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UNITED STATES NUCLEAR REGULATORY COMMISSION  
CLEVELAND STATE COMMUNITY COLLEGE  
CLEVELAND TENNESSEE

WHISTLEBLOWER PROTECTION;  
REQUEST FOR COMMENT

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## PANEL:

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12 BEN HAYES  
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14 OFFICE OF INVESTIGATIONS

15 JOHN JOHNSON  
16 DEPUTY DIRECTOR  
17 DIVISION OF OPERATING REACTOR SUPPORT  
18 REGION TWO  
19 ATLANTA, GEORGIA

20 (In the following transcript, a dash [--] is used to  
21 indicate an unintentional or purposeful interruption in a  
22 sentence; an ellipsis [. . .] is used to indicate a  
23 halting speech or an unfinished sentence in dialogue, or  
24 an omission of word[s] when reading written material.)

25 (THE FOLLOWING TRANSCRIPT CONTAINS QUOTED MATERIAL; SUCH  
MATERIAL IS REPRODUCED AS READ OR SPOKEN.)

NEWBERRY & COMPANY USES RECYCLED  
PAPER BECAUSE WE CARE!

## P R O C E E D I N G S

1  
2 MR. LIEBERMAN:

3 GOOD EVENING. LET ME CALL THIS MEETING TO  
4 ORDER.

5 I'M JIM LIEBERMAN, THE DIRECTOR OF THE NUCLEAR  
6 REGULATORY COMMISSION OFFICE OF ENFORCEMENT AND THE  
7 CHAIRMAN OF THE REVIEW TEAM FOR REASSESSMENT TO THE  
8 NRC PROGRAM FOR PROTECTING ALLEGERS AGAINST  
9 RETALIATION.

10 WITH ME TODAY FROM THE REVIEW TEAM, BEGINNING  
11 ON MY LEFT IS BEN HAYES, THE DIRECTOR OF THE OFFICE  
12 OF INVESTIGATIONS. JOHN JOH SON, DEPUTY DIRECTOR OF  
13 THE DIVISION OF OPERATING THE REACTOR OF REGION TWO.  
14 ON MY RIGHT IS BRIAN GRIMES, DIRECTOR OF THE DIVISION  
15 OF OPERATING REACTOR SUPPORT OF THE OFFICE OF NUCLEAR  
16 REACTOR REGULATION.

17 THIS IS THE FOURTH OF FOUR PUBLIC MEETINGS TO  
18 OBTAIN COMMENTS OF INTERESTED PERSONS, INCLUDING  
19 LICENSEES AND THEIR CONTRACTORS AND THEIR EMPLOYEES.  
20 AT EACH OF THESE MEETINGS WE'RE HAVING A EVENING  
21 SESSION AND A MORNING SESSION.

22 THE PURPOSE OF THESE MEETINGS IS TO OBTAIN  
23 INFORMATION TO ASSIST THE REVIEW TEAM IN EVALUATING  
24 CURRENT NRC ACTIVITIES AND MAKING RECOMMENDATIONS TO  
25 IMPROVE THE REGULATORY PROCESS.

1 THE EVENING SESSION IS BEING PROVIDED TO MAKE  
2 IT EASIER FOR WORKERS TO PROVIDE COMMENTS. TOMORROW  
3 MORNING WE WILL BEGIN WITH A PRESENTATION FROM TVA  
4 MANAGEMENT PROVIDING US COMMENTS AGAINST EFFORTS TO  
5 OBTAIN EMPLOYEE CONCERNS OF SAFETY ISSUES. WE'VE  
6 ALSO ASKED THE TVA OFFICE OF INSPECTOR GENERAL TO  
7 MAKE A SIMILAR PRESENTATION.

8 THE REVIEW TEAM IS FORMED AT THE DIRECTION OF  
9 THE COMMISSION TO CONSIDER WHETHER NRC IS TAKING  
10 SUFFICIENT STEPS WITHIN THE STATUTORY AUTHORITY TO  
11 CREATE AN ATMOSPHERE WITH THE LICENSEES ORGANIZATIONS  
12 WHERE EMPLOYEES, INCLUDING CONTRACTOR EMPLOYEES, FEEL  
13 FREE TO RAISE SAFETY ISSUES WITHOUT FEAR OF  
14 RETALIATION.

15 BY WAY OF BACK DOWN, YOU HAVE TWO FEDERAL  
16 AGENCIES INVOLVED IN THIS AREA: THE DEPARTMENT OF  
17 LABOR AND THE NRC. THE DEPARTMENT OF LABOR IS  
18 RESPONSIBLE FOR DOING INVESTIGATIONS AND PROVIDING  
19 PERSONAL REMEDY FOR EMPLOYEES WHO BELIEVE THAT THEY  
20 HAVE BEEN SUBJECT TO DISCRIMINATION FOR ENGAGING IN  
21 PROTECTED ACTIVITIES THAT IS RAISING A SAFETY ISSUE  
22 EITHER TO A LICENSEE OR THE NRC. THE NRC IS  
23 RESPONSIBLE FOR REGULATING A LICENSEE TO ENSURE THAT  
24 WORKERS ARE FREE TO RAISE SAFETY ISSUES.

25 THE REVIEW TEAM IS CONSIDERING ISSUES SUCH AS:

1 ONE, WHETHER THE NRC IS TAKING SUFFICIENT STEPS  
2 THROUGH REGULATIONS, POLICY STATEMENTS AND  
3 INSPECTIONS TO ENSURE THE LICENSEES ENCOURAGE THEIR  
4 WORKERS AND CONTRACTORS TO RAISE SAFETY ISSUES. TWO,  
5 WHETHER THE CURRENT NRC PROCESS FOR HANDLING  
6 ALLEGATIONS IS APPROPRIATE FROM THE PROSPECTIVE OF  
7 THE EMPLOYEES BEING TREATED TO RAISE SAFETY ISSUES.  
8 THREE, WHETHER THE NRC IS SUFFICIENT AND PRO ACTIVE  
9 IN CASES WHERE EMPLOYEES RAISE CONCERNS OR EXPRESS  
10 FEARS THAT THEY MAY BECOME SUBJECT TO RETALIATION IF  
11 THEY DO RAISE SAFETY ISSUES. FOUR, WHETHER THE NRC  
12 POLICIES ARE APPROPRIATE WHEN DISCRIMINATION MAY HAVE  
13 OCCURRED, INCLUDING RELATIONS WITH THE DEPARTMENT OF  
14 LABOR TREATING POTENTIAL CHILLING EFFECTS PERFORMING  
15 INVESTIGATIONS OF TAKING ENFORCEMENT ACTION.

16 AS I NOTED, WE ARE SEEKING COMMENTS FROM BOTH  
17 WORKERS AND LICENSEES. WE HAVE PUBLISHED A FEDERAL  
18 REGISTER NOTICE SEEKING PUBLIC COMMENTS. WE HAVE  
19 COPIES OF THE FEDERAL REGISTER NOTICE AVAILABLE ON  
20 THE FRONT TABLE. WE ARE ACCEPTING PUBLIC COMMENTS  
21 THROUGHOUT THE PROGRAM. WE'VE ALSO MET WITH  
22 ATTORNEYS REPRESENTING BOTH WORKERS AND LICENSEES.

23 THESE EFFORTS, INCLUDING THESE TODAY, ARE  
24 INTENDED FOR THE PURPOSE OF EMPLOYEES, LICENSEES AND  
25 OTHER CONCERNED INDIVIDUALS LIKE YOURSELVES TO BRING

1 FORTH ISSUES AND IDEAS FOR OUR CONSIDERATION.  
2 FOLLOWING THE COMPLETION OF THE PUBLIC MEETINGS, AND  
3 WE REVIEW THE WRITTEN COMMENTS AND COMMENTS FROM  
4 THESE MEETINGS, WE WILL BE PREPARING A REPORT TO  
5 SUBMIT TO THE NRC COMMISSIONERS. IT IS OUR  
6 EXPECTATION THAT THIS REPORT WILL BE COMPLETED IN  
7 JANUARY, 1994.

8 THE ISSUE BEFORE US IS AN IMPORTANT ONE. NRC,  
9 EVEN WITH ITS MANY INSPECTORS, CAN ONLY OBSERVE A  
10 FRACTION OF LICENSED ACTIVITIES. WE WILL NEVER HAVE  
11 THE KNOWLEDGE POSSESSED BY THE THOUSANDS OF EMPLOYEES  
12 IN THE NUCLEAR INDUSTRY. EMPLOYEES OF THE NUCLEAR  
13 INDUSTRY HAVE CLEARLY MADE CONTRIBUTIONS TO THE  
14 PUBLIC HEALTH AND SAFETY BY COMING FORWARD WITH  
15 SAFETY CONCERNS.

16 EMPLOYEES MUST FEEL FREE TO RAISE POTENTIAL  
17 ISSUES WITH THE NRC. HOWEVER, AS THE COMMISSION  
18 REVIEWED, IT IS NOT ENOUGH FOR EMPLOYEES TO FEEL FREE  
19 TO COME DIRECTLY TO THE NRC. LICENSEES HAVE THE  
20 FIRST RESPONSIBILITY TO SAFETY. THUS, EMPLOYEES MUST  
21 ALSO FEEL FREE TO RAISE SAFETY ISSUES IN THE  
22 INDUSTRY.

23 WE RECOGNIZE THAT THERE IS DISSATISFACTION WITH  
24 THE CURRENT SYSTEM. EMPLOYEES ARE NOT ALWAYS  
25 COMFORTABLE IN RAISING SAFETY ISSUES. THERE ARE

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CASES WHERE DISCRIMINATION HAS OCCURRED WHERE EMPLOYEES HAVE ENGAGED IN PROTECTIVE ACTIVITIES.

WE ARE LOOKING FORWARD TO THIS EVENING TO IDEAS AND WHAT ACTIONS NRC SHOULD CONSIDER TO FORCE LICENSEES TO FOSTER AN ATMOSPHERE WHEN INDIVIDUALS WITH POTENTIAL SAFETY CONCERNS ARE ENCOURAGED TO COME FORWARD WITH THOSE CONCERNS.

I WANT TO EMPHASIZE THAT OUR PURPOSE TODAY IS NOT TO DEBATE OR RESOLVE SPECIFIC CASES. WE WERE ASKED TO GAIN IDEAS ON HOW TO IMPROVE THE CURRENT SYSTEM.

THE GROUND RULES FOR THIS MEETING WILL BE THAT PERSONS WHO DESIRE TO SPEAK WILL NEED TO CHECK IN AT THE TABLE IN THE FRONT OF THE ROOM HERE. A NUMBER WILL BE GIVEN TO YOU. YOU DO NOT NEED TO PROVIDE YOUR NAME TO HAVE AN OPPORTUNITY TO SPEAK. I WILL CALL THE SPEAKERS TO THE MICROPHONE BY NUMBERS. THE SPEAKERS WILL BE INITIALLY ALLOCATED ABOUT TEN MINUTES TO MAKE THEIR PRESENTATIONS. AT THE END OF THE TIME THAT THE SPEAKER IS NOT FINISHED, I WILL ASK THE SPEAKER TO CONCLUDE HIS OR HER REMARKS. DURING OR AFTER EACH PRESENTATION, WE MAY ASK QUESTIONS TO MAKE SURE WE UNDERSTAND THE CONCERN OR ISSUE. WE DO NOT INTEND, HOWEVER, TO DEBATE OR MERIT YOUR COMMENTS. PLEASE DO NOT TAKE OUR SILENCE TO MEAN

1 THAT WE EITHER DISAGREE OR AGREE WITH THE COMMENTS.  
2 IF AFTER ALL PERSONS WHO ARE INTERESTED IN SPEAKING  
3 HAVE MADE THEIR INITIAL REMARKS AND THERE ARE PERSONS  
4 WHO DESIRE ADDITIONAL COMMENTS, WE WILL, IF TIMES  
5 REMAINS, GO THROUGH A SECOND ROUND OF COMMENTS.

6 I WANT TO EMPHASIZE TODAY THAT SPEAKING TODAY  
7 IS CONSIDERED A PROTECTIVE ACTIVITY. WE RECOGNIZE  
8 THAT THERE MAY BE SOME HERE THIS EVENING WHO MAY NOT  
9 BE COMFORTABLE IN SPEAKING BEFORE THIS AUDIENCE.  
10 THOSE INDIVIDUALS, AS WELL AS ANY OTHER SPEAKERS, IF  
11 THEY HAVE NOT DONE SO, ARE INVITED TO SUBMIT WRITTEN  
12 COMMENTS TO US ON THE ISSUES RAISED ON THE FEDERAL  
13 REGISTER NOTICE. WE HAVE FORMS ON THE FRONT TABLE  
14 WITH POSTAGE PAID ENVELOPES IF YOU DESIRE TO SUBMIT  
15 YOUR COMMENTS TO US. AGAIN, WE HAVE COPIES OF THE  
16 FEDERAL REGISTER NOTICE ALSO.

17 THERE WILL BE, ALSO, AN OPPORTUNITY TO PROVIDE  
18 COMMENTS TOMORROW MORNING AFTER THE TVA MANAGEMENT  
19 AND THE TVA IG HAS COMPLETED THEIR PRESENTATIONS.

20 WE WELCOME EACH OF YOU HERE TODAY, AND I  
21 APPRECIATE YOU TAKING THE TIME TO MEET WITH US. I  
22 ALSO WANT TO THANK THE CLEVELAND STATE COMMUNITY  
23 COLLEGE FOR MAKING THIS FINE AUDITORIUM AVAILABLE TO  
24 US.

25 THIS IS A TRANSCRIBED MEETING. AS I SAID

1 EARLIER, SPEAKERS DO NOT NEED TO IDENTIFY THEMSELVES  
2 BY NAME. HOWEVER, IT WOULD BE HELPFUL IF EACH  
3 SPEAKER PROVIDED SOME BACKGROUND ON THEIR PAST  
4 INVOLVEMENT WITH THE INDUSTRY.

5 WITH THAT, WE'LL BEGIN THE PRESENTATIONS. I'D  
6 LIKE TO HAVE SPEAKER NUMBER ONE COME TO THE  
7 MICROPHONE.

8 SPEAKER NUMBER ONE:

9 YOU'VE ALREADY ANSWERED ONE QUESTION; THAT THIS  
10 IS A PROTECTIVE ACTIVITY FOR THOSE INDIVIDUALS THAT  
11 WISH TO SPEAK. WHAT ABOUT THE INDIVIDUALS THAT WILL  
12 SPEAK THAT ARE NOT EMPLOYEES? ARE THEY PROTECTED?

13 MR. LIEBERMAN:

14 WERE THEY EMPLOYEES AT ONE TIME?

15 SPEAKER NUMBER ONE:

16 YES.

17 MR. LIEBERMAN:

18 I THINK THAT THEY WOULD BE PROTECTED ALSO.

19 SPEAKER NUMBER ONE:

20 OKAY.

21 ON SEPTEMBER, 1987, I WAS AN INSTRUMENTATION  
22 QUALITY CONTROL SUPERVISOR AT WATTS BAR NUCLEAR  
23 PLANT. HOWEVER, DURING THIS SAME PERIOD OF TIME, I  
24 WAS ON ONE OF THE POWERS OPERATIONS TRAINING CENTER  
25 TO HELP IMPLEMENT A INSPECTOR TRAINING PROGRAM.

1 AT APPROXIMATELY EIGHT p.m. ON SEPTEMBER THE  
2 3RD, 1987, I WAS CALLED BY MANAGEMENT AT WATTS BAR  
3 NUCLEAR PLANT ABOUT PERFORMING AN INSPECTION. THE  
4 MANAGEMENT WANTED ME TO CALL IN AN INSPECTOR TO  
5 PERFORM AN INSPECTION IN THE DIESEL GENERATOR  
6 BUILDING. HOWEVER, AT THIS SAME PERIOD OF TIME, WE  
7 WERE UNDER A QA STOP WORK ORDER ON ALL  
8 INSTRUMENTATION FEATURES. I DECIDED TO GO TO THE  
9 PLANT MYSELF AND CHECK OUT THE SITUATION. AFTER  
10 LOOKING AT DRAWINGS, AS WELL AS TALKING WITH THE  
11 MAINTENANCE MANAGERS, I DETERMINED THE WORK THEY  
12 WANTED TO DO WOULD BE IN VIOLATION OF THE STOP WORK  
13 ORDER.

14 I WAS TOLD BY MANAGEMENT THAT THE WORK HAD TO  
15 BE DONE BY EIGHT a.m. THE NEXT MORNING DUE TO THE  
16 FACT ADMIRAL STEPHEN WHITE AND A PBA CHAIRMAN WOULD  
17 BE WALKING THROUGH THE BUILDING AND EVERYTHING HAD TO  
18 LOOK PERFECT. AS YOU NOTICED, I SAID "LOOKED  
19 PERFECT." I AGAIN REFUSED TO VIOLATE THE STOP WORK  
20 ORDER AND TVA MANAGERS WANTED TO KNOW THE NAME OF THE  
21 SUPERVISOR. AT APPROXIMATELY ELEVEN THIRTY p.m. TVA  
22 MANAGEMENT REACHED THE QA SITE MANAGER AND EXPLAINED  
23 THE SITUATION TO HIM. HE ASKED TO SPEAK TO ME AND I  
24 INFORMED HIM TO PROCEED WITH WORK WOULD BE IN  
25 VIOLATION OF THE STOP WORK ORDER.

1           AT THIS TIME HE TOLD THE MANAGERS TO PROCEED  
2 WITH THE WORK. I RETURNED TO MY HOME AT THE SEQUOYAH  
3 NUCLEAR PLANT THE NEXT MORNING. I CALLED MY  
4 IMMEDIATE SUPERVISOR, INCLUDING INSPECTORS, AND TOLD  
5 HIM THE PROBLEM AT THE DIESEL GENERATOR BUILDING.  
6 AFTER CHECKING THE WORK AREA, THEY CALLED BACK AND  
7 SAID IT WAS DEFINITELY A VIOLATION. AT THIS TIME I  
8 TOLD THEM TO ROUTE A CONDITION ADVERSE TO QUALITY  
9 REPORT AND HAVE IT SENT THROUGH PROPER CHANNELS. THE  
10 QUALITY CONTROL MANAGER BECAME VERY UPSET AND REFUSED  
11 TO SIGN IT. THIS WENT ON FOR MONTHS BEFORE IT WAS  
12 FINALLY SIGNED.

13           I WAS TAKEN TO THE SITE QUALITY MANAGER'S  
14 OFFICE AND TOLD TO GET ON THEIR WAGON OR FIND ANOTHER  
15 JOB. I WAS GIVEN A DISCIPLINARY LETTER FOR ABUSING  
16 ANNUAL LEAVE WHEN MY IMMEDIATE SUPERVISOR INFORMED  
17 THE QC MANAGER THAT I HAD USED LESS LEAVE THAN ANYONE  
18 ELSE IN OUR SECTION. HE WAS TOLD TO GIVE ME A LETTER  
19 FOR CREATING A CRISIS.

20           THIS INVOLVED THE LOCATION OF A QC PROCEDURE  
21 THAT HAD TO BE REVISED. I WAS NOT EVEN AT WATTS BAR  
22 WHEN THE PROCEDURE WAS REVISED.

23           ON MY NEXT SERVICE REVIEW, MY IMMEDIATE  
24 SUPERVISOR GAVE ME A SUPERIOR RATING. THE QC MANAGER  
25 MADE HIM CHANGE IT FIVE TIMES UNTIL IT RATED

1 UNSATISFACTORY. MY IMMEDIATE SUPERVISOR REFUSED TO  
2 SIGN IT, AND THE QC MANAGER GRABBED IT OUT OF HIS  
3 HAND AND HE SIGNED IT. ALL THIS WAS REPORTED TO THE  
4 NRC AND NOTHING WAS DONE.

5 I WAS RIFTED IN AUGUST OF 1988, EVEN THOUGH ALL  
6 OTHER QC MANAGERS WERE RETURNED. MY IMMEDIATE  
7 SUPERVISOR HAD TAKEN HIS EARLY RETIREMENT DUE TO THE  
8 HARASSMENT AND INTIMIDATION PLACED ON HIM AS WELL AS  
9 ME.

10 I HAVE FILED A COMPLAINT WITH THE TVA INSPECTOR  
11 GENERAL'S OFFICE AND THE DOL. I BEGAN SEARCHING FOR  
12 EMPLOYMENT TO NO AVAIL. I APPLIED AT NUMEROUS  
13 COMPANIES THROUGHOUT THE COMPANY AND COULD NOT FIND  
14 EMPLOYMENT. I LATER FOUND OUT MY NAME ALONG WITH  
15 OTHER WHISTLEBLOWERS HAD BEEN PUT IN A LETTER THAT  
16 HAD BEEN CIRCULATED THROUGHOUT THE NUCLEAR INDUSTRY.  
17 THIS LETTER WAS PLACED IN TVA'S RIFT SYSTEM, AND  
18 ANYONE COULD A COPY OF IT. LAWSUITS WERE FILED AS  
19 WELL AS AN NRC INVESTIGATION. THE NRC FOUND NO  
20 PROBLEM WITH THE LETTER EVEN THOUGH PEOPLE HAVE BEEN  
21 RUINED. WHISTLELOWERS CAREERS AND LIVES WERE RUINED,  
22 BUT TVA DIDN'T REALLY MEAN FOR IT TO HAPPEN. I WAS  
23 UNEMPLOYED FOR APPROXIMATELY FOUR YEARS. DURING THIS  
24 TIME MY WIFE HAD TO RETURN TO WORK. I HAD TO REMOVE  
25 TWO DAUGHTERS FROM COLLEGE. I HAD SEVERE STOMACH AND

1 BLOOD PRESSURE PROBLEMS, AND LOST ALL SELF-ESTEEM.

2 WHEN OUR HEAT PUMP WENT OUT, WE COULD NOT  
3 AFFORD A NEW ONE. I HUNG SHEETS OVER THE DOORS IN  
4 THERE AT THE DEN, WE KEPT THE FIRE IN THE FIREPLACE,  
5 MY WIFE SLEPT ON THE COUCH, I SLEPT ON THE FLOOR.  
6 THIS WENT ON FOR THREE WINTERS. I HAD TO TAKE MY  
7 RETIREMENT OUT TO PAY LEGAL FEES. THE IRS TAXED ME  
8 MORE THAN TWELVE THOUSAND DOLLARS FOR TAKING MY  
9 RETIREMENT OUT EARLY. SOMETIMES LATER, WITH  
10 PENALTIES AND INTEREST, IT GREW UP TO ALMOST TWENTY  
11 THOUSAND DOLLARS. I HAD NO WAY TO PAY, AND THE IRS  
12 WAS THREATENING TO SELL MY HOME TO PAY THE TAXES. MY  
13 MOTHER BAILED ME OUT AND I EVENTUALLY PAID HER BACK.

14 ANY TIME I SEE SOMEONE PICKING UP ALUMINUM CANS  
15 TO SELL, I CAN FEEL A WARM SPOT IN MY HEART FOR THEM,  
16 BECAUSE I DID THE SAME THING. MY FAMILY AND I WERE  
17 IN DESPERATE NEED OF FINDING RELIEF, BUT THERE WAS NO  
18 RELIEF IN SITE.

19 I MADE DOZENS OF CALLS TO THE NRC IN ATLANTA  
20 AND WASHINGTON, AND MADE MANY TRIPS TO THE WATTS BAR  
21 NRC TELLING THEM I NEEDED HELP. THEY ALWAYS TOLD ME  
22 THEY WERE WAITING ON THE DOL, DEPARTMENT OF LABOR,  
23 DECISION. I WAS VERY NAIVE AT FIRST, BECAUSE I FELT  
24 THAT THE NRC WOULD PROTECT ME, BUT BOY WAS I WRONG.  
25 THE NRC DID NOTHING FOR ME, AND AS FAR AS I KNOW,

1 THEY DID NOTHING FOR ANY OTHER WHISTLEBLOWER.

2           EVENTUALLY, THE TVA'S INSPECTOR GENERAL'S  
3 OFFICE FOUND EVERYTHING IN MY FAVOR, BUT THE CHIEF OF  
4 TVA CHOSE NOT TO DO ANYTHING ABOUT IT. THE  
5 DEPARTMENT OF LABOR FOUND EVERYTHING IN MY FAVOR.  
6 THE TVA APPEALED THEIR DECISION. A TWO WEEK HEARING  
7 WAS HELD BEFORE AN ADMINISTRATIVE LAW JUDGE AND  
8 EVERYTHING WAS FOUND IN MY FAVOR; AND TVA AGAIN  
9 APPEALED THE DECISION. MY CASE WENT BEFORE THE  
10 SECRETARY OF LABOR, SHE ALSO FOUND IN MY FAVOR, AND I  
11 OBTAINED A SETTLEMENT.

12           I ALSO, AT THIS TIME, HAVE ANOTHER CASE ON  
13 BEING ON THE BLACK LIST OF THE TVA. THE DOL AGAIN  
14 FOUND IN MY FAVOR. THIS ISSUE WILL SETTLE BEFORE  
15 GOING TO COURT. ALL THE BAD THINGS THAT HAVE  
16 HAPPENED TO ME AND MY FAMILY STILL DO NOT HURT AS  
17 MUCH AS THE HARASSMENT, INTIMIDATION AND LOSS OF JOBS  
18 TO WITNESSES THAT APPEARED AT MY HEARING. THESE  
19 PEOPLE WERE TREATED BADLY BECAUSE THEY DID WHAT WAS  
20 RIGHT, AND ALL THEY WERE THERE FOR WAS TO TRY TO  
21 BUILD A SAFE NUCLEAR PLANT. ALL THIS WAS REPORTED TO  
22 THE NRC AND THEY DID NOTHING. AFTER I'VE BEEN SENT  
23 HOME, SOME OF MY INSPECTORS CALLED AND TOLD ME THEY  
24 WERE INSPECTING SYSTEMS IN THE MAIN CONTROL ROOM.  
25 WHEN THEY COULD NOT SIGN OFF INSPECTIONS, THEY WERE

1 TAKEN TO THE QC MANAGER AND TOLD TO SIGN OFF ON  
2 INSPECTIONS OR RECEIVE A INSUBORDINATION LETTER.  
3 WHEN THEY STILL REFUSED, THEY WERE TAKEN TO THE SITE  
4 QUALITY MANAGER'S OFFICE AND TOLD THEY WOULD BE FIRED  
5 IF THEY DIDN'T SIGN THE INSPECTION. THEY SIGNED THE  
6 INSPECTIONS WITH A PROTEST AND WERE LATER RIFTED.

7 AL'. THIS WAS REPORTED TO THE NRC AND THEY DID  
8 NOTHING. THE PEOPLE RESPONSIBLE FOR ALL MY TROUBLES,  
9 AS WELL AS THE PEOPLE WHO SUPPORTED ME, ARE STILL AT  
10 WATTS BAR. THEY NEVER MISSED A PAY DAY, AND AS A  
11 MATTER OF FACT, I HAVE A COPY HERE (INDICATING) WHERE  
12 ONE OF THEM RECEIVED A FORTY-EIGHT THOUSAND FIVE  
13 HUNDRED DOLLAR BONUS THIS PAST YEAR.

14 HARASSMENT CONTINUES AT WATTS BAR. AS LATE AS  
15 AUGUST THE 6TH OF THIS YEAR, I WAS HARRASSED AT THE  
16 TVA, NRC MEETING AT THE TRAINING CENTER. THE SAME  
17 PERSON WHO HAD HARRASSED ME AT THIS MEETING WAS ONE  
18 OF THE MAIN PLAYERS OF MY PREVIOUS PROBLEMS. THIS  
19 HARASSMENT WAS DONE IN FRONT OF THE HEAD NRC  
20 OFFICIALS OF THE ATLANTA OFFICE. TVA MANAGERS HAVE  
21 NO RESPECT OF THE NRC BECAUSE THEY KNOW THE NRC IS  
22 GOING TO DO NOTHING TO THEM.

23 THE NRC CAN STOP HARASSMENT AND INTIMIDATION BY  
24 DENYING LICENSEES OR START UP UNTIL WHISTLEBLOWER  
25 COMPLAINTS ARE RESOLVED.

1           IN CLOSING, I WOULD LIKE TO SAY THE NRC HAS NO  
2 CREDIBILITY WITH ANY TVA WORKERS I KNOW, AND I DO NOT  
3 THINK ANYONE WILL FEEL SAFE TURNING IN SAFETY  
4 CONCERNS ANYMORE DUE TO THE MEMORANDUM OF  
5 UNDERSTANDING FROM THE TVA TO THE NRC. WOULD YOU  
6 FEEL GOOD ABOUT TURNING IN A CONCERN, IF YOU KNEW THE  
7 CONCERN WAS GOING TO BE TURNED IN TO TOP MANAGEMENT?  
8 HOW CAN THE NRC TELL THE PEOPLE THAT THEY HAVE SAFE  
9 PLANTS WHEN THE WORKERS ARE AFRAID TO TURN IN THEIR  
10 CONCERNS?

11           IN CLOSING, I WOULD LIKE TO SAY, NO, THE NRC  
12 NEVER DID ANYTHING TO HELP ME; AND NO, THEY AIN'T  
13 GOING TO.

14           THANK YOU.

15 MR. LIEBERMAN:

16           THANK YOU.

17           SPEAKER NUMBER TWO.

18 SPEAKER NUMBER TWO:

19           I'D LIKE TO SAY AFTER TWO TRIPS TO WASHINGTON,  
20 D.C., LETTERS AND TALKING WITH ALL THE PEOPLE I WAS  
21 VERY RELUCTANT TO EVEN COME HERE AND EVEN SPEAK,  
22 BECAUSE IT SEEMED LIKE EVERYTHING THAT WE TRY TO DO,  
23 IT'S JUST IN MOTION. THERE'S NO REAL ACTION, NO REAL  
24 CHANGE YOU CAN REALLY SEE.

25           I WAS ACTUALLY TALKING MYSELF EVEN OUT OF

1 ACTUALLY COMING UNTIL LAST WEEK IN A SUNDAY SCHOOL  
2 LESSON THEY TALKED ABOUT PRESSURE. I GOT TO THINKING  
3 ABOUT, YOU KNOW, I SAID, PEOPLE NEED TO MAKE A STAND  
4 FOR OTHER PEOPLE, WHERE SOME PEOPLE WON'T MAKE A  
5 STAND. I GOT TO THINKING ABOUT WHAT A FRIEND SAID  
6 ABOUT DOLLY PARDON SAYING THAT SHE DIDN'T KNOW SHE  
7 WAS POOR UNTIL SOMEBODY TOLD HER. I GUESS THAT SORT  
8 OF COMES BACK IN MIND WHEN THIS LESSON THING ABOUT  
9 OPPRESSION AND WHAT IS OPPRESSION. ARE YOU OPPRESSED  
10 IF YOU DON'T KNOW YOU ARE? ARE YOU BEING MISTREATED  
11 IF YOU DON'T KNOW YOU HAVE BEEN MISTREATED?

12 THERE'S A LOT OF PEOPLE OUT HERE THAT DON'T  
13 KNOW WHAT THE RULES ARE, LIKE I HAVE IN THE PAST.  
14 IT'S A SHAME THAT WE SORT OF HAVE TO LEARN THE RULES  
15 AND TRIP ON THE WAY. THEN AFTER WE COME BACK,  
16 HINDSIGHT IS TWENTY, TWENTY. IT'S VERY HARD FOR US,  
17 ON THE GROUND LEVEL OF TRYING TO DO A JOB AND THEN TO  
18 FIND OUT THAT THE JOB IS NOT WHAT REALLY SEEMS TO BE  
19 THE FOCUS.

20 I WAS EMPLOYED WITH TVA FROM 1978 TO 1990. MY  
21 NAME IS TREY BURCHFIELD, AND I'M HERE TO EXPRESS  
22 GRATITUDE FOR THOSE FEW PUBLIC OFFICIALS THAT HAVE  
23 BROUGHT THIS HEARING ABOUT NONE OF WHICH, I KNOW, ARE  
24 LOCAL REPRESENTATIVES, INCLUDED BY PRESIDENT AL GORE  
25 AND SENATOR JIM SLATCHER. THANKS TO MY COOPERATION

1 WITH NRC AND BECOMING UNDER THE FEDERAL GOVERNMENT  
2 PROTECTIVE ACTIVITY INVOLVING NUCLEAR PLANTS, I HAVE  
3 BEEN UNEMPLOYED FOR TWO YEARS.

4 I AM HERE TO EXPRESS GREAT CONCERN OVER ANOTHER  
5 GOVERNMENT REGULATORY AGENCY THAT MAKES ITS HIGH  
6 LIVING, A VERY HIGH STANDARD OF LIVING, OFF OF  
7 RATEPAYERS' EXPENSE. IT IS BAD ENOUGH THAT A NUMBER  
8 OF PEOPLE IN THE VALLEY ARE MAKING NEAR MINIMUM WAGE  
9 HAVE TO TRY TO KEEP TVA UP, WITH THE AVERAGE PAY AT  
10 WATTS BAR BEING NEAR SIXTY-FIVE DOLLARS PER HOUR WITH  
11 BENEFITS. I WONDER JUST HOW STUPID WE LOOK TO OUR  
12 GOVERNMENT. SOME WORKERS AT TVA HAVE BEEN MAKING  
13 NEAR FOUR THOUSAND DOLLARS PER WEEK, AND FOR WHAT?

14 WELL, I HAVE TOLD THE NRC, WHILE I WAS  
15 EMPLOYED, ABOUT MY CONCERN OVER THE VALUABLE WASTE OF  
16 RESOURCES INVOLVING MILLIONS OF DOLLARS OF WASTE.  
17 NRC'S QUOTE TO ME WAS "MONEY IS NOT OUR ISSUE OR OUR  
18 POLICY, AND WE DO NOT GET INVOLVED IN PERSONAL  
19 ISSUES. IT AIN'T OUR PROBLEM OR CONCERN HOW MUCH IT  
20 COSTS TVA AND THE GENERAL PUBLIC, WHICH ARE  
21 RATEPAYERS, AND HOW LONG IT TAKES TO BUILD A PLANT,  
22 BECAUSE WE DON'T HAVE ANY PERSONAL PROBLEMS WITH THE  
23 TVA." THIS WAS FREQUENTLY EXPRESSED TO ME BY THE  
24 SITE INSPECTOR AT WATTS BAR OF THE NRC.

25 IT HAD BEEN REPEATEDLY APOLOGIZED TO ME FOR

1 TVA'S ACTION AGAINST ME AND FOR THE INABILITY TO HAVE  
2 THE SITE INSPECTOR TO NOT BE ABLE TO DO ANYTHING  
3 ABOUT IT.

4 BACK IN 1984, I WAS OFF AT SEQUOYAH NUCLEAR  
5 PLANT FROM WATTS BAR FOR A NEW SECURITY INSTALLATION  
6 WHICH WAS EXPERIMENTAL, NOT GUARANTEED TO BE ACCEPTED  
7 AT A SLIGHT COSTS OF TEN MILLION DOLLARS. THE  
8 EXPERIMENT FAILED, SO NOW THEY ARE RETURNING TO MORE  
9 OF THE OLD SYSTEM'S STANDARDS. MY MANAGEMENT, THE  
10 SITE DIRECTOR, STATED THAT IT COST HIM A CASE A WEEK  
11 IN ALCOHOL TO GET ME GONE FROM WATTS BAR TO SEQUOYAH.  
12 WHO SAYS THE BARGAIN SYSTEM DON'T WORK?

13 THE HIGH LEVEL TVA MANAGERS FORMED A FAMILY  
14 STRUCTURE IN TVA AND ITS GOVERNMENT COUNTER PARTS.  
15 HE SAID TVA IS A FAMILY LIKE ALL OTHER GOVERNMENT  
16 AGENCY AND THAT YOU HAD BETTER NOT GO OUTSIDE THE  
17 AGENCY OR YOU WOULD RECEIVE SEPARATION. HE INFORMED  
18 ME THAT MOST DECISIONS ABOUT EMPLOYEES WERE MADE OFF  
19 THE JOB, AND A LOT OF DECISIONS WERE MADE AT THE  
20 LOCAL CLUB AFTER WORK.

