independent consultant review of the raw water program at each site annually. The sites and I had selected Tom Laronge to perform these assessments. When Mr. Grover reviewed the contract he instructed me to remove Tom Laronge from the contract and to use Leo Ryan of Finetech. I informed him that the sites had selected Tom Laronge and that Finetech had no expertise in raw water chemical treatment programs and could not perform the task and since the site was paying for the contract they should be the ones to select the consultant. He then informed me that he would take over the contract and that I was not to be involved. I protested this since I had been working with raw water treatment programs since I began my career and I did not think this would be in TVA's best interest. He then assigned me to work on Sequoyah issues only and starting excluding me from working on any raw water issues or other major multi-site projects. He also reassigned all the major contracts I had developed and was managing (e.g. Ecolochem).

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I was sent to Sequoyah full time in January 1995 by Mr. Grover. While I was at Sequoyah I developed an optimization program in conjunction with the site chemistry department to further continue to improve the secondary chemistry program. Mr. Grover then started funneling the money in the raw water contract to Finetech to review what was being done at Sequoyah by myself and the site staff and supplemented the contract with additional dollars from the corporate budget for a total of \$250,000. The site protested that it was not necessary for Finetech, a condensate polisher consultant, to be involved in anything but the polisher aspect of this plan and that it was a waste of money for Finetech to be involved in areas outside their expertise. Mr. Grover ignored this protest and continued to fund Finetech to teach themselves secondary chemistry so they could review the documents prepared in this project. In FY96, I was also assigned to work on the steam generator cleaning project until completion in July 1996. My performance reviews during this period were less than what I had been receiving to this point in time at TVA. Since I was working directly for other managers during this period I asked Mr. Grover if they had provided this input to my performance. He stated that he had spoken to them and received their input. I then went to these two managers, David Goetcheus and Gordon Rich, to ask why they had not given me better reviews and to ask them how I needed to improve to get better. They both stated that they had not provided any input into Mr. Grover for my performance appraisal. Therefore, Mr. Grover had given me performance reviews based solely on his personal opinions and not based on facts and actual job performance.

This pattern continued even after I returned from my assignment at Sequoyah in July of 1996. During June 1996, it was announced that there would be another reorganization where Chemistry and Radiological Control would be merged into one group and some positions eliminated. The new position descriptions were prepared by Mr. Grover, Gary Fiser, and E. S. Chandrasekaran in June 1996. A copy was sent to me in June of 1996 by fax to Sequoyah ostentatiously to review and comment on. I immediately questioned the job descriptions as the work I had been performing was divided up between the new job descriptions and that the PWR job description had been written for Gary Fiser all the way down to the CECC position. Mr. Grover stated that it was not true and I told him I wanted to meet to discuss these positions. He informed me that it was to late that they had been sent to HR for evaluation. I protested this to Ben Easley the HR representative for our group. Ben then informed Mr. Grover who called me into the office and jumped all over me for raising this issue. I told Mr. Grover that I felt he had misrepresented the facts intentionally and was giving preferential treatment to certain employees. The next day a received a copy of a memo sent to Tom McGrath that I had ample opportunity (over a month, when in fact the fax I received to the date of his memo was 12 days) to review and comment on the job descriptions and that I had no comments. This was simply not true and I had questioned the job descriptions from the beginning. On June 17, 1996 the announcement was made that Wilson McArthur would be the new Radiological and Chemistry Control Manager. Right after this meeting Gary Fiser got mad at me and stated that I knew I already had the new job and that it had been promised to me since you and I were both Mormons. I told Gary that no one had promised me anything and that this was the most ridiculous thing that I had heard. I also told Gary that

