

RAS 5880 50-390-CIVP, et al. - Licensee Exhibit 5 - Rec'd 9/10/01

BEFORE THE WAGE AND HOUR DIVISION
UNITED STATES OF AMERICA
DEPARTMENT OF LABOR

IN THE MATTER OF)	
)	
GARY L. FISER)	
)	
Complainant)	
)	
v.)	June 25, 1996, Energy
)	Reorganization Act Complaint
)	
TENNESSEE VALLEY AUTHORITY)	
)	
Respondent)	

DECLARATION OF SAM L. HARVEY

STATE OF TENNESSEE)
) SS
 COUNTY OF RHEA)

Sam L. Harvey declares and says:

1. I am employed by the Tennessee Valley Authority (TVA) as Program Manager, PWR Chemistry, PG-8, in TVA's corporate Radiological Control, Chemistry, and Environmental Protection organization located in Chattanooga, Tennessee, within the Nuclear Power organization, a position I was selected for in August 1996. Prior to that I was Program Manager, Chemistry and Environmental Protection, PG-8, in the Chemistry and Environmental Protection organization. I have been employed by TVA since 1991. I have personal knowledge of the matters stated herein.

Exhibit No 01-791-01 Official Exh. No. TVA S

In the matter of TVA

Staff _____ IDENTIFIED

Applicant _____ RECEIVED

Intervenor _____ REJECTED _____

Other _____ WITHDRAWN _____

DATE 9-10-01 Witness Harvey

Clerk: R. Davis

2. In March 1996, Ron Grover, Manager of the corporate Chemistry and Environmental Protection organization informed the staff, including myself and Gary L. Fiser, of a pending reorganization and downsizing. He indicated that the environmental function of our chemistry and environmental specialist positions would be eliminated, that the number of chemistry specialist positions would be reduced from three to two, and that there would be a competitive process for the two remaining chemistry positions. Since I was first employed by TVA in 1991 I had been informed that the corporate chemistry organization would be eventually reduced to two staff chemistry positions. Mr. Grover's announcement was the culmination of that original plan.

3. During the spring of 1996 I was being considered for a possible chemistry position at TVA's Sequoyah Nuclear Plant (Sequoyah). Mr. Grover encouraged me to pursue a transfer to Sequoyah since my transfer would eliminate the need to reduce the number of chemists employed on his staff. At the time, a chemistry position was not open at Sequoyah and none had been posted. Thus, in order for me to transfer to Sequoyah some type of chemistry position would have had to be created, and I would have had to be selected in a competitive process; none of which ever happened. As far as I know, approval was not granted to create a new chemistry position at Sequoyah. I do not know whether a formal proposal was ever made to create such a position, let alone who refused to grant such approval. I have no personal knowledge that Thomas McGrath refused to approve the creation of a chemistry position at Sequoyah.

4. When I learned that I would not be transferring to Sequoyah, I knew I would have to compete for one of the two new chemistry specialist positions in corporate Chemistry. In June 1996, I had a conversation with David Voeller, Chemistry Manager at Watts Bar Nuclear Plant, in which we were discussing the

reduction in the number of chemistry positions in the corporate organization. I told him that after the reorganization, I would either be working with him a lot more (if I was selected) or not at all (if I was not selected). I also told him that if I was not selected that I would be asking him for references to find new employment.

5. On June 17, 1996, I attended an all-hands meeting to discuss the reorganization. Mr. Fiser was also in attendance. I had not been aware of the details of the reorganization since I had been on assignment at Sequoyah. Following the meeting, I went to Mr. Fiser's office to ask him what he knew of the reorganization. Mr. Fiser became angry and accused me of having been preselected for one of the chemistry positions. I told him that no one had promised me the position and that to the best of my knowledge I had not been preselected. He said that he felt Mr. McGrath was out to get him. Mr. Fiser did not state any basis for his accusation against Mr. McGrath or his accusation that I had been preselected. He also told me that he knew how the system worked and that he was going to take advantage of it. Mr. Fiser told me that he had written the job description for the new corporate chemistry position for himself with an eye to the job he was performing and his area of expertise, and Ron Grover directed him to do it.

6. In my experience at TVA and other nuclear utilities, reorganizations and downsizings are normal. No one promised any job to me in the reorganization and I have had to apply and compete for available positions.

I declare under penalty of perjury that the foregoing is true and correct.


Sara L. Harvey