21 I TELL YOU I DON'T TRUST GOVERNMENT POLICY OR  
22 GOVERNMENT INTEREST, BUT I DO TRUST PEOPLE THAT ARE  
23 IN POLITICS THAT HAVE ETHICS. I LEARNED AFTER BEING  
24 WITH TVA, A SHORT WHILE, THAT NRC APPEARED TO BE IN  
25 ALL CATCHER FOR THE TVA. WHILE IN THE UNITED STATES

1 ALL CATCHER FOR THE TVA. WHILE IN THE UNITED STATES  
2 MARINE CORP. FOR FOUR YEARS. I OBSERVED THAT THE  
3 MILITARY GOVERNMENT STANDARD WAS TO PLAY THE GOOD  
4 GUY, BAD GUY ROUTINE. WHEN YOU GO TALK TO ONE SIDE,  
5 YOU WILL TELL EVERYTHING TO THE OTHER SIDE; AND  
6 THAT'S WHAT I SEE HERE. THE REASON I'M REFERRING TO  
7 THE NRC AS TVA'S ALL CATCHER IS THEIR METHOD OF  
8 TRIGGEREY WORKS. THE REASON IS SPIES TELL THEM ALL  
9 KINDS OF LIES, SOMETIMES IT IS SPECIFIED AS THE ONE  
10 ON THE LOWER LEVEL THEY DON'T KNOW THEIR TELLING  
11 EVERYTHING TO SOMEONE THEY THOUGHT THEY TRUST. A SPY  
12 THAT PLAYS ALL SIDES IS THE WORST KIND OF SPY. A  
13 GOVERNMENT AGENCY THAT INTENTIONALLY DECEIVES THE  
14 WORKERS BY INACTION OR HIDDEN ACTION IS DETRIMENTAL  
15 TO THE CAUSE OF THEIR EXISTENCE. EVEN GOVERNMENTAL  
16 AGENCIES LIKE THE NRC THAT CAN ISSUE USING GUIDANCE  
17 OF FEDERAL REGULATION LAWS CAN FORCE YOU TELL WHAT  
18 YOU KNOW TO LATER HAVE THAT PROTECTED INFORMATION TO  
19 USE AGAINST YOU IS A CLEAR PICTURE AS TO WHY WE HAVE  
20 A POLITICAL VIETNAM WAR, WHY AGENT ARMS WASN'T  
21 RECOGNIZED BY THE FEDERAL ADMINISTRATION TO BE MOST  
22 INFLECTED AND WHY U. S. ARMY SOLDIERS WERE USED AS  
23 GUINEA PIGS WITH THE ATOMIC BOMB BLAST TESTED IN THE  
24 'FIFTIES.

25 THIS IS WHY PEOPLE DON'T VOTE, DON'T CARE AND

1 HAVE NO HOPE IN THE GOVERNMENT. WHEN PEOPLE WORKING  
2 WITH THE TVA EMPLOYEES CONCERN PROGRAM SAID TO ME  
3 THAT THEY COULD NOT GET TVA MANAGEMENT TO ADDRESS MY  
4 CONCERNS APPROPRIATELY, TVA WAS MUCH MORE FOCUSED ON  
5 ME RATHER THAN ON THE ISSUE. YOU KNOW THE OLD  
6 SAYING, "SHOOT THE MESSENGER, NOT THE MESSAGE."

7 I WAS A PERSON THAT SEEN TVA'S SYSTEM AT WORK  
8 BACK IN THE EARLY 'EIGHTIES. WHEN I WENT TO THE  
9 NUCLEAR SAFETY REVIEW STAFF, OLD NAME FOR THE  
10 EMPLOYEE CONCERNS TYPE PROGRAM FOR TVA, MANAGEMENT  
11 FORCED ME BY PRESIDENTIAL RELATIONS, IF I DON'T  
12 VERIFY WHAT ELSE TO I KNEW, IN WHICH I REPLIED I  
13 DON'T HAVE X-RAY VISION. TVA MANAGEMENT EVEN PULLED  
14 OUT GUIDELINES THAT FIVE RULES OR LESS IS ACCEPTABLE.

15 WELL, YOU MAY NOT BELIEVE THIS, BUT I GOT MOVED  
16 OUT OF INSPECTION AND NEVER WAS TO RETURN. NRC  
17 INVESTIGATED THE ISSUES AND THEY CHANGED THEIR  
18 PROCEDURE, BUT TVA, LIKE AN ELEPHANT, NEVER FORGETS  
19 OR FORGIVES WHERE YOU JUST DO YOUR JOB, ABIDE WITH  
20 THEIR RULES.

21 I DID NOT KNOW WHAT TO DO, BECAUSE AGAIN, TVA  
22 WAS FOCUSING ON THE MESSENGER AND NOT THE MESSAGE.  
23 IT WAS RECOMMENDED THAT I ASK ANN HARRIS FOR  
24 DIRECTION AS TO WHAT TO DO NEXT. NOW, THE EMPLOYEE  
25 CONCERNS PERSON TOLD ME TO GO TO ANN. NOW, ANN

1 STRONGLY URGED AND ENCOURAGED ME TO GO TO THE NRC  
2 BECAUSE SHE BELIEVED THE SITE RESIDENT INSPECTOR,  
3 GLENN WALTON, WAS AN ETHICAL MAN, A MAN THAT CARED  
4 AND IF THE PROBLEM WAS A LOT HIGHER THAN HIM, THAT HE  
5 WOULD BE ABLE TO DO SOMETHING. I REALLY BELIEVED  
6 THAT I WAS JUST A PEBBLE IN A LARGE WORK PILE, AND I  
7 JUST COULDN'T BELIEVE SOMEONE LIKE ME AT THE BOTTOM  
8 LEVEL COULD CAUSE SO MUCH MOVEMENT AT THE TOP.

9 AS TVA'S SCHEDULE BECAME HOTTER, THEN SO DID  
10 THE PRESSURE FOR COMPLETION. I DID NOT REALIZE BY  
11 GOING OUTSIDE OF THE AGENCY, WHICH WAS NOTHING MORE  
12 THAN MY ASSOCIATION WITH ANN HARRIS, MADE ME A TRADER  
13 TO THE TVA AND ITS HIDDEN POLICY. LATER IT WAS  
14 PROVEN THAT TVA MANAGEMENT TOOK A VIEW OF "YOU MUST  
15 BE STUPID TO ASK ANN FOR ANY HELP." OF COURSE, AS  
16 USUAL, I FOUND THIS OUT AFTER I HAD ALREADY SEEN THIS  
17 ATTITUDE. I TELL YOU, I AM TRULY SORRY FOR TVA'S  
18 INABILITY TO SEE THEMSELVES AS WHAT THEY HAVE BECOME.  
19 THERE ARE MANY GREAT PEOPLE IN THE AGENCY, BUT GIVEN  
20 TIME ONE BAD APPLE CAN, AND WILL ALWAYS, FOOL A  
21 MULTITUDE OF THE OTHERS.

22 THIS TRIP WITH THE NRC REMINDS ME OF WHEN MY  
23 YOUNGEST SONS, WHICH IS THREE YEARS OLD, WAS JUST  
24 TALL ENOUGH TO RIDE SPACE MOUNTAIN AT DISNEY WORLD.  
25 AFTER I SAT DOWN IN THE SEAT, THE RIDE REGULATOR

1 SAID, "SIR, DO YOU REALIZE WHAT KIND OF RIDE THIS  
2 IS?" I STUTTERED AND SAID, "OH, I THINK SO," AND SHE  
3 SAID, SLAMMING THE BRAKES DOWN, "GOOD LUCK, SIR,"  
4 AND OFF I WENT. THEN I WONDERED WHAT I HAD DONE. I  
5 CAN'T GET OFF. IT'S TOO LATE. ALL THAT I CAN DO IS  
6 RIDE. WELL, THE RIDE ON SPACE MOUNTAIN TURNED OUT TO  
7 BE A LOT EASIER THAN THE RIDE WITH TVA, HAVING NRC  
8 SLAMMED THE BAR DOWN WHERE I WAS TO RIDE.

9 TVA WAS ANGRY BECAUSE I TRUSTED THE NRC AT SITE  
10 LEVEL. THE ISSUE WHEN NRC VERIFIED MY CONCERN. THE  
11 TVA SAID THEY WAS CONCERNED ABOUT MY INVOLVEMENT WITH  
12 THE NRC. USUALLY, DRUNKS ARE BLABBER MOUTHS, AND SO  
13 ARE BRAGGER MOUTHS, AND I HEARD THE TVA MANAGERS  
14 BRAGGING ABOUT TVA ALREADY HAVING IN PROCESS OF  
15 GETTING RID OF GLENN WALTON FOR BEING SO STRINGENT ON  
16 TVA WITH NRC POLICY. I INFORMED GLENN WALTON OF  
17 THIS, AND LATER HE SAID THAT HE HAD THIS TAKEN CARE  
18 OF.

19 I REPEATEDLY DEFENDED TVA WITH THE NRC. THE  
20 NRC MUST PUT PRESSURE ON TVA TO STOP BEING SO  
21 WASTEFUL ON THIS MONEY RIDE. TVA, EVEN NOW, MAKES  
22 THE SAME MISTAKES THEY ALWAYS WILL. IF YOU KEEP  
23 RUNNING OVER THE SAME HOLES IN THE ROAD, THE DENTS  
24 WILL ALWAYS BE SIMILAR NO MATTER IN WHAT VEHICLE.

25 I HAVE BEEN REMOVED FROM WATTS BAR FOR OVER TWO

1 YEARS, AND I PERSONALLY BLAME THE NRC FOR THE WHOLE  
2 TIME I'VE BEEN AWAY. I KNEW IN MY HEART THE NRC HAD  
3 BETRAYED ME, AND I'M CONCERNED WITH THIS MEMO OF  
4 UNDERSTANDING OF WHAT I CALL THE SWEETHEART DEAL OF  
5 THE GOVERNMENT -- BOTH AGENCIES, KNEW ABOUT IT.  
6 REMEMBER, WHEN THE GOVERNMENT WANTS TO JUMP YOU, IT  
7 IS CALLED RIGHT SIZING, DOWNSIZING, AND JUST SAVE  
8 YOUR MONEY BY CUTTING PEOPLE.

9 WHEN THE GOVERNMENT GETS CAUGHT IT IS ALWAYS,  
10 "OH, YEAH. DIDN'T YOU KNOW THAT? WE THOUGHT YOU  
11 KNEW," OR "OH, THAT WAS CLERICAL ERROR." BUT EVEN  
12 THIS WAS TYPICAL OF GOVERNMENT IN LIES TOLD TO KEEP  
13 THEIR ALREADY OLD MIGHTY DOLLAR HIGHER, NO MATTER  
14 WHAT THE PRICE. SOME PEOPLE LIKE WARS, THEY CREATE  
15 JOBS AND DESTRUCTION.

16 THE NRC NEVER EXPLAINED THAT IT HAD ANY ROOM  
17 WITHIN ITSELF FOR CONVENIENCE. LET ME EXPLAIN, TVA  
18 IS TVA. BEFORE THEY GET CAUGHT FOR MAKING A MISTAKE,  
19 THEY ALWAYS CHANGE THE PROCEDURE OR RULES AND REPLACE  
20 THE PERSON THEY BLAME FOR IT, WHO LATER WILL USUALLY  
21 BE REWARDED. IN MY OPINION, TVA'S NUCLEAR PROGRAM  
22 DEFINITELY GENERATED ENOUGH PAPER BETWEEN ALL  
23 GOVERNMENT AGENCIES, THAT DOESN'T HAVE ANY IMPACT  
24 WHATSOEVER.

25 I WENT, WITH ENCOURAGEMENT FROM GLENN WALTON

1 AND AT THE DIRECTION OF THE NRC, TO A MOTEL TO GIVE  
2 STATEMENTS THAT WERE COURT REPORTED AND WAS DECEIVED  
3 AS TO WHO THE NRC WAS AND WHAT WAS THEIR INTENT.  
4 AFTER THIS MEETING, MY SITE DIRECTOR, JOHN GARRETT,  
5 HAD SAID TO ME THAT HE WOULD NOT BELIEVE ANYTHING I  
6 EVEN SAID OR DID FOR TVA AGAIN. I SAID, "WHAT ABOUT  
7 GLENN WALTON," AND HE REPLIED AND SAID, "I WILL NOT  
8 BELIEVE HIM EITHER." I WAS SO UPSET THAT I CALLED  
9 GLENN WALTON IN ATLANTA, AND TOLD HIM OF GARRETT'S  
10 ANGER WITH ME. NOW, HE SUPPOSEDLY DID NOT HAVE THIS  
11 INFORMATION OF OUR INVOLVEMENT WITH THE NRC. YET, HE  
12 WAS UPSET OVER SOMETHING THAT HE KNEW.

13 I HAD REPEATEDLY EXPRESSED GREAT CONCERN TO  
14 GLENN WALTON OVER TVA'S ACTIONS AT BOARD MEETING  
15 WHERE THEY HAD EXPRESSED POLICIES THEY SHOULD NOT  
16 HAVE. HE LOOKED OVER HIS COMPUTER AND LOOKED AROUND  
17 AND SAID, "IT MOST BE JUST A GUESS OR COINCIDENCE."  
18 NOW WE KNOW THAT IT WAS NOT A GUESS, THANKS TO THE  
19 NRC AND TVA. WE THE WORKERS ARE PAID DEARLY FOR YOUR  
20 BETRAYAL.

21 WHEN TVA TOOK THEIR VIDEO CAMERA TO FILM THE  
22 TVA BREAK UP OF MY DESK AND CABINETS TO SHOW THEM HOW  
23 COMFORTABLE TVA WAS WITH THE NRC. TVA ASKED NRC IF  
24 THEY WANTED TO FILM WITH THEM AND WATCH THE BREAKING.  
25 THIS HAD NEVER BEEN DONE BEFORE. THE OFFICE PEOPLE I

1 WORKED WITH WERE SCARED TO DEATH AND IT WAS SAID THEY  
2 RAN OFF FASTER THAN A FIRE DRILL.

3 WE WERE SCATTERED LIKE FLIES. TVA'S PLAN  
4 WORKED. THANKS TO NRC, TVA WAS ABLE TO CONVINCED  
5 PEOPLE THAT ALL ALONG IT WAS CERTAIN NRC PERSONNEL  
6 WAS PERSONALLY RESPONSIBLE FOR TVA'S JOB SHUTDOWN IN  
7 1990. TVA'S INFRACTION WAS LISTED AND WENT OUT TO  
8 ALL NUCLEAR PLANTS ACROSS THE U.S., AND ONE WHOLE  
9 PLANT WAS GIVEN MY WORK PLANT, AND TVA DENIED THIS  
10 REASON. IT WAS STATED THAT TVA COULDN'T STAND MY  
11 CREDIBILITY WITH THE SITE INSPECTOR. YET, I LEARNED  
12 TOO LATE THAT BIG BROTHER IS WATCHING, AND THERE IS  
13 NO SECRET WITH THE GOVERNMENT.

14 WHEN I WENT TO THE NRC WITH TVA PROCEDURAL  
15 VIOLATIONS, I SHOWED THAT AGAIN TO MR. GLENN WALTON,  
16 AND TOLD THEM IF WE WANTED THEM TO SEE THIS, HE MUST  
17 GO NOW, BEFORE THE TRAIL GROWS COLD DUE TO THE CHANGE  
18 IN CIRCUMSTANCES. GLENN SAID, "ARE YOU SURE YOU WANT  
19 TO DO THIS," AND I SAID "YES." AGAIN, HE ASKED "ARE  
20 YOU SURE YOU WANT TO DO THIS?" AGAIN, I SAID "YES."  
21 HE AGAIN SAID, "ARE YOU SURE YOU WANT TO DO THIS?"  
22 FINALLY, I ASKED WHY DID HE SAY THIS. I SAID, "YES.  
23 I HAVE NO CHOICE." I COULDN'T STAND MYSELF IF I  
24 DIDN'T DO THIS. I HAD BEEN TAUGHT IN THE PAST THAT  
25 GOOD WORK WOULD PROTECT ME. BUT I SOON DISCOVERED

1 THAT THERE IS NOTHING GOOD ENOUGH ONCE YOU'RE  
2 CLASSIFIED OUTSIDE THE FAMILY.

3 I WANT TO PERSONALLY EXPRESS TO ANN HARRIS, FOR  
4 PERSONALLY TAKING ME TO THE NRC, WHOM I DID NOT  
5 TRUST, THAT I DON'T BLAME HER FOR THE GUILT SHE FEELS  
6 SHE HAS IMPOSED ON ME AND MY FAMILY. I DON'T BLAME  
7 GLENN WALTON FOR BEING DECEIVED BY HIS OWN AGENCY,  
8 BECAUSE I WAS ALSO DECEIVED BY MINE.

9 THE NRC, TVA AND THEIR OFFICIALS ARE TO BLAME.  
10 AND SOMEDAY YOU WILL REAP WHAT YOU HAVE SOWN.

11 MR. LIEBERMAN:

12 THANK YOU.

13 SPEAKER NUMBER THREE.

14 SPEAKER NUMBER THREE:

15 I'M NOT PREPARED AT THIS TIME. THANK YOU.

16 MR. LIEBERMAN:

17 SPEAKER NUMBER FOUR.

18 SPEAKER NUMBER FOUR:

19 I FEEL LIKE NAMES ARE IMPORTANT IN THIS MATTER,  
20 AND MY NAME IS DOUG BILLINGS. I'M PROBABLY THE ONLY  
21 PERSON OF SIX HUNDRED AND THIRTY SOMETHING ODD  
22 WHISTLEBLOWERS IN THE UNITED STATES THAT HAS A  
23 WHISTLEBLOWER CASE AGAINST THE NRC. THAT CASE NUMBER  
24 IS 90-DF-88. IF YOU ARE, AS I PERCEIVE THIS MEETING  
25 MAY LEAD ME TO BELIEVE, GOING TO CHANGE THINGS, I ASK

1 THAT YOU SHOULD CHANGE FOR PAST WHISTLEBLOWERS AND  
2 FUTURE WHISTLEBLOWERS -- YOUR THOUGHT SEEMS TO BE ARE  
3 WHISTLEBLOWERS PROTECTIVE FROM TVA; THEY ARE NOT.  
4 THERE ARE WHISTLEBLOWERS IN THIS AUDIENCE WHO HAVE  
5 RECEIVED MONEY FOR SILENCE IN EXCESS TO A QUARTER OF  
6 A MILLION DOLLARS. THAT IS NOT PROTECTION OF THE  
7 POPULOUS OF THE TENNESSEE VALLEY. YOU ARE PAYING  
8 THESE PEOPLE AND ALLOWING THEM TO BE PAID UNDER YOUR  
9 RULES AND REGULATIONS BY TVA TO MAINTAIN SILENCE  
10 ABOUT VALID PROBLEMS THAT THEY BROUGHT UP TO YOUR  
11 ATTENTION OF YOUR FAVOR TO REGULATE TVA.

12 IN 1986 I WAS EMPLOYED AT TVA WATTS BAR NUCLEAR  
13 POWER PLANT. I WAS A DISABLED PERSON, AS MR. HOUSER  
14 IS, AND I KNOW OF AT LEAST THIRTY-FIVE OTHER PEOPLE.  
15 TVA SAW FIT AFTER THEIR POOR SAFETY POLICIES HAD  
16 CRIPPLED ME TO WHERE I COULD NO LONGER PERFORM MY  
17 DUTIES AS A HEAVY EQUIPMENT OPERATOR, THEY SAW FIT TO  
18 SEND ME TO THIS SCHOOL AND TO TENNESSEE WESTERN  
19 COLLEGE AT A COST OF ABOUT SIXTY THOUSAND DOLLARS TO  
20 RATEPAYERS. I OBTAINED A DEGREE.

21 TVA SENT ME TO THEIR CRITICAL SYSTEMS,  
22 STRUCTURES AND COMPONENTS, RECORDS KEEPING ROOM OF  
23 WATTS BAR NUCLEAR POWER PLANT. THEY ASKED ME TO BE  
24 THE GUARDIAN OF FORTY-TWO THOUSAND, ONE OF A KIND,  
25 QUALITY ASSSURANCE RECORDS. I, AT ONE TIME, NOTIFIED

1 MR. HAYES THERE AND OTHER PEOPLE WITH THE NRC THAT A  
2 CERTAIN GENTLEMAN HAD SIGNED AN AFFIDAVIT, WHICH I  
3 HOLD A COPY OF IN MY HAND, AND I WILL NOT MENTION HIS  
4 NAME. IN THIS AFFIDAVIT THIS GENTLEMAN, WHO IS A WAR  
5 HERO, HE STATED THAT HIS TVA SUPERVISORS HAD ORDERED  
6 HIM TO DESTROY SIX THOUSAND, ONE OF A KIND, QUALITY  
7 ASSURANCE RECORDS, AND IT STATES IN HIS AFFIDAVIT  
8 THAT HE DID. NOW, I NOTIFIED THE NRC OF THIS. IN  
9 READING 10CFR50, APPENDIX B, WHICH WAS A REQUIRED  
10 PART OF MY TRAINING OF WATTS BAR NUCLEAR PLANT, IT  
11 PRETTY WELL LAID DOWN THE LAW THAT I -- IF I WERE TO  
12 DO THIS, WOULD BE SENT TO THE FEDERAL PENITENTIARY.

13 THE NRC PERIODICALLY MAILED OUT LETTERS STATING  
14 THAT MR. BROWN FROM CONNECTICUT NUCLEAR POWER  
15 RECENTLY HAD BEEN SENT TO THE FEDERAL PEN FOR  
16 FALSIFYING RECORDS. I KNEW IT WAS WRONG. ONE DAY IN  
17 OCTOBER OF 1986, AN M5 SCALE SUPERVISOR, WHO BROUGHT  
18 WITNESSES, ORDERED ME TO FALSIFY QUALITY ASSURANCE  
19 RECORDS. I REFUSED; SOMEONE ELSE DID; I WAS FIRED.

20 THE NRC, IF YOU ARE GOING TO CHANGE AND TRY TO  
21 RECOVER FROM YOUR LACK OF OVERSIGHT OF TVA'S NUCLEAR  
22 POWER PROGRAM, YOU'RE GOING TO HAVE TO BUST SOME  
23 TEETH IN THE PROTECTION OF WHISTLEBLOWERS. IF YOU  
24 DON'T HAVE A WHISTLEBLOWER, WHICH IS NOTHING MORE  
25 THAN AN HONEST PERSON IN THE PLACE OF EMPLOYMENT, IT

1 WOULD NOT BE SAFE FOR YOU TO GET ON YOUR PLANE AND GO  
2 BACK TO WASHINGTON THIS WEEKEND OR WHENEVER YOU GO,  
3 BECAUSE EVEN AIRCRAFT MANUFACTURERS CAN MAKE MISTAKES  
4 AND COVER THEM UP.

5 THE ERA CASE THAT I PERSONALLY FILED AGAINST  
6 THE NUCLEAR REGULATORY COMMISSION IS BEING  
7 STRENUOUSLY FOLLOWED BY THE DEPARTMENT OF LABOR, THE  
8 DEPARTMENT OF JUSTICE, AGAINST ME AT THE PRESENT TIME  
9 TO KEEP ME FROM EVEN HAVING A DAY IN COURT. IT IS  
10 CURRENTLY BEFORE THE SIXTH CIRCUIT COURT OF APPEALS  
11 SYSTEM IN OHIO; AND I FEEL THAT I MAY PREVAIL.

12 THE NRC SHOULD FURTHER CONSIDER THEIR ATTITUDE  
13 OF BEING IN BED WITH TVA, AND THAT IN 1989 THEY  
14 MAILED ME A LETTER SIGNED BY JOHN CRAIG STATING THAT  
15 THEY REGRETTED NOT FURNISHING ME WITH EVIDENCE THAT  
16 FIFTEEN OF MY THIRTY COMPLAINTS WERE SUBSTANTIATED  
17 WHICH I HAD SENT TO THE NRC. THEY HAD GIVEN THIS  
18 INFORMATION TO THE TVA. AT THE HEARING IN '87 THE  
19 ERA FILED WITH TVA STATING TO THE ADMINISTRATION LAW  
20 JUDGE THAT I HAD NOT HAD ANY COMPLAINTS  
21 SUBSTANTIATED, WHILE ALL THE TIME THEY LIED TO THE  
22 ADMINISTRATIVE LAW JUDGE.

23 THE NRC, IN THEIR LETTER OF SEPTEMBER THE 5TH,  
24 1989, CLEARLY STATES THAT THEY REGRET THEIR DELAY OF  
25 GIVING ME THIS INFORMATION. THEY GAVE IT TO ME THREE

1 YEARS AFTER THE FACT. IF I HAD HAD THIS INFORMATION  
2 FROM THE NRC DURING THE 1988 TEN DAY HEARING OF MY  
3 CASE, I WOULD HAVE PROBABLY PREVAILED. SO THE NRC  
4 EFFECTIVELY COST ME MY CASE, COST ME MY JOB. YOU  
5 COST MY FAMILY EVERYTHING THEY OWNED. IF YOU ARE  
6 GOING TO CHANGE IT, YOU REALLY NEED TO CHANGE IT IN A  
7 BIG WAY TO WHERE THE TVA, THREE MILE ISLAND, THESE  
8 COMPANIES, MOBILE, GEORGIA POWER, FLORIDA POWER AND  
9 LIGHT, TO WHERE THEY ARE GOING TO SIT UP AND TAKE  
10 NOTICE, BECAUSE IF YOU DON'T, AS THE OTHER GENTLEMAN  
11 STATED, ONE DAY YOU'RE GOING TO REAP WHAT YOU SOW,  
12 WHEN THE THING MELTS DOWN, GOES TO GROUND WATER,  
13 CREATES A VAPOR AND MELTS A QUARTER OF THE UNITED  
14 STATES AND THERE'S PLACES YOU CAN NO LONGER GO ON  
15 YOUR VACATION.

16 THANK YOU.

17 MR. HAYES:

18 EXCUSE ME. WOULD YOU SUGGEST -- AND I DON'T  
19 WANT TO PUT WORDS IN YOUR MOUTH. I TRIED TO LISTEN  
20 VERY PRECISELY TO YOUR STATEMENT -- THAT THE NRC  
21 SHOULD BE -- I DON'T WANT TO USE THE WORD ADVOCATE,  
22 BUT SHOULD THE NRC GO ON THE RECORD IN THE DOL CASES  
23 INDICATING THAT, IN FACT, WE HAVE RECEIVED SAFETY  
24 INFORMATION FROM WHISTLEBLOWERS LIKE YOURSELF? WOULD  
25 THAT HELP THE PROCESS? IS THAT WHAT YOU ARE

1 SUGGESTING, SIR?

2 SPEAKER NUMBER FOUR:

3 THE DEPARTMENT OF LABOR PROCESS, WHICH IS  
4 CURRENTLY IN PLACE, IS A POLITICAL PROCESS. THE PAST  
5 TWELVE YEARS OF ADMINISTRATION HAVE BEEN PRO BUSINESS  
6 ADMINISTRATION PRESIDENTS, AND I'M NOT SURE IF THE  
7 CURRENT PRESIDENT ISN'T ALSO THE SAME THING. BUT  
8 THESE PRESIDENTS APPOINT THE LEADERS OF THE  
9 DEPARTMENT OF LABOR. THE DEPARTMENT OF LABOR ONLY  
10 ENFORCES WHAT THEIR BOSS WANTS THEM TO ENFORCE.

11 THE NRC SHOULD HAVE RULES AND REGULATIONS WHERE  
12 THEY ARE THE INITIAL FINDER OF FACT AND BLAME, NOT  
13 THE DEPARTMENT OF LABOR. THE DEPARTMENT OF LABOR,  
14 WHEN I FILED A COMPLAINT AGAINST YOU, THE NRC, SENT A  
15 AGENT OF THE DEPARTMENT OF LABOR TO INVESTIGATE  
16 WHETHER I KNOW WHAT I HAD BEEN TALKING ABOUT OR NOT.  
17 HE HAS NO EXPERTISE IN THIS FIELD. IT SHOULD BE  
18 SOMEONE FROM THE NRC -- BUT THE NRC DID INVESTIGATE.  
19 THEY DID. THEY SENT TWO IG AGENTS TO INVESTIGATE MY  
20 COMPLAINTS. THEY SENT A SUPERVISORY BUILDING  
21 INSPECTOR OUT OF ATLANTA TO INVESTIGATE MY  
22 COMPLAINTS, AND THAT'S WHY THEY FOUND OUT THEY WERE  
23 VALID, BUT THEY TURNED RIGHT AROUND AND GAVE IT TO  
24 TVA, AND THE TVA FIRED ME.

25 BY MR. HAYES:

1 I'M NOT SURE IF YOU ANSWERED MY QUESTION. MY  
2 QUESTION WAS AT THE BEGINNING OF THE DEPARTMENT LABOR  
3 HEARING, ARE YOU SUGGESTING THE NRC JUST GO ON THE  
4 RECORL, EARLY ON, AND PROVIDE THE HEARING PROCESS  
5 WITH NOTIFICATION THAT THIS INDIVIDUAL, IN FACT,  
6 BROUGHT SAFETY RELATED INFORMATION TO THE NRC,  
7 WHETHER IT'S VALID OR NOT, IS IMMATERIAL --

8 SPEAKER NUMBER FOUR:

9 ABSOLUTELY. ABSOLUTELY.

10 MR. HAYES:

11 AND FILE SOME TYPE OF AFFIDAVIT TO THE ALJ IN  
12 THE PROCESS OR --

13 SPEAKER NUMBER FOUR:

14 ABSOLUTELY. ABSOLUTELY.

15 MR. HAYES:

16 LET ME CONTINUE. DO YOU THINK -- YOUR LAST  
17 STATEMENT. ARE YOU SUGGESTING THAT THE NRC, NOT THE  
18 DEPARTMENT OF LABOR, BE THE PRIMARY AGENCY TO CONDUCT  
19 THE INVESTIGATION OF WHETHER OR NOT DISCRIMINATION  
20 OCCURRED AND THEN SOME TYPE OF AN ENFORCEMENT  
21 ACTIVITY TO MAKE A PERSON WHOLE AS OPPOSED TO DOL?

22 SPEAKER NUMBER FOUR:

23 WELL, I CAN CLARIFY THAT AS TO WHAT HAPPENED TO  
24 ME. THE NRC WITHHELD CRITICAL INFORMATION FROM THE  
25 ADMINISTRATIVE LAW JUDGE -- AND THEIR LETTER STATES

1           THEY WITHHELD IT -- THAT WOULD HAVE CAUSED ME TO  
2           PREVAIL IN MY CASE BEFORE THE ADMINISTRATIVE LAW  
3           JUDGE, BECAUSE PROOF OF A CRIMINAL ACTIVITY IN A  
4           NUCLEAR NRC SPONSORED ACTIVITY IS PRIMA FACIE PROOF  
5           OF DISCRIMINATION. THESE ARE DECISIONS HANDED DOWN  
6           BY A PREVIOUS SECRETARY OF LABOR.

7           YOUR LETTER -- NOT YOURS, MR. CRAIG'S LETTER  
8           ADMITS THAT THEY WITHHELD THIS EVIDENCE, AND TVA'S  
9           OFFICER OF GENERAL COUNSEL GOT IT BEFORE THE  
10          ADMINISTRATIVE LAW JUDGE AND DID NOT COMMIT PERJURY,  
11          BECAUSE THEY WERE NOT TESTIFYING. BUT THEY DID  
12          SUBMIT EVIDENCE WHICH WOULD BE IN VIOLATION OF 18  
13          U.S. 1001. THAT IS CRIMINAL. I COULD NOT PREVAIL.

14          NOW, THE NRC IS AN EXPERT IN THE REALM OF  
15          NUCLEAR POWER, AND I KNOW THESE OTHER WHISTLEBLOWERS  
16          ARE EXPERTS IN THEIR INDIVIDUAL FIELDS OF NUCLEAR  
17          POWER. I VENTURE TO SAY THAT I, NOTWITHSTANDING THE  
18          POSSIBILITY THAT I MAY BE EDUCATED BEYOND MY  
19          INTELLIGENCE, I HOPE I'M NOT, BUT I MAY BE. BUT I  
20          KNOW A LOT ABOUT TVA'S NUCLEAR POWER PLANTS BECAUSE,  
21          NUMBER ONE, I WAS THE FIRST OPERATOR ON THE GROUND IN  
22          SEQUOYAH IN 1968. I WAS THERE WHEN THEY UNLOADED  
23          EQUIPMENT IN WATTS BAR IN 1972, AND IT DOESN'T TAKE A  
24          ROCKET SCIENTIST TO KNOW THAT THERE'S SOMETHING WRONG  
25          AT WATTS BAR TWENTY-ONE YEARS LATER.

1 THE NRC CANNOT SEND ONE PERSON, ONE AGENT, OR  
2 WHATEVER YOU CALL YOUR FIELD REPRESENTATIVE, TO A  
3 NUCLEAR SITE OF THREE THOUSAND FIVE HUNDRED EMPLOYEES  
4 AND EVEN HOPE TO OVERSEE IT. NOW, IT WASN'T THE  
5 FIELD REPRESENTATIVES FAULT THAT TVA'S NUCLEAR POWER  
6 PROGRAM FELL ON ITS FACE. IT WAS SOMEONE'S BUDGETARY  
7 PROBLEM, THAT THEY WOULDN'T PUT ENOUGH PEOPLE OUT IN  
8 THE FIELD TO DO IT, AND YOU HAVE GOOD PEOPLE THAT  
9 REFUSE TO BECOME CROOKS. AND THEN WE GET STAMPED  
10 WITH THE TITLE "WHISTLEBLOWER," AND YOU EQUATE THAT  
11 WITH A PILE OF COW MANURE OR AN HONEST PERSON. MOST  
12 PEOPLE LIKE TO SELECT COW MANURE. BUT THAT'S WHERE  
13 WE WIND UP. WE WIND UP ON THE BOTTOM OF THE PILE.  
14 THAT'S COMING FROM AN OLD DIARY BOY HERE. I MEAN, I  
15 WAS RAISED ON A DIARY FARM. I KNOW RIGHT FROM WRONG,  
16 AND THE DAY THAT I DECIDED TO GO TO THE NRC, I HAD A  
17 WIFE AND I HAD THREE DAUGHTERS. I WENT OUT TO THE  
18 HALLWAY AND I LOOKED AT A PLAQUE THAT THE NRC HAD  
19 CAUSED TO BE THERE, AND THEY SAID I WOULD BE  
20 PROTECTED. I SAID, "THIS REALLY ISN'T THE THING TO  
21 DO." WELL, I WENT AHEAD AND DID IT ANYWAY, AND I  
22 REALLY LOST EVERYTHING I HAD. THEY DIDN'T BUY ME  
23 OFF, THEY DIDN'T PAY ME OFF IN SILENCE, AND THEY  
24 PROBABLY WANT TO. THAT'S ALL I HAVE TO SAY.

25 MR. LIEBERMAN:

1 SPEAKER NUMBER FIVE.

2 SPEAKER NUMBER FIVE:

3 PASS.

4 MR. LIEBERMAN:

5 SPEAKER NUMBER SIX.

6 SPEAKER NUMBER SIX:

7 I HAVE NO COMMENT.

8 MR. LIEBERMAN:

9 NUMBER SEVEN.

10 SPEAKER NUMBER SEVEN:

11 GOOD EVENING, GENTLEMAN. MY NAME IS ANN  
12 HARRIS, AND I AM CURRENTLY AN EMPLOYEE OF THE  
13 TENNESSEE VALLEY AUTHORITY. I'M ADDRESSING YOU  
14 TONIGHT AS THE SPOKESMAN FOR THE NATIONAL NUCLEAR  
15 SAFETY NETWORK. NNSN IS A COALITION OF  
16 WHISTLEBLOWERS, NUCLEAR SAFETY AND PUBLIC INTEREST  
17 ORGANIZATIONS, AS WELL AS INTERESTED INDIVIDUALS  
18 ACROSS AMERICA DEDICATED TO PURSUING SAFE OPERATION  
19 OF NUCLEAR POWER PLANTS AND ADHERENCE TO REGULATIONS  
20 BY ALL NUCLEAR LICENSEES.

21 ON SEPTEMBER 26TH, 1993 REPRESENTATIVES OF NNSN  
22 MET WITH JAMES LIEBERMAN, DIRECTOR OF THE OFFICE OF  
23 ENFORCEMENT, AND TWO OTHER REPRESENTATIVES OF THE  
24 NUCLEAR REGULATORY COMMISSION. ALTHOUGH, THIS  
25 MEETING WAS NOT, BY DESIGN, AN OFFICIAL MEETING OF

1 THIS REVIEW TEAM, THE COALITION DID DISCUSS WITH THE  
2 NRC ITS VIEWS ON ISSUES RELATED TO WHISTLEBLOWER  
3 PROTECTION. PRIOR TO THE MEETING, NNSN ENTERED INTO  
4 A WRITTEN AGREEMENT WITH THE NRC REPRESENTATIVES THAT  
5 BOTH NNSN AND THE NRC STAFF WOULD PREPARE RESPECTIVE  
6 MEMORANDUM ELECTING BOTH PARTIES SENSE OF THE  
7 MEETING. BOTH PARTIES AGREED THAT THE RESPECTIVE  
8 MEMORANDUM WOULD BE SUBMITTED TO THE REVIEW TEAM AND  
9 BECOME PART OF THE AGREEMENT. THE COALITION INTENDS  
10 TO FULLY HONOR THE AGREEMENT. MY STATEMENT TONIGHT  
11 IS NOT BE CONSIDERED A PREEMPTION OF THAT STATEMENT.

