

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

2003 MAR 11 PM 4: 12

OFFICE OF THE SECRETARY
RULEMAKING AND
ADJUDICATIONS STAFF

IN THE MATTER OF)	Docket Nos. 50-390-CivP;
)	50-327-CivP; 50-328-CivP;
TENNESSEE VALLEY AUTHORITY)	50-259-CivP; 50-260-CivP;
)	50-296-CivP
)	
(Watts Bar Nuclear Plant, Unit 1;)	ASLBP No. 01-791-01-CivP
Sequoyah Nuclear Plant, Units 1 & 2;)	
Browns Ferry Nuclear Plant,)	EA 99-234
Units 1, 2, & 3))	

DECLARATION OF G. DONALD HICKMAN

G. Donald Hickman subscribes and declares:

1. I am employed by the Office of the Inspector General (OIG) of the Tennessee Valley Authority (TVA) as Acting Inspector General, a position I have held since November 26, 2001. Prior to that date, I was the Assistant Inspector General for Investigations, a position I held since April 1994. In the position of Assistant Inspector General for Investigations, I was responsible for overseeing the investigations the OIG conducts and the investigative records the OIG maintains. Prior to being assigned to the position of Assistant Inspector General, I held the position of Manager, Internal Investigations, OIG. Prior to coming to TVA in 1986, I was employed in the Federal Bureau of Investigation (FBI) for over eight years. My last position with the FBI was as Special Agent in the Washington, D.C., Field Office. The following statement is based on personal and official knowledge acquired in the performance of my official duties.

2. OIG is an independent unit within TVA which operates under the authority of the Inspector General Act of 1978, as amended, 5 U.S.C. app. at 1381-99,

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

Executed on this 4th day of April, 2002.



G. Donald Hickman

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JIM SASSER
TENNESSEE

United States Senate

WASHINGTON, DC 20510-4201

COMMITTEES
APPROPRIATIONS
BANKING, HOUSING,
AND URBAN AFFAIRS
BUDGET—CHA

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:

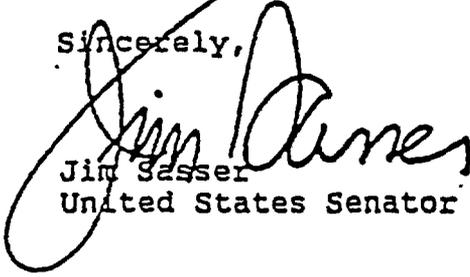
I have received the enclosed correspondence from Mr. W. F. Jocher, Mr. G. L. Fiser and Dr. D. R. Matthews regarding their concerns about management practices and the corrective action process at the Tennessee Valley Authority.

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

Exhibit A

AJ 667

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.)

2D-133-37

SEP 14 1993

AJ 665

Exhibit B

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SEP 14 1993	
Thomas	SBT

The Honorable Jim Sasser

Page 2

SEP 9 1993

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,

Respectfully,
Signed By
William L. Hinshaw, II *WJ*

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)

5167d

AJ 666

OCT 27 1993

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

Dear Senator Sasser:

This is to provide you additional information about the Office of the Inspector General investigation of concerns raised by TVA employee D. R. Matthews. This is follow-up to my September 9, 1993, letter and a conversation on October 14, 1993, between Assistant Inspector General (Investigations) George T. Prosser and Kate Heatherington of your office.

As was previously mentioned in my September 9, 1993, letter, 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.

Since my initial letter to you, a Memorandum of Understanding and Agreement was entered into on September 16, 1993, between Matthews and TVA. Under the terms of the agreement, Matthews received a lump sum monetary settlement and accepted a position as a Chemistry Program Manager at Watts Bar Nuclear Plant. In return, Matthews agreed to release TVA and its representatives from any liability and to execute the appropriate papers to dismiss all pending proceedings against TVA.

Based on the agreement between Matthews and TVA, the Department of Labor, Wage and Hour Division, is taking no further action regarding Matthews' complaint under the Energy Reorganization Act in view of this Agreement.

Our investigation regarding W. F. Jocher's Section 211 complaint is continuing. I will provide you a summary of our findings when the investigation is completed.

Thank you for your interest in this matter.

Sincerely,
 Original Signed By
 William L. Hinshaw, II

William L. Hinshaw, II
 Inspector General

GDR:BBT:LU

cc: Alan J. Carmichael, WI 11A-K
 Edward S. Christenbury, ET 11H-K
 OIG File 2D-129
OIG File 2D-133

bc: Graven Crowell, ET 12A-K
 Oliver D. Kingsley, LP 6A-C

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Exhibit C

AJ 668

SENSITIVE

The Honorable Jim Sasser

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APR 22 1994

regarding the extent of Jocher's performance problems. We made no recommendations to TVA management regarding Jocher's requested resignation.

Thank you for your interest in this matter. I hope you will contact our office if we can be of further assistance.

Sincerely,

Original Signed By
George T. Prosser

George T. Prosser
Inspector General

BBT:ABF:SAB

cc: Edward S. Christenbury, ET 11H-K
Rohald A. Loving, Washington
OIG File No. 2D-129
OIG File No. 2D-133
bc: Craven Crowell, ET 12A-K
Oliver D. Kingsley, LP 6A-C
Brent Marquand, ET 11H-K

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AJ 670