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if anything, the job description was written for him since it had split up my duties and the new description named everything he was doing right down to the position he held in the CECC. He stated that this was the case because Ron Grover had instructed him to do this since "you were not supposed to come back from Sequoyah." I told him that it sounded like he and Ron and Chandra had things all planned out and again he indicated the affirmative and stated that he knew how to fix this situation. About a week later Mr. Grover called me into his office and told me an accusation had been made by an office worker Ms. Landers, that I was harassing her. I told him that it was not true and I would take a polygraph test to that effect since I did not interface with Ms. Landers and how could I harass her since I had been out of the office on assignment at Sequoyah. He stated that this was not necessary since the issue had been dropped and it was better just to let it go and we would just review the issue with HR and let it drop. On June 21, 1996 a meeting was held between myself, Wilson McArthur, Mr. Grover, and Ben Easley of HR to discuss the alleged event. Ben stated that it was an alleged event and that it would go no further because Ms. Landers had dropped the issue. I stated that I did not believe it to be true and would take a polygraph test to that effect. I also stated that I thought the timing of the allegation was intended to discredit me before the job selections were made on the new positions and that if I had done anything wrong, I was man enough to admit it and correct any injustice. Ben stated that it was better to not pursue this since these allegations were a no win situation for everyone. He also stated that there was not any specific thing that Ms. Landers had pointed out but that just in general she felt this way. I agreed with this resolution and agreed not to pursue it. On July 8, 1996 I received a letter from Ron Grover saying that I had admitted that the accusations were true and had been counseled on this issue and needed to take a sensitivity course. This is contrary to what was discussed at this meeting and Ben Easley told me to not rock the boat and to accept it since this letter would not go in my file or be in any record.

I have since learned that this is not true. This was brought up in the DOL investigation in Gary Fisers' case to try and discredit me and to insinuate that I should not have the job I currently hold. I believe this supposedly "confidential" information was intentionally used out of malice and with the sole purpose of harassing and discriminating against me. I have also learned that my religious affiliation has been brought into this matter and I believe that this is also being held against me by some managers at TVA. I believe that if my religious affiliation was anything other than what it is, it would not even be brought up. I have some concerns with respect to Mr. Grover and Mr. Fiser that I feel ought to be reviewed by the OIG. I wish to bring the following to their attention but I am also afraid that it may be held against me and cause further distress. Specifically, Mr. Fiser did not return a laptop PC upon his departure from TVA. Mr. Grover continually used and abused TVA resources for personal business such as conducting outside business using a TVA issued cellular phone and TVA pool vehicle. I am also concerned with the amount of money that was funneled to Finetech and the manner in which it was done through a raw water contract with Calgon. My understanding is that all personal service contracts are to be treated in a certain way and that Mr. Grover added Finetech to the contract after it had been reviewed by management for the sole purpose of defeating this contracting process. I also believe that I was removed from managing this contract so that Mr.

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Grover could do things that would not stand up to scrutiny under the normal contracting process. I believe that Mr. Grover and Mr. Fiser have conspired to discredit my reputation at TVA for their own benefit. I admit that I am not perfect, but I also believe that there is a pattern of harassment with my previous managers and that this may not be pursued due to Mr. Fiser's DOL complaint and Mr. Grovers' threat of one. There are numerous other minor incidents during this period that lend credence to this observation but I believe that this evidence is sufficient to merit your attention.

In light of what you and Mr. Bailey stated this morning in our staff meeting I felt that I should bring these issues up so that we can all put this behind us and look forward to a future of open and honest communication without a fear of reprisal. Since I have been at TVA, I have felt that you are the only manager I have had that encouraged honest communication that I could talk freely too and that I could trust to do the right thing. (I) ^{Am} sure some will say that I made this statement because of our mutual religious affiliation but I know that you do strive to do the right thing no matter what. I guess in short, that I am trusting you with my future by bringing up these issues. I really do not like to bring up these issues but I feel that in order to move forward that they need to be addressed. Otherwise, I have experienced and seen at TVA that innuendo and insinuation seem to become reality without facts to support them if an effort is not made to correct false perceptions. I look forward to discussing these issues at your convenience.

Sam Harvey

Program Manager, Radiological and Chemistry Control
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