12 IN 1985 THE TENNESSEE VALLEY AUTHORITY WAS  
13 DENIED AN OPERATING LICENSE AT WATTS BAR NUCLEAR  
14 PLANT. THE TVA TOLD THE NRC THAT WE'LL DO BETTER,  
15 TRUST US. IN 1987 THE TVA'S NUCLEAR PROGRAM WAS IN  
16 ASHES. IN 1988 TVA TOLD THE NRC TO TRUST US, WE'LL  
17 DO BETTER. LET US START SEQUOYAH AND WE'LL FIX ALL  
18 OF THOSE OLD SAFETY PROBLEMS LATER.

19 MARCH OF THIS YEAR, I SAW CHAIRMAN SELIN AT  
20 SEQUOYAH FOR A PUBLIC RELATIONS VISIT. HE SHUT  
21 SEQUOYAH DOWN. CHAIRMAN SELIN CITED THAT SEQUOYAH  
22 SHOULD NOT HAVE BFEN PERMITTED TO RESTART. AGAIN,  
23 THE NRC TRUSTED THE TVA TO ENSURE THE PUBLIC HEALTH  
24 AND SAFETY.

25 IN 1990, THE TVA WAS FORCED TO STOP WORK AT THE

1 TWENTY-TWO YEAR OLD WATTS BAR NUCLEAR CONSTRUCTION  
2 SITE. ONE MONTH BEFORE SHUTDOWN, REGION TWO  
3 ADMINISTRATOR EBNETER WAS QUOTED AS SAYING THAT WATTS  
4 BAR IS IN THE BEST SHAPE I'VE EVER SEEN IT. ONE  
5 MONTH LATER WATTS BAR, ON DECEMBER THE 21ST, 1990,  
6 WORK STOPPED.

7 IN JANUARY ONE MONTH AFTER THE STOP WORK  
8 MR. EBNETER STATED THAT WATTS BAR IS THE WORST I'VE  
9 EVER SEEN IT. I SUBMIT TO YOU THAT THESE ARE BUT A  
10 FEW OF THE ITEMS THAT GIVES CLEAR INDICATION THAT  
11 THE NRC IS KILLING THE NUCL INDUSTRY IN THE UNITED  
12 STATES. THE NRC HAS BECOME AN AGENCY OF COOPERATION  
13 INSTEAD OF REGULATION.

14 IN JANUARY OF 1991, THE NRC WENT EVEN FURTHER  
15 TO COOPERATE INSTEAD OF T REGULATE. THE NRC'S  
16 OFFICE OF INVESTIGATION, MR. BEN HAYES, SIGNED A  
17 FORMAL AGREEMENT WITH THE TVA'S INSPECTOR GENERAL,  
18 MR. NORM ZIGROSSI. TVA'S IG IS NOT INDEPENDENT.

19 THIS MEMORANDUM OF UNDERSTANDING HAS BEEN USED  
20 AS A DIRECT LINE TO THE TVA MANAGEMENT, FURTHER  
21 DISTANCING THE NRC FROM SAFETY ISSUES AND EMPLOYEE  
22 ABUSE AT THE TVA. USING THIS MOU TO BETRAY PEOPLE,  
23 THEIR JOBS, THEIR FAMILIES AND THEIR FUTURES IS  
24 OUTRIGHT NEGLIGENCE, AND IF IT IS NOT CRIMINAL, IT  
25 CERTAINLY BOLDERS ON CRIMINAL.

1           SINCE THE TVA USED THE INFORMATION GATHERED  
2 THROUGH THE MOU TO CUT OVER SIX THOUSAND TVA  
3 CONSTRUCTION JOBS IN 1991. THE NRC SHOULD HANG ITS  
4 HEAD IN SHAME. SUCH A LARGE PRICE THE PEOPLE OF THIS  
5 VALLEY HAVE PAID BECAUSE THE NRC CANNOT REGULATE, IT  
6 CAN ONLY COOPERATE. THE MOU IS A CLEAR INDICATION  
7 THAT THE NRC STILL DOES NOT, CANNOT AND IS NOT  
8 REGULATING THE NUCLEAR INDUSTRY.

9           THE USE OF THE MOU IS A CLEAR MESSAGE TO  
10 NUCLEAR EMPLOYEES NATIONWIDE THAT THE NRC IS LEADING  
11 THE CHILLING EFFECT AGAINST NUCLEAR EMPLOYEES  
12 IDENTIFYING SAFETY ISSUES. THE TVA HAS NO BETTER  
13 LOBBY OR ADVOCATE THAN THE NRC, WHERE ABUSE OF  
14 EMPLOYEES IS AN ISSUE. I AM TOLD THAT THE MOU WILL  
15 STAY IN FORCE BECAUSE THE NRC TRUST THE TVA.

16           IN 1988, I FILED WITH THE DEPARTMENT OF LABOR  
17 AND THE NRC FOR DISCRIMINATION FOR IDENTIFYING SAFETY  
18 PROBLEMS AT THE WATTS BAR SITE. THE NRC STATED THAT  
19 UNTIL ALL LEGAL AVENUES WERE EXHAUSTED, THE NRC WOULD  
20 NOT GET INVOLVED. THOSE ISSUES WERE CONFIRMED AND I  
21 MADE THE FIRST SETTLEMENT WITH TVA IN NOVEMBER 1988.  
22 NOW, I'M TOLD THAT TOO MUCH TIME HAS LAPSED AND THE  
23 NRC WILL NOT GET INVOLVED AND THE TVA HAS CHANGED.  
24 THE NRC HAS TRUSTED THE TVA AGAIN.

25           SINCE THE 1988 SETTLEMENT, I FILED THREE MORE

1           ACTIONS WITH THE DOL AND I SETTLED THOSE ISSUES WITH  
2           TVA IN AN AGREEMENT REACHED IN OCTOBER 1990. DOL  
3           REACTED QUICKLY AND INVESTIGATED THE ISSUES. ALL OF  
4           THE INITIAL RULINGS WERE IN MY FAVOR. THE NRC DID  
5           NOT MAKE THE SAME DETERMINATIONS EVEN AFTER  
6           PERFORMING AN INVESTIGATION ON ONE CASE, BUT THE NRC  
7           TURNED THAT SAME ACTION OVER TO TVA'S IG WHO COULD  
8           NOT FIND ANY MISCONDUCT BY TVA MANAGEMENT.

9           MISCONDUCT BY TVA MANAGEMENT WAS NOT AND IS NOT  
10          THE ISSUE, GENTLEMEN. INTIMIDATION AND HARASSMENT OF  
11          EMPLOYEES FOR IDENTIFYING SAFETY ISSUES IS THE ISSUE.  
12          THE WHISTLEBLOWER LAW DOES NOT STATE THAT THE TVA  
13          MUST BE FOUND GUILTY OF MISCONDUCT. WE ARE ALL AWARE  
14          THAT THE POLICIES, PROGRAMS AND PROCEDURES OF TVA ARE  
15          IN CONFLICT WITH THE SECTION 211 ERA.

16          TVA'S IG DOES NOT LOOK AT SAFETY ISSUES OR HOW  
17          WRONGDOING BY TVA'S MANAGER CAN AFFECT SAFETY. AS  
18          YOU ARE AWARE, THE TVA INSPECTOR GENERAL GETS HIS JOB  
19          JUST LIKE EVERY OTHER TVA EMPLOYEE, THROUGH EITHER A  
20          BUDDY OR THROUGH THE OFFICE OF HUMAN RESOURCES.  
21          TVA'S IG IS THE MANAGEMENT MUSCLE OF THE TVA AND IS  
22          NOT INDEPENDENT OF TVA MANAGEMENT.

23          WHEN THE NRC DOES NOT BECOME INVOLVED EARLY IN  
24          THE PROCESS, THE NRC FORCES THE ALLEGERS TO USE  
25          RESOURCES THAT WE DO NOT HAVE. LOOK WHAT HAPPENED IN

1 CONNECTICUT TO MAGGIE AND ARNIE GUNDERSEN. LISTEN TO  
2 PEOPLE HERE TONIGHT. HOW WOULD YOU LIKE TO SWAP  
3 PLACES WITH ANY ONE OF US FOR A WEEK OR DAY? HOW CAN  
4 THE NRC HAVE A CONSCIENCE WHEN IT FORCES FAMILIES OUT  
5 OF THEIR HOME? THE GUNDERSENS OR ANYONE ELSE, AND  
6 MYSELF INCLUDED, DO NOT HAVE ACCESS TO THE MONIES  
7 THAT THESE UTILITIES HAVE. OVER FIVE MILLION DOLLARS  
8 WAS SPENT ATTEMPTING TO KEEP ANN HARRIS QUIET. THE  
9 SAFETY ISSUES WERE NEVER DENIED BY TVA, JUST THE  
10 ABUSE. THE NRC NOW TELLS ME THAT TOO MUCH TIME HAS  
11 LAPSED, TVA HAS CHANGED, AND WE MUST TRUST THE TVA.  
12 THE TVA FEELS VERY COMFORTABLE, INDEED, WITH THE  
13 COOPERATION FROM THE NRC.

14 TVA HAS ONE OF THE OLDEST EMPLOYEE CONCERNS  
15 PROGRAM IN THE NUCLEAR INDUSTRY AND TVA CONTINUES TO  
16 HAVE THE WORST RECORD FOR EMPLOYEE ABUSES. THIS TASK  
17 FORCE SHOULD GO BACK AND TELL CHAIRMAN SELIN THAT  
18 SINCE THE PROGRAMS HAVE NO REGULATION AND ARE, YET,  
19 ANOTHER CONDUIT BACK TO THE ABUSING MANAGER THE  
20 PROGRAMS ARE NOT AND HAVE NOT BEEN WORKING. HE  
21 SHOULD TRYING PUTTING A PROGRAM IN PLACE THAT THE NRC  
22 THAT STARTS THE NRC INTO THE REGULATION OF THE  
23 NUCLEAR INDUSTRY, NOT COOPERATION. THE CHAIRMAN IS  
24 OUT OF TOUCH WITH WHAT EMPLOYEES ARE WILLING TO  
25 ENDURE WHEN THEY ARE BEING ABUSED AND WHEN THE PUBLIC

1 HEALTH AND SAFETY ARE AT RISK.

2 MR. LIEBERMAN, YOU'VE ASKED US TO COMMENT ON  
3 YOUR WORK PRODUCT AND SO I SHALL. IN MARCH OF THIS  
4 YEAR THE OFFICE OF ENFORCEMENT HELD AN ENFORCEMENT  
5 CONFERENCE IN ATLANTA OVER THE TVA'S ABUSE AND  
6 DISCRIMINATION OF EMPLOYEES OVER SAFETY ISSUES. THE  
7 MEETING WAS CLOSED TO ANY WHISTLEBLOWER AND OR THEIR  
8 ADVOCATES. TVA SENIOR MANAGEMENT CAME, HUMAN  
9 RESOURCES CAME, BUT NO INVOLVEMENT FROM THE POOR  
10 EMPLOYEES THAT WERE SO MISTREATED.

11 THE NRC DREW A LINE IN THE SAND AND ONLY  
12 CONSIDERED THOSE CASES WITHIN A SPECIFIC TIME FRAME.  
13 THE TIME FRAME ENABLE TVA TO COVER UP FROM THE PUBLIC  
14 AND THE RATEPAYER OVER ONE HUNDRED AND FIFTY CASES OF  
15 ABUSE BY TVA OVER EMPLOYEES AND PUBLIC SAFETY. THIS  
16 IS THE NEW TVA, AND THE TVA THAT THE NRC, TRUST TO  
17 HANDLE ITS OWN PROBLEMS OF ABUSE?

18 IN THAT CONFERENCE IT WAS IDENTIFIED THAT TVA  
19 HAD SETTLED SIXTY-FOUR CASES OF THESE SOME ONE  
20 HUNDRED FIFTY PEOPLE. HOW THE OFFICE OF ENFORCEMENT  
21 AND THE OFFICE OF INVESTIGATION JUSTIFIES THAT KIND  
22 OF COOPERATION CLEARLY SHOWS THE NRC'S INABILITY TO  
23 REGULATE.

24 THE TVA SENIOR MANAGEMENT THANKS YOU. TVA  
25 PUBLIC RELATIONS THANKS YOU. TVA LAWYERS THANK YOU,

1 AND TVA CONTRACTORS THANK YOU FOR AIDING THEM IN THIS  
2 COVER UP WITH THE NEW TVA. YOU HAVE CERTAINLY SAVED  
3 SOME TVA MANAGERS JOBS, FUTURES AND HOMES.

4 ALL OF THIS ABUSE HAS GENERATED A TOTAL FINE BY  
5 THE OFFICE OF ENFORCEMENT OF TWO HUNDRED AND FORTY  
6 THOUSAND DOLLARS AGAINST THE TVA. THAT AMOUNT COVERS  
7 OVER TWO HUNDRED WHISTLEBLOWERS AT THE TVA. THAT  
8 EQUALS TO TWELVE HUNDRED DOLLARS PER PERSON. THE  
9 NRC'S OI AND OE HAVE PUT A CHEAP PRICE ON PEOPLE.

10 MR. LIEBERMAN, AS I STATED TO YOU WHEN YOU MET  
11 WITH THE NATIONAL NUCLEAR SAFETY NETWORK IN  
12 CONNECTICUT RECENTLY, I CANNOT COMMENT ON WORK  
13 PRODUCT WHERE NOTHING EXISTS THAT WOULD GENERATE A  
14 COMMENT. NO ACTION HAS BEEN GENERATED AND I AM SURE  
15 THAT YOU ARE WAITING FOR THE TIME TO RUN OUT SO THAT  
16 YOU DO NOT HAVE TO DEAL WITH THESE PEOPLE THAT YOU  
17 HELPED ABUSE.

18 ON AUGUST THE 3RD, 1993, THIS TASK FORCE  
19 PUBLISHED A PRESS RELEASE FROM THE NRC ANNOUNCING  
20 THESE HEARINGS. THAT PRESS RELEASE SAID PUBLIC  
21 COMMENTS ARE BEING SOUGHT ON THE NRC'S WHISTLEBLOWER  
22 PROTECTION PROGRAM. AS YOU ARE AWARE, MR. LIEBERMAN,  
23 I ATTEMPTED TO FIND THAT PROGRAM AND HOW IT WORKS.  
24 CHAIRMAN SELIN TOLD THE SENATE HEARINGS IN JULY ABOUT  
25 THE PROGRAM AND IN YOUR PRESS RELEASE YOU TALK ABOUT

1 THE PROGRAM AGAIN. I WANTED TO BE ABLE TO USE THIS  
2 PROGRAM IF I SHOULD NEED IT. IT SHOULD BE EASILY  
3 ACCESSED BY NUCLEAR EMPLOYEES. DAVID LAMB, FORMERLY  
4 OF HOUSTON LIGHT AND POWER, COULD CERTAINLY HAVE USED  
5 IT. ALLAN MOSBAUGH, FORMERLY OF THE GEORGIA POWER  
6 COMPANY, WOULD HAVE BEEN DELIGHTED TO USE IT. BUT AS  
7 YOU ARE AWARE AND YOU CONFIRMED TO US IN THAT  
8 MEETING, NO SUCH PROGRAM EXISTS.

9 I THINK THAT THE CHAIRMAN OF THE NRC IS  
10 MISLEADING CONGRESS, THE MEDIA AND NUCLEAR EMPLOYEES  
11 INTO BELIEVING THAT THE NRC WILL PROVIDE SOME SORT OF  
12 PROTECTION TO EMPLOYEES RAISING SAFETY ISSUES.

13 CHAIRMAN SELIN IS ASKING US TO TRUST THE NRC.  
14 THE NRC HAS ABDICATED ITS REGULATORY RESPONSIBILITIES  
15 TO THE AGENCY THAT LEADS THE NATION IN ABUSE OF  
16 EMPLOYEES. SURE TVA HAS LESS PROBLEMS WITH EMPLOYEES  
17 AT NUCLEAR SITES. WORD IS OUT THAT THE NRC WILL  
18 IDENTIFY THE PERSON AND THE ISSUE BACK TO TVA. TVA  
19 EMPLOYEES AREN'T WILLING TO TAKE A CHANCE WHEN TVA  
20 TERRORIZED THE NUCLEAR EMPLOYEES IN MAY 1991, WITH  
21 THE FULL KNOWLEDGE AND CONCURRENCE OF THE NRC. THE  
22 MESSAGE CAME THROUGH LOUD AND CLEAR, "DON'T GO TO THE  
23 NRC, THEY COOPERATE, NOT REGULATE." THE NRC KNOWS  
24 FULL WELL THAT A TVA EMPLOYEE COMING FORWARD WITH A  
25 SAFETY ISSUE WILL COST HIM OR HER THEIR JOB.

1 THE CONTINUED USE OF THE MOU BETWEEN THE NRC  
2 AND TVA IS A CLEAR INDICATION OF THE CONTEMPT THAT  
3 THE NRC HAS FOR THE PUBLIC SAFETY AND HEALTH. THE  
4 NRC IS ENCOURAGING A NUCLEAR ACCIDENT IN THIS COUNTRY  
5 BY STOPPING WHISTLEBLOWERS FROM IDENTIFYING SAFETY  
6 PROBLEMS. THE NUCLEAR INDUSTRY COULD BE MADE SAFE IF  
7 A REGULATORY AGENCY WAS IN PLACE TO REGULATE.

8 ONE WAY THAT THE NRC COULD SHOW THAT IT IS NOT  
9 COOPERATING IS TO PUT TWO MEMBERS OF THE NATIONAL  
10 COALITION ON THIS TASK FORCE. IT WOULD ENSURE THAT  
11 CONGRESS AND THE COMMISSION HEARS WHAT IS SAID BY THE  
12 WHISTLEBLOWERS WHO HAVE ABSOLUTE CREDIBILITY AND NOT  
13 THE UTILITIES CONTINUAL PROMISE TO DO BETTER.

14 ANOTHER WAY WOULD BE TO CREATE A CITIZENS  
15 ADVISORY BOARD. TWO MEMBERS FROM THE NATIONAL  
16 COALITION SHOULD SERVE ON THE BOARD AT ALL TIMES.  
17 THE MEMBERS OF THE COMMISSION, INCLUDING THE  
18 CHAIRMAN, SHOULD RESIGN EFFECTIVELY IMMEDIATE.

19 WITHOUT LEADERSHIP THAT CAN BE TRUSTED THE NRC  
20 IS JUST AS USELESS AS THE UTILITIES WANT IT TO BE.

21 MR. LIEBERMAN AND MR. HAYES, YOU TWO MEN  
22 HAVE KNOWN WHAT YOU WERE PRACTICING IN YOUR OFFICES  
23 WAS NOT CORRECT. WHERE'S YOUR SELF RESPECT? WHERE  
24 IS YOUR CONCERN FOR THE PUBLIC HEALTH? WHERE IS YOUR  
25 CONSCIENCE? I THINK THAT THEY ARE ALL RIGHT WHERE

1 YOU PUT THEM, IN YOUR HIP POCKET, RIGHT WHERE YOU CAN  
2 TOUCH THEM WHEN YOU HAVE AN ATTACK OF CONSCIENCE, AND  
3 THE EVIDENCE IS OVERWHELMING THAT YOUR HIP PCCKET WAS  
4 REMOVED SEVERAL YEARS AGO FROM NONUSE.

5 BEFORE I STEP DOWN, I WANT TO ASK IF THESE  
6 HEARINGS ARE A PROTECTIVE ACTIVITY FOR PEOPLE MAKING  
7 STATEMENTS THAT DO NO HAVE JOBS WITH THE UTILITIES?  
8 I DID NOT GET A CLEAR DEFINITION IF THAT IS TRUE WHEN  
9 WE STARTED THESE HEARINGS THIS AFTERNOON.

10 THE OTHER THING IS THE NRC SHOULD REMOVE THE  
11 MOU BETWEEN THE TENNESSEE VALLEY AUTHORITY AND THE  
12 NUCLEAR REGULATORY AGENCY.

13 AND I THANK YOU.

14 MR. LIEBERMAN:

15 I THANK YOU. AND AGAIN, MY VIEW IS THAT THIS  
16 MEETING IS A PROTECTIVE ACTIVITY.

17 MR. GRIMES:

18 I'D LIKE TO ASK A QUESTION. YOU BROUGHT UP THE  
19 CITIZENS ADVISORY BOARD. I'M THINKING -- COULD YOU  
20 EXPAND A LITTLE ON WHAT ROLE THAT WOULD PLACE -- I'M  
21 THINKING AFTER THE TERM OF THIS TASK FORCE, WHAT  
22 RECOMMENDATIONS WOULD SOME SORT OF A CITIZENS  
23 ADVISORY BOARD ON A NATIONAL BASIS PLAY SOME ROLE IN  
24 YOUR MIND, AND WHAT WOULD THE ROLE BE, ADVISING THE  
25 NRC?

1 SPEAKER NUMBER SEVEN:

2 THERE HAS TO BE SOME PLACE AT THE NRC WHERE THE  
3 WHISTLEBLOWERS HAVE SOME SORT OF SAFE SPACE WITHOUT  
4 GOING THROUGH THE LEGALITIES THAT WE ARE BEING FORCED  
5 INTO.

6 THE OTHER THING IS THAT THAT ADVISORY BOARD  
7 WOULD BE A WORKING PART OF SOME SORT OF IN HOUSE  
8 PROGRAM OF THE NRC BECAUSE AS YOU'VE ALREADY HEARD ME  
9 STATE, YOU HAVE NO IN HOUSE WHISTLEBLOWER PROTECTION  
10 PROGRAM AT THIS TIME AND THIS DATE. SO SOMEBODY IS  
11 GOING TO HAVE TO SIT DOWN AND PUT TOGETHER WHAT IS A  
12 WORKABLE SOLUTION TO THESE PROBLEMS, BECAUSE THE  
13 INDUSTRY IS GOING DOWN THE DRAIN AND WE'RE TRYING TO  
14 STOP IT, AND YOU ALL ARE HELPING IT. YOU'RE HELPING  
15 FOR IT TO GO DOWN THE DRAIN, BECAUSE WE CAN'T GET YOU  
16 TO LISTEN TO WHISTLEBLOWERS. IF YOU PUT A NATIONAL  
17 CITIZENS ADVISORY BOARD TOGETHER, WHY COULDN'T THOSE  
18 BE RESPONSIBLE CITIZENS THAT WHENEVER YOU COME TO THE  
19 REGION TWO, AND THE OFFICE OF ENFORCEMENT COMES DOWN  
20 THERE, SOMEBODY FROM THIS REGION THAT'S OUTSIDE THE  
21 UTILITY AND OUTSIDE THE NRC HAS KNOWLEDGE, WHY  
22 COULDN'T THEY SIT AND HELP DECIDE WHAT IS WRONGDOING  
23 AND WHAT IS GOING ON TO MOVE THIS THING FORWARD SO  
24 THAT WE STOP DELAYING AND USING UP FIVE YEARS OF  
25 PEOPLE'S LIVES AND THEY'RE STILL BEING ABUSED.

1 MR. GRIMES:

2 SO, LET ME CLARIFY, YOU'RE THINKING OF THIS  
3 BOARD THAT IS ACTIVE IN ACTUAL INDIVIDUAL CASES  
4 RATHER THAN JUST ADVISING ON THE PROCESS?

5 SPEAKER NUMBER SEVEN:

6 WELL, WHY COULDN'T IT WORK BOTH WAYS, IS WHAT  
7 WE'RE SAYING. IT'D BE THERE FOR YOU TO HAVE ACCESS  
8 TO, TO HAVE INTIMATE KNOWLEDGE AS TO WHAT'S GOING ON.  
9 IT HAS TO BE A SAFE SPACE, MR. GRIMES, AND THAT'S  
10 WHAT WE DON'T HAVE. WE ARE IN THE POSITION OF HAVING  
11 TO LITERALLY FIGHT FOR OUR LIVES AND OUR FUTURES WHEN  
12 WE SHOULDN'T BE WHEN THE NRC CONSTANTLY TELLS US THAT  
13 THEY RELY ON WHISTLEBLOWERS TO COME FORWARD, BECAUSE  
14 YOU CAN'T REGULATE EVERYTHING. AND WHAT WE NEED IS  
15 FOR SOMEBODY AT THE NRC TO TAKE THE INITIATIVE AND  
16 SAY, "HEY, WE WANT TO STOP THIS." DRAW ANOTHER LINE  
17 IN THE SAND. SAY WHISTLEBLOWERS ARE NOT GOING TO BE  
18 TREATED AS WHISTLEBLOWERS OR TROUBLE MAKERS FROM NOW  
19 ON, BECAUSE THEIR ISSUES STILL HAVE TO BE FIXED.  
20 WHAT'S HAPPENING HERE IS PEOPLES LIVES ARE BEING  
21 DESTROYED AND THEY ARE NOT BEING FIXED. THAT'S WHERE  
22 WE WANT THAT BOUNDARY AND WE WANT THAT WALL THAT YOU  
23 HAVE ERECTED, WE WANT THAT WALL TAKEN DOWN. WE WANT  
24 TO HAVE THE SAME ACCESS THAT THE UTILITIES HAVE WITH  
25 YOU.

1 MR. GRIMES:

2 DO YOU THINK THAT THIS WOULD REPLACE THE  
3 DEPARTMENT OF LABOR PROCESS OR BE AN ADDITION TO IT?  
4 SPEAKER NUMBER SEVEN:

5 I DON'T THINK THAT THE NRC SHOULD ADVOCATE  
6 CHANGING THE DEPARTMENT OF LABOR POSITION, OR THAT  
7 THEY'RE A PART IN ANY OF THIS, BECAUSE THEY ARE AN  
8 OUTSIDE AGENCY, AND THEY ARE A THIRD PARTY THAT  
9 ACTIVELY REGULATES YOU AND YOUR ACTIVITIES AS WELL AS  
10 THE UTILITIES IF THEY ARE PERMITTED TO DO THEIR JOB.  
11 SO I THINK THAT THE DEPARTMENT OF LABOR -- THERE MAY  
12 BE ANOTHER WAY THAT IT CAN BE DONE, BECAUSE WHAT'S  
13 GOING ON TODAY IS OBVIOUSLY NOT WORKING, AND THAT'S  
14 WHAT WE'RE HERE TO DISCUSS WITH YOU.

15 MR. GRIMES:

16 THANK YOU.

17 MR. LIEBERMAN:

18 IN THAT REGARD, WHEN YOU ARE REFERRING TO NOT  
19 CHANGING THE DEPARTMENT OF LABOR PROCESS, NRC NOT  
20 BEING INVOLVED IN THE DEPARTMENT OF LABOR PROCESS,  
21 SHOULD NRC BE DOING ITS OWN INVESTIGATIONS AND DOL  
22 ALSO BE DOING INVESTIGATIONS OR WOULD IT BE JUST ONE  
23 AGENCY REVIEWING INVESTIGATIONS? WHAT DO YOU THINK?  
24 SPEAKER NUMBER SEVEN:

25 IF YOU'RE ACTIVELY INVOLVED AND CARE ABOUT

1 PUBLIC SAFETY AND ABOUT PEOPLE AND ABUSE OF PEOPLE  
2 AND EMPLOYEES IN THIS INDUSTRY THEN YOU WOULD GET  
3 INVOLVED UP FRONT. YOU'VE GOT A SENIOR RESIDENT  
4 INSPECTOR SITTING AT THAT JOB SITE AND HE KNOWS IF  
5 THAT'S A SAFETY ISSUE OR NOT. HE CAN HAVE A MAN OUT  
6 THERE WITHIN TWO HOURS AFTER YOU RECEIVE NOTICE THAT  
7 THERE IS A PROBLEM. NOW, GRANTED THAT THE UTILITIES  
8 LAWYERS, THE NRC LAWYERS, EVERYBODY'S LAWYERS WILL  
9 EVENTUALLY GET INVOLVED IN IT, BUT IF THE NRC TOOK  
10 THE INITIATIVE UP FRONT, TO BECOME INVOLVED AND THERE  
11 WAS RECOGNITION THAT THE NRC IS GOING TO BECOME  
12 ACTIVELY INVOLVED UP FRONT, AND RETALIATE AGAINST THE  
13 UTILITY BECAUSE THESE THINGS ARE NOT -- AS YOU'VE  
14 HEARD HERE TONIGHT, THESE ACTIONS ARE NOT DENIED BY  
15 THE UTILITY. NOBODY'S DENYING WHAT HAPPENED TO ALL  
16 OF US. NOBODY'S DENYING THAT THE SAFETY ISSUES DON'T  
17 EXIST. YOUR OWN SENIOR RESIDENT INSPECTOR -- BUT WE  
18 TOOK ALL OF THIS TOO -- TOLD US, "I CAN'T GET  
19 INVOLVED. I'D LIKE TO, BUT I'M NOT PERMITTED TO."

20 WELL, IF 10CFR50.9 ALSO STATES THAT THE NRC  
21 WILL UPHOLD AND AGREE TO ACTIONS FROM THE DEPARTMENT  
22 OF LABOR. WELL, IF YOU AGREE AND YOU ARE SUPPORTING  
23 THAT, THEN YOU WOULD GET INVOLVED AT A POINT WHERE  
24 YOU TAKE THE NECESSARY ACTION. YOU DON'T HAVE TO GO  
25 DOWN TO TVA TO STOP SEQUOYAH OR WATTS BAR. YOU DON'T

1 HAVE TO DO THOSE THINGS. YOU GO IN AND HAVE A TALK,  
2 AN AGREEMENT IN A MEETING, WITH THE SENIOR SITE VICE  
3 PRESIDENT, AND YOU LOOK HIM IN THE EYE AND SAY, "I  
4 WILL GIVE YOU FORTY-EIGHT HOURS TO RECTIFY THIS  
5 SITUATION OR WE'RE GOING TO BEGIN A THOUSAND DOLLAR A  
6 DAY ANNOUNCED FINE AGAINST THIS UTILITY, AT THIS JOB  
7 SITE, UNTIL YOU CORRECT THE SITUATION." THOSE THINGS  
8 ARE NECESSARY. IT GOES ON EVERYWHERE ELSE. WHY ARE  
9 YOU SO BASHFUL ABOUT DOING THAT? I'M HERE TALKING  
10 ABOUT THOSE SITES NOW, AND THAT'S WHAT WE'RE HAVING  
11 TO DEFEND WITH.

12 MR. LIEBERMAN:

13 THANK YOU.

14 NEXT SPEAKER, NUMBER EIGHT.

15 SPEAKER NUMBER SEVEN:

16 I WOULD ASK MR. LIEBERMAN THAT THIS IS MY  
17 OFFICIAL STATEMENT, AND I THAT I GIVE IT TO THIS  
18 YOUNG LADY FOR THE RECORD?

19 MR. LIEBERMAN:

20 THAT WOULD BE VERY GOOD.

21 SPEAKER NUMBER SEVEN:

22 (PRESENTING DOCUMENT TO COURT REPORTER).

23 MR. LIEBERMAN:

24 NUMBER EIGHT.

25 SPEAKER NUMBER EIGHT:

1                   PASS.

2           MR. LIEBERMAN:

3                   NUMBER NINE?

4           SPEAKER NUMBER NINE:

5                   MY NAME IS GEORGE JONES, AND I'M AN EMPLOYEE OF  
6           WATTS BAR NUCLEAR PLANT. I AM SUPPOSEDLY AN ACTIVE  
7           WHISTLEBLOWER. I HAD VERY MIXED EMOTIONS ON COMING  
8           HERE TONIGHT, BUT I THOUGHT ABOUT IT, AND I CAME HERE  
9           TONIGHT TO ASK SEVERAL THINGS. ONE, PRIMARILY, IF  
10          THERE'S ANOTHER PERSON WHO IS AN EMPLOYEE OF TVA AND  
11          IS THINKING ABOUT BECOMING A WHISTLEBLOWER, DON'T.  
12          DON'T RUIN YOUR LIFE. THERE IS NO PROTECTION AGAINST  
13          TVA. THERE IS NO PROTECTION WITHIN THE NRC. THERE  
14          IS NO PROTECTION WITHIN THE DEPARTMENT OF LABOR.  
15          THERE IS NO PROTECTION WITHIN YOUR ATTORNEY. I'VE  
16          SPENT THOUSANDS OF DOLLARS. I'VE HAD THREE ATTORNEYS  
17          MISREPRESENT ME. ONE LEFT ME IN FRONT OF THE  
18          DEPARTMENT OF LABOR JUDGE WITH NO REPRESENTATION  
19          WHATSOEVER.

20                 THAT JUDGE EVENTUALLY REFUSED TO HEAR MY CASE.  
21          I TOLD HIM I WAS PREPARED TO REPRESENT MYSELF, AND I  
22          WANTED TO END IT. BUT HE DECIDED NOT TO -- NO; THAT  
23          YOU NEED ATTORNEY REPRESENTATION. I WENT OUT AND  
24          OBTAINED ANOTHER ATTORNEY. THIS ATTORNEY HAD ALL MY  
25          FILES, ALL THE RECORDS, AND HE REVIEWED IT FOR SEVERAL

1 WEEKS BEFORE TAKING MY CASE. WE WENT FOR A HEARING,  
2 THE DEPARTMENT OF LABOR JUDGE RULED AGAINST ME. HE  
3 SAID, "YOUR PREVIOUS ATTORNEY FILED THIS SUIT TWO  
4 DAYS LATE." IT WAS THROWN OUT. IN THE PROCESS I  
5 FILED AN ADDITIONAL SUIT.

6 I WAS FORCED OFF THE JOB, THREATENED BY A TVA  
7 PSYCHOLOGIST. THEY PULLED SECURITY CLEARANCE. THEY  
8 TOLD ME IF I DID NOT GO TO PSYCHOLOGICAL COUNSELING  
9 THAT I WOULD BE TERMINATED FROM TVA. I GOT REPORTED  
10 BY TVA PSYCHOLOGIST THREATENING -- HE STOOD THERE AND  
11 TOLD ME, HE STUCK HIS FINGER IN MY FACE AND HE SAID,  
12 "YOU ABUSE ALCOHOL." I TOLD HIM, "I DON'T DRINK  
13 ALCOHOL." I SAID, "I HAVEN'T BEEN DRINKING MUCH  
14 RECENTLY," AND HE GOES ON TALKING. THREE TIMES HE  
15 CAME AROUND. HE STUCK HIS FINGER IN MY FACE AGAIN,  
16 HE SAID "YOU ABUSE DRUGS." I'VE ONLY BEEN ON DRUGS  
17 THAT ARE PRESCRIBED BY MY DOCTOR, UNDER HIS  
18 SUPERVISION. HE TALKED AWHILE LONGER. THIS GOES ON  
19 FOR A PERIOD OF OVER AN HOUR. THIS GOES ON FOR OVER  
20 AN HOUR. OVER AN HOUR OF INTIMIDATION BY A SO CALLED  
21 PSYCHOLOGIST. HE CAME AROUND THREE TIMES ACCUSING ME  
22 OF ABUSING DRUGS AND ALCOHOL. ON THE THIRD TIME I  
23 TOLD HIM I SAID, "SIR, YOU HAVE A FACILITY HERE TO  
24 DRUG SCREEN ME AND ALCOHOL TEST ME. DO IT NOW." HE  
25 TRIED CHANGING THE SUBJECT AND GOING ON TO SOMETHING

1 ELSE. I SAID, "SIR, EVIDENTLY YOU DIDN'T UNDERSTAND  
2 ME." I SAID, "YOU ACCUSE ME OF ABUSING ALCOHOL.  
3 YOU'VE ACCUSED ME OF ABUSING DRUGS. YOU HAVE THE  
4 FACILITIES HERE TO DRUG SCREEN ME NOW. DO IT." HE  
5 TRIED TO CONTINUE THE CONVERSATION. I SAID, "EXCUSE  
6 ME, SIR. YOU HAVE A GOOD DAY." I WALKED OUT AND  
7 LEFT HIM THERE.

