

RAS 6145

50-390 CIVP, et. al.

Staff Exhibit 30-Rec'd 6/19/02

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OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SEP 9 1993

The Honorable Jim Sasser
United States Senate
Washington, D.C. 20510-4201

Dear Senator Sasser:

This is in response to your August 24, 1993, letter in the interest of your constituents W. F. Jocher, G. L. Fiser, and Dr. D. R. Matthews. These gentlemen expressed concerns about management practices and the corrective action process at the Tennessee Valley Authority. Jocher and Matthews previously filed section 211, Energy Reorganization Act (ERA) complaints with the U. S. Department of Labor, Wage and Hour Administration, based on identical information provided to you.

The following information is provided for your consideration.

In keeping with an established policy, the OIG investigates section 211, Energy Reorganization Act complaints in parallel with the U.S. Department of Labor (DOL). Our purpose is to determine if a violation of the TVA Code occurred and to provide management relevant information which affords an opportunity for timely resolution of complaints prior to prolonged and expensive litigation in the DOL forum. Our findings address potential employee misconduct by TVA employees. We do not ascertain whether a violation of the ERA occurred since that responsibility is entrusted to the DOL.

My office initiated separate employee conduct investigations of circumstances surrounding the section 211, Energy Reorganization Act complaints of D. R. Matthews and W. F. Jocher on March 5, 1993, and July 13, 1993, respectively. To date, my office has not received a complaint from G. L. Fiser. My staff attempted to interview Fiser recently because he was implicated as a witness in the concerns of W. F. Jocher. Fiser is presently a full-time TVA employee who, on the advice of his legal representative, refused to submit to an interview with my staff. (The TVA Code prohibits an employee's refusal to cooperate with an OIG administrative inquiry. Consequently, we may recommend charging Fiser with insubordination if he refuses to cooperate with our inquiry.)

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SECY-02

CLEAN REGULATORY COMMISSION

Docket No. 50-390 Official Exh. No. Staff 30

In the matter of TVA

Staff IDENTIFIED

Applicant RECEIVED

Intervenor REJECTED

Other WITHDRAWN

DATE 6/19/02 Witness

Clerk BHM

The Honorable Jim Sasser

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Our parallel investigation of W. F. Jocher's section 211 complaint is continuing. The investigation is hampered by Jocher's refusal to meet with my staff to discuss his issues. (Jocher is no longer employed with TVA.) Jocher's attorney recommended that his client not cooperate with the OIG because he perceived Jocher's interests would not be well served in future litigation efforts against TVA. Nonetheless, we will continue our investigation of Jocher's concerns and will supplement our inquiry with information provided by Jocher in his August 16, 1993, letter to you. Your staff may assist me in this matter by encouraging Jocher to grant an interview to my staff at the earliest possible time.

On July 19, 1993, my office completed an employee conduct investigation of issues presented by D. R. Matthews. In our report, we established a clear nexus between Matthews' expression of staff views concerning the operation of the nuclear chemistry program at the Watts Bar Nuclear Plant and a decision to terminate Matthews (later changed to a demotion). In response to the OIG report, Oliver D. Kingsley, Jr., President of the TVA Generating Group, removed the offending manager from his position. The manager subsequently resigned his TVA employment. A decision regarding the status of D. R. Matthews is unsettled.

I have also been advised the Nuclear Regulatory Commission, Office of Investigation, Region II, Atlanta, Georgia, initiated two investigations based on identical information contained in the August 16, 1993, letter from Jocher, Fiser, and Matthews. The NRC inquiries involve alleged discriminatory treatment of Jocher by TVA management and alleged false or misleading information to the NRC by TVA in response to an NRC Notice of Violation. You may wish to contact the NRC regarding the status of these investigations.

Based on information provided in the August 16, 1993, letter from Jocher, Fiser, and Matthews, my staff will recontact Jocher and Fiser in an effort to obtain relevant information of employee misconduct. No contact is anticipated with Matthews because we completed a recent investigation of his concerns and management action is pending. I will provide you a summary of findings when our investigations are completed.

Thank you for referring this information for my review.

Sincerely,

Signature Signed By
William L. Hinshaw, II

William L. Hinshaw, II
Inspector General

GDH:LU

cc: Alan J. Carmichael, WT 11A-K (w/incoming)
Edward S. Christenbury, ET 11-K (w/incoming)
OIG File No. 2D-129
OIG File No. 2D-133
bc: Craven Crowell, ET 12A-K (w/incoming)
Oliver D. Kingsley, LP 6A-C (w/incoming)

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United States Senate

WASHINGTON, DC 20510-4201

GOVERNMENTAL AFFAIRS

August 24, 1993

Honorable William L. Hinshaw, II
Inspector General
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902

Dear Inspector General Hinshaw:

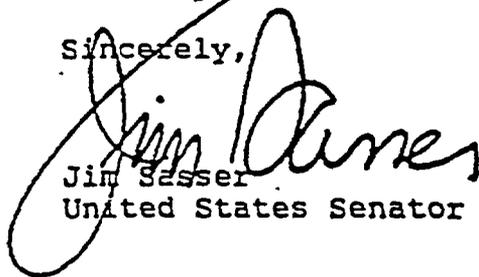
I have received the enclosed correspondence from Mr. W. F. Jocher, Mr. G. L. Fiser and Dr. D. R. Matthews regarding their concerns about management practices and the corrective action process at the Tennessee Valley Authority.

These gentlemen allege that the use of Significant Corrective Action Reports is discouraged to the extent that employees will not report problems to upper management officials for fear of retaliation. Specifically, these gentlemen indicate that changes in the status of their employment with TVA was a direct result of their efforts to bring problems to the attention of the appropriate officials.

I am very concerned about the events detailed in the enclosed letter, and I would appreciate your looking into these matters, being as helpful as possible to the concerns raised. I would further appreciate your providing me with a report.

Thank you for your courtesy and assistance.

Sincerely,



Jim Sasser
United States Senator