8 I, IN TURN, FILED WITH THE DEPARTMENT OF LABOR  
9 A SUIT AGAINST THIS PSYCHOLOGIST FOR INTIMIDATION AND  
10 HARASSMENT. MY ATTORNEY TALKED ME INTO DROPPING THE  
11 CHARGES. THIS SAME ATTORNEY TOLD ME WHEN I FILED AN  
12 ADDITIONAL SUIT, HE SAID "IF YOU CONTINUE FILING  
13 SUITS AGAINST TVA, YOU WILL BE TERMINATED." I SAID,  
14 "WHO ARE YOU REPRESENTING HERE? ARE YOU REPRESENTING  
15 ME OR ARE YOU REPRESENTING TVA?" NO. HE IS NO  
16 LONGER MY ATTORNEY. I HAVE HAD THREE ATTORNEYS TAKE  
17 MY MONEY. ONE WAS JUST OUT OF ATLANTA, HE ABANDONED  
18 SEVERAL HUNDRED CLIENTS AND TOOK THEIR MONEY. I'M  
19 SURE YOU ARE AWARE OF WHO HE IS. THIS SAME JUDGE  
20 THAT DISMISSED MY CASES AFTER TELLING ME NO, I HAD TO  
21 HAVE ANOTHER ATTORNEY, HAD ISSUED A COURT ORDER FOR  
22 THIS ATTORNEY TO PRODUCE MY FILE. THIS ATTORNEY  
23 FAILED TO PRODUCE MY FILE. I REQUESTED THAT TO THE  
24 DEPARTMENT OF LABOR JUDGE, THIS ATTORNEY HAS NOT  
25 RETURNED MY FILE. I SAID, "WOULD YOU ISSUE A COURT

1 ORDER OR AN INJUNCTION AGAINST HIM FOR VIOLATING A  
2 COURT ORDER?" HE SAID, "SIR, I NO LONGER HAVE ANY  
3 RULING IN THIS CASE, EXCEPT THAT IT'S BEEN  
4 DISMISSED." ANOTHER SEVERAL THOUSAND DOLLARS OUT THE  
5 WINDOW.

6 ANY PERSON THAT THINKS HE IS PROTECTED BY TVA  
7 BY BEING A WHISTLEBLOWER IS A VERY FOOLISH PERSON.  
8 THERE'S NOT A DAY IN MY LIFE THAT I'M NOT HARASSED,  
9 INTIMIDATED IN SOME SHAPE OR MANNER. I'M VERY, VERY  
10 CAREFUL TO WHERE I GO, DUE TO THE FACT THAT I'VE HAD  
11 MY LIFE THREATENED, I'VE BEEN THREATENED BODILY HARM.  
12 I CALLED THE TV INSPECTOR GENERAL'S OFFICE REQUESTING  
13 ASSISTANCE. I DID NOT GET THE CALL RETURNED. YET, I  
14 GOT DOCUMENTATION FIRST UNDER THE DEPARTMENT OF --  
15 ONE OF THE TVA'S REPRESENTATIVES HAS LIED IN THE  
16 LETTER TO CONGRESS AND YET THE INSPECTOR GENERAL'S  
17 OFFICE SAYS, "WE FIND NO WRONG DOING FROM TVA." IF  
18 LYING TO A CONGRESSMAN IS NOT WRONG, THEN I DON'T  
19 KNOW WHAT THE HELL IS WRONG. PARDON MY VOCABULARY.  
20 I GET UPSET EASILY, AND I'VE WORKED IN CONSTRUCTION  
21 OVER THIRTY YEARS. I DON'T HAVE THE VOCABULARY THAT  
22 SOME OF YOU MORE SOPHISTICATED PEOPLE HAVE. I SAY  
23 WHAT I THINK USUALLY, REGARDLESS OF WHETHER IT COMES  
24 OUT AS SLANG OR PROFANITY.

25 BUT AT THE PRESENT TIME, I HAVE A DEPARTMENT OF

1 LABOR SUIT INVOLVING TOP MANAGEMENT AT WATTS BAR  
2 TODAY AND ONE OF THE HUMAN RESOURCES PEOPLE IN TVA.  
3 IT ALSO INVOLVES ONE OF THE TVA'S INSPECTOR GENERALS.  
4 YET, I FIND NO RELIEF. I CAN'T HAVE FRIENDS ON THE  
5 JOB. IF I HAVE A FRIEND ON THE JOB -- IF THEY THINK  
6 THAT JOE OVER HERE IS A FRIEND OF MINE, HE'S HARASSED  
7 AND INTIMIDATED RIGHT ALONG WITH ME. I HAVE PEOPLE  
8 THAT HAVE CALLED ME AT HOME AT NIGHT AND TELL ME  
9 THEY'RE CONCERNED WITH THINGS THAT ARE GOING ON AT  
10 WATTS BAR, THAT THEY DON'T WANT TO BE INVOLVED IN  
11 BECAUSE THEY DON'T WANT TO BE OUT ON THAT LIMB WITH  
12 ME. YET, THEY ARE AFRAID. IN THEIR HEART -- THEY  
13 DON'T HAVE TO, BUT THEY DON'T WANT TO BE THE ONE TO  
14 GET KNOCKED AND I DON'T BLAME THEM.

15 THE DEPARTMENT OF LABOR IS NOT A REPRESENTATIVE  
16 OF MINE. THEY DO NOT REPRESENT ME. THEY ARE RUINING  
17 LIVES, AND THEY HAVE NO INTENTION OF DOING ANYTHING  
18 FOR ME. IN MAY OF THIS YEAR I REQUESTED GLENN WALTON  
19 TO ATTEND THE MEETING WHERE I WAS POSITIVE I WOULD  
20 GET INTIMIDATED AND HARASSED BY TVA MANAGEMENT. HE  
21 SAID HE HAD TO HAVE HIS MANAGER APPROVAL OUT AT THE  
22 PLANT. HE CALLED ME BACK THE NEXT DAY AFTER THE  
23 MEETING AND SAID HIS MANAGEMENT SAID HE COULD NOT GET  
24 INVOLVED WITH THE HEARING.

25 THEN, THERE'S THREE ADDITIONAL SUITS INVOLVED

1 OVER THESE HEARINGS. YET, DO YOU REPRESENT ME? HELL  
2 NO, YOU DON'T REPRESENT ME. YOU DON'T REPRESENT THE  
3 CITIZENS OF THIS STATE OR THE PEOPLE OF THIS COUNTRY.  
4 YOU REPRESENT TVA AND YOURSELF. I DON'T FIND THAT  
5 THERE IS ANY TRUTH IN ANY OF IT, WHETHER IT'S THE  
6 DEPARTMENT OF LABOR, WHETHER IT IS TVA'S EMPLOYEES  
7 CONCERNS, WHETHER IT'S NRC. I THINK YOU ALL RIGHT  
8 BACK HERE, IN TVA'S HIP POCKET. UNTIL THERE'S  
9 SOMETHING DONE, THERE'S GOING TO BE NO PEACE BETWEEN  
10 THE WHISTLEBLOWERS. THEY ARE GOING TO BE HARASSED  
11 AND INTIMIDATED AS LONG AS THEY ARE WITH TVA. FOR  
12 THE ONES LIKE MYSELF WHO -- I MAY BE FORTUNATE, MAY  
13 NOT -- HAVE MAINTAINED THEIR JOBS, THERE'S HUNDREDS  
14 OUT THERE WHO WERE WHISTLEBLOWERS THAT ARE NO LONGER  
15 WITH TVA WHO WERE EITHER INTIMIDATED BEFORE THEY LEFT  
16 OR TVA RIFTED THEM.

17 I EVEN HAD MY UNION REPRESENTATIVE AT THE  
18 INTERNATIONAL LEVEL ASSIST TVA IN MY JOB PLACEMENT OF  
19 BEING PREVENTED FROM BEING REPLACED WHEN I WAS FORCED  
20 TO BROWN'S FERRY DURING THE RIFT PERIOD. I WAS  
21 NUMBER THREE ON THE RIFT LIST. THERE WAS MANY, MANY  
22 JOBS STILL THROUGHOUT THE VALLEY THAT I REQUESTED TO  
23 BE PUT ON. YET, THEY'RE STILL RIGHT UP TO ME, NUMBER  
24 ONE AND NUMBER TWO GOT THEIR SLOT. I NEVER GOT MINE.  
25 YOU KNOW WHERE I WAS GOING? THEY TOLD ME THE ONLY

1 PLACE I COULD COME WAS BACK TO WATTS BAR WHERE ALL MY  
2 PROBLEMS STARTED.

3 IT'S JUST UNREAL TO TELL YOU THE PROBLEMS A  
4 WHISTLEBLOWER HAS. I HAVE NO PERSONAL FRIENDS  
5 BECAUSE THE FRIENDS THAT I WORK WITH -- I CANNOT  
6 AFFORD THEIR FRIENDSHIP, THEN THE FACT OF THE  
7 RETALIATION THAT WILL BE TAKEN AGAINST THEM. I AM  
8 LIMITED TO WHERE I WILL GO, DUE TO I FEAR FOR MY  
9 PERSONAL SAFETY. I WAS RELUCTANT TO COME HERE  
10 TONIGHT, DUE TO MY PERSONAL SAFETY. I DON'T KNOW  
11 WHAT THE ANSWERS ARE, BUT I KNOW ONE THING, IF YOU  
12 DON'T START BACKING THE WHISTLEBLOWERS, YOU'RE NOT  
13 GOING TO HAVE ANY WHISTLEBLOWERS. IF YOU THINK YOU  
14 CAN POLICE THIS TVA WITHOUT THE WHISTLEBLOWER YOU'RE  
15 MUCH LESS SMARTER THAN I AM. THERE IS NO WAY THAT  
16 YOU CAN POLICE TVA AND WITHOUT YOUR WHISTLEBLOWERS  
17 YOU'VE GOT NOTHING. I DON'T KNOW WHAT MORE TO SAY.

18 I'M ENRAGED THAT OUR POLITICIANS AND OUR SO  
19 CALLED GOVERNMENT OFFICIALS THAT ARE SUPPOSED TO BE  
20 TAKING CARE OF ME -- I'M PAYING THEIR SALARY, MAYBE  
21 NOT ME INDIVIDUALLY, BUT THIS GROUP HERE IN THE  
22 AUDIENCE AND THE REST OF THE TAXPAYERS IN THIS  
23 COUNTRY IS PAYING YOUR SALARY. WHY IN THE HELL CAN'T  
24 WE GET SOME REPRESENTATION? I'M SICK AND TIRED.  
25 I'VE BEEN IN AND OUT OF COURT. I'M GOING TO BE IN

1 AND OUT OF COURT AGAIN. I CAN'T FIND A SUITABLE  
2 ATTORNEY TODAY, DUE TO THE FACT THAT MOST ATTORNEYS  
3 THAT ARE LEGITIMATE DON'T WANT TO FIGHT TVA. THEY  
4 CANNOT AFFORD THE TIME INVOLVED IN THE DEPARTMENT OF  
5 LABOR SUITS. IF YOU CAN'T GET REPRESENTATION, WHAT  
6 DO YOU HAVE? YOU'VE GOT PROTECTION? ARE YOU GOING  
7 TO PROTECT ME? ARE YOU? ANY ONE OF YOU? NO. YOU  
8 ARE GOING TO SIT UP THERE IN YOUR OFFICE AND YOU ARE  
9 GOING TO CONTINUE READING YOUR PAPER AND YOUR FILES,  
10 WITH YOUR PAYCHECK IN YOUR POCKET, AND YOU ARE GOING  
11 TO GO HOME FEELING MIGHTY PROUD AT THE END OF THE  
12 WEEK DOING THE GOOD JOB YOU DO. WELL, LET ME TELL  
13 YOU, I DON'T THINK YOU ARE DOING SUCH A GOOD JOB, AND  
14 I DON'T KNOW HOW I CAN MAKE IT MUCH MORE PLAINER THAN  
15 THAT. IF YOU ARE AN EXAMPLE OF OUR GOVERNMENT  
16 OFFICIALS, I'M LIVING IN THE WRONG COUNTRY.

17 GOOD DAY.

18 MR. LIEBERMAN:

19 THANK YOU. I THINK YOU MADE YOUR POINT VERY  
20 CLEAR.

21 NUMBER TEN.

22 ANY OF THE NUMBERS THAT WE SKIPPED OF THE  
23 PEOPLE THAT WOULD LIKE TO MAKE THEIR PRESENTATION AT  
24 THIS TIME?

25 (NO RESPONSE).

1            THEN, LET US TAKE A BREAK TILL A QUARTER OF  
2 EIGHT. THEN WE'LL SEE IF THERE ANY PEOPLE AT THAT  
3 POINT WHO WOULD LIKE TO MAKE A PRESENTATION.

4            THANK YOU.

5            (WHEREUPON, A SHORT RECESS ENSUED).

6 MR. LIEBERMAN:

7            BEFORE WE GET STARTED, LET ME NOTE AGAIN THAT  
8 IF YOU WANT TO SPEAK, YOU CAN PICK UP A NUMBER AT THE  
9 FRONT TABLE, THAT WOULD BE APPRECIATED. SECOND, WE  
10 DO HAVE FORMS WITH POSTAGE PAID ENVELOPE, IF YOU  
11 DON'T FEEL COMFORTABLE SPEAKING, WE WOULD BE  
12 INTERESTED IN HEARING YOUR COMMENTS. YOU DON'T NEED  
13 TO GIVE YOUR NAME. WE WELCOME YOUR IDEAS ON HOW TO  
14 IMPROVE THIS PROCESS.

15            WE'RE NOW ON SPEAKER NUMBER TEN. SPEAKER  
16 NUMBER TEN.

17 SPEAKER NUMBER TEN:

18            GOOD EVENING. MY NAME IS DANIEL DROTSCH. I AM  
19 THE COORDINATOR OF THE GOLDEN STATE ENERGY PROJECT.  
20 IT IS A CITIZEN ORGANIZATION WITH ABOUT TWELVE  
21 HUNDRED MEMBERS. WE'RE BASED IN KNOXVILLE,  
22 TENNESSEE. WE HAVE OFFICES IN NASHVILLE; AND WE HAVE  
23 OFFICE IN OAKRIDGE.

24            OUR ORGANIZATION IS CONCERNED PRIMARILY WITH  
25 THE SAFETY OF NUCLEAR PLANTS AND THIS AREA INEVITABLY

1 GOES RIGHT DOWN TO THE TENNESSEE VALLEY AUTHORITY.  
2 THAT'S WHERE WE ARE. WE BECAME INVOLVED WITH THE  
3 PROJECT BY CIRCUMSTANCES OF WHISTLEBLOWERS CONTACTING  
4 OUR ORGANIZATIONS WAS FACED WITH PROBLEMS  
5 SPECIFICALLY BECAUSE THE WHISTLEBLOWERS HAVE GONE TO  
6 TVA, THEY'VE GONE TO THE NUCLEAR REGULATORY  
7 COMMISSION, AND THEY DIDN'T FEEL LIKE THE SAFETY  
8 CONCERNS AS OF IN OF ITSELVES HAVE BEEN ADDRESSED,  
9 THE SAFETY CONCERNS.

10 THE PEOPLE THAT HAVE CONTACTED US HAS GONE  
11 BEYOND THE SCOPE OF THIS ROOM, AND MANY OF THOSE  
12 PEOPLE WILL NOT COME HERE TODAY, AS YOU CAN SEE THERE  
13 ARE MANY PEOPLE FROM TVA IN THIS ROOM. IN FACT,  
14 THERE'S A NUMBER, I'M QUITE SURPRISED TO SEE THEM  
15 HERE, BECAUSE THAT IN OF ITSELF IS AN INCREDIBLE  
16 ENVIRONMENT OF INTIMIDATION AND HARASSMENT IN OF  
17 ITSELF, AND THAT EXISTS AT THE PLANTS TODAY.

18 TVA HAS AN EXTENSIVE HISTORY OF INTIMIDATION  
19 AND HARASSMENT AT THE NUCLEAR PLANT, AND I'M NOT  
20 TALKING ABOUT THE LAST COUPLE OF YEARS. I'M TALKING  
21 ABOUT PERHAPS THE LAST DECADE. A LOT OF THAT CAME  
22 ABOUT IN 19 -- THE MID 1980'S WHEN WATTS BAR NUCLEAR  
23 PLANT WAS JUST ABOUT TO GET AN OPERATING LICENSE AND  
24 WORKERS CAME OUT OF THE WOODWORK BECAUSE THIS PLANT  
25 ISN'T BUILT RIGHT. THEY WERE ABOUT TO GET AN

1 OPERATING LICENSE WHEN WORKERS CAME AND SAID, "LOOK,  
2 THIS IS NOT BUILT RIGHT." NRC THEN CONDUCTED AN  
3 INVESTIGATION. IT WAS AFTER THEY HAD BEEN CONTACTED  
4 BY WORKERS PRIOR TO THAT AND SUBSEQUENTLY FOUND THAT  
5 PROBLEMS HAD, IN FACT, EXISTED.

6 NOW, IN THE MID 1980'S THERE WAS CONGRESS  
7 WATCHING, THE PUBLIC WAS WATCHING, NRC, AT SOME  
8 POINT, WERE WATCHING; AND IT HAD BEEN MENTIONED TO ME  
9 SEVERAL TIMES THAT WORKERS WERE ACTUALLY -- FELT MORE  
10 ABLE TO BRING CONCERNS THEN BECAUSE THE WHOLE THING  
11 BECAME SO PUBLIC. WHAT I'M HEARING TODAY, FROM NOT  
12 ONLY THE ATTORNEYS OF THE WHISTLEBLOWERS, FROM THE  
13 WORKERS OF THE PLANT, THAT THE ENVIRONMENT OF  
14 INTIMIDATION AND HARASSMENT IS SO BAD AT THE PLANT  
15 THAT A LOT OF PEOPLE WON'T BRING UP A MERE SAFETY  
16 CONCERN THAT POSSIBLY DOESN'T EVEN HAVE ANY BEARING  
17 ON THE FACE OF THE PLANT, BECAUSE THEY ARE SO DRIVEN  
18 TO BRING THIS PLANT ON LINE.

19 I GUESS MY POINT IS THAT TVA HAS A HISTORY OF  
20 INTIMIDATION AND HARASSMENT, NOT FOR A COUPLE OF  
21 YEARS, BUT PERHAPS ALONG DECADE. BECAUSE OF THAT,  
22 THE NRC SHOULD LOOK AT TVA AS A SPECIAL CASE, A  
23 SPECIAL PROJECT. THEY SHOULDN'T BE GIVING THEIR  
24 CASES BACK TO THE TENNESSEE VALLEY AUTHORITIES TO  
25 INVESTIGATE. THAT'S PERHAPS THE ALMOST EXACT

1 OPPOSITE DIRECTION THE NRC SHOULD BE GOING. THEY  
2 SHOULD HAVE A SPECIAL ORGANIZATION OF ALL THEIR  
3 EMPLOYEE PROGRAMS. THERE SHOULD BE CONFIDENTIAL  
4 CONNECTION BETWEEN THE NRC WHISTLEBLOWER, THAT HAS  
5 NOTHING TO DO WITH TENNESSEE VALLEY AUTHORITY. AND  
6 THERE NEEDS TO BE MUCH -- HEADS HAVE GOT TO ROLL.  
7 MANAGERS HAVE GOT TO BE REPRIMANDED FOR THEIR  
8 ACTIONS, AND THAT IS NOT HAPPENING.

9 I GUESS MY LAST POINT IS THAT THE MEMORANDUM OF  
10 UNDERSTANDING BETWEEN TENNESSEE VALLEY AUTHORITY AND  
11 THE NUCLEAR REGULATORY COMMISSION THAT WE ALL KNOW --  
12 I ASSUME WE KNOW WHAT WE ARE TALKING ABOUT -- HAS GOT  
13 TO STOP. WE'VE GOT TO STOP IT NOW. WE'VE GOT TO GO  
14 BACK UNTIL THAT WAS INITIATED IN THE FIRST PLACE, AND  
15 WE'VE GOT TO LOOK AT EVERY CASE THAT HAS BEEN LOOKED  
16 AT, BECAUSE THE SAFETY OF THE PLANT, AS FAR AS I'M  
17 CONCERNED, IS NOT A GIVEN. WATTS BAR, ACCORDING TO  
18 TVA, IS SUPPOSED TO GO ON LINE NEXT APRIL, AND WE  
19 DON'T KNOW THE SAFETY OF THAT PLANT. WE HAVE MANY  
20 WORKERS TELLING US THAT'S NOT THE CASE. AS THEY SAY,  
21 A LOT OF SAFETY CONCERNS AREN'T BEING SOUGHT. SO I  
22 GUESS I'M HERE TO TELL YOU THAT THERE'S A CITIZEN'S  
23 GROUP HERE. THE REASON THE TVA EXISTS, THE REASON  
24 NRC EXISTS IS TO HAVE TO THE SAFE OPERATION OF  
25 NUCLEAR PLANTS, AND WE ARE REPRESENTING THE CITIZENS

1           HERE, AT LEAST MEMBERS OF OUR GROUP, AND WE'RE SAYING  
2           WE DON'T FEEL CONFIDENT. WE DON'T FEEL THE NRC HAS  
3           GIVEN US THAT CONFIDENCE THAT THAT PLANT IS GOING TO  
4           BE SAFE NEXT YEAR, AND THE MOU IS THE MAIN TOPIC TO  
5           LOOK AT RIGHT NOW.

6           MR. LIEBERMAN:

7                     THANK YOU.

8                     COULD WE HAVE SPEAKER NUMBER ELEVEN.

9           SPEAKER NUMBER ELEVEN:

10                    MY NAME IS STEVEN SMITH. I'M ALSO WITH THE  
11           FOUNDATION OF GOLDEN STATE NUCLEAR PROGRAM, AND WOULD  
12           LIKE TO REITERATE A FEW OF THE THINGS THAT DANIEL  
13           JUST MENTIONED, AND HOPEFULLY TO TRY TO GET A LITTLE  
14           BIT OF A BETTER UNDERSTANDING.

15                    OUR ORGANIZATION, LIKE SHE SAID, WAS CONTACTED  
16           BY WHISTLEBLOWERS WHO FELT THAT THEY DIDN'T HAVE A  
17           VEHICLE TO GET THEIR CONCERNS ADDRESSED, AND WE HAVE  
18           ALSO BEEN CONTACTED BY AREA RESIDENTS IN THE VICINITY  
19           WITH THE TVA'S NEXT PLANT WILL COME ON LINE, WATTS  
20           BAR, AND IN THESE CASES THESE PEOPLE WERE NOT -- DID  
21           NOT HAVE A LEVEL OF CONFIDENCE WITH THE REGULATOR,  
22           NOR WITH THE UTILITY, IN BEING ABLE TO POLICE AND  
23           INVESTIGATE SAFETY CONCERNS.

24                    WHAT WE HAVE DONE IS WE HAVE BEGUN TO LOOK AT  
25           THE PLANT AND ARE DOING OUR OWN, IN THE SENSE,

1 INVESTIGATION, TRYING TO GET A BETTER OF  
2 UNDERSTANDING OF THIS PARTICULAR PLANT. IN THE  
3 PROCESS OF DOING THAT, WE'VE SEEN THAT TVA IS  
4 ACTUALLY -- OF ALL THE UTILITIES IN THE COUNTRY, IS  
5 THE LEADER IN THE NUMBER OF WHISTLEBLOWER CONCERNS  
6 THAT HAVE BEEN BROUGHT UP. BUT IT'S IRONIC THAT AT  
7 THE SAME TIME THE TVA HAD THAT DUBIOUS DISTINCTION,  
8 WHEN YOU TALK WITH EMPLOYEES OF THE PLANT, THEY FEEL  
9 THAT THE LEVEL OF INTIMIDATION AND HARASSMENT OF TVA  
10 IS SO GREAT THAT THEY CAN'T COME FORWARD. SO WHEN  
11 YOU HAVE THESE TREMENDOUS NUMBERS OF PEOPLE THAT HAVE  
12 CONCERNS, AND THEN YOU HAVE ANOTHER SIGNIFICANT GROUP  
13 OF PEOPLE THAT DO NOT FEEL THEY CAN, IT PAINTS A  
14 VERY, VERY DISTURBING PICTURE ABOUT THE SAFETY OF THE  
15 CONSTRUCTION ACTIVITIES AND THE OPERATIONS OF THESE  
16 FACILITIES.

17 SO IN ESSENCE, THERE'S A SENSE OF NO CONFIDENCE  
18 THAT IS ALIVE AND WELL IN TENNESSEE VALLEY IN REGARD  
19 TO HOW THEY OPERATE THEIR NUCLEAR POWER PLANT; AND  
20 THE NRC SEEMS TO BE HAVING SOME PROBLEMS WITH THE  
21 CONFIDENCE LEVEL WITH THE TVA NUCLEAR POWER PROGRAM  
22 BECAUSE THEIR PLANT SEEMS TO UP AND DOWN LARGELY  
23 THROUGH ACTIVITIES DIRECTED BY THE NRC.

24 THE PROBLEM IS THAT WATTS BAR, THE NEXT PLANT  
25 TO COME ON LINE, HAS SUCH A DISMAL HISTORY DURING THE

1 CONSTRUCTION PHASE AND COMPLETE LACK OF QUALITY  
2 ASSURANCE AND QUALITY CONTROL. IN THAT LACK OF  
3 QUALITY ASSURANCE AND QUALITY CONTROL WHICH HAS BEEN  
4 REPEATEDLY DEMONSTRATED THERE, COUPLED WITH AN  
5 ENVIRONMENT OF INTIMIDATION AND HARASSMENT, AND THIS  
6 FACILITY WAS ALLOWED AND GRANTED A LICENSE. THERE IS  
7 NO WAY THE PUBLIC CAN HAVE CONFIDENCE THAT THIS PLANT  
8 HAS BEEN CONSTRUCTED SAFELY AND CAN BE OPERATED  
9 SAFELY. THEREFORE, WE WOULD SUGGEST THAT THE NRCA  
10 GET VERY TOUGH WITH TVA IN DEALING WITH NOT ONLY THE  
11 UTILITY IN AND OF ITSELF, BUT THE INDIVIDUALS WITHIN  
12 THE UTILITY THAT HAVE A RICH HISTORY OF HARASSING  
13 EMPLOYEES. THERE IS NO WAY THAT MANAGERS SHOULD BE  
14 ABLE TO BOUNCE BETWEEN UTILITIES WHEN THEY HAVE A  
15 CLEAR HISTORY OF BEING TARGETED OR IDENTIFIED BY  
16 EMPLOYEES AS BEING THE ONE THAT ENGAGE IN  
17 INTIMIDATION AND HARASSMENT. SOME OF THESE EMPLOYEES  
18 ARE MOVING BETWEEN HERE AND THE TEXAS UTILITIES THAT  
19 HAVE SUCH A NEGATIVE HISTORY ON THE WAY THEY TREAT  
20 EMPLOYEES. NRC SHOULD STEP IN AND NOT ALLOW IT TO  
21 HAPPEN. THEY SHOULD SEND A CLEAR SIGNAL TO THE  
22 UTILITIES THAT IF YOU HIRE MANAGEMENT LEVEL PEOPLE  
23 THAT ARE INVOLVED IN INTIMIDATION AND HARASSMENT, WE  
24 ARE GOING TO LOOK WITH A CERTAIN LEVEL OF DESTAIN ON  
25 YOUR LICENSE.

1           INDEED, I WOULD SAY GO A STEP FARTHER, BECAUSE  
2 TO FINE TVA DOES NOT MAKE A BIT OF DIFFERENCE  
3 RELATIVE TO THE WAY TVA OPERATES. YOU'VE GOT TO  
4 UNDERSTAND THIS IS THE UTILITY THAT NOW HAS A TWENTY-  
5 SIX BILLION DOLLAR DEBT, MOST OF THAT GENERATED  
6 WITHIN THE POWER PROGRAM, AND WHEN YOU GUYS COME  
7 ALONG AND LAY THESE FINES AND THEY CAN GO OUT AND  
8 BORROW MORE MONEY ON THE OPEN MARKET AND HAVE  
9 COMPLICIT SUPPORT OF THE FEDERAL GOVERNMENT TO GET  
10 TRIPLE A RATINGS. IT HAS NO PENALTY AT ALL ON TVA.  
11 TVA SEEMS TO BE NOT AT ALL PHASED BY THAT, SO FINES  
12 CANNOT BE THE MECHANISM. YOU'RE GOING TO HAVE TO  
13 REACH IN AND YOU ARE GOING TO HAVE TO THREATEN TO  
14 REMOVE LICENSES. YOU'RE GOING TO HAVE TO THREATEN  
15 NOT TO GRANT LICENSES, AND YOU'RE GOING TO HAVE TO BE  
16 TOUGH WITH THE UTILITIES AND SET AN EXAMPLE.

17           IF A UTILITY CANNOT OPERATE AN EMPLOYEE  
18 CONCERNS PROGRAM EFFECTIVELY, AND HAS DEMONSTRATED A  
19 HISTORY WITH NOT BEING ABLE TO DO IT, YOU SHOULD NOT  
20 CONTINUE TO ALLOW THEM TO REVAMP THE PROGRAM AND THEN  
21 FOR IT TO FAIL AGAIN. THERE'S A POINT OF WHICH THE  
22 NRC HAS GOT TO STEP IN AND SAY, "YOU ARE NOT ABLE TO  
23 DO IT," AND YOU NEED TO STEP IN AND TAKE CONTROL OF  
24 EMPLOYEE CONCERNS PROGRAMS AT TVA, BECAUSE TVA HAS  
25 NOT DEMONSTRATED THEIR ABILITY TO DO IT. AGAIN, IT'S

1 A VOTE OF CONFIDENCE. FOR MEMBERS OF THE PUBLIC,  
2 LIKE MYSELF, WHO ARE CONCERNED ABOUT THESE FACILITIES  
3 THERE IS NO WAY WITH THIS LEVEL OF INTIMIDATION AND  
4 HARASSMENT, THIS LEVEL OF ALLUSION. I MEAN, I WOULD  
5 LIKE TO HAVE AN EXPLANATION ABOUT HOW THE NRC IS ABLE  
6 TO SIGN A MEMORANDUM OF UNDERSTANDING WITH TVA AND  
7 BASICALLY, IN ESSENCE, TURN OVER EVERYONE OF THE  
8 NAMES AND CONCERNS BACK TO THE AGENCY THAT THEY ARE  
9 SUPPOSED TO BE REGULATING. I MEAN, PLEASE EXPLAIN  
10 THAT TO ME.

11 MR. LIEBERMAN:

12 WE CERTAINLY UNDERSTAND YOUR CONCERN. WE ARE  
13 JUST LISTENING.

14 SPEAKER NUMBER ELEVEN:

15 BUT I MEAN, HOW -- I MEAN, WHERE IS AN  
16 EXPLANATION GOING TO BE GIVEN ABOUT HOW THE REGULATOR  
17 CAN TURN OVER THE NAMES OF THE EMPLOYEES WHO ARE  
18 BRINGING OVER CONCERNS TO THE REGULATEE AND EXPECT TO  
19 HAVE AN CONFIDENCE. WHERE ARE WE, AS MEMBERS OF THE  
20 PUBLIC, GOING TO GET AN EXPLANATION?

21 MR. LIEBERMAN:

22 WHEN WE PREPARE OUR REPORT, WE ARE CERTAINLY  
23 ARE GOING TO ADDRESS THIS ISSUE.

24 SPEAKER NUMBER ELEVEN:

25 YOU ARE SPECIFICALLY ADDRESS THE MEMORANDUM OF

1 UNDERSTANDING BETWEEN THE TVA AND THE NRC?

2 MR. LIEBERMAN:

3 I CERTAINLY EXPECT TO DO SO.

4 SPEAKER ELEVEN:

5 BECAUSE THERE IS JUST NO WAY THAT WE CAN HAVE  
6 CONFIDENCE, IT LOOKS LIKE AN ALLUSION. IT LOOKS LIKE  
7 AN ALLUSION BETWEEN TWO FEDERAL AGENCIES WHEN THEY  
8 ARE WILLING TO SIGN THOSE TYPE OF DOCUMENTS, AND  
9 THERE IS NO WAY THE EMPLOYEES -- IN FACT, THERE'S NO  
10 WAY THAT THE CITIZENS LIVING NEAR THIS FACILITY CAN  
11 HAVE CONFIDENCE IF YOU CONTINUE TO ALLOW THOSE TYPES  
12 OF ACTIVITIES TO GO ON. AND AGAIN, I THINK THAT  
13 THERE IS NO ONE IN THE UTILITY -- IN THE COUNTRY THAT  
14 IS SITTING SO PRIVY, AS TVA THAT SHOULD BE SET OUT AS  
15 AN EXAMPLE, AN EXAMPLE FOR HOW TO NOT TO CARRY ON A  
16 EMPLOYEES CONCERN PROGRAM, AND YOU SHOULD MAKE THE  
17 EXAMPLE OF IT, BECAUSE THEY HAVE THE WORST HISTORY, I  
18 THINK, OF ANY OTHER UTILITY IN THE COUNTRY. I THINK  
19 THERE IS NO WAY THAT YOU SHOULD ALLOW THE WATTS BAR  
20 PLANT TO GO ON LINE UNTIL YOU CAN HAVE THE GUARANTEED  
21 LEVEL OF CONFIDENCE THAT EMPLOYEES FEEL CONFIDENT TO  
22 BRING FORTH THEIR CONCERNS. BECAUSE THE ONLY THING  
23 THAT SAVED THE NRC'S BUTT BACK IN 1985, THEY ABOUT  
24 RAIDED THE OPERATIONS LICENSE, AND I'M AFRAID THE WAY  
25 THAT WE'RE HEARING THE ALLUSION GOING ON AGAIN, IT'S

1 PROBABLY GOING TO THE ONLY THING THAT IS GOING TO  
2 SAVE YOUR BUTT AGAIN. SO I WOULD WHOLLY EXPECT THAT  
3 THE NRC WILL DO SOMETHING ABOUT THIS BEFORE THEY  
4 GRANT AN OPERATING LICENSE TO THIS FACILITY.

5 MR. LIEBERMAN:

6 DO YOU HAVE ANY THOUGHTS AS TO HOW WE MIGHT  
7 MEASURE AND DETERMINE WHETHER EMPLOYEES DO FEEL FREE  
8 TO RAISE ISSUES?

9 SPEAKER NUMBER ELEVEN:

10 WELL, YOU'RE GOING TO HAVE TO GIVE THE  
11 EMPLOYEES SOME FORM OF A SAFE SPACE, SOME FORM WHERE  
12 THEY DON'T WALK INTO A ROOM LIKE THIS AND YOU HAVE  
13 HIGH LEVEL TVA MANAGERS HERE WITHIN THE NUCLEAR  
14 PROGRAM. YOU DON'T HAVE MEMBERS OF TVA'S IG HERE  
15 WHICH, YOU KNOW, IS INVOLVED IN THE MOU. I MEAN,  
16 WRITING THINGS QUIETLY THROUGH THE MAIL IS ONE WAY.  
17 BUT YOU'RE GOING TO HAVE TO GIVE SOME TIME AND YOU'RE  
18 GOING TO HAVE TO REPAIR, I THINK, THE HISTORY THAT  
19 HAS CAUSED THIS WOUND. AND THEN, YOU'VE GOT TO  
20 DEMONSTRATE TO THE EMPLOYEES AND TO MEMBERS OF THE  
21 PUBLIC THAT YOU'RE GOING TO GET TOUGH WITH UTILITIES  
22 THAT CONTINUE TO VIOLATE EMPLOYEES RIGHTS, AND  
23 BASICALLY THE RIGHTS OF HUMANS THAT LIVE IN THE  
24 FACILITIES FOR BASIC SAFETY. YOU KNOW, I DON'T KNOW  
25 AT WHAT LEVEL YOU'RE GOING TO BE ABLE TO DO THAT

1 EXACTLY, BUT YOU'VE GOT TO WORK ON A CONCEPT OF A  
2 SAFE SPACE. I THINK YOU NEED TO DEVELOP SOME SORT OF  
3 A CITIZENS ADVISORY BOARD. I THINK THAT'S BEEN  
4 RECOMMENDED BY OTHER PEOPLE, TO WORK WITH YOU, SO  
5 THAT YOU'RE NOT JUST DEALING WITHIN YOUR OWN HEAD  
6 SPACE, SO THAT YOU REACH OUTSIDE OF THE AGENCY SO  
7 MORE AND GET IT WORKING FROM YOUR TASK FORCE. WHERE  
8 YOU DON'T -- I MEAN, MY EXPERIENCE WITH TALKING WITH  
9 EMPLOYEES IS THAT WHEN SOMEONE FROM THE NRC COMES TO  
10 THEM AND TALKS TO THEM NOW, THEY DON'T FEEL CONFIDENT  
11 ENOUGH TO DO IT. I THINK YOU ARE GOING TO HAVE TO  
12 BROADEN YOUR BASE OF PEOPLE THAT ARE WORKING WITH YOU  
13 ON THIS AND TRY TO -- I MEAN, THIS IS THE FIRST STEP.

14 I THINK YOU'VE GOT QUITE A WAYS TO GO. BUT  
15 PROBABLY THE BEST WAY TO SEND A SIGNAL THAT YOU'RE  
16 TURNING OVER A NEW LEAF IS TO GET TOUGH WITH THE  
17 UTILITY, GET TOUGH WITH THE HIGH LEVEL MANAGERS.  
18 DON'T ALLOW THEM TO GET AWAY WITH IT, BECAUSE THE  
19 EMPLOYEES JUST SAY, THIS IS BUSINESS AS USUAL.  
20 YOU'VE GOT TO GET TOUGH WITH THEM, AND FINES ARE NOT  
21 THE WAY TO DO IT. YOU'VE GOT TO GO TO THE HEART OF  
22 WHAT THEY'RE AFTER. YOU'VE GOT TO PULL THEIR LICENSE  
23 UNTIL THEY GET THEIR ACT TOGETHER, BECAUSE THAT'S  
24 ULTIMATELY WHY THEY ARE MANIPULATING THE SYSTEM TO  
25 THEIR ADVANTAGE, AND YOU AS THE REGULATORS HAVE GOT

1 TO RESPOND TO THAT.

2 THAT'S ALL MY COMMENTS THAT I HAVE RIGHT NOW,  
3 BUT, YOU KNOW, AGAIN, I THINK THAT THE PUBLIC --  
4 YOU'VE GOT TO REGAIN THE PUBLIC'S TRUST AND I DON'T  
5 THINK, YOU KNOW, JUST DOING A KIND OF SPY THING  
6 AROUND THE COUNTRY ISN'T GOING TO DO IT. YOU'RE  
7 GOING TO HAVE TO SEND SOME VERY CLEAR SIGNALS THAT  
8 YOU'RE CHANGING YOUR WAYS, BECAUSE PEOPLE DON'T HAVE  
9 CONFIDENCE.

10 MR. JOHNSON:

11 WE'VE HEARD A COUPLE OF TIMES ABOUT A CITIZENS  
12 ADVISORY BOARD. I THINK A NUMBER OF PEOPLE HAD AN  
13 INTEREST IN THAT, AND WE ASKED THE QUESTION EARLIER,  
14 WHO WOULD THIS BOARD ADVISE? DO YOU HAVE ANY  
15 THOUGHTS ON -- IF THERE WERE SUCH A BOARD, AND IF WE  
16 DID HAVE SOME OTHER CITIZENS INVOLVED IN IT, WHO  
17 WOULD THEY ADVISE AND WHAT FUNCTIONS WOULD IT  
18 PERFORM?

19 SPEAKER NUMBER ELEVEN:

20 I THINK THAT THERE'S GOING TO HAVE TO BE A  
21 REVAMPING OF YOUR RELATIONSHIP WITH DOL. I MEAN, I  
22 DON'T THINK THAT YOU CAN TURN THESE THINGS OVER TO  
23 DOL AND THEY PUT THESE ON THE DESK, AND THEY ARE  
24 YEARS BEHIND IN THEIR INVESTIGATIONS, AND EXPECT  
25 EMPLOYEES TO FEEL THAT YOU ARE TAKING THEM SERIOUS

1 WHEN YOU DO THAT. I THINK THERE'S GOT TO BE SOME NEW  
2 SYSTEM OF APPROACHING THAT. SO I THINK THAT IF YOU  
3 GET CITIZENS AND FORMER EMPLOYEES TOGETHER TO WHERE  
4 YOU CAN DEVELOP SOME SORT OF THINK TANKS IN SUCH THAT  
5 YOU BRING PEOPLE TOGETHER IN A ROOM AND YOU SET THE  
6 SERIES OF PROBLEMS, AND YOU HAVE THEM BRAIN STORM  
7 TOGETHER ON HOW TO WORK THOSE OUT. I THINK YOU WOULD  
8 GET SOME CREATIVE IDEAS.

9 I KNOW THAT THE NRC HAS RECENTLY GONE THROUGH  
10 SOME OF THESE SESSIONS AROUND THE ROOM ON  
11 DECONTAMINATION AND RECOMMISSIONING OF THE  
12 FACILITIES. YOU WENT OUT AND YOU IDENTIFIED  
13 SIGNIFICANT MEMBERS OF THE PUBLIC. YOU HAD HEARINGS  
14 ALL AROUND THE COUNTRY. YOU INVITED US TO COME DOWN,  
15 AND THEN YOU ENGAGED IN A SERIES OF PROBLEM SOLVING  
16 LEAD THROUGH THE KEYSTONE FACILITATION. AND I THINK  
17 ALL THE PARTICIPANTS THERE REALLY WERE ABLE TO GET A  
18 BETTER UNDERSTANDING OF WHERE THE SOME OF THE  
19 PROBLEMS WERE. YOU ALL, I THINK, WERE ABLE TO GET  
20 SOME VERY QUALITY SUGGESTIONS, AND I THINK THAT KIND  
21 OF A FORMAT MAY BE PRODUCTIVE.

22 BUT AGAIN, YOU CAN'T GO ON OPERATING BUSINESS  
23 AS USUAL WHILE THIS IS GOING ON. I THINK YOU REALLY  
24 NEED TO PUT THE BRAKES ON SOME THINGS, PARTICULARLY  
25 THE UTILITIES THAT HAVE SUCH A DISMAL HISTORY SUCH AS

1 TVA. AND YOU'VE GOT TO SEND A CLEAR MESSAGE, "WE  
2 WANT TO REALLY RETHINK THIS." BEING A FEDERAL  
3 AGENCY, I THINK THAT YOU CAN HOLD THE TVA AS AN  
4 EXAMPLE, AND THEY CAN DEAL WITH IT. I THINK THAT  
5 SHOULD BE --- MAYBE THIS SHOULD BE A STARTING POINT,  
6 BECAUSE THIS IS, AGAIN, ONE OF THE MORE PROBLEM AREAS  
7 OF ANYWHERE ELSE IN THE COUNTRY.

8 BUT I THINK THESE TYPE OF THINGS WOULD BE  
9 WEIGHED, AND I THINK BOTH CONSULTING WITH NRC AND THE  
10 DEPARTMENT OF LABOR IS GOING TO BE IMPORTANT, BECAUSE  
11 I THINK RIGHT NOW THERE'S THIS DISCONNECT BETWEEN THE  
12 TWO AGENCIES IN MY VIEW. I THINK YOU ALL ARE GOING  
13 TO HAVE TO COME TOGETHER AND IDENTIFY THAT THE  
14 PROBLEMS ARE THERE.

15 MR. LIEBERMAN:

16 THANK YOU.

17 SPEAKER NUMBER ELEVEN:

18 THANK YOU.

19 MR. LIEBERMAN:

20 CAN WE HAVE SPEAKER NUMBER TWELVE.

21 (NO RESPONSE).

22 THERE WERE A NUMBER OF SPEAKERS THAT WE  
23 SKIPPED, ANY OF THOSE PEOPLE DESIRE TO SPEAK NOW?

24 SPEAKER:

25 SIR, I'M NOT VERY WELL PREPARED FOR THIS, SO

1 YOU ALL FORGIVE ME IF I DON'T DO AS GOOD AS I SHOULD.

2 MY NAME IS JIM HOUSE. I WORKED FOR TVA FOR  
3 ABOUT SIXTEEN YEARS. IN THE SPRING OF 1990, I GOT A  
4 NEW WORKING PARTNER BY THE NAME OF BARRY DYER. THIS  
5 WORKING PARTNER OF MINE STARTING GIVING ME TROUBLE  
6 RIGHT FROM THE START. I WAS UNABLE TO LOCATE THIS  
7 MAN MOST OF THE TIME I NEEDED HIM TO GET A JOB DONE.  
8 HE WAS NOWHERE TO BE FOUND.

9 I WENT TO MY FOREMAN ABOUT THE PROBLEM SEVERAL  
10 TIMES AND HE SAID THAT THERE WAS NOTHING HE COULD DO  
11 ABOUT IT, BECAUSE THIS MAN WAS BLACK. THIS WENT ON  
12 FOR SEVERAL MONTHS, AND IN OR AROUND OCTOBER THE 1ST,  
13 1990, WE WERE GIVEN A JOB ASSIGNMENT OF CHECKING THE  
14 FLOOR DRAINS TO MAKE SURE THEY WEREN'T STOPPED UP.  
15 THERE ARE SEVERAL HUNDRED FLOOR DRAINS TO BE CHECKED  
16 AT WATTS BAR. WE HAD BEEN CHECKING FLOOR DRAINS FOR  
17 TWO OR THREE DAYS WHEN MY WORKING PARTNER STARTED  
18 GETTING LOST ON ME. THEN WHEN I DID FIND HIM HE  
19 WOULD SAY TO ME "YOU WORRY TOO MUCH ABOUT YOUR JOB."  
20 I REPLIED THAT WE WERE TAKING TOO LONG TO FINISH THIS  
21 JOB. FINALLY, MY FOREMAN ASKED ME WHEN WE WERE GOING  
22 TO FINISH THE FLOOR DRAINS. I TOLD HIM THAT I COULD  
23 NOT FINISH THEM BY MYSELF.

24 ON OCTOBER THE 5TH, 1990, WE WERE TWO DAYS PAST  
25 DUE ON THE FLOOR DRAINS. I WENT TO MY GENERAL

1 FOREMAN AND TOLD HIM ABOUT THE TROUBLE I WAS HAVING  
2 WITH BARRY DYER. HE TOLD ME THAT HE COULDN'T SAY  
3 ANYTHING TO BARRY BECAUSE HE WAS BLACK.

4 OKAY. NOW, WHAT HAPPENED ON OCTOBER THE 5TH.  
5 BARRY DYER AND I HAD BEEN WORKING TOGETHER AND WERE  
6 SPLIT UP AT SEVEN THIRTY. I WALKED TOWARD THE BREAK  
7 ROOM OF -- THIS WAS SEVEN THIRTY IN THE EVENING. I  
8 WALKED TOWARDS THE BREAK ROOM TO GET SOMETHING FOR  
9 SUPPER, BUT ON THE WAY I DECIDED I HAD TIME TO  
10 INSPECT THE DRAINS ON THE POST SAMPLING ROOM ON UNIT  
11 ONE AND UNIT TWO SIDE WHICH WAS ONE OF MY JOB  
12 ASSIGNMENTS FOR THE SHIFT.

13 I ENTERED THE BUILDING FROM THE OUTSIDE THROUGH  
14 THE RAILROAD BAY ENTRANCE AND WENT DIRECTLY TO THE  
15 UNIT TWO POST SAMPLING ROOM. I OPENED THE DOOR  
16 EASILY, AND AFTER I GOT INSIDE THE DOOR IT SLAMMED  
17 SHUT ON ME. I WENT THROUGH THE HALLWAY,  
18 APPROXIMATELY TEN FEET LONG TO THE LEDGE, AND STOOD  
19 ON THE LEDGE AND LOOKED AT THE FLOOR DRAIN.  
20 EVERYTHING LOOKED GOOD TO ME. I LOOKED AT MY  
21 PAPERWORK, AND PUT A CHECK BY THE NUMBER FLOOR DRAIN,  
22 AND TURNED TO LEAVE THE ROOM. THE HALLWAY IS ABOUT  
23 TEN FEET LONG AND THREE QUARTER INCH -- THREE FEET  
24 WIDE; AND THE ROOM AT THE END OF THE HALLWAY IS ABOUT  
25 FIFTEEN TIMES FIFTEEN. THERE WAS NO WINDOWS OR --

1 AND THE WALLS WERE ABOUT THREE FOOT THICK.

2 WHEN I GOT TO THE DOOR, THE DOOR KNOB WOULD NOT  
3 TURN, AND IT SCARED ME. I TRIED TO TURN THE KNOB  
4 WITH EXCESSIVE FORCE, AND THEN I BEGIN TO PULL ON THE  
5 KNOB, AND THE DOOR WOULD NOT MOVE. I BECAME MORE  
6 FRIGHTENED, AND THEN RAN THROUGH THE HALL BACK AROUND  
7 THE INSTRUMENT CABINETS IN HOPES OF FINDING A  
8 TELEPHONE ON THE WALL. I SEEMED TO REMEMBER A PHONE  
9 ON UNIT ONE SIDE, POST SAMPLING ROOM. I RAN  
10 DESPERATELY THROUGH THE ROOM SEARCHING FOR A PHONE,  
11 AND WHEN I REALIZED THAT THERE WAS NO PHONE IN THE  
12 AREA, I WENT BACK TO THE DOOR AND BEGAN TO PULL AND  
13 TURN ON THE DOORKNOB AS HARD AS I COULD IN  
14 DESPERATION. I FELT LIKE I COULD NOT BREATHE.  
15 FINALLY, IT DAWNED ON ME THAT I WAS TRAPPED AND I HAD  
16 TO FIND A WAY OUT OF THIS ROOM.

17 I DESPERATELY WISHED HATSFIELD, MY FOREMAN, HAD  
18 TAKEN MY ADVISE FOR TWO-WAY RADIOS. BY THE WAY, I  
19 HAD MENTIONED THIS TO HIM SEVERAL TIMES.

20 I BEGAN LOOKING FOR A DEVICE TO BREAK OFF THE  
21 DOORKNOB. I LOOKED ON THE FLOOR AND FOUND NOTHING,  
22 AND THEN I STARTED OPENING TO THE INSTRUMENT CABINETS  
23 AND I FOUND A PIECE OF ONE INCH STAINLESS PIPE WITH A  
24 NINETY WELDED ON THE END OF IT. I TOOK IT BACK TO  
25 THE DOOR -- I WENT BACK TO THE DOOR AND BEGAN TO BEAT

1 ON THE DOORKNOB, AFTER ABOUT TWO STRIKES THE DOORKNOB  
2 CAME OFF. I WAS HOPING TO FIND A HOLE WHERE I COULD  
3 PUSH THE OTHER PART OUT SO I COULD GET AIR THROUGH,  
4 BUT IT WAS SEALED WITH CAULK OR SOMETHING. I WENT  
5 BACK TO THE CABINETS HOPING TO FIND A SHARP, POINTED  
6 DEVICE TO USE TO WORK ON THE DOOR WITH, BUT I COULD  
7 NOT FIND ANYTHING. I THEN TOOK THE PIECE OF PIPE AND  
8 BROKE A HANGER TAG OFF -- I WAS SWEATING PROFUSELY,  
9 AND I WAS STILL SHORT OF BREATH. I COULD NOT GET OUT  
10 OF THE ROOM.

11 I WAS TRAPPED IN THIS ROOM FOR ABOUT SIX OR  
12 SEVEN HOURS. I CAN TELL YOU WITHOUT READING ALL THIS  
13 STUFF. YOU KNOW, I DID EVERYTHING I COULD TO GET HIS  
14 ATTENTION. I BEAT ON PIPES; I KNOCKED THE DOORKNOB  
15 OFF; I OPENED VALVES. I PULLED AND OPENED EVERY  
16 VALVE IN THERE AND I COULDN'T GET OUT OF THERE. THIS  
17 WAS ABOUT SIX THIRTY THAT EVENING. ABOUT TWO O'CLOCK  
18 THAT MORNING THEY FOUND ME. THERE WAS A SECURITY  
19 GUARD HOLLERING ON THE OTHER SIDE OF THE DOOR, "IS  
20 ANYBODY IN THERE," AND I SAID -- YOU KNOW, I THOUGHT  
21 IT WAS AN ANGEL. I DIDN'T KNOW WHAT WAS GOING ON. I  
22 THOUGHT I WAS DREAMING. I WAS IN A DAZE ANYWAY, BUT  
23 ANYWAY I HOLLERED BACK AND I SAID, "YES. I'M TRAPPED  
24 IN HERE." HE SAID, "IF YOU WILL JUST HOLD TIGHT,  
25 WE'LL GET YOU OUT OF THERE AS SOON AS WE CAN."

1 FINALLY, THEY GOT A BUNCH OF PEOPLE FROM THE OTHER  
2 SIDE OF THE DOOR AND THEY GOT ME OUT OF THERE ABOUT  
3 THREE O'CLOCK THAT MORNING.

4 THEY TOOK ME TO THE HOSPITAL AND I WAS IN SUCH  
5 A DELIRIOUS CONDITION -- IT JUST MAKES ME NERVOUS TO  
6 TALK ABOUT IT. MY BLOOD PRESSURE WAS ABOUT TWO TEN  
7 OVER A HUNDRED AND TEN, AND THEY HAD TO PUT ME ON A  
8 MACHINE AND JUST MAKE ME LIE REAL STILL FOR SEVERAL  
9 HOURS.

10 ANYWAY, THE NEXT MORNING, THE FIRST THING IN MY  
11 MIND WAS TO CALL THE NRC. I CALLED GREGORY TODD IN  
12 ATLANTA AT THAT TIME. I COULDN'T GET A HOLD OF HIM  
13 AT THAT TIME. I MADE SEVERAL LONG DISTANCE PHONE  
14 CALLS TRYING TO GET A HOLD OF HIM AND FINALLY I GOT A  
15 HOLD OF HIS SECRETARY AND SHE SAID SHE'S HAVE HIM  
16 CALL ME. WHETHER HE CALLED ME OR NOT IN A DAY OR TWO  
17 -- HE DID FINALLY CALLED ME, AND I TOLD HIM WHAT HAD  
18 HAPPENED, AND HAPPENED TO ME OVER THE ACCIDENT.

19 ANYWAY, THIS GUY WORKING WITH ME, I COULD NEVER  
20 GET HIM TO HELP ME. I FEEL LIKE HE CAUSED THE  
21 ACCIDENT. SIX MONTHS LATER, AFTER THE ACCIDENT, THEY  
22 PROMOTE THIS GUY TO FOREMAN OVER THE CREW. THAT'S  
23 WHAT WATTS BAR DOES. IF YOU SCREW SOMEBODY'S LIFE  
24 UP, YOU KNOW, THEY GIVE YOU A PROMOTION.

25 ANYWAY, BEFORE ALL THIS HAPPENED TO ME, I HAD

1 WORKED WITH -- I'VE HELPED BUILD SEVERAL NUCLEAR  
2 PLANTS THROUGHOUT THE COUNTRY. I WAS A PIPE BUILDER,  
3 WELDER. BUT SINCE THEN, I'VE BEEN UNABLE TO WORK,  
4 BECAUSE OF MY NERVES. I TAKE A LOT OF MEDICATION IN  
5 A DAYS TIME. I HAVE TO TAKE MEDICATION TO SLEEP, AND  
6 I HAVE TO SEE A DOCTOR ON A REGULAR BASIS. AND I'VE  
7 HAD -- AS I SAID, I'M VERY UNPREPARED FOR THIS. I  
8 DIDN'T HEAR ABOUT THIS UNTIL TEN O'CLOCK LAST NIGHT.  
9 I DON'T HAVE ALL MY NOTES TOGETHER LIKE I SHOULD.

10 ANYWAY, I HAVE BEEN TO SEVERAL LAWYERS OVER THE  
11 PAST THREE YEARS, WITH NO AVAIL. I DO THINK THAT I  
12 HAVE A GOOD LAWYER NOW. BUT WHEN YOU GET A LAWYER,  
13 YOU BETTER GET OUT OF THIS AREA HERE. I HAVE A  
14 LAWYER NOW THAT'S IN MEMPHIS, TENNESSEE. SO FAR,  
15 I'M VERY WELL PLEASED WITH HIM.

16 BUT MY ADVISE TO ANYBODY IN HERE, I WOULDN'T  
17 ADVISE ANYBODY TO BE A WHISTLEBLOWER, BECAUSE YOU ARE  
18 GOING TO PAY FOR IT IF YOU EVER DO.

19 THANK YOU.

20 MR. LIEBERMAN:

21 THANK YOU.

22 DO WE HAVE ANY OTHER SPEAKERS?

23 THE SPEAKER:

24 MY NAME IS FRED McCHRISTION. I WANTED TO  
25 ANSWER YOUR QUESTION THAT YOU ASKED MR. SMITH

1 EARLIER, AS TO HOW HE KNEW WHETHER THE EMPLOYEE  
2 CONCERNS PROGRAM WAS WORKING OR NOT. IT'S NOT  
3 WORKING, BECAUSE I RECEIVED DOZENS OF PHONE CALLS A  
4 WEEK OF SAFETY CONCERNS AT MY HOUSE. I WOULD GUESS  
5 THAT I RUN A LARGER CONCERN PROGRAM AT MY HOUSE, AND  
6 I KNOW IT'S A BETTER CONCERN PROGRAM THAN WATTS BAR  
7 NUCLEAR PLANT. SO THAT'S THE REASON I SAY THE  
8 EMPLOYEE CONCERNS PROGRAM DOES NOT WORK.

9 MR. LIEBERMAN:

10 DO YOU HAVE ANY THOUGHTS ON HOW TVA CAN MAKE IT  
11 EFFECTIVE OR ANY LICENSEES CAN MAKE AN EFFECTIVE  
12 EMPLOYEE CONCERNS PROGRAM?

13 THE SPEAKER:

14 AT THIS TIME I DON'T BECAUSE THE TRUST OF THE  
15 TVA WORKER HAS BEEN DESTROYED. IN MY CASE, SEVERAL  
16 YEARS AGO, THE HEAD OF THE EMPLOYEE CONCERNS PROGRAM  
17 AT WATTS BAR WAS A WITNESS AT MY HEARING FOR TVA.  
18 ONE OF THE VICE PRESIDENTS THAT APPEARED ON THE STAND  
19 JUST PRIOR TO HIM TALKED ABOUT THE CONFIDENTIALITY OF  
20 THE EMPLOYEE CONCERNS PROGRAM AT WATTS BAR, THAT IF  
21 YOU WENT OVER THERE, IT WAS COMPLETELY CONFIDENTIAL.  
22 WHEN HE STEPPED DOWN, THE HEAD OF THE EMPLOYEE  
23 CONCERN PROGRAM GOT ON THE WITNESS STAND, MY ATTORNEY  
24 SAID, "HAS MR. McCHRISTION EVER BEEN TO THE EMPLOYEE  
25 CONCERN PROGRAM?" HE SAID, "YES." SHE SAID, "DID

1 YOU CALL SOMEONE AND REPORT MR. McCHRISTION FOR BEING  
2 OVER HERE?" HE SAID, "YES." SHE SAID, "WHO DID YOU  
3 CALL?" HE SAID, "THE QA SITE DIRECTOR." SO AS FAR  
4 AS I'M CONCERNED, THERE'S NO CREDIBILITY IN THE  
5 EMPLOYEE CONCERNS PROGRAM AT WATTS BAR.

6 MR. LIEBERMAN:

7 ARE THERE ANY OTHER SPEAKERS?

8 THE SPEAKER:

9 I'D LIKE TO ADD A LITTLE BIT TO MY LAST  
10 STATEMENT.

11 MY NAME IS GEORGE GILLIAM. YOU ASKED IF  
12 THERE'S ANYTHING THAT CAN BE DONE FOR QUALITY  
13 CONTROL. TVA'S ANSWER TO QUALITY CONTROL IS A  
14 MILLION DOLLAR COVERUP FOR A FIFTY DOLLAR HOLE. YOU  
15 HAVE WITHIN YOUR MEANS RIGHT NOW, A VEHICLE, TO  
16 OBTAIN OR TO END THE HARASSMENT AND INTIMIDATION OF  
17 THE WHISTLEBLOWER. WHEN YOUR LAW WAS REVISED ABOUT  
18 THE PROBLEM TWO YEARS AGO, IT WAS ADDED THAT EACH  
19 MANAGER OR PERSON INVOLVED IN INTIMIDATION WOULD  
20 STAND ON THEIR OWN. IN OTHER WORDS, YOU WOULD NO  
21 LONGER TAKE ACTION AGAINST JUST AN AGENCY, BUT THE  
22 PERSON HIMSELF. UNTIL YOU OR SOMEONE WITH THE  
23 AUTHORITY TAKES THIS LAW AND SAYS, "ALL RIGHT.  
24 YOU'VE SCREWED UP. YOU THREATENED THIS MAN. YOU ARE  
25 GONE, AND YOUR SUPERVISOR IS GONE." UNTIL YOU CAN

1 TAKE THIS TYPE OF ACTION, OR WILL YOU TAKE IT?  
2 YOU'VE GOT IT ON THE BOOKS RIGHT NOW. IT'S LAW, BUT  
3 YET, NO ONE IS INTERESTED IN THAT. THAT'S MY  
4 PERSONAL OPINION, BUT IT'S THERE. IF YOU WANT TO DO  
5 IT, IT'S ON THE BOOKS TODAY. IT'S IN YOUR LAW.  
6 YOU'VE HAVE REVISED THE LAW, WHY NOT DO IT?

7 BY MR. LIEBERMAN:

8 I WAS THE AUTHOR OF THAT REGULATION YOU ARE  
9 REFERRING TO, THE RULE OF THE MISCONDUCT.  
10 UNFORTUNATELY, THAT ONLY APPLIES TO INSTANCE THAT  
11 OCCUR AFTER SEPTEMBER 16, 1991. WE ARE USING THAT  
12 BOOK IN CASES OCCURRING AFTER THAT AND APPLY THAT  
13 RULE.

14 THE SPEAKER:

15 I HAVE SUITS INVOLVING DISCRIMINATION AND  
16 HARASSMENT AND INTIMIDATION THAT IS -- IF I CAN  
17 REMEMBER THE LEGAL TERM FOR IT. I'M SORRY. I CAN'T  
18 RECALL THE TERM RIGHT NOW, BUT IT'S IN CONSIDERATION  
19 THROUGH THE DEPARTMENT OF LABOR. IN MY CASE, TVA  
20 MANAGERS LIED TO ME. I'VE GOT IT IN BLACK AND WHITE,  
21 WITH HIS SIGNATURE ON IT. I CAN PROVE WITH TVA'S OWN  
22 RECORDS THAT HE LIED, AND YET THERE'S A SWORN  
23 AFFIDAVIT THAT HE LIED. YET, I CAN'T GET THE COURT  
24 OR HAVE AN ATTORNEY TO QUESTION THE MAN. I'VE BEEN  
25 SITTING HERF NOW THREE YEARS TRYING TO GET THE CASE

1 IN COURT, AND IT'S DRUG OUT. I'M DISPLEASED WITH THE  
2 ATTORNEYS -- WELL, I'M NOT SURE ABOUT MY LATEST  
3 ATTORNEY. REGARDLESS, HE WAS -- WHEN WE PARTED WAYS,  
4 AT THE DEPARTMENT OF LABOR HE HAD NOTHING TO ADD TO  
5 MY CASE. WE PARTED OUT WAYS.

6 BUT YOU HAVE THE VEHICLE TO DO IT WITH, IF  
7 YOU'RE SERIOUS, THEN DO IT. BUT I'VE GOT MY DOUBTS  
8 THAT ANYTHING WILL COME OF THIS MEETING TONIGHT.  
9 WE'VE GOT THE PEOPLE -- I KNEW MR. HOUSE HERE FOR  
10 ABOUT FIFTEEN YEARS. I'M SYMPATHETIC, I KNOW WHERE'S  
11 HE'S COMING FROM. I KNOW THE SITUATION HE WAS  
12 INVOLVED IN. I KNOW THINGS THAT HAVE OCCURRED SINCE  
13 THAT TIME, AS A RESULT OF MR. HOUSE'S SITUATION.  
14 YET, NO ONE DID ANYTHING ABOUT IT. IT'S OUT THERE.  
15 TVA'S INSPECTOR GENERAL'S OFFICE GOT THE INFORMATION.  
16 THEY CAN INVESTIGATE. I DON'T THINK THEY  
17 INVESTIGATED. THEY INVESTIGATE TO HELP TVA  
18 MANAGEMENT TO COVER THEIR BACKSIDE, AND I THINK YOU  
19 SET THE SITUATION UP TO WHERE TVA CAN MAKE IT EASIER  
20 FOR THEM TO COVER. WHEN YOU DO THAT, YOU NOT ONLY  
21 SOLD ME OUT, YOU SOLD EVERYONE IN THE SYSTEM OUT.  
22 YOU SOLD THEIR INTEGRITY YOURSELF.

23 MR. LIEBERMAN:

24 THANK YOU.

25 THE SPEAKER:

1 CAN I ASK SOMETHING FOR CLARIFICATION. THIS  
2 REFERENCE TO THIS LAW THAT YOU WROTE. HAS IT --

3 MR. LIEBERMAN:

4 YOU NEED TO SPEAK INTO THE MICROPHONE.

5 THE SPEAKER:

6 THE REFERENCE TO THE LAW THAT YOU SAY YOU ARE  
7 THE AUTHOR, YOU SAY THAT -- HAVE YOU USED THAT LAW AT  
8 ALL? HAS ANY MANAGER BEEN PROSECUTED FOR  
9 INTIMIDATION AND HARASSMENT SINCE THAT LAW HAS COME  
10 IN?

11 MR. LIEBERMAN:

12 THE LAW IS NOT A CRIMINAL STATUTE. THE LAW  
13 GIVES US AUTHORITY TO TAKE ACTION. IN REFERENCE TO  
14 YOUR QUESTION, YES. WE HAVE TAKEN THAT ACTION  
15 AGAINST INDIVIDUALS UNDER THAT LAW.

16 THE SPEAKER:

17 HOW? I MEAN, ARE WE TALKING ONE OR TWO TIMES?  
18 I MEAN, HAS IT HAPPENED FREQUENTLY, AND HOW  
19 FREQUENTLY HAS IT HAPPENED?

20 MR. LIEBERMAN:

21 IT'S ONLY A FEW TIMES, BUT WE HAVE REMOVED  
22 PEOPLE FROM THE NUCLEAR INDUSTRY FOR FIVE YEARS, AND  
23 HAVE ISSUED ACTIONS AGAINST INDIVIDUALS. BUT AS I  
24 SAID, IT ONLY APPLIES IN CASES THAT OCCURRED AFTER  
25 SEPTEMBER OF '91.

1 THE SPEAKER:

2 BUT IT HAS BEEN USED? I MEAN, YOU HAVE USED IT  
3 TWO OR THREE TIMES?

4 MR. LIEBERMAN:

5 IT'S LAW 50.5, BUT I EXPECT TO SEE MORE OF  
6 THOSE CASES IN TIME.

7 THE SPEAKER:

8 FIFTY POINT FIVE?

9 MR. LIEBERMAN:

10 FIFTY POINT FIVE.

11 ANYONE ELSE THAT WANTS TO SPEAK?

12 THE SPEAKER:

13 MY NAME IS DICK HOWARD, I USED TO WORK FOR TVA  
14 AS ACTING CHIEF OF CONFIGURATION MANAGEMENT IN 1986  
15 AND 1987. THE LAST TWO YEARS -- SINCE THE LAST THE  
16 TWO YEARS I'VE BEEN WORKING AS A QUALITY OFFICER IN  
17 TOTAL QUALITY MANAGEMENT, AND WHAT I'VE HEARD TONIGHT  
18 IS A LACK OF TRUST, LACK OF CONFIDENCE, LACK OF  
19 CREDIBILITY AND AN ADVERSARIAL CULTURE WITH TVA AND  
20 THE WORKERS.

21 WHEN I WORKED AT TVA, I CAME THERE TO HELP  
22 BUILD A PLANT, NOT TO BE IN AN ADVERSARIAL ROLE. MY  
23 BACKGROUND HAS BEEN IN PIPING AND PIPE SUPPORTS, AND  
24 I RAISE THE QUESTION OF SAFETY RELATED PIPING AND  
25 PIPE SUPPORTS WHICH IS SAFETY RELATED, AND I WAS TOLD

1 TO BACK OFF. I BACKED OFF. I NEVER BLEW THE WHISTLE  
2 ON TVA, BUT I WAS LET GO.

3 AND YOU'RE ASKING THE QUESTION WHAT CAN WE DO  
4 TO MAKE AN EMPLOYEE CONCERN PROGRAM. I'D LIKE TO ADD  
5 SOME POSITIVE ASPECTS. ALL THESE THINGS WE ARE  
6 TALKING ABOUT ARE NON-CONFORMANCES, WHETHER YOU WANT  
7 TO CALL IT QUALITY INITIALLY, TOTAL QUALITY  
8 LEADERSHIP OR TOTAL QUALITY MANAGEMENT, THEY'RE NON-  
9 CONFORMANCES. WHO WRITES NON-CONFORMANCES? THE  
10 WORKERS DO. THE CRAFTSMAN DO, OR THE ENGINEERS DO.  
11 WHO STRESSES THEM? THE SUPERVISORS. WHY? WHY DON'T  
12 WE JUST FIX THEM?

13 SO IF YOU'RE ASKING QUESTIONS OF HOW TO MAKE  
14 SOMETHING POSITIVE, HOW TO BRING BACK TRUST,  
15 CONFIDENCE AND CREDIBILITY -- WE FOUND OUT FINES  
16 DON'T WORK. YOU CAN FINE TVA TWO HUNDRED AND FIFTY  
17 THOUSAND DOLLARS OR A MILLION DOLLARS, BUT AS LONG AS  
18 YOU HAVE AN ADVERSARIAL CULTURE, IT'S NOT GOING TO  
19 GET THERE. SO ONE ASPECT THAT I TRIED TO ADVOCATE  
20 BACK IN 1987 WERE INTEGRATED WALK DOWNS, INTEGRATED  
21 WALK DOWNS BETWEEN TVA ENGINEERS, TVA CONSTRUCTORS,  
22 THE CONTRACTOR. I'D LIKE TO ADD ONE -- OR TWO EXTRA  
23 STEPS TO BRING BACK THE TRUST AND CONFIDENCE. BEFORE  
24 YOU BRING BACK WATTS BAR OR BROWN'S FERRY OR ANY  
25 OTHER NUCLEAR POWER PLANT -- BY THE WAY, I USED TO

1 WORK IN SOUTH TEXAS --- I WORKED ON THE FFTF AS THE  
2 CONFIGURES CONTROL BOARD SECRETARY WHERE I HELPED SET  
3 UP THE CM PROGRAM. I'VE BEEN INVOLVED IN IT FROM  
4 1974. SO WHAT WOULD BE WRONG TO BRING IN COOPERATION  
5 AND TEAM WORK AND COMMUNICATION BY HAVING A TOTALLY  
6 INTEGRATED POSITIVE WALK DOWN CREW OF THE PERSON THAT  
7 WROTE THE NON-CONFORMANCE, THE PERSON THAT ACTUALLY  
8 TOOK THE NEXT STEP FORWARD AND, QUOTE "BLEW THE  
9 WHISTLE TO THE NRC," WITH THE TVA ENGINEER, WITH THE  
10 BASSCO OR THE BECKTEL CONTRACTOR. WALK IT DOWN. GET  
11 THAT BEHIND YOU. KNOCK OFF THAT PUNCH LIST.

12 WHY START WATTS BAR WITH A PUNCH LIST OF TWO  
13 THOUSAND OPEN ITEMS AND HAVE EVERYBODY ELSE OUT HERE  
14 CRITICIZING YOU AND STILL PROPITIATE THIS LACK OF  
15 CONFIDENCE? WHY CAN'T IT BE DONE? WHY CAN'T WE  
16 TALK TO EACH OTHER? IF WE ARE TRULY PUSHING FOR  
17 TOTAL QUALITY MANAGEMENT, YOU'VE GOT TO HAVE  
18 COOPERATION. YOU'VE GOT TO HAVE COMMUNICATION. WHY  
19 CAN'T WE TALK WITH EACH OTHER? SOMETHING'S WRONG,  
20 GET IT FIXED, GET IT DONE. IF IT'S A BAD WELD, GRIND  
21 IT OUT, PUT A NEW ONE IN THERE. WHY GO THROUGH AND  
22 PENCIL WITH IT? ALL THAT'S GOING TO DO IS PROLONG  
23 THE AGONY.

24 I WANT TO GET THESE NUCLEAR POWER PLANTS ON  
25 LINE. NO MORE FINES, GET THEM ON LINE. BRING SOME

1 REVENUE IN. DON'T CHARGE THE RATEPAYERS OVER AND  
2 OVER AND OVER AGAIN. IN 1987, IN THE SPRING OF '87,  
3 I ADVOCATED INTEGRATED WALK DOWNS, AND HERE IT IS  
4 1993, WE'RE STILL TALKING ABOUT INTEGRATED WALK  
5 DOWNS. WE'RE STILL TALKING ABOUT NON-CONFOMANCES.  
6 WE'RE STILL TALKING ABOUT PUNCH LISTS. GOLLY, THE  
7 PUNCH LISTS HAVE GOTTEN BIGGER SINCE THEN. WHY CAN'T  
8 WE HAVE A POSITIVE INTEGRATED CREW TO COME UP THERE  
9 AND RESTORE TRUST, CONFIDENCE AND CREDIBILITY? WHY  
10 CAN'T THE NRC TAKE THE INITIATIVE?

11 I GUESS, THE QUESTION IS WHY CAN'T WE HAVE AN  
12 NRC REP PART OF THAT TEAM? ARE WE REALLY A TEAM OR  
13 ARE WE AN ADVERSARIAL COMPETE? ARE YOU GUYS  
14 POLICEMAN OR TVA? I DON'T LIKE THE ATMOSPHERE. I'D  
15 MUCH RATHER HAVE A TEAMWORK PROSPECTIVE. I HAVEN'T  
16 HEARD THAT AT ALL. HOPEFULLY, TVA CAN PRESENT THIS  
17 TOMORROW. I'D LOVE TO HAVE SEEN MR. KINGSLEY AND  
18 SOME OF THE BOARD MEMBERS TO HEAR CONCERNS. THEY'RE  
19 NOT HERE TONIGHT. ARE THEY COMMITTED TO TOTAL  
20 QUALITY? WHAT IS THE ANSWER? DO I HAVE THEIR  
21 CONFIDENCE THAT THEY ARE COMMITTED TO IT? AS OF  
22 RIGHT NOW, BECAUSE OF THEIR LACK OF PRESENCE, I WOULD  
23 SAY NO. I DROVE UP FROM ATLANTA FOR THIS MEETING. I  
24 CARE ENOUGH TO HEAR WHAT THESE PEOPLE HAVE TO SAY.  
25 YOU KNOW, THEY BLED THEIR HEARTS OUT. YEAH, MY LIFE

1 WAS RUINED. I CONTACTED NRC AFTER IT ALL HAPPENED.  
2 WHAT DID THE NRC DO ABOUT IT? ABSOLUTELY NOTHING.  
3 THAT WAS 1988. CAN YOU DO SOMETHING ABOUT IT TODAY?  
4 CAN WE BE POSITIVE? DO WE STILL HAVE TO HAVE COVER  
5 UP AND INTIMIDATION AND HARASSMENT? THE HELL WITH  
6 THE PEOPLE THAT WORK, LET'S GET THE PLANT BUILT. I  
7 HEARD THAT BACK IN THE 'SEVENTIES.

8 I COME FROM AN AVIATION INDUSTRY. I'VE FLOWN  
9 AIRPLANES IN THE AIR FORCE. IF WE HAD THAT APPROACH,  
10 WE'D HAVE AIRPLANES FLYING OUT OF THE SKY, DROPPING  
11 OUT OF THE SKY -- QUALITY, RELIABILITY,  
12 MAINTAINABILITY, ALL THOSE ASPECTS. HERE WE'RE  
13 TALKING ABOUT THE MUSHROOM CLOUD ENVIRONMENT, THE  
14 FEAR THAT THAT'S WHAT THE GENERAL PUBLIC HAS. CAN  
15 YOU HELP THE PUBLIC? GIVE THEM A WARM FEELING THAT  
16 THAT'S NOT GOING TO HAPPEN. CAN THEY DO IT? I DON'T  
17 KNOW. AS LONG AS WE HAVE THIS ADVERSARIAL CULTURE IT  
18 IS GOING TO CONTINUE ON. WATTS BAR IS NOT GOING TO  
19 GET, YOU KNOW, CRANKED UP IN THE SPRING OF '94 IF WE  
20 KEEP THIS UP. HAS EVERY NON-CONFORMANCE, SAFETY  
21 RELATED CONFORMANCE -- HAS EVERY SAFETY RELATED, NON-  
22 CONFORMANCE BEEN CLOSED OUT? HAS THE NRC WALKED  
23 DOWN EVERY SAFETY RELATED SYSTEM AND CLOSED OUT EVERY  
24 NON-CONFORMANCE OR ARE YOU JUST TAKING ONE SIGNAL AND  
25 SAYING, "THAT'S GREAT, NOW THE REST OF THE PLANT'S

1 GOOD"? EVERY SAFETY RELATED SIGNAL, HAVE YOU WALKED  
2 THEM DOWN FROM ELECTRICAL, MECHANICAL, STRUCTURAL,  
3 SOFTWARE, SOFTWARE CONFIGURATION? WHEN YOU PUSH THE  
4 BUTTON, DO YOU HAVE THAT ASSURANCE THAT IT'S GOING TO  
5 DO WHAT IT'S GOING TO DO? IF YOU DON'T HAVE THAT  
6 ASSURANCE, GENTLEMEN, HOW DO WE HAVE THAT ASSURANCE?  
7 HOW DO THEY HAVE THAT ASSURANCE.

8 SO I'M ADVOCATING A LITTLE DIFFERENT THRUST, A  
9 MORE POSITIVE THRUST, TONIGHT. LET'S CUT OUT THIS  
10 ADVERSARIAL BEATING THE PEOPLE OVER THE HEAD. THINGS  
11 ARE GOING TO GO WRONG, LET'S GET THEM FIXED. LET'S  
12 IDENTIFY THE PROBLEMS, GET THEM DONE RIGHT. BRING  
13 THOSE PEOPLE ON OUT THERE. "HERE, WE HAVE A PROBLEM,  
14 WE'RE GOING TO FIX IT JOE. YOU WROTE THE NON  
15 CONFORMANCE, LET'S GET IT FIXED." AND AFTER IT'S  
16 FIXED TO JOE'S LIKING, TO THE ENGINEER'S LIKING AND  
17 THE CONTRACTOR'S LIKING, PRESS ON, PUSH THAT BEHIND  
18 AND DEAL WITH THE NEXT PROBLEM. I DON'T HEAR THAT  
19 HAPPENING.

20 SO WHAT I'M ADVOCATING IS AN INTEGRATED  
21 APPROACH, A TEAM WORK, COOPERATION OF A TEAM, TVA,  
22 CONTRACTORS, WHETHER IT BE BECKETL OR BASSCO OR  
23 WHOEVER ELSE AT TVA AND BRING THE NRC. IF THE NRC IS  
24 UNDERSTAFFED, YOU GUYS CAN HIRE CONTRACTORS FOR YOU.  
25 YOU'VE DONE IT BEFORE. BUT HAVE AN NRC REP. HAVE AN

1 INTEGRATED TEAM, WIPE OUT THE PROBLEMS AND GET MOVING  
2 ON. IS THAT ASKING TOO MUCH OF TVA OR IS THAT THE  
3 WAY WE'RE GOING RIGHT NOW? I DON'T KNOW. LIKE I  
4 SAID, I'VE BEEN AWAY FROM THE NUCLEAR SITE FOR THE  
5 LAST FEW YEARS. BUT I CARE ENOUGH, CAME UP HERE TO  
6 HEAR THE PROBLEMS. I CAN JUST SEE THAT WE STILL HAVE  
7 AN ADVERSARIAL RELATIONSHIP. THAT JUST BOTHERS ME.  
8 BASICALLY, WHO'S GOING TO PAY FOR IT? THE RATEPAYER.  
9 I'M PAYING FOR IT. YOU'RE PAYING FOR IT. YOU'RE  
10 PAYING FOR IT. YOU'RE PAYING FOR IT. BRIAN, CAN YOU  
11 HELP ME OUT?

12 MR. GRIMES:

13 I THINK YOU'VE MADE SOME -- YOU HIT ON A KEY  
14 POINT IN TERMS OF THE UNDERLINING CULTURE HAS TO BE  
15 FAVORABLE TO THE NORMAL SYSTEM, AND WHENEVER WE VIEW  
16 -- THE CONCERNS EXPRESSED TO THE NRC IS SOMEHOW  
17 REFLECTIVE TODAY IN THE UNDERLYING SYSTEM THAT THE  
18 SYSTEM SHOULD BE FRIENDLY ENOUGH BETWEEN SUPERVISORS  
19 AND WORKERS AND TOP MANAGERS WITHIN THE UTILITY  
20 BUSINESS. THESE THINGS SHOULD BE IRONED OUT IN THE  
21 NORMAL COURSE OF BUSINESS. SO YOUR POINTS ARE WELL  
22 TAKEN IN TERMS OF TRYING TO ESTABLISH SOME SYSTEM TO  
23 REGAIN CONFIDENCE OF THE ORGANIZATION ITSELF.

24 THE SPEAKER:

25 WELL, THANKS MUCH.

1 MR. LIEBERMAN:

2 THANK YOU.

3 DO WE HAVE ANY OTHER PEOPLE INTERESTED IN  
4 MAKING A PRESENTATION?

5 THE SPEAKER:

6 MY NAME IS TREY BURCHFIELD. I'D LIKE TO SAY  
7 SOMETHING ELSE IF I COULD.

8 SINCE NRC'S PLAYED A BIG PART IN MY LIFE IN THE  
9 DIRECTION THAT I'VE GONE AND SINCE THEY HAVE BECOME A  
10 PLAYER, A NEW NAME HAS BEEN GIVEN ME AS A  
11 WHISTLEBLOWER. FOR SOME REASON, THAT TERM ALWAYS  
12 LEAVES A BAD TASTE IN MY MOUTH. I GUESS TWICE I  
13 SPOKE TO UPPER TVA MANAGEMENT, ONE IS MR. KINGSLEY  
14 WHILE I WAS IN ATLANTA, IN A NRC MEETING ABOUT  
15 WHISTLEBLOWERS TAKING MORE OF AN ACTIVE ROLE IN  
16 TRYING TO BRING AN IMAGE BACK INTO THE EMPLOYEE  
17 CONCERNS BOARD TO THE OPENNESS OF TVA. HE SHOWED AN  
18 INTEREST AND SAID HE HAD TO TALK TO HIS -- I GUESS,  
19 HIS MANAGEMENT. I GUESS I WOULD SAY THREE OR FOUR  
20 MONTHS HAVE GONE BY AND I HAVEN'T HEARD ANYTHING. I  
21 EXPRESSED THIS TO MR. CRAIG McCLOUD ALSO.

22 I KNOW SOME PEOPLE PROBABLY, YOU KNOW, SINCE  
23 THE IMPACT OF BEING A WHISTLEBLOWER EFFECTS THEIR  
24 LIFE -- SOMETIMES FOREVER IN ALL ASPECTS.

25 THE SAD PART IS, FOR ME, COMING OUT OF THE

1 SERVICE AND GOING TO TVA, I GUESS I FEEL A LOT LIKE A  
2 VIETNAM VET IN THE SENSE OF WHAT VIETNAM WAS TO THE  
3 VETERAN. TVA BECAME THAT FOR ME. I WAS PROUD TO BE  
4 IN THE SERVICE AND PROUD TO COME TO TVA, AND YET I  
5 SEEMED TO HAVE LOST -- I GUESS, A CREDIBILITY ASSET  
6 TO WHAT I THOUGHT WAS TO THE AGENCY. YOU KNOW, I DID  
7 EVERYTHING THAT THEY ASKED WITHIN THE RULES THAT THEY  
8 PROVIDED ME, BECAUSE THAT'S ALL I COULD GO BY. I  
9 DON'T KNOW OF ANYTHING THE NRC COULD DO, YOU KNOW, IT  
10 MAY TAKE TIME. IT MAY TAKE MORE TIME THAN ANYONE  
11 WOULD DESIRE, BUT I'D LIKE TO SEE TVA TAKE A MORE  
12 ACTIVE ROLE AND BETRAY TO THE PUBLIC AND TO THE  
13 WORKERS NOW. YOU KNOW, IT'S ONE THING YOU SAY YOU  
14 CARE ABOUT WHISTLEBLOWERS AND NEVER ACTUALLY TAKE  
15 THEM SERIOUS OR LET THEM BE PART OF SOME KIND OF  
16 ACTIVE PARTICIPATION IN SHOWING VISIBLE SUPPORT, NOT  
17 JUST LIKE TRUST ME, OR I WILL DO IT, BUT ACTUALLY  
18 ACTION. I DON'T KNOW WHAT YOU CAN DO FOR THEM OR  
19 WITH THEM, I MEAN, I'VE SPOKE TO THEM. BUT MAYBE  
20 SOMEWHERE DOWN THE ROAD, SOMEHOW FOR TVA TO CHANGE  
21 THIS IMAGE TO THE PUBLIC, YOU KNOW, AND TO THE  
22 WORKERS THEMSELVES, BECAUSE I KNOW THAT I'VE TAKEN  
23 MANY ISSUES TO NRC WHICH I HAD TAKEN TO TVA. THE SAD  
24 PART OF WAS TVA THEMSELVES NEVER WOULD SEE, I GUESS,  
25 THE STUFF I GAVE THEM, THEY COULDN'T SEE IT EVEN

1           THOUGH IT WAS THERE. THE NRC WOULD TAKE AN UNBIASED  
2           VIEW AND GO VERIFY IT. TVA SOMEHOW -- I DON'T WHY,  
3           THEY FOCUSED ON THE INDIVIDUAL. I KNOW THAT NOW, I'D  
4           HOPE TO TRY TO ENCOURAGE SOME FRIENDS TO TRY TO COME  
5           TO THIS MEETING THAT WORKED AT SOME OF THE SITES, AND  
6           SOME OF THEM SAID, "WHAT ARE YOU TRYING TO DO NOW?  
7           YOU'VE ALREADY GOTTEN ME MOVED, AND YOU'RE ALREADY  
8           EFFECTING MY POSITION." HIS QUOTE WAS "WHAT ARE YOU  
9           TRYING TO DO, GET ME FIRED?" THESE ARE FRIENDS AND  
10          PEOPLE I'VE KNOWN FOR YEARS, THAT HAVE CALLED ME AND  
11          ASKED ME, YOU KNOW, WHAT DIRECTION DO THEY NEED TO  
12          TAKE IN ACTIONS THAT'S NOT BEEN TAKEN TO THE PROPER  
13          PLACE AT WATTS BAR. IT'S SORT OF SAD FOR ME BECAUSE  
14          I'M REALLY RELUCTANT TO EXPRESS TO A FRIEND THE ROAD  
15          THAT THEY HAVE TO TAKE.

16                 WE'VE GOT TO SEE SOME LIGHTS IN THE TUNNEL.  
17                 WE'VE GOT TO SEE SOME HOPE, AND RIGHT NOW, TVA'S  
18                 TALKING HOPE. YOU'RE TALKING MAYBE HOPE THROUGH SOME  
19                 KIND OF ACTION, IF CONGRESS MAKES A CHANGE. BUT  
20                 RIGHT NOW, IT'D BE GREAT IF THE WORKERS THAT ARE AT  
21                 THESE PLANTS COULD HAVE CONFIDENCE AND FEEL FREE. IT  
22                 WOULD MAKE YOUR JOB A LOT EASIER. IT WOULD MAKE THE  
23                 PUBLIC FEEL A LOT MORE COMFORTABLE. I KNOW THAT WHEN  
24                 EMPLOYEES START SHOWING CONCERN ABOUT THE AGENCY THEY  
25                 WORK FOR AND DON'T FEEL SAFE AND COMFORTABLE OR ARE

1           AIRAID TO COME FORWARD, THEN HOW CAN ANYONE ELSE,  
2           ANYONE, REALLY KNOW WHAT'S THERE AND REALLY FEEL  
3           COMFORTABLE? IT MAY BE A SLOW PROCESS OF HURTING  
4           THEMSELVES AND THEIR FAMILIES, BUT EVENTUALLY IT'S  
5           GOING TO DESTROY THEIR WHOLE JOB, AND THE THING IS IT  
6           NEEDS TO BE RECOVERED.

7           I KNOW SOME OF THE WHISTLEBLOWERS, SOME OF THEM  
8           MAY NOT WANT TO PARTICIPATE. LIKE I SAY I'VE ASKED  
9           TVA TO LET ME PLAY SOME PART IF I COULD. LIKE I SAY  
10          THEY'VE SHOWED INTEREST WITH WORDS, BUT THAT IS IT.  
11          IT SEEMS LIKE, YOU KNOW, ONCE THEY HEAR IT IT'S GONE.  
12          MAYBE WITH THE POSITION YOU'RE IN YOU CAN MAKE A  
13          DIFFERENT.

14       MR. LIEBERMAN:

15                WHAT TYPE OF PART DO YOU ENVISION A PERSON LIKE  
16                YOURSELF PLAYING?

17       THE SPEAKER:

18                WELL, YOU KNOW, I DON'T CONSIDER MYSELF ANY  
19                KIND OF A PUBLIC SPEAKER, AND I'VE NEVER REALLY LIKED  
20                DOING THIS, AND YOU JUST DON'T KNOW WHAT IT TAKES FOR  
21                ME TO COME UP HERE AND DO THIS. BUT AT THE SAME  
22                TIME, I LOOK BACK AND SOME PEOPLE ARE BETRAYED ---  
23                SOMEONE HAS TO BE AN EXAMPLE. SOMEBODY HAS TO  
24                SURVIVE. IF THERE'S NO SURVIVORS, WHO CAN REALLY  
25                TELL THE STORY. AND THE THING IS THE STORIES ALWAYS

1 GO ON. AND IF WE DON'T HAVE MORE SURVIVORS, MORE  
2 PEOPLE TELLING THE WHOLE STORY, THEN WHAT ARE WE  
3 REALLY GOING TO KNOW WHAT WE'VE GOT? THERE'S NO  
4 HISTORY WITHOUT RECORDS, AND THERE'S NO RECORDS  
5 WITHOUT PEOPLE REALLY COMING FORTH AND TELLING.  
6 YOU'RE JUST GETTING BITS AND PIECES FROM DIFFERENT  
7 PEOPLE, BUT YOU'RE NOT EVER GETTING THE WHOLE STORY.  
8 AND THE SAD PART IS TVA THEMSELVES DON'T REALIZE THEY  
9 ARE DESTROYING THE BIGGER PART, THE MOST IMPORTANT  
10 PART OF THE SITUATIONS OR THE STORIES.

11 MR. LIEBERMAN:

12 SO WHAT WOULD YOU BE DOING, AS MS. HARRIS HAS  
13 SUGGESTED, IN REGARD TO THE COMMITTEE?

14 THE SPEAKER:

15 I'M NOT REALLY FAMILIAR WITH THOSE ACTIVITIES.  
16 THAT'S SOMETHING THAT SHE'S JUST ADDRESSED TODAY.  
17 I'VE ALWAYS IN THE PAST LOOKED AT MYSELF -- ONE THING  
18 I CAN SAY AS A WHISTLEBLOWER, I DO NOT LIKE THAT  
19 TERMINOLOGY. IT EVEN INFURIATED ME WHEN I PULLED UP  
20 OUT HERE AND IT SAID "WHISTLEBLOWERS GO THIS WAY." I  
21 DON'T LIKE THAT. I FEEL LIKE I'VE BECOME, NOT AN  
22 AMERICAN, NOT A VIETNAM VET, NOT A PERSON WITH ANY  
23 KIND OF CREDIBILITY, AND THE THING IS A WHISTLEBLOWER  
24 SHOULD NOT BE DEEMED AS A PERSON THAT'S A FAILURE OR  
25 PERSON WHO RECEIVES MONEY FOR GRATUITY OR WHATEVER --

1 BUY OFF OR WHATEVER.

2 MR. LIEBERMAN:

3 I SHARE YOUR CONCERN. I TRY TO USE THE WORD  
4 "ALLEGER" IN MY TALK, AND WE'RE LOOKING FOR ANOTHER  
5 TERM THAT DOESN'T HAVE A NEGATIVE ANNOTATION, BUT YOU  
6 INDICATED THAT YOU TALKED TO MR. KINGSLEY ABOUT  
7 HAVING A ROLE YOURSELF TO HELP TURN AROUND TVA'S  
8 SITUATION?

9 THE SPEAKER:

10 WELL, MY WORDS TO HIM WAS -- AND HE SAID THERE  
11 NEED TO BE HEALING. AND I SAID, "YES, SIR. IT NEEDS  
12 TO BE STARTING ON YOUR END." I SAID, "I'M HERE  
13 TRYING TO SHOW AN ACTIVE PART OF THIS HEALING  
14 PROCESS." I SAID, "ONE WAY IS, I SAID THE EMPLOYEES  
15 NEED TO SEE A WHISTLEBLOWER AS SURVIVORS, SOMEONE  
16 WILLING TO COME FORTH TO KNOW." MAYBE IT'S A PERSON  
17 WHO SPEAKS TO OTHER PEOPLE TO SAY YES, THE AGENCY MAY  
18 NOT LIKE WHAT YOU'VE DONE, BUT AT LEAST THEY'RE  
19 SUPPORTING YOU, BECAUSE YOU CAN WORK WITH PEOPLE YOU  
20 DON'T LIKE. YOU CAN STILL DO A GOOD JOB, AND YOU CAN  
21 STILL MAKE AMERICA, AMERICA, BECAUSE IT DON'T MEAN  
22 YOU HAVE TO HAVE DIFFERENT VIEWS FOR YOU TO WORK SIDE  
23 BY SIDE. THE PROBLEM IS AS A WHISTLEBLOWER TVA HAS  
24 FORMED AN IMAGE THAT IF YOU HAVE A DIFFERENT VIEW,  
25 IT'S US AND THEM. THE PROBLEM WAS I THOUGHT I WAS US

1 AND SOMEHOW I BECAME THEY.

2 WE'VE SEPARATED OURSELVES, AND IT SEEMS LIKE  
3 FOR ME TO DO MY JOB, IT'S CAUSED ALL THIS TO HAPPEN.  
4 TVA PLAYED A PART, I PLAYED A PART BY GOING TO TVA.  
5 YOU PLAYED A PART AS A REGULATORY AGENCY. NOW, I  
6 DON'T KNOW WHAT IT TAKES TO BE HEALED, BUT I KNOW A  
7 LOT OF PEOPLE WHO WOULD LIKE TO SEE A CHANGE AS  
8 WHAT'S EXPRESSED AS A WHISTLEBLOWER. THE PROBLEM IS,  
9 I DON'T LIKE THAT IMAGE. IT NEVER, TO ME, SIGNIFIES  
10 ANY KIND OF A IMAGE THAT YOU CAN ACTUALLY SAY YOU GOT  
11 ANY PRIDE IN AMERICA OR WHO YOU STAND FOR.

12 MR. LIEBERMAN:

13 WE APPRECIATE THAT.

14 ANYONE ELSE WHO WOULD LIKE TO MAKE A COMMENT?

15 IT'S NOW QUARTER TILL NINE. I'LL TAKE A BREAK  
16 FOR TEN MINUTES IN CASE ANYONE COMES IN OR WANTS TO  
17 SPEAK FURTHER BEFORE WE ADJOURN OUR MEETING. THANK  
18 YOU.

19 (WHEREUPON, A RECESS ENSUED).

20 MR. LIEBERMAN:

21 GO AHEAD.

22 THE SPEAKER:

23 MY NAME IS DARLENE SUMEY, AND I WORK AT THE  
24 SEQUOYAH NUCLEAR PLANT. I'M NOT GOING INTO A LOT OF  
25 DETAIL OF WHAT I WOULD LIKE TO TALK TO YOU ABOUT

1 BECAUSE OF MY OWN SAFETY, BUT YOU ASKED FOR  
2 SUGGESTIONS AND THAT'S WHAT I WOULD LIKE TO GIVE.

3 I THINK THAT YOU SHOULD MAKE TVA COMPENSATE  
4 EMPLOYEES FOR THEIR INTERACTIONS AND THE TROUBLE THAT  
5 THEY'VE PUT ALL US THROUGH. I THINK YOU SHOULD HAVE  
6 MEETINGS FOR CONCERNED EMPLOYEES. THIS GENTLEMAN  
7 SAYS HE DON'T LIKE TO BE CALLED A WHISTLEBLOWER,  
8 WELL, A LOT OF US DON'T, AND I THINK THAT WE SHOULD  
9 BE LABELED AS CONCERNED EMPLOYEES. I'M NOT WHAT YOU  
10 CALL A WHISTLEBLOWER BECAUSE THEY PUT ENOUGH PRESSURE  
11 ON ME BY USING MY SISTER AT THE PLANT TO KEEP ME  
12 QUIET, AND SO I CAN UNDERSTAND THEIR FEELINGS. THEY  
13 SHOULD BE LABELED AS CONCERNED EMPLOYEES, NOT  
14 WHISTLEBLOWERS.

15 I THINK YOU SHOULD HAVE MEETINGS WITH EMPLOYEES  
16 THAT ARE CONCERNED AND DON'T HAVE THE MANAGEMENT  
17 THERE, BECAUSE WE'RE GOING TO HAVE MORE EMPLOYEES  
18 OPEN UP IF THEIR MANAGEMENT IS NOT THERE. I MYSELF  
19 HAD A PERSON COME IN, THEY HAVE RECENTLY LEFT, THAT  
20 WORKS IN MY DEPARTMENT. TO ME THAT WAS INTIMIDATION  
21 TO SAY KEEP QUIET. I THINK THE GENTLEMAN THAT TALKED  
22 ABOUT THE WALK DOWNS. IF AN EMPLOYEE RAISES A  
23 CONCERN, I THINK THAT PARTICULAR EMPLOYEE SHOULD BE  
24 INVOLVED IN THE WALK DOWN, AND I THINK THEY SHOULD  
25 HELP IN FIXING THE PROBLEM AND I THINK THEY SHOULD BE

1 GIVEN RECOGNITION.

2 BY GIVING THEM RECOGNITION YOU'RE SHOWING THE  
3 OTHER EMPLOYEES THAT YOU'RE GOING TO BACK THEM AND  
4 YOU'RE GOING TO HELP THEM. I THINK THAT WOULD HELP  
5 ALL OF US, BUT MOST OF ALL I THINK YOU OUGHT TO GET  
6 IT ACROSS THE TVA MANAGERS THAT THEY NEED TO LISTEN  
7 TO THEIR EMPLOYEES, THE PEOPLE THAT'S OUT THERE IN  
8 THE FIELD DOING THE WORK, INSTEAD OF BRINGING SOMEONE  
9 ELSE IN TO VIEW THE PROBLEM.

10 THAT'S ALL I HAVE TO SAY.

11 MR. LIEBERMAN:

12 THANK YOU VERY MUCH.

13 ANY OTHER COMMENTS?

14 (NO RESPONSE).

15 THEN, I WANT TO EMPHASIZE AGAIN THAT WE HAVE  
16 THE COMMENT FORMS TO PROVIDE COMMENTS IF YOU DON'T  
17 WANT TO SPEAK AT THIS MEETING.

18 TOMORROW, AFTER THE PRESENTATION FOR TVA  
19 MANAGEMENT AND TVA IG YOU WILL ALSO HAVE AN  
20 OPPORTUNITY TO SPEAK, AND I THANK YOU ALL FOR TAKING  
21 TIME TO COME HERE TONIGHT, AND I APPRECIATE THE IDEAS  
22 THAT PEOPLE HAVE GIVEN US.

23 THANK YOU. THIS MEETING IS OVER.

24 (WHEREUPON, THE MEETING WAS CONCLUDED AT  
25 APPROXIMATELY 9:00 p.m. THE MEETING RESUMED ON

1           OCTOBER 14, 1993, AT APPROXIMATELY 9:00 a.m.)

2           MR. LIEBERMAN:

3                   I'M JIM LIEBERMAN, THE DIRECTOR OF THE NUCLEAR  
4           REGULATORY COMMISSION, OFFICE OF ENFORCEMENT AND THE  
5           CHAIRMAN OF THE REVIEW TEAM REASSESSMENT OF THE NRC  
6           PROGRAM FOR PROTECTING ALLEGERS AGAINST RETALIATION.

7                   WITH ME TODAY FROM THE REVIEW TEAM, BEGINNING  
8           ON MY LEFT, IS BEN HAYES, THE DIRECTOR OF THE OFFICE  
9           OF INVESTIGATION. JOHN JOHNSON, THE DEPUTY DIRECTOR  
10          OF THE DIVISION OF OPERATING REACTOR IN REGION TWO).  
11          ON MY RIGHT IS BRIAN GRIMES, THE DIRECTOR OF THE  
12          DIVISION OF OPERATING REACTOR SUPPORT IN THE OFFICE  
13          OF NUCLEAR REACTOR REGULATION.

14                  THIS IS THE SECOND SESSION OF THE FOURTH OF  
15          FOUR PUBLIC MEETINGS TO OBTAIN COMMENTS OF  
16          INTERESTED PERSONS OF WHOM LICENSEES AND CONTRACTORS  
17          AND THEIR EMPLOYEES. AT EACH OF THESE MEETINGS WE  
18          HAD AN EVENING SESSION AND A MORNING SESSION.

19                  THE PURPOSE OF THESE MEETINGS IS TO OBTAIN  
20          INFORMATION TO ASSIST THE REVIEW TEAM IN EVALUATING  
21          CURRENT NRC ACTIVITIES AND MAKING RECOMMENDATIONS TO  
22          IMPROVE THE REGULATORY PROCESS.

23                  THIS MORNINGS MEETING WILL BEGIN WITH THE  
24          PRESENTATION OF TVA'S MANAGEMENT TO PROVIDE US WITH  
25          COMMENTS IN THEIR EFFORTS TO OBTAIN EMPLOYEE

1 CONCERNS AND SAFETY ISSUES. FOLLOWING THAT  
2 PRESENTATION WE'VE ASKED THAT THE TVA'S OFFICE OF  
3 INSPECTOR GENERAL MAKE A SIMILAR PRESENTATION.  
4 THEREAFTER, WE WILL LISTEN TO COMMENTS FROM OTHER  
5 PERSONS.

6 THE REVIEW TEAM WAS FORMED WITH THE DIRECTION  
7 OF THE COMMISSION TO CONSIDER WHETHER NRC HAS TAKEN  
8 SUFFICIENT STEPS WITHIN THE STATUTORY AUTHORITY TO  
9 CREATE AN ATMOSPHERE WITHIN THE LICENSEES  
10 ORGANIZATIONS WHERE EMPLOYEES, INCLUDING CONTRACTOR  
11 EMPLOYEES, FEEL FREE TO RAISE SAFETY ISSUES WITHOUT  
12 FEAR OF RETALIATION.

13 BY WAY OF BACKDOWN THERE IS TWO FEDERAL  
14 AGENCIES INVOLVED IN THIS AREA: THE DEPARTMENT OF  
15 LABOR AND THE NRC. THE DEPARTMENT OF LABOR IS  
16 RESPONSIBLE FOR DOING INVESTIGATIONS AND PROVIDING  
17 PERSONAL REMEDY FOR EMPLOYEES WHO BELIEVE THAT THEY  
18 HAVE BEEN SUBJECT TO DISCRIMINATION FOR ENGAGING IN  
19 PROTECTED ACTIVITIES THAT IS RAISING A SAFETY ISSUE  
20 EITHER TO A LICENSEE OR THE NRC.

21 THE NRC IS RESPONSIBLE FOR REGULATING A  
22 LICENSEE TO ENSURE THAT WORKERS ARE FREE TO RAISE  
23 SAFETY ISSUES.

24 THE REVIEW TEAM IS CONSIDERING ISSUES SUCH AS,  
25 ONE, WHETHER THE NRC IS TAKING SUFFICIENT STEPS

1 THROUGH REGULATIONS, POLICY STATEMENTS AND  
2 INSPECTIONS TO ENSURE THE LICENSEES ENCOURAGE THEIR  
3 WORKERS AND CONTRACTORS TO RAISE SAFETY ISSUES.  
4 SECOND, WHETHER THE CURRENT NRC PROCESS FOR HANDLING  
5 ALLEGATIONS IS APPROPRIATE FROM THE PROSPECTIVE OF  
6 THE EMPLOYEES FEELING FREE TO RAISE SAFETY ISSUES.  
7 THIRD, WHETHER THE NRC IS SUFFICIENTLY PROACTIVE IN  
8 CASES WHERE EMPLOYEES RAISE CONCERNS OR EXPRESS  
9 FEARS THAT THEY MAY BECOME SUBJECT TO RETALIATION IF  
10 THEY DO RAISE SAFETY ISSUES IN THE FUTURE. FORTH,  
11 WHETHER THE NRC POLICIES ARE APPROPRIATE WHEN  
12 DISCRIMINATION MAY HAVE OCCURRED INCLUDING RELATIONS  
13 WITH THE DEPARTMENT OF LABOR TREATING POTENTIAL  
14 CHILLING EFFECTS, PERFORMING INVESTIGATIONS AND  
15 TAKING ENFORCEMENT ACTION.

16 AS I NOTED, WE ARE SEEKING COMMENTS FROM BOTH  
17 WORKERS AND LICENSEES. WE HAVE PUBLISHED A FEDERAL  
18 REGISTER NOTICE SEEKING PUBLIC COMMENTS. WE HAVE  
19 COPIES OF THE FEDERAL REGISTER NOTICE AVAILABLE ON  
20 THE FRONT TABLE. WE ARE ACCEPTING PUBLIC COMMENTS  
21 THROUGHOUT THE PROGRAM.

22 WE'VE ALSO WORKED WITH ATTORNEYS REPRESENTING  
23 BOTH WORKERS AND LICENSEES IN THIS AREA.

24 THESE EFFORTS, INCLUDING THE MEETING TODAY, ARE  
25 INTENDED FOR THE PURPOSE OF EMPLOYEES, LICENSEES,

1 AND OTHER CONCERNED INDIVIDUALS LIKE YOURSELVES, TO  
2 BRING FORTH ISSUES AND IDEAS FOR OUR CONSIDERATION.  
3 FOLLOWING THE COMPLETION OF THE PUBLIC MEETINGS, AND  
4 WE REVIEW THE WRITTEN COMMENTS AND COMMENTS FROM  
5 THESE MEETINGS, WE WILL BE PREPARING A REPORT TO  
6 SUBMIT TO THE NRC COMMISSIONERS. IT IS OUR  
7 EXPECTATION THAT THIS REPORT WILL BE COMPLETED IN  
8 JANUARY OF 1994.

9 THE ISSUE BEFORE IS AN IMPORTANT ONE. NRC,  
10 EVEN WITH ITS MANY INSPECTORS, CAN ONLY OBSERVE A  
11 FRACTION OF LICENSEES ACTIVITIES. WE WILL NEVER  
12 HAVE THE KNOWLEDGE POSSESSED BY THE THOUSANDS OF  
13 EMPLOYEES IN THE NUCLEAR INDUSTRY. EMPLOYEES OF THE  
14 NUCLEAR INDUSTRY HAVE CLEARLY MADE CONTRIBUTIONS TO  
15 THE PUBLIC SAFETY BY COMING FORWARD WITH SAFETY  
16 CONCERNS.

17 EMPLOYEES MUST FEEL FREE TO RAISE POTENTIAL  
18 SAFETY ISSUES WITH TO THE NRC. HOWEVER, AS THE  
19 COMMISSION REVIEWED, IT IS NOT ENOUGH FOR EMPLOYEES  
20 TO FEEL FREE TO COME DIRECTLY TO THE NRC. LICENSEES  
21 HAVE THE FIRST RESPONSIBILITY OF SAFETY. EMPLOYEES  
22 MUST ALSO FEEL FREE TO RAISE SAFETY ISSUES TO  
23 MANAGEMENT.

24 WE RECOGNIZE THAT THERE IS DISSATISFACTION WITH  
25 THE CURRENT SYSTEM. EMPLOYEES ARE NOT ALWAYS

1 COMFORTABLE IN RAISING ISSUES. THERE ARE CASES  
2 WHERE DISCRIMINATION HAS OCCURRED, WHERE EMPLOYEES  
3 HAVE ENGAGED IN PROTECTIVE ACTIVITIES.

4 WE ARE LOOKING FORWARD TODAY TO IDEAS ON WHAT  
5 ACTIONS NRC SHOULD CONSIDER TO FORCE LICENSES TO  
6 FOSTER AN ATMOSPHERE WHERE INDIVIDUALS WITH  
7 POTENTIAL SAFETY CONCERNS ARE ENCOURAGED TO COME  
8 FORWARD WITH THOSE CONCERNS.

9 I WANT TO EMPHASIZE THAT OUR PURPOSE TODAY IS  
10 NOT TO DEBATE OR RESOLVE SPECIFIC CASES. WE WERE  
11 ASKED TO GAIN IDEAS ON HOW TO IMPROVE THE REGULATORY  
12 SYSTEM.

13 THE GROUND RULES FOR THIS MEETING WILL BE THAT  
14 PERSONS WHO DESIRE TO SPEAK WILL NEED TO CHECK IN AT  
15 THE FRONT TABLE. A NUMBER WILL BE GIVE TO YOU IF  
16 YOU DESIRE TO SPEAK. YOU DO NOT NEED TO PROVIDE  
17 YOUR NAME TO HAVE AN OPPORTUNITY TO SPEAK. AS I  
18 SAID EARLIER, WE WILL BEGIN WITH THE PRESENTATION OF  
19 TVA AND THEN THE TVA'S IG. AFTER OUR DISCUSSIONS  
20 WITH THIS PRESENTATIONS, I WILL CALL THE SPEAKERS TO  
21 THE MICROPHONE BY NUMBERS. THE SPEAKERS WILL BE  
22 INITIALLY ALLOCATED ABOUT TEN MINUTES TO MAKE THEIR  
23 PRESENTATIONS. AT THE END OF THE TIME THAT THE  
24 SPEAKER IS NOT FINISHED, I WILL ASK THE SPEAKER TO  
25 CONCLUDE HIS OR HER REMARKS. DURING OR AFTER EACH

1 PRESENTATION WE MAY ASK QUESTIONS TO MAKE SURE WE  
2 UNDERSTAND THE CONCERN OR ISSUE. WE DO NOT INTEND,  
3 TO DEBATE OR MERIT YOUR COMMENTS. PLEASE DO NOT  
4 TAKE OUR SILENCE TO MEAN THAT WE EITHER DISAGREE OR  
5 AGREE WITH THE COMMENTS. IF AFTER ALL PERSONS WHO  
6 ARE INTERESTED IN SPEAKING HAVE MADE THEIR INITIAL  
7 REMARKS AND THERE IS TIME LEFT OVER, PEOPLE  
8 INTERESTED IN MAKING ADDITIONAL COMMENTS, WE WILL GO  
9 THROUGH A SECOND ROUND OF COMMENTS.

10 WE RECOGNIZE THAT THERE MAY BE SOME HERE THIS  
11 MORNING WHO MAY NOT BE COMFORTABLE IN SPEAKING  
12 BEFORE THIS AUDIENCE. SPEAKING TODAY IS A PROTECTED  
13 ACTIVITY. I WANT TO REMIND THE SPEAKERS, AS WELL AS  
14 ANYONE ELSE THAT'S HERE TODAY, IF THEY HAVEN'T  
15 SUBMITTED COMMENTS, WE WOULD APPRECIATE YOUR  
16 COMMENTS BEING SUBMITTED TO US. WE HAVE FORMS AT  
17 THE FRONT TABLE WITH POSTAGE PAID ENVELOPES IF YOU  
18 DESIRE TO PROVIDE COMMENTS TO US.

19 WE WELCOME EACH OF YOU HERE TODAY, AND I  
20 APPRECIATE YOU TAKING THE TIME TO BE WITH US. I  
21 ALSO WANT TO THANK THE CLEVELAND STATE COMMUNITY  
22 COLLEGE FOR MAKING THIS FINE AUDITORIUM AVAILABLE TO  
23 US.

24 THIS IS A TRANSCRIBED MEETING. AS I SAID  
25 EARLIER, SPEAKERS DO NOT NEED TO IDENTIFY THEMSELVES

1 BUT IT WOULD BE HELPFUL IF EACH SPEAKER PROVIDED  
2 SOME BACKGROUND ON THEIR PAST INVOLVEMENT WITH THE  
3 INDUSTRY.

4 WITH THAT, WE'LL BEGIN WITH THE DISCUSSIONS,  
5 AND ASK TVA TO COME FORWARD.

6 THE SPEAKER:

7 GOOD MORNING, AND WELCOME TO TENNESSEE VALLEY.  
8 MY NAME IS MARK MEDFORD, I AM VICE PRESIDENT OF  
9 TECHNICAL SUPPORT OF TVA.

10 I APPRECIATE THE OPPORTUNITY TO DISCUSS THE  
11 TOPIC WHICH HAS RECEIVED MUCH ATTENTION BY TVA  
12 MANAGEMENT OVER THE LAST SEVERAL YEARS; THAT TOPIC  
13 BEING FOSTERING AN ATMOSPHERE AT TVA FOR WORKERS TO  
14 FEEL FREE TO RAISE SAFETY ISSUES.

15 I'M GOING TO TOUCH ON SEVERAL KEY POINTS AND  
16 BRIEFLY DESCRIBE RELEVANT HISTORY, OUR RENEWED  
17 COMMITMENT TO EMPLOYEES, OUR EMPLOYEE CONCERN  
18 PROGRAM, HOW OUR CONTRACTORS FIT INTO THESE PROGRAMS  
19 AND OUR TOOLS FOR MEASURING EFFECTIVENESS.

20 I'VE BEEN A MEMBER OF THE TVA NUCLEAR POWER  
21 SENIOR MANAGEMENT TEAM FOR OVER FOUR YEARS. IN THAT  
22 TIME, I'VE SEEN SIGNIFICANT PROGRESS IN OPENING THE  
23 LINES OF COMMUNICATION BETWEEN WORKERS AND  
24 SUPERVISORS. FIVE YEARS AGO, WE HAD A LARGE NUMBER  
25 OF COMPLAINTS RAISED BY EMPLOYEES. THESE INCLUDED

1 COMPLAINTS THAT WORKERS WERE INTIMIDATED AND  
2 HARASSED FOR RAISING SAFETY QUALITY ISSUES. OUR WAY  
3 OF ADDRESSING COMPLAINTS AT THAT TIME WAS TO TREAT  
4 EACH ONE AS IF THERE WAS NO EVIDENCE. WE DID NOT  
5 LOOK AT THE BIG PICTURE, AND THAT'S WHY WE HAD SO  
6 MANY COMPLAINTS. IN SHORT, TVA HAD NO METHOD OF  
7 DETERMINING IF OVERALL OUR EMPLOYEES WERE BEING  
8 TREATED FAIRLY. ONCE WE ANALYZED THE SITUATION, WE  
9 BEGIN TO MAKE SOME CHANGES IN THE WAY WE DO  
10 BUSINESS. WE CENTRALIZED RESPONSIBILITY RESULTING  
11 IN ALLEGATIONS OF INTIMIDATION AND HARASSMENT. WE  
12 GAVE MANAGERS AND SUPERVISORS ADDITIONAL TRAINING.  
13 WE REFERRED EMPLOYEE ALLEGATIONS OF INTIMIDATION AND  
14 HARASSMENT FOR RAISING SAFETY ISSUES TO THE TVA  
15 INSPECTOR GENERAL FOR INVESTIGATION. WE DISCIPLINED  
16 SUPERVISORS WHO TREATED EMPLOYEES IMPROPERLY. WE  
17 STRESSED THAT INTIMIDATION AND HARASSMENT FOR  
18 RAISING SAFETY CONCERNS WOULD NOT BE TOLERATED AT  
19 TVA. WE ALSO BEGAN TO AGGRESSIVELY COMMUNICATE TO  
20 EMPLOYEES HOW IMPORTANT IT IS FOR THEM TO RAISE  
21 SAFETY AND QUALITY ISSUES. WE REMINDED EMPLOYEES OF  
22 THE POLICY PUT IN PLACE BY THE TVA BOARD WHICH  
23 ENCOURAGES EMPLOYEES TO BRING FORWARD ISSUES  
24 REGARDING ALL ASSETS OF TVA OPERATIONS. WE STRESSED  
25 THAT EVERY RESPONSIBLE VIEW IS VALUABLE AND SHOULD

1 BE HEARD AND CONSIDERED. WE COMMUNICATED THESE  
2 POLICIES THROUGH GENERAL EMPLOYEE TRAINING, SPECIAL  
3 BULLETINS POSTED, AND MOST IMPORTANT: DIRECTING  
4 MEETINGS BETWEEN EMPLOYEES AND SUPERVISORS.

5 WE REMINDED EMPLOYEES THAT THE PREFERRED METHOD  
6 OF RESOLVING ISSUES IS WITH SUPERVISION. THE  
7 BENEFITS OF THIS IS CLEAR, IT ALLOWS PROMPT,  
8 EFFICIENT AND EFFECTIVE CORRECTIVE ACTION. IT ALSO  
9 REINFORCES ONE OF THE MOST IMPORTANT RELATIONSHIPS  
10 IN THE WORK PLACE, THAT BETWEEN EMPLOYEE AND  
11 SUPERVISOR. THE RESULT HAS BEEN THAT MORE AND MORE  
12 ISSUES AT TVA ARE RESOLVED THROUGH NORMAL CHANNELS;  
13 THAT IS, AMONG CO-WORKERS AND BETWEEN EMPLOYEE AND  
14 SUPERVISOR.

15 EVEN THOUGH PROGRESS HAS BEEN MADE, TVA IS  
16 CONTINUALLY LOOKING FOR WAYS TO IMPROVE IN THIS  
17 AREA. ONE WAY, OUR TOTAL QUALITY PROGRAM STARTED  
18 ABOUT THREE YEARS AGO. TWO ELEMENTS OF THAT PROGRAM  
19 WERE RELEVANT TO THIS SUBJECT: FIRST, EMPLOYEE  
20 POWERMENT AND SECOND, PARTICIPATED MANAGEMENT. BOTH  
21 ENCOURAGED COMMUNICATION BETWEEN EMPLOYEES AND THEIR  
22 SUPERVISORS. I'LL COME BACK TO THE IMPORTANCE OF  
23 THE EMPLOYEE SUPERVISOR RELATIONSHIP LATER.

24 ANOTHER WAY TO IMPROVE THE SYSTEM IS UNDER THE  
25 LEADERSHIP OF OUR BOARD OF DIRECTORS. TVA SENIOR

1 MANAGEMENT TEAM HAS SET TVA'S PRIORITY WAS FOR  
2 COMING HERE. A PRIMARY GOAL IS TO PUT EMPLOYEES  
3 FIRST AT TVA. THE BOARD'S COMMITMENT TO THIS GOAL  
4 IS DEMONSTRATED BY THEIR RESIGNATION OF ALL THE  
5 PEOPLE PRESENTLY IN THIS ROOM IS PRO-LEADER IN THIS  
6 EFFORT.

7 BY ESTABLISHING THE GOAL OF THE EMPLOYEE FIRST,  
8 THE TVA BOARD AND ITS SENIOR MANAGEMENT TEAM HAVE  
9 RECOGNIZED THAT TVA'S CORE STRENGTH ISN'T WORKING.  
10 IN A NUCLEAR PROGRAM THIS MEANS THAT WORKERS ARE  
11 EXPECTED TO RAISE SAFETY AND QUALITY ISSUES AND THAT  
12 WHEN THEY RAISE THOSE ISSUES, NO ADVERSE  
13 CONSEQUENCES WILL RESULT. THE BEST -- THE PREFERRED  
14 PROCESS FOR RESOLVING SAFETY AND QUALITY ISSUES IS  
15 THROUGH SUPERVISION AND NOT THE NEED TO TAKE THE  
16 PROBLEM ON.

17 ONE OF OUR MOST IMPORTANT SAFETY NETS IS  
18 HOWEVER, IS OUR EMPLOYEES IDENTIFYING ISSUES THAT  
19 COULD EFFECT THE PLANTS THROUGH OTHER AVENUES.  
20 BECAUSE OF THE IMPORTANCE OF THESE ISSUES, WE HAVE  
21 AVENUES INDEPENDENT OF LINE MANAGEMENT.

22 FIRST, TVA HAS A DEDICATED CONCERNS RESOLUTION  
23 STAFF WITHIN THE GENERATING ROOM. SECOND, THE TVA  
24 INSPECTOR GENERAL'S OFFICE MAINTAINS A HOT LINE AND  
25 IS OTHERWISE AVAILABLE TO EMPLOYEES WHO WISH TO

1 RAISE SAFETY ISSUES ABOUT THE CONDUCT OF TVA  
2 ACTIVITIES.

3 IN THE EVENT EMPLOYEES FEEL THEY CANNOT RESOLVE  
4 THEIR ISSUES WITHIN TVA, THEY ARE REMINDED THAT  
5 ISSUES CAN BE RAISED DIRECTLY WITH THE NRC,  
6 DEPARTMENT OF LABOR AND OTHER APPROPRIATE AGENCIES  
7 OF ANY KIND.

8 THE CONCERNS RESOLUTION PROGRAM HAS BEEN IN  
9 PLACE SINCE 1985. IT IS THE PRIMARY MEANS FOR  
10 EMPLOYEES AND CONTRACTORS WHO ARE HESITANT TO  
11 APPROACH LINE MANAGEMENT TO RAISE SAFETY AND QUALITY  
12 ISSUES ABOUT NUCLEAR PLANTS. TVA MANAGEMENT  
13 STRONGLY SUPPORTS THIS PROGRAM. BECAUSE OF ITS  
14 IMPORTANCE IN RELATION TO THE TOPIC OF THIS MEETING,  
15 I'D LIKE TO PROVIDE AN OVERVIEW OF HOW IT WORKS.

16 THE CONCERNS RESOLUTION PROGRAM DEALS WITH TWO  
17 PRIMARY TYPES OF ISSUES. THE FIRST IS THE  
18 RESOLUTION OF ISSUES WHICH EFFECT THE SAFETY,  
19 QUALITY AND RELIABILITY OF OPERATIONS AT TVA NUCLEAR  
20 PLANTS. SECOND, THE PROGRAM NUCLEAR POWER'S FOCAL  
21 POINT FOR ALLEGATIONS THAT ARE MADE BY EMPLOYEES WHO  
22 HAD RAISED SAFETY OR QUALITY ISSUES. THE CONCERNS  
23 RESOLUTION STAFF IS ALSO AVAILABLE FOR EMPLOYEES TO  
24 DISCUSS OTHER ISSUES. THE STAFF LISTENS AND ASSISTS  
25 THE EMPLOYEE OF FINDING THE RIGHT CHANNEL FOR

1 RESOLVING THE ISSUE. AN EXAMPLE OF THIS LAST  
2 CATEGORY IS EQUAL EMPLOYMENT OPPORTUNITY. THE  
3 SIMPLE STRUCTURE AND REPORTING CHAIN OF THE CONCERNS  
4 RESOLUTION STAFF HAS PROVEN TO BE EFFECTIVE. THE  
5 CONCERNS RESOLUTION STAFF IS A FULL TIME STAFF  
6 INDEPENDENT OF LINE MANAGEMENT. THE STAFF REPORTS  
7 DIRECTLY TO ME AND HAS DIRECT ACCESS TO THE  
8 PRESIDENT OF THE GENERATOR.

9 THERE ARE ON SITE STAFFS HEADED BY SITE  
10 REPRESENTATIVES WHO REPORT TO MANAGERS OF THE  
11 CONCERNS RESOLUTION STAFF. SITE REPRESENTATIVES  
12 INTERACT DIRECTLY WITH SENIOR SITE MANAGEMENT, JUST  
13 AS THE MANAGER OF THE CONCERNS RESOLUTION STAFF  
14 INTERACTS DIRECTLY WITH THE SENIOR NUCLEAR POWER  
15 MANAGEMENT.

16 ANOTHER KEY FOR EFFECTIVENESS IS THE STAFF WE  
17 EMPLOY. WE HAVE FOUND THAT THE NUCLEAR EXPERIENCE,  
18 LINE MANAGEMENT EXPERIENCE, AND INVESTIGATIVE  
19 EXPERIENCE ARE THE TARGET OF BACKGROUNDS FOR  
20 PERSONNEL EVALUATING THE VARIETY OF ISSUES RAISED.  
21 THROUGH THE STAFF OF ROTATION METHOD WE FOUND THIS  
22 HELPFUL BECAUSE IT BRINGS NEW IDEAS IN THE PROGRAM  
23 AND ENHANCES THE PROFESSIONAL DEVELOPMENT OF THE  
24 INDIVIDUALS. THE PROGRAM WAS SET UP IN SUCH A WAY  
25 TO HELP EMPLOYEES FEEL COMFORTABLE IN BRINGING

1 ISSUES FORWARD. FOR EXAMPLE, EMPLOYEES CAN EXPRESS  
2 ISSUES TO THE CONCERNS RESOLUTION STAFF IN  
3 CONFIDENCE, OR IF THEY CHOSE EVEN ANONYMOUS. THE  
4 CONCERNS RESOLUTIONS STAFF RECEIVES ISSUES THROUGH  
5 MANY SOURCES SUCH AS DIRECT INTERVIEWS, PHONE  
6 CONTACT, MAILERS AND EXIT INTERVIEWS.

7 THE METHOD OF INVESTIGATING TECHNICAL ISSUES IS  
8 DEPENDED ON THE ISSUE AND THE EMPLOYEE INVOLVED.  
9 SOME ISSUES ARE INVESTIGATED DIRECTLY BY THE  
10 CONCERNS RESOLUTION STAFF. OTHER ORGANIZATIONS ARE  
11 OFTEN CALLED UPON TO CONDUCT INVESTIGATIONS IN ORDER  
12 TO TAKE ADVANTAGE OF THE BREATH OF TECHNICAL  
13 EXPERTISE AVAILABLE WITHIN TVA. WHEN SUCH REFERRALS  
14 ARE MADE, THE CONFIDENTIALITY OF THE INDIVIDUAL AND  
15 THE INDEPENDENCE OF THE INVESTIGATION ARE  
16 SIGNIFICANT CONSIDERATIONS.

17 DECISIONS ON HOW BEST TO INVESTIGATE ISSUES ARE  
18 MADE CASE BY CASE FROM THE CONCERNS RESOLUTION STAFF  
19 USING ESTABLISHED GUIDELINES. ALLEGATIONS OF  
20 INTIMIDATION OR HARASSMENT ARE REFERRED TO TVA'S  
21 OFFICE OF INSPECTOR GENERAL FOR INVESTIGATION. THE  
22 OFFICE OF INSPECTOR GENERAL OF INVESTIGATION HAS  
23 PROVEN VALUABLE TO THE NUCLEAR CONFIDENCE. ONE OF  
24 THE MOST IMPORTANT WAY THE PROGRAM MAINTAINS  
25 EMPLOYEE CONFIDENCE AND TRUST IS THROUGH FEEDBACK

1 FROM THE EMPLOYEE. IF REQUESTED BY THE EMPLOYEE,  
2 FEEDBACK IS PROVIDED ON THE PROGRESS AND  
3 INVESTIGATION AS WELL AS ADVERSE CONCLUSIONS.

4 TVA RECOGNIZED THAT ALL PERSONNEL WORKING ON  
5 TVA NUCLEAR PROJECTS MUST HAVE THE FREEDOM AND  
6 CONFIDENCE TO REPORT SAFETY AND QUALITY ISSUES.  
7 THIS APPLIES TO CONTRACT EMPLOYEES AS WELL AS TVA  
8 EMPLOYEES. THEREFORE, TVA INSTITUTED THE NUMBER OF  
9 ISSUES REGARDING OUR CONTRACTORS IN 1986. RELEVANT  
10 CONTRACTORS CONTAINED SPECIFIC LANGUAGE REGARDING  
11 EMPLOYEE PROTECTED ACTIVITIES. SPECIFICALLY,  
12 CONTRACTS WHICH SERVICES THE TVA NUCLEAR PLANTS  
13 REQUIRE THE CONTRACTOR TO APPLY THE SECTION 211 TO  
14 THE ENERGY REORGANIZATION ACT, TO AGGRESSIVELY  
15 PURSUE AND INVESTIGATE ANY EMPLOYEE ALLEGATION OR  
16 DISCRIMINATIONS FOR RAISING SAFETY OR QUALITY ISSUES  
17 HAVE AND TO COMPLY WITH TVA'S CONCERNS RESOLUTION  
18 PROGRAM. REQUIRING CONTRACTORS TO COMPLY WITH OUR  
19 CONCERNS RESOLUTION PROGRAM IS SIGNIFICANT.  
20 CONTRACTORS ARE REQUIRED TO, FIRST, MAINTAIN A WORK  
21 ENVIRONMENT FREE OF INTIMIDATION AND HARASSMENT.  
22 AND SECOND, TO RESPOND QUICKLY TO SAFETY OR QUALITY  
23 ISSUES RAISED BY EITHER THEIR EMPLOYEE OR SUB  
24 CONTRACT EMPLOYEE.

25 CONTRACTORS PROVIDING TECHNICAL SUPPORT ARE

1 ALSO REQUIRED TO PROVIDE A MECHANISM TO THEIR  
2 EMPLOYEES AND SUBCONTRACT EMPLOYEES TO REPORT SAFETY  
3 OR QUALITY ISSUES, TO CONDUCT AN ORIENTATION TO  
4 THESE EMPLOYEES AND TO KEEP TVA INFORMED OF  
5 TECHNICAL ISSUES AND ALLEGATIONS OF INTIMIDATION AND  
6 HARASSMENT.

7 AS AN ADDED MEASURE OF ASSURANCE, CONTRACT  
8 EMPLOYEES HAVE ALSO CONTACTED TVA'S CONCERNS  
9 RESOLUTION STAFF DIRECTLY. TVA DOES NOT STOP THEM.  
10 WE ALSO MONITOR THE CONTRACTING PERFORMANCE AGAINST  
11 TVA'S HIGH STANDARDS OF EXPECTATIONS.

12 TVA'S CONCERNS RESOLUTION STAFF OVERSEES  
13 IMPLEMENTATION OF THESE CONTRACTOR RESPONSIBILITIES.  
14 THIS IS ACCOMPLISHED THROUGH ROUTINE INTERFACES,  
15 PERIODIC REPORTS AND FORMAL REVIEWS. TVA HAS A  
16 NUMBER OF TOOLS FOR ASSESSING THE EFFECTIVENESS OF  
17 THE CONCERNS RESOLUTION PROGRAM. THESE INCLUDE THE  
18 RESULTS OF ASSESSMENTS, TRENDS OF ISSUES AND  
19 FEEDBACK FROM EMPLOYEES. AS I MENTIONED PREVIOUSLY  
20 THE CONCERNS RESOLUTION REASSESSES THE CONTRACTING  
21 PROGRAM. TVA CONDUCTS OTHER SELF ASSESSMENTS  
22 THROUGH NUCLEAR QUALITY ASSURANCE AND THE OFFICE OF  
23 THE INSPECTOR GENERAL.

24 IN ADDITION TO INTERNAL ASSESSMENTS, THE NRC  
25 ALSO INSPECTS THE PROGRAM. THE TRENDS OF EMPLOYEE

1 CONCERNS ARE MONITORED BY THE CONCERNS RESOLUTION  
2 STAFF. THE TRENDS ARE ANALYZED AND ARE PROVIDED TO  
3 SENIOR MANAGEMENT ON A MONTHLY BASIS ALONG WITH  
4 SUMMARIES OF SIGNIFICANT ISSUES. IN ADDITION, WE  
5 MONITOR THE TOTAL COMPLAINTS DOCUMENTED IN ALL  
6 EMPLOYEE PLACEMENTS SUCH AS THE CONCERNS RESOLUTION  
7 PROGRAM, UNION GRIEVANCES, EQUAL EMPLOYMENT  
8 OPPORTUNITY, DEPARTMENT OF LABOR AND THE MERIT  
9 SYSTEM PROTECTION. FEEDBACK FROM EMPLOYEE'S IS  
10 EXTREMELY IMPORTANT. WE SOLICIT EMPLOYEES VIEWS  
11 DURING THE EXIT PROCESS BY WRITTEN QUESTIONNAIRES.  
12 THE CONCERNS RESOLUTION STAFF CONDUCTS RANDOM  
13 SURVEYS FROM EMPLOYEES DURING REVIEWS. TVA'S OFFICE  
14 OF INSPECTOR GENERAL AND THE NRC HAVE ALSO CONDUCTED  
15 SURVEYS DURING THEIR AUDITS OF INSPECTIONS. THE  
16 FEEDBACK DATA IS ASSESSED TO HELP MEASURE PROGRAM  
17 EFFECTIVENESS AND IDENTIFY POTENTIAL IMPROVEMENTS.  
18 THE INDICATORS POINT TO SUBSTANTIAL PROGRESS.  
19 ASSESSMENTS CONSTANTLY INDICATE THAT THE SAFETY AND  
20 QUALITY ISSUES ARE ADEQUATELY RESOLVED THROUGH OUR  
21 PROGRAM. THE AVERAGE NUMBER OF TOTAL COMPLAINTS FOR  
22 EMPLOYEES FOR THE LAST TWO YEARS HAS BEEN ABOUT A  
23 TENTH OF THE AVERAGE OF THE PREVIOUS FIVE.

24 IN RECENT NRC SURVEYS OF TWO OF OUR SITES WE  
25 HAVE FOUND THAT GREATER THAN NINETY-FIVE PERCENT OF

1 OUR EMPLOYEES WOULD RAISE SAFETY AND QUALITY ISSUES  
2 TO THEIR SUPERVISORS. WE ATTRIBUTE THIS PROGRESS TO  
3 THE IMPROVEMENTS WHICH I MENTIONED EARLIER: MORE  
4 SENIOR MANAGEMENT INVOLVEMENT, CENTRALIZATION OF  
5 RESPONSIBILITY, TRAINING, COMMUNICATION OF  
6 EXPECTATIONS, AND BETTER INVESTIGATIVE TECHNIQUES.  
7 WE HAVE, HOWEVER, RECOGNIZED THAT IMPROVEMENTS IN  
8 THIS AREA MUST BE ONGOING. WE CONTINUE TO LOOK FOR  
9 WAYS TO ENHANCE OUR PROGRAM. OUR ULTIMATE GOAL IS A  
10 WORKING ENVIRONMENT WHERE ALL ISSUES ARE RESOLVED  
11 THROUGH LINE MANAGEMENT.

12 EARLIER I NOTED THE IMPORTANCE OF THE EMPLOYEE  
13 SUPERVISOR INTERFACE IN MAKING PROGRESS TOWARD THE  
14 ULTIMATE GOAL OF RESOLVING ISSUES THROUGH LINE  
15 MANAGEMENT. I ALSO NOTED THAT THERE'S EXTREMES OF  
16 THE EMPLOYEE, SUPERVISOR REMEDIES. THESE EXTREMES  
17 CAN BE CHARACTERIZED ON THE ONE END THE MANAGERS DO  
18 NOT MAINTAIN HEALTHY WORKING ENVIRONMENTS; AND AT  
19 THE OTHER EXTREME INDIVIDUAL EMPLOYEES WHO ABUSE THE  
20 PROCESS. WE MUST CONTINUE TO WORK ON THESE  
21 EXTREMES. THERE IS, HOWEVER, A LARGE AREA BETWEEN  
22 THE TWO EXTREMES. IT IS IN THIS AREA THAT TVA AND  
23 THE NRC HAVE A SIGNIFICANT OPPORTUNITY TO MAKE  
24 PROGRESS. MANY OF OUR INITIATIVES HAVE BEEN FOCUSED  
25 TOWARD RETURNING THE RESOLUTION OF ISSUES TO LINE

1 MANAGEMENT. THE NRC CAN DO MUCH TO SUPPORT THIS  
2 GOAL BY ALLOWING UTILITIES FLEXIBILITY TO CONTINUE  
3 TO MAKE PROGRESS ON THEIR OWN, AND BY ENCOURAGING  
4 EMPLOYEES TO USE INTERNAL PROCESSES.

5 I APPRECIATE THE OPPORTUNITY TO SHARE MY  
6 THOUGHTS WITH YOU ON THIS IMPORTANT SUBJECT.

7 MR. LIEBERMAN:

8 THANK YOU. WE HAVE A FEW QUESTIONS.

9 THESE QUESTIONS ARE FOCUSED IN SOME DEGREE ON  
10 TVA, BUT WITH THE LICENSEES IN GENERAL. WHAT  
11 SPECIFICALLY, CAN LICENSEES DO TO HAVE THEIR  
12 SUPERVISORS ENCOURAGE WORKERS TO RAISE ISSUES AND  
13 HAVE THESE SUPERVISORS EXPECT PEOPLE WHO HAVE A  
14 QUESTION TO ADD OR TO RAISE ISSUES?

15 THE SPEAKER:

16 I MENTIONED EARLIER THE ENVIRONMENT THAT WE  
17 FACED FIVE YEARS AGO AND THE IMPROVEMENTS NEEDED AT  
18 THAT TIME, AND THE FIRST AND FOREMOST THING THAT  
19 UTILITIES CAN DO TO PROVIDE SUPERVISORS WITH THE  
20 APPROPRIATE AMOUNT OF TRAINING IS HOW TO DEAL WITH  
21 PERSONNEL. I THINK OFTEN, PARTICULARLY, IN  
22 TECHNICAL FIELDS, WE BRING PEOPLE IN TO SUPERVISION  
23 AND MANAGEMENT WHO ARE EXTREMELY WELL QUALIFIED  
24 TECHNICALLY AND CANNOT NECESSARILY RECEIVE THE  
25 PROPER AMOUNT OF TRAINING IN MANAGEMENT AND

1 SUPERVISION. SO THAT'S THE FIRST THING THAT THE  
2 UTILITY OUGHT TO DO.

3 MR. LIEBERMAN:

4 WOULD YOU PROVIDE INCENTIVES OR DISINCENTIVES  
5 TO SUPERVISORS? FIRST LINE SUPERVISORS PROBABLY  
6 HAVE THE MOST DIFFICULT JOB OF ANYONE. THEY HAVE TO  
7 BE TECHNICAL. EVERYTHING FOCUSES ON THE FIRST LINE  
8 SUPERVISORS. THE SUPERVISOR HAS A LOT OF ISSUES TO  
9 DEAL WITH. THIS IS ONE ISSUE. WHAT DO YOU DO  
10 BESIDE SCREENING TO HELP THE SUPERVISOR DO THEIR  
11 JOB?

12 THE SPEAKER:

13 WE RECENTLY IMPLEMENTED WHAT I THINK IS A FIRST  
14 RATE PERFORMANCE APPRAISAL SYSTEM FOR THE  
15 SUPERVISORS AND MANAGERS. INCLUDED IN THE TRACE  
16 THAT WE EVALUATE PEOPLE, AND I'M TALKING ALL THE WAY  
17 FROM FIRST LINE SUPERVISION TO OFFICERS, ARE A  
18 NUMBER OF HUMAN RESOURCES RELATED CHARACTERISTICS.  
19 FOR EXAMPLE, THE ABILITY TO COACH AND DEVELOP  
20 INDIVIDUALS. I THINK THAT PERFORMANCE APPRAISAL  
21 SYSTEM IS THE KEY IN REINFORCING THE TRAINING THAT I  
22 TALKED ABOUT EARLIER.

23 MR. LIEBERMAN:

24 HOW ABOUT WITH WORKERS. WHAT INCENTIVES, IF  
25 ANY, DO YOU PROVIDE THE WORKERS, OTHER THAN DOING

1 THE JOB RIGHT, TO ENCOURAGE THESE PEOPLE WHO RAISE  
2 ISSUES?

3 THE SPEAKER:

4 THE PROGRAM IS LAID OUT TO ENCOURAGE THE  
5 RESOLUTION OF ANY ISSUE THAT'S BROUGHT IN THE  
6 PROGRAM TO PROTECT TO THE EXTENT THE EMPLOYEE WANTS  
7 IT WITH THEIR ANONYMITY. ONE OF THE PROBLEMS WITH  
8 SINGLING PEOPLE OUT IN RECOGNIZING THEM IS IT KIND  
9 OF RUNS COUNTER TO THE CONFIDENTIALITY IN ANONYMITY  
10 THAT WE WANT TO ALLOW IS NOT ENCOURAGED IN THE  
11 PROGRAM. SO THE ANSWER TO YOUR QUESTION, THE  
12 SUCCESSFUL RESOLUTION OF THE ISSUE IS THE PRIMARY  
13 ENCOURAGEMENT.

14 MR. LIEBERMAN:

15 SO DO YOU HAVE A NEWS LETTERS OR REPORTS WHERE  
16 YOU'VE SAID AN EMPLOYEE, RATHER THEY GIVE YOU A NAME  
17 OR NOT, HAVE RAISED AN ISSUE AND WE ARE ALL BETTER  
18 OFF BECAUSE OF IT?

19 THE SPEAKER:

20 WE HAVE DONE THAT IN THE PAST AND WILL CONTINUE  
21 TO DO SO WHERE WE RECOGNIZE SUCH A RESOLUTION. IN  
22 FACT, I'LL MENTION ONE HERE THAT I THINK THE WHOLE  
23 MANAGEMENT TEAM WOULD ACKNOWLEDGE, IT WAS A GREAT  
24 BENEFIT OF THE PROGRAM. WE WERE DOING SOME WORK IN  
25 SEQUOYAH OUTAGE ABOUT A YEAR AND A HALF AGO THAT

1 INVOLVED ASBESTOS. WE HAD INADEQUATE PROTECTION OF  
2 THOSE WORKERS WHO WERE DOING THAT WORK. THE ISSUE  
3 OF THAT INADEQUATE PROTECTION WAS RAISED THROUGH OUR  
4 EMPLOYEE CONCERNS PROGRAM AND IT WAS PROMPTLY  
5 RESOLVED, AND THAT WAS COMMUNICATED WIDELY.

6 MR. LIEBERMAN:

7 SO DO YOU USE AN AWARD PROGRAM AT ALL? DO YOU  
8 PROVIDE MONETARY REWARDS OR EMPLOYEE OF THE MONTH  
9 REWARD, OR ARE THERE AWARDS THAT INVOLVE THESE  
10 ISSUES?

11 THE SPEAKER:

12 WE DO NOT PROVIDE REWARDS SOLELY FOR THE  
13 IDENTIFICATION ISSUE. WHEN AN ISSUE IS IDENTIFIED  
14 AND APPROPRIATELY RESOLVED THE WORKING GROUP THAT  
15 WINDS UP RESOLVING THAT PROBLEM, THERE IS A REWARD  
16 PROGRAM THAT INCLUDES MONETARY REWARDS FOR THAT.

17 MR. LIEBERMAN:

18 I KNOW YOU HAVE LOTS OF PROGRAMS ON PAPER AND I  
19 KNOW YOU HAVE TRAINING PROGRAMS. HOW DOES A WORKER  
20 KNOW THE MANAGEMENT REALLY SUPPORTS THIS EFFORT, THE  
21 MANAGEMENT REALLY ENCOURAGES IT?

22 THE SPEAKER:

23 A VARIETY OF WAYS. WE COMMUNICATE STARTING  
24 WITH THE EMPLOYEES INITIAL TRAINING AND GOING ON TO  
25 THE SITE. OUR POLICES WITH REGARD TO THE FACT THAT

1 INTIMIDATION AND HARASSMENT WILL NOT BE TOLERATED.  
2 WE PROVIDE FREQUENT REMINDERS OF THAT AND WE HAVE  
3 FREQUENT VARIETY OF AVENUES FOR PEOPLE TO IDENTIFY  
4 ISSUES RELATED TO INTIMIDATION AND HARASSMENT.  
5 EMPLOYEES ARE ENCOURAGED FREQUENTLY TO BRING  
6 PROBLEMS FORWARD.

7 MR. LIEBERMAN:

8 DOES THE TOP MANAGEMENT MEET WITH EMPLOYEES AND  
9 EMPLOYEE GROUPS TO TALK WITH EMPLOYEES WHO DEVELOP  
10 ISSUES AND TO DEMONSTRATE -- TALK ABOUT THESE  
11 ISSUES?

12 THE SPEAKER:

13 YES WE DO. AS A MATTER OF FACT, OLIVER  
14 KINGSLEY IS CONDUCTING A SERIES OF MEETINGS AT WATTS  
15 BAR TOMORROW. THAT'S ONE OF THE THINGS THAT HE'LL  
16 TALK ABOUT.

17 MR. LIEBERMAN:

18 YOU MENTIONED THAT YOU HAVE VARIOUS WAYS TO  
19 MEASURE WHETHER EMPLOYEES FEEL FREE TO RAISE SAFETY  
20 ISSUES. CAN YOU BE MORE SPECIFIC ON THE TECHNIQUES  
21 USED?

22 THE SPEAKER:

23 COULD YOU REPEAT THE QUESTION FOR ME?

24 MR. LIEBERMAN:

25 HOW DO YOU GET THE EVIDENCE TO FORM A VIEW THAT

1 EMPLOYEES FEEL FREE TO RAISE SAFETY ISSUES, TO  
2 UTILIZE THE EMPLOYEE CONCERNS PROGRAM AND UTILIZE  
3 LINE MANAGEMENT?

4 THE SPEAKER:

5 PROBABLY THE MOST OBJECTIVE WAY IS THE SURVEYS  
6 WE DO THROUGH OUR OWN CONCERNS RESOLUTION PROGRAM,  
7 SURVEYS THAT THE INSPECTOR GENERAL DOES AND THE  
8 SURVEYS THAT THE NRC DOES. AS I MENTIONED IN MY  
9 TALK, THE NRC WITHIN THE LAST SEVERAL MONTHS HAS  
10 DONE SURVEYS AT A FEW SITES. BOTH OF THOSE SURVEYS  
11 INDICATE -- ACTUALLY, IT'S NOW THREE SITES. ALL  
12 THREE OF THOSE INDICATED A STRONG DEGREE OF  
13 WILLINGNESS THAT EMPLOYEES BRING ISSUES FORWARD TO  
14 THEIR SUPERVISION.

15 MR. LIEBERMAN:

16 FRANKLY, I'M SOMEWHAT CONCERNED -- WHEN NRC  
17 DOES INTERVIEW THE PEOPLE. WE, THE NRC, REVIEW  
18 THESE PEOPLE, THAT YOU MIGHT NOT HAVE ANY SPECIAL  
19 RELATIONSHIP WITH -- AND WE ASK THEM, "ARE YOU  
20 COMFORTABLE RAISING THE ISSUES WITH MANAGERS OR  
21 WHOEVER?" IF THE EMPLOYEE IS REALLY UNCOMFORTABLE  
22 RAISING AN ISSUE, IT'S NOT CLEAR TO ME THEY ARE  
23 GOING TO TELL NRC, A STRANGER, THAT THEY ARE, IN  
24 FACT, UNCOMFORTABLE. DO YOU KNOW OF ANY WAY BY  
25 WRITTEN SURVEYS OR OTHER TECHNIQUES THAT DOESN'T

1           DEPEND ON THE COMMUNICATION OF INDIVIDUALS FACE TO  
2           FACE?

3           THE SPEAKER:

4                   WE DON'T DO WRITTEN SURVEYS ON A PERIODIC BASES  
5                   FOR EXAMPLE, EVERY YEAR. WE HAVE IN THE PAST DONE  
6                   AT LEAST ONE WRITTEN SURVEY, AND THAT INTENDED TO  
7                   CONFIRM THE RESULTS OF THE FACE TO FACE RESULTS WE  
8                   GET. THE OTHER THING I MENTIONED IS WE DO EXIT  
9                   INTERVIEWS WITH EVERY EMPLOYEE, FOR WHATEVER REASON,  
10                   LEAVES TVA OR AT LEAST WE OFFER THAT INTERVIEW  
11                   THROUGH THE CONCERNS RESOLUTION PROGRAM. THAT, I  
12                   THINK, IS A VALUABLE SOURCE. HOW WILLING PEOPLE ARE  
13                   TO BRING FORWARD ISSUES BECAUSE CERTAINLY, THE  
14                   INDIVIDUAL WHATEVER THEIR REASON FOR LEAVING,  
15                   WHETHER IT IS THROUGH A REDUCTION IN FORCE OR  
16                   THEY'RE GOING TO DO ANOTHER JOB AT THEIR ON ACCORD  
17                   SHOULD FEEL FREE TO EXPRESS THEIR VIEW. THOSE  
18                   RESULTS TEND TO CONFIRM THE OTHERS THAT I MENTIONED.

19          MR. LIEBERMAN:

20                   GOING BACK TO THE CONCERNS RESOLUTION PROGRAM,  
21                   DO YOU APPLY THESE STANDARDS TO RESOLVE THE ISSUES  
22                   AS YOU WOULD IN A TECHNICAL ISSUE THAT MIGHT BE  
23                   RAISED?

24          THE SPEAKER:

25                   IF YOU MEAN DO WE COVER THE DOCUMENTATION WORK

1 BY THE SAME CRITERIA; THE ANSWER IS NO. IF YOU MEAN  
2 DO WE HOLD THE RESOLUTION OR THE ISSUE TO A HIGH  
3 LEVEL OF PROVE AND A HIGH LEVEL OF CERTAINTY; THE  
4 ANSWER IS YES. IN ADDITION, I'LL MENTION MANY -- IN  
5 FACT, MOST OF THE TECHNICAL ISSUES RAISED ARE  
6 DOCUMENTED, AMONG OTHER THINGS, -- IN ADDITION TO  
7 THE CONCERNS RESOLUTION PROGRAM, ARE DOCUMENTED IN  
8 FILES COVERED BY OUR QUALITY ASSURANCE PROGRAM SUCH  
9 AS THE SIGNIFICANT CORRECTIVE ACTIONS.

10 MR. LIEBERMAN:

11 WHAT WOULD THE DIFFERENCE BE BETWEEN HOW A QA  
12 WOULD RESOLVE AN ISSUE AS OPPOSED TO THE EMPLOYEE  
13 CONCERN PROGRAM?

14 THE SPEAKER:

15 FROM A TECHNICAL FUNCTIONAL PROSPECTIVE THE  
16 ANSWER IS ESSENTIALLY NONE. FROM A DOCUMENTATION  
17 STANDPOINT YOU WOULD PROBABLY FIND FEWER SIGNATURES.

18 MR. LIEBERMAN:

19 IS THERE AN NEED FOR THE EMPLOYEE CONCERN TYPE  
20 PROGRAM?

21 THE SPEAKER:

22 I THINK THERE'S CLEARLY A NEED FOR EMPLOYEE  
23 CONCERNS PROGRAM AT SOME UTILITIES AND I WOULD  
24 INCLUDE TVA IN THAT CATEGORY TODAY. AS I MENTIONED  
25 EARLIER IN MY TALK, IT MIGHT BE THE ULTIMATE GOAL

1 FOR THE INDUSTRY AND FOR EACH UTILITY INDIVIDUALLY  
2 IS TO GET TO A POINT IN RELATIONSHIP BETWEEN  
3 SUPERVISION AND EMPLOYEES WHERE SUCH PROGRAMS ARE  
4 NOT NECESSARY. I SHOULDN'T SAY THAT. WE'RE  
5 DEDICATED TO THE STAFF CONCERNS. IT'S DIFFICULT FOR  
6 ME TO ENVISION THE DAY WHEN WE WOULDN'T WANT TO HAVE  
7 A PROGRAM, BUT AS YOU ARE PROBABLY AWARE THERE ARE  
8 SOME UTILITIES THAT IMPLEMENT THEIR PROGRAM THROUGH  
9 NON-DEDICATED ORGANIZATION SUCH AS QA OR HUMAN  
10 RESOURCES. IN MY VIEW, THAT'S THE ULTIMATE GOAL.  
11 THERE ARE SOME UTILITIES WHICH ARE A WAYS AWAY FROM  
12 THAT.

13 MR. LIEBERMAN:

14 A RECENT TVA IG REPORT NOTED -- I CALL IT  
15 SIZABLE PERCENT SEVENTEEN PERCENT OR SO  
16 EMPLOYEES THOUGHT THAT THE CONCERNS PROGRAM WAS  
17 INEFFECTIVE. ABOUT TWENTY-TWO PERCENT OF THE  
18 CONTRACTING EMPLOYEES WERE NOT EVEN AWARE OF THE  
19 EMPLOYEE CONCERNS PROGRAM. WHAT'S YOUR RESPONSE TO  
20 THAT?

21 THE SPEAKER:

22 LET ME COMMENT ON THE SECOND STATISTIC FIRST.  
23 I THINK TVA IN TERMS OF ITS OWN CONCERNS RESOLUTION  
24 PROGRAM HAD DONE A GOOD JOB IN MAKING IT'S EMPLOYEE  
25 BASE AWARE OF THE PROGRAM IN IMPLEMENTING THE

1 PROGRAM. WE HAVE VARYING DEGREES OF MATURITY  
2 PROGRAMS AMONG OUR CONTRACTORS AND WE'RE GETTING  
3 THEM IN PLACE. IN FACT, THEY ARE IN PLACE ACROSS  
4 THE BOARD. BUT THOSE PROGRAMS ARE NOT AS MATURE AS  
5 OURS. THEY'RE NOT AS GOOD AS OURS, AND THE  
6 KNOWLEDGE OF THEIR WORKERS IS THAT THAT PROGRAM IS  
7 NOT AS GOOD AS IT IS AT OURS. THAT'S ONE OF THE  
8 CHALLENGES THAT BOTH THE ASSESSMENTS YOU'VE DONE AND  
9 THE ASSESSMENTS THAT WE'VE DONE INTERNALLY POINT OUT  
10 TO US.

11 WITH REGARD TO THE PERCENTAGE, SEVENTEEN  
12 PERCENT THAT YOU INDICATED THAT DO NOT THINK WE HAVE  
13 AN EFFECTIVE CONCERNS RESOLUTION PROGRAM, THAT  
14 TROUBLES ME AS WELL. I THINK THAT SEVENTEEN PERCENT  
15 IS WRONG, AND I THINK WE NEED TO WORK ON THE  
16 ACCEPTANCE BY THE EMPLOYEES OF THE PROGRAM, BUT I  
17 FIND THAT PERCENTAGE HIGH AS WELL.

18 MR. LIEBERMAN:

19 WE HEARD LAST NIGHT AND WHEN WE RECEIVE  
20 COMMENTS ON THE ISSUE OF TVA IG, AND THE PERCEPTION  
21 OF THAT IS THAT IT'S NOT INDEPENDENT. YOU MENTIONED  
22 IN YOUR EARLIER REMARKS THAT YOU THOUGHT EMPLOYEES  
23 HAD CONFIDENCE IN TVA IG. WHY DO YOU FEEL THAT?

24 THE SPEAKER:

25 FIRST, LET ME GIVE THE TESTIMONIAL FOR THE

1 INDEPENDENCE. FROM MY PROSPECTIVE THEY ARE QUITE  
2 INDEPENDENT. IN FACT, BECAUSE OF THAT INDEPENDENCE  
3 THE RESULTS THAT I'VE SEEN FROM IG INVESTIGATIONS  
4 HAVE RUN THE GAMUT. IN SOME CASES THEY'VE  
5 EXONERATED MANAGEMENT, AND IN SOME CASES THEY INDICT  
6 THEM. WE HAVE MANAGERS WHO ARE NO LONGER WITH US IN  
7 LARGE PART BECAUSE OF THE FINDINGS OF THE TVA IG.  
8 MY BELIEF IS THAT THEY ARE VALUABLE AND THAT THEY  
9 ARE INDEPENDENT AND ARE A KEY PART OF THIS OVERALL  
10 FUNCTIONS THAT WE ARE TALKING ABOUT HERE TODAY IS  
11 BASED ON HAVING WATCHED THEIR WORK AND HAVING SEEN  
12 THE RESULTS OF THEIR WORK. THEY ARE EXTREMELY  
13 PROFICIENT, AND I HAVE THE UTMOST RESPECT FOR THEM.

14 MR. LIEBERMAN:

15 ONE OF THE ISSUES IN THIS AREA WE'RE DEALING  
16 WITH IS PERCEPTION, NOT JUST WHAT POLICIES ARE THERE  
17 OR HOW WELL IT WORKS, RATHER HOW THE EMPLOYEES FEEL  
18 A SYSTEM WORKS, AND WHETHER THE EMPLOYEES FEEL  
19 COMFORTABLE. ONE THING WE'RE STRUGGLING WITH IS HOW  
20 DO WE REALLY MEASURE HOW EMPLOYEES FEEL ABOUT THESE?  
21 ARE THERE ANY THOUGHTS ON HOW WE CAN GET A BETTER  
22 HANDLE ON THAT, OTHER THAN WHAT YOU SAID EARLIER?

23 THE SPEAKER:

24 I CAN'T ANSWER THAT. THE ONE CONCEPT I'LL  
25 MENTION TO YOU, THOUGH, IS I THINK WE HAVE TO BE A

1 LITTLE CAREFUL IN WHAT WE DO IN ADDITION TO WHAT  
2 I'VE DESCRIBED. LIKE I SAID, I CANNOT SPEAK MORE  
3 HIGHLY OF THE IG, AND I WISH OUR EMPLOYEE BASE  
4 UNANIMOUSLY -- AGREEABLY, I RECOGNIZE THAT THEY  
5 DON'T. I WILL ALSO SAY AND AM CERTAIN, THOUGH, THAT  
6 I THINK THE VAST MAJORITY OF EMPLOYEES SHARE THE  
7 CONFIDENCE THAT I HAVE IN THE IG.

8 MR. LIEBERMAN:

9 BRIAN.

10 MR. GRIMES:

11 COUPLE OF BACKGROUND QUESTIONS. MAYBE YOU CAN  
12 PUT IN PROSPECTIVE FOR US, A NUMBER OF ITEMS THROUGH  
13 THE CONCERNS PROGRAM VERSUS THE NUMBER OF ITEMS THAT  
14 GO THROUGH THE NORMAL QUALITY PROCESSES. WHAT'S THE  
15 RELATIONSHIP THERE?

16 THE SPEAKER:

17 I CAN ONLY GIVE A PARTIAL ANSWER TO THAT.  
18 FIRST, LET ME TALK ABOUT THE NUMBERS THAT ARE NOW  
19 GOING THROUGH THE CONCERNS RESOLUTION PROGRAM. IN  
20 1972, FOR THAT CALENDAR YEAR, WE HAVE SEVENTY-THREE  
21 ISSUES RAISED THROUGH THE CONCERNS RESOLUTION  
22 PROGRAM. THIS YEAR WE -- I DON'T HAVE THE PRECISE  
23 NUMBER, BUT IT'S SLIGHTLY SMALLER THAN THAT.

24 MR. GRIMES:

25 YOU MEANT '92?

1 THE SPEAKER:

2 I'M SORRY, '92. FOR THE 1993 TO DATE, IT'S A  
3 SOMEWHAT SMALLER NUMBER THAN SEVENTY-THREE, BUT I  
4 DON'T REMEMBER THE PRECISE NUMBER. IT'S IMPOSSIBLE  
5 FOR ME TO QUANTIFY THE NUMBER OF ISSUES THAT RESOLVE  
6 THROUGH THE NORMAL QUALITY ASSURANCE PROGRAM. IT  
7 WOULD BE MANY, MANY TIMES THAT, BUT I DON'T HAVE A  
8 QUICK WAY OF MEASURING.

9 MR. GRIMES:

10 YOUR NON-CONFORMANCES MOST BE MANY THOUSANDS?

11 THE SPEAKER:

12 OH, THAT'S TRUE. THAT'S TRUE. BUT ACTUALLY,  
13 WHAT I THOUGHT YOU WERE LOOKING FOR IS A NUMBER  
14 THAT'S EVEN LARGER THAN THAT AND THAT'S THE ISSUES  
15 THAT ARE ESSENTIALLY RESOLVED ON THE SPOT. THEY ARE  
16 RESOLVED BETWEEN THE EMPLOYEES AND THE SUPERVISOR.  
17 YES. I DON'T HAVE GOOD NUMBERS FOR THE TOTAL NUMBER  
18 OF ISSUES IN THE REGULAR ACTION PROGRAMS, BUT IT'S  
19 MANY, MANY TIMES FIFTY OR SIXTY OR SEVENTY.

20 MR. GRIMES:

21 YOU'VE MENTIONED THAT THE RATE IN THE LAST  
22 COUPLE OF YEARS IS HALF OF THAT IN THE PREVIOUS  
23 YEARS, IS THAT ALSO APPLY TO THE INTIMIDATION AND  
24 HARASSMENT CONCERNS?

25 THE SPEAKER:

1           YES, IT DOES. I CAN'T GIVE YOU THE NUMBER FOR  
2 THE PREVIOUS FIVE YEARS, BUT I CAN TELL YOU WHAT THE  
3 NUMBER IS FROM THE LAST COUPLE OF YEARS. IN 1992 WE  
4 HAD THIRTEEN ALLEGATIONS OF INTIMIDATION AND  
5 HARASSMENT. IN 1993 TO DATE, WE'VE HAD THIRTEEN. I  
6 DON'T HAVE THE NUMBERS FOR THE PREVIOUS FIVE YEARS,  
7 BUT THAT IS A SUBSTANTIAL NUMBER.

8 MR. GRIMES:

9           LAST NIGHT WE HEARD SOME SUGGESTIONS FROM SOME  
10 EMPLOYEES THAT IT WOULD BE BETTER, IN TERMS OF THEIR  
11 PERCEPTION OF THE EFFECTIVENESS OF THE PROGRAMS, IF  
12 THE EMPLOYEES THAT RAISE THE CONCERNS WERE SOMEHOW  
13 INVOLVED IN THE RESOLUTION OF THESE CONCERNS? DO  
14 YOU HAVE ANY MEANS OF BRINGING IN THE PEOPLE THAT  
15 EXPRESSED CONCERNS IN WITH THE RESOLUTION PROCESS?

16 THE SPEAKER:

17           THERE IS A SUBSTANTIAL INVOLVEMENT ALREADY, OR  
18 AT LEAST A VEHICLE FOR IT. THE CONCERNED EMPLOYEE  
19 IS OFFERED THE OPPORTUNITY OF FEEDBACK, NOT ONLY AT  
20 THE END OF THE PROCESS BUT AS THE RESOLUTION IS  
21 ONGOING. IF THE -- A LOT DEPENDS ON THE NATURE OF  
22 THE EMPLOYEES REQUEST FOR CONFIDENTIALITY. IF WE  
23 HAVE A CASE WHERE THE EMPLOYEE SAYS, "I DON'T NEED  
24 CONFIDENTIALITY, YOU CAN USE MY NAME. YOU CAN REFER  
25 THIS BACK TO THE WORK GROUP THAT I'M A PART OF. I

1 WANT YOU, THE CONCERNS RESOLUTION PROGRAM, TO  
2 FACILITATE RESOLUTION OF THIS ISSUE WITHIN MY WORK  
3 GROUP." THEN, THERE'S EVERY OPPORTUNITY FOR THE  
4 INDIVIDUAL TO BE INVOLVED. OBVIOUSLY, IF THE  
5 INDIVIDUAL EVOKES CONFIDENTIALITY, ANYTHING BEYOND  
6 ADVISING THE INDIVIDUAL OF THE STATUS OF RESOLUTIONS  
7 ARE CLOSED.

8 MR. GRIMES:

9 ONE LAST QUESTION ON THE NRC INVOLVEMENT, NOT  
10 ONLY TVA BUT ACROSS THE NATION, WHAT ARE YOUR  
11 THOUGHTS ON HOW THE NRC SHOULD MEASURE THE  
12 EFFECTIVENESS OF THESE PROGRAMS?

13 THE SPEAKER:

14 WHAT I SEE IS THAT YOU'RE EFFECTIVE IN WHAT YOU  
15 DO TODAY, AND THAT IS, YOU HAVE ACTIVE AUDITS. I  
16 MENTIONED THE AUDITS OR ASSESSMENTS YOU'VE DONE AT  
17 THREE OF OUR SITES IN THE RECENT MONTHS. I THINK  
18 ALSO, AS YOU DO NOW, FOLLOWING THE INTERNAL  
19 ASSESSMENTS THAT UTILITIES PERFORM. FOR THE REASON  
20 I MENTIONED EARLIER, I AM HESITANT TO SUGGEST THAT  
21 YOU DO A LOT MORE THAN THAT. ONE POSSIBILITY WOULD  
22 BE SOME SORT OF MASS MAILING OF QUESTIONNAIRES FROM  
23 THE NRC TO ALL NUCLEAR WORKERS OR ALL NUCLEAR  
24 WORKERS AT CERTAIN UTILITIES. I'M NOT STRONGLY  
25 OPPOSED TO THAT, BUT I THINK IT DOES HAVE THE

1 POSSIBILITY OF THROWING IN THE QUESTION, "WHY IS THE  
2 NRC DOING THIS? WHAT DOES THIS MEAN ABOUT  
3 MANAGEMENT'S WILINESS TO DEAL WITH ISSUES, ETCETERA?"

4 MR. GRIMES:

5 THAT MIGHT HAVE SOME ADVANTAGES FROM THE  
6 STANDPOINT OF BEING OBSERVED AS MORE OBJECTIVE OR  
7 MORE OR LESS LIKELY TO IDENTIFY A PARTICULAR  
8 INDIVIDUAL. DO YOU THINK THAT SORT OF INFORMATION  
9 WOULD THEN GET BACK TO THE UTILITY MANAGEMENT TO BE  
10 USED IN ANY CONSTRUCTIVE WAY TO IMPROVE THE PROGRAM?

11 THE SPEAKER:

12 CERTAINLY ANY TYPE OF DATA DRIVEN ACTIVITY THAT  
13 COVERS THE ENTIRE EMPLOYEE BASE AS OPPOSED TO  
14 DEALING WITH SPECIFIC HANDLING OF IT, HAS SOME  
15 POTENTIAL FOR MANAGEMENT TO GET A BETTER  
16 UNDERSTANDING OF THE PROGRAM.

17 MR. GRIMES:

18 ONE OTHER THING THAT JUST OCCURRED TO ME, YOU  
19 MENTIONED THE NEED FOR NRC TO ALLOW UTILITIES  
20 FLEXIBILITY. COULD YOU SPEAK SPECIFICALLY THE NEED  
21 FOR THE NRC REGULATIONS TO REQUIRE AN EMPLOYEE  
22 CONCERNS PROGRAM OR THE NEED FOR A POLICY OR AN  
23 UNDESIRABILITY OF THE CONCERNS PROGRAM?

24 THE SPEAKER:

25 I THINK THAT IT WOULD BE UNDESIRABLE FOR THE

1 NRC TO SPECIFY REQUIREMENTS IN THIS AREA EVEN STRONG  
2 SUGGESTIONS, AND THE REASON IF YOU LOOK ACROSS THE  
3 COUNTRY NOW, YOU'LL FIND A WIDE VARIATION IN THE  
4 NATURE IN THE WAY UTILITIES DEAL WITH THE NEED FOR A  
5 EMPLOYEE CONCERNS TYPE PROGRAM, AND I THINK THE  
6 REASON FOR THAT IS THE NEEDS VARY GREATLY FROM ONE  
7 UTILITY TO ANOTHER. I SUSPECT WHAT YOU'VE HEARD AT  
8 THE FOUR SITES WHERE YOU'VE HAD YOUR MEETINGS IS  
9 PROGRAMS OF QUALITY, AND MAKE SURE THAT SOME  
10 CHARACTERISTICS ARE VERY DIFFERENT IN THE WAY THEY  
11 ARE IMPLEMENTED, AND I THINK THAT'S APPROPRIATE.

12 MR. JOHNSON:

13 I HAVE A FEW QUESTIONS, TO FOLLOW-UP ON SOME OF  
14 THE ONES THAT HAVE BEEN ASKED. YOU WERE GIVEN SOME  
15 STATISTICS ON SOME TYPICAL NUMBERS OF COMPLAINTS,  
16 ARE THOSE JUST TVA EMPLOYEES OR ARE THEY ALL  
17 COMPLAINTS INCLUDING THOSE OF THE CONTRACTORS?

18 THE SPEAKER:

19 THE NUMBERS THAT I GAVE ARE ONLY FOR TVA  
20 EMPLOYEES. HOWEVER, AS I MENTIONED IN MY TALK, ONE  
21 OF THE THINGS THAT WE FOLLOW IS THE RATE I.E., THE  
22 THE NUMBER OF COMPLAINTS PER THOUSAND EMPLOYEES.  
23 THAT NUMBER FOR THE LAST TWO YEARS WAS HALF OF WHAT  
24 IT WAS IN THE PREVIOUS FIVE. THAT TAKES INTO  
25 ACCOUNT THE FACT THAT WE HAVE ON THE OUTSIDE SOMEONE

1 IN THE LAST SEVERAL YEARS.

2 WE ALSO LOOK AT TOTAL COMPLAINTS, INCLUDING  
3 COMPLAINTS REGISTERED BY CONTRACTORS, AND THOSE ARE  
4 GOING DOWN AS WELL. THE LAST TWO YEARS THE EXACT  
5 STATISTIC, I DON'T REMEMBER, IS FLAT. IT HASN'T  
6 GONE DOWN OVER THE 1993 TIME PERIOD, BUT COMPARING  
7 THE TOTAL -- I CALL IT THE TOTAL NUCLEAR WORKER BASE  
8 COMPLAINTS -- HAVE GONE DOWN COMPARED TO THE  
9 PREVIOUS NUMBER.

10 MR. JOHNSON:

11 I THINK THAT BECOMES MORE IMPORTANT TO -- FOR  
12 YOU SPECIFICALLY. I GUESS YOUR POLICY HAS BEEN TO  
13 SHIFT SOME CONSTRUCTION ACTIVITIES MORE TO  
14 CONTRACTORS AS OPPOSED TO TVA EMPLOYEES. SO MY  
15 UNDERSTANDING IS THAT YOU REQUIRE TO CONTRACTORS  
16 THAT CERTAIN CONTRACTORS MUST HAVE AN EMPLOYEE  
17 CONCERNS PROGRAMS. WHAT ABOUT THE ONES THAT DON'T?

18 THE SPEAKER:

19 THE ONES THAT DON'T, THEIR EMPLOYEES ARE  
20 FAMILIARIZED WITH THE TVA EMPLOYEE CONCERNS  
21 RESOLUTION PROGRAM THAT IS GIVEN AS PART OF THEIR  
22 INITIAL TRAINING WHEN THEY COME ON TO THE NUCLEAR  
23 SITE.

24 MR. JOHNSON:

25 DO ALL PEOPLE THAT WORK ON SAFETY RELATED

1                   ACTIVITIES GET THIS TRAINING?

2           THE SPEAKER:

3                   I WON'T SAY ALL, BUT VIRTUALLY THEY ALL DO.

4           MR. JOHNSON:

5                   SO HOW DO YOU DEAL WITH THOSE WHO DON'T?

6           THE SPEAKER:

7                   WE ALSO PUBLICIZED THE AVAILABILITY BOTH TO  
8                   EMPLOYEES AND CONTRACTORS OF THE TVA CONCERNS  
9                   RESOLUTION PROGRAM.

10          MR. JOHNSON:

11                   OKAY. A DIFFERENT QUESTION, THE NRC -- CERTAIN  
12                   ACTIVITIES THE NRC CONDUCTS ARE DIRECT FEE BILLABLE  
13                   TO THE LICENSEE THAT THEY ARE WORKING ON: CERTAIN  
14                   INSPECTIONS AND CERTAIN LICENSING ACTION. WE DON'T  
15                   DO THAT FOR ALLEGATIONS OR INVESTIGATIONS. WHAT ARE  
16                   YOUR VIEWS ON THAT ASPECT? DO YOU BELIEVE THAT THE  
17                   NRC SHOULD CHARGE UTILITIES FOR THE TIME THEY SPEND  
18                   ON THE FOLLOWING UP ON ALLEGATIONS OR INVESTIGATIONS  
19                   TO THAT DOCUMENT, TO THAT LICENSEE?

20          THE SPEAKER:

21                   I UNDERSTAND THE QUESTION. THE -- I HAVE A  
22                   STRONG AVERSION TO THE NRC'S FEE SYSTEM TO BEGIN  
23                   WITH, SO I HAVE DIFFICULTY ANSWERING THE QUESTION.

24          MR. JOHNSON:

25                   WELL, GIVEN THAT DURING THE ENTIRE PROCESS WE

1 DO RECOUP OUR BUDGET FROM THE LICENSEES BASICALLY.  
2 THERE ARE CERTAIN ACTIVITIES THAT ARE DIRECTING  
3 PEOPLE, WHILE OTHERS ARE PUT INTO A GENERAL CHARGE  
4 THAT GOES TO OVERHEAD AND; THEREFORE, EVERYBODY IS  
5 CHARGED.

6 THE SPEAKER:

7 I UNDERSTAND THE QUESTION ALL TO WELL, I ALSO  
8 UNDERSTAND YOUR FEE STRUCTURE ALL TO WELL. I  
9 GUESS, I DON'T SEE A HUGE PROBLEM WITH MAKING  
10 INVESTIGATION OF ALLEGATIONS A DIRECT BILLABLE  
11 ACTIVITY.

12 MR. JOHNSON:

13 I DIDN'T UNDERSTAND IT. SO YOU FEEL THAT WE  
14 SHOULD CHARGE AS AN EXAMPLE --

15 THE SPEAKER:

16 I DIDN'T SAY WE SHOULD. I SAID I DIDN'T HAVE A  
17 HUGE PROBLEM WITH IT.

18 MR. JOHNSON:

19 I GUESS THE LAST QUESTION I HAVE IS YOU  
20 INDICATED THAT IN SOME INSTANCES WHERE YOU DO FIND A  
21 PROBLEM WITH A SUPERVISOR OR A MANAGER YOU HAVE  
22 TAKEN SOME ACTION IN THIS AREA. MY QUESTION IS DO  
23 YOU PUBLICIZE THAT TO THE OTHER SUPERVISORS AND  
24 EMPLOYEES OR DO YOU CONSIDER THAT TO BE A PRIVATE  
25 TYPE OF PERSONNEL MATTER AND; THEREFORE, DO NOT

1 DISCRIMINATE THAT PUBLICLY?

2 THE SPEAKER:

3 WE DON'T DISCRIMINATE INFORMATION CONCERNING  
4 SPECIFIC CASES. HOWEVER, WE DO MAKE VERY CLEAR IN  
5 COMMUNICATING WITH OUR SUPERVISORS AND MANAGEMENT  
6 AND CONSEQUENCES FOR INTIMIDATION AND HARASSMENT.  
7 THE REASON WE DON'T COMMUNICATE THE DETAILS IN  
8 SPECIFIC CASES IS THAT IT'S TOO EASY TO COMPROMISE  
9 THE INDIVIDUAL'S RIGHT TO PRIVACY. CONCERNED  
10 INDIVIDUALS HAVE A RIGHT TO PRIVACY AS DO MANAGERS  
11 INVOLVED.

12 MR. JOHNSON:

13 OKAY. THANK YOU.

14 MR. HAYES:

15 MR. MEDFORD, THE USE OF STATISTICS OFTEN ALLOW  
16 ROOM FOR A LOT OF PROBLEMS. THE STATISTICS OR THE  
17 ACTUAL COUNT OF THIRTEEN IN '92, ONE COULD LOOK AT  
18 THAT AND SAY THAT THE REASON THE RATIO IS GOING DOWN  
19 PER EMPLOYEES IS BECAUSE THE EMPLOYEES DON'T HAVE  
20 CONFIDENCE IN THE SYSTEM AND NO LONGER AVAIL  
21 THEMSELVES IN THAT SYSTEM AS OPPOSED TO THE SYSTEM  
22 IS BETTER. HOW DO YOU HAVE CONFIDENCE THAT YOUR  
23 SYSTEM IS BETTER AS OPPOSED TO THE EMPLOYEES JUST  
24 SAYING I NO LONGER HAVE ANY CONFIDENCE IN THE TVA  
25 MANAGEMENT?

1 THE SPEAKER:

2 I THINK THAT'S AN EXCELLENT QUESTION AND I  
3 APPRECIATE THE ABILITY TO ANSWER IT. ONE REASON  
4 THAT I THINK THAT ONE REASON IS -- I TAKE A FAIR  
5 AMOUNT OF OWNERSHIP IN WHAT WE DO IN THIS AREA.  
6 ABOUT A YEAR AGO WE STARTED TRACKING TOTAL CONCERNS  
7 RAISED, NOT JUST CONCERNS RESOLUTION PROGRAM ISSUES.  
8 I MENTIONED IN MY SPEECH A VARIETY OF OTHER ISSUES  
9 INCLUDING UNION GRIEVANCES AS AN EXAMPLE. IN  
10 ADDITION TO THAT WE ALSO ATTEMPT TO TRACK, IT'S HARD  
11 TO GET DATA, BUT WE ATTEMPT TO TRACK THE ALLEGATIONS  
12 RAISED IN THE NRC. IT'S MY OPINION THAT IF YOU TAKE  
13 THE TOTAL NUMBER OF NRC ALLEGATIONS, EMPLOYEE  
14 CONCERNS AND CONCERNS RAISED THROUGH THESE OTHER  
15 FORMS THAT I'VE TALKED ABOUT, AND IF YOU SEE A  
16 DOWNWARD TREND IN THAT TOTAL NUMBER, THAT MEANS  
17 YOU'RE MAKING IMPROVEMENTS, AND WHEN WE DO THAT, WE  
18 SEE IMPROVEMENTS.

19 MR. HAYES:

20 ARE YOU SAYING YOU COLLECT THE DATA ON THE  
21 UNIVERSE TO MEASURE AGAINST PER EMPLOYEE?

22 THE SPEAKER:

23 THAT'S CORRECT. AND THAT'S GOING DOWNWARD?

24 MR. HAYES:

25 AND THAT'S ALSO GOING ON THE LAST FIVE YEARS?

1 THE SPEAKER:

2 THAT'S CORRECT.

3 MR. HAYES:

4 THANK YOU.

5 MR. LIEBERMAN:

6 I HAVE A FEW MORE QUESTIONS. CAN WE GET COPIES  
7 OF YOUR CONTRACT LANGUAGE THAT YOU USE WHEN YOU  
8 CONTRACT?

9 THE SPEAKER:

10 WE'D BE GLAD TO PROVIDE THEM TO YOU.

11 MR. LIEBERMAN:

12 I'M NOT LOOKING FOR THE NAMES OF YOUR  
13 CONTRACTORS.

14 THE SPEAKER:

15 YOU'D LIKE A COPY OF THE STANDARD CONTRACT  
16 LANGUAGE?

17 MR. LIEBERMAN:

18 RIGHT.

19 LAST NIGHT WE HEARD A RECOMMENDATION THAT THE  
20 NRC SHOULD HAVE AN ADVISORY COMMITTEE MADE UP OF  
21 EMPLOYEES, WORKERS IN GENERAL, INCLUDING THOSE WHO  
22 HAVE FILED A 211 COMPLAINTS AND HAVE BEEN  
23 DISCRIMINATED AGAINST WHICH IS SOMETHING FOR US TO  
24 CONSIDER. HAS TVA EVER CONSIDERED HAVING AN  
25 ADVISORY COMMITTEE OF WORKERS TO HELP THEM GIVE YOU

1 INPUT ON YOUR PROGRAMS?

2 THE SPEAKER:

3 WE HAVE CONSIDERED THAT, AND WHILE WE DON'T USE  
4 COMMITTEES WE TRY TO OBTAIN THE INPUT FROM EMPLOYEES  
5 IN THIS AREA. THE REASON WHY WE HAVE AND WHY I  
6 WOULD ADVOCATE THE NRC THAT THEY MIGHT CONSIDER IT  
7 IS THAT WE ALREADY HAVE A FAIRLY COMPLEX SYSTEM OF  
8 PROTECTION IN THIS AREA IN A NUMBER OF DIFFERENT  
9 ENTITIES INVOLVED. YOU MENTIONED IN YOUR OPENING  
10 REMARKS THE DOL AND NRC. HOWEVER, THERE ARE A LARGE  
11 NUMBER OF OTHER AVENUES FOR EXPRESSION OF WRITING  
12 CONCERNS THAT GOES BEYOND THOSE TWO AGENCIES. IT'S  
13 OBVIOUS THAT WE HAVE SUBSTANTIAL AVENUES WITHIN TVA  
14 FOR EXPRESSING AN ISSUE. EVERY TIME WE HAVE  
15 ANOTHER AGENCY WE FURTHER RUN THE RISK OF REACHING  
16 THAT VERY IMPORTANT RELATIONSHIP THAT I MENTIONED IN  
17 MY TALK, BETWEEN THE EMPLOYEE AND SUPERVISOR. IT  
18 PUSHES THEM FURTHER AND FURTHER APART. IN MY VIEW  
19 THAT'S NEITHER GOOD FOR THE EMPLOYEE NOR FOR THE  
20 SUPERVISORS NOR, IN FACT, THE PUBLIC AND SAFETY.

21 MR. LIEBERMAN:

22 ARE YOU SATISFIED WITH THE CURRENT SYSTEM OF  
23 PROTECTING EMPLOYEES? THAT'S SOMEWHAT OF A LOADED  
24 QUESTION, I'LL JUST GIVE IT TO YOU FROM OF MY  
25 PROSPECTIVE AND THEN YOU CAN RESPOND TO THAT: IS

1 THAT NRC ENCOURAGES A WORKERS TO RAISE ISSUES AND  
2 PROVIDE THEM TO THE NUCLEAR REGULATORY COMMITTEE,  
3 AND WHEN THEY PERCEIVE THEY HAVE BEEN DISCRIMINATED  
4 AGAINST, AND THEY ARE CASES WHERE DISCRIMINATION HAS  
5 OCCURRED, THEY GO TO THE DEPARTMENT OF LABOR. THE  
6 DEPARTMENT OF LABOR DOES AN INVESTIGATION AND THEY  
7 WOULD LIKE TO SEE THE EMPLOYEES NOT SATISFIED WITH  
8 THE HEARING. IT'S UP TO THE EMPLOYEE TO GET AN  
9 ATTORNEY; ATTORNEYS ARE EXPENSIVE. LICENSEES HAVE  
10 ATTORNEYS, AND THEN THAT ISSUE IS ADJUDICATED AND  
11 TAKES A YEAR OR SO -- A YEAR AND A HALF TO GET A  
12 DECISION BY THE ALJ. THEN IT TAKES ANOTHER SEVERAL  
13 YEARS FOR THE SECRETARY OF LABOR TO MAKE A FINAL  
14 DECISION. SOME PEOPLE FEEL THAT SUCH A PROCESS  
15 MEANS THAT THE GOVERNMENT DOESN'T CARE, OTHERS FEEL  
16 THAT LITIGATION TAKES A LONG TIME ANYWAY. WHAT DO  
17 YOU THINK?

18 THE SPEAKER:

19 I SYMPATHIZE WITH YOUR FRUSTRATION WITH THE  
20 LENGTH OF TIME REQUIRED BY THE CURRENT SYSTEM AND  
21 SHARE THAT FRUSTRATION. IT IMPACTS US AS WELL.  
22 SPEAKING MORE AS MANAGERS, ONE OF OUR DESIRES IS  
23 PROMPT RESOLUTION OF ISSUES AND RESOLUTIONS AT THE  
24 LOWEST LEVEL POSSIBLE. IN FACT, THAT'S ONE REASON,  
25 BY THE WAY, WHY WE AGGRESSIVELY ATTEMPT WHERE WE SEE

1 A BASIS FOR DOING SO IT ALL TO SETTLE THE EMPLOYEES  
2 EARLY IN THE PROCESS.

3 I DON'T, YOU KNOW, SHORT OF ASKING THE  
4 DEPARTMENT OF LABOR TO WORK HARDER AND FASTER, I  
5 DON'T SEE A SOLUTION FOR THAT. I THINK FOR BOTH THE  
6 UTILITY AND FOR THE EMPLOYEE YOU NEED DUE PROCESS.  
7 I THINK THE PROTECTION IS IMPORTANT FOR BOTH SIDES  
8 IF NECESSARY. AGAIN, OTHER THAN ASKING DOL TO WORK  
9 FASTER, I DON'T SEE A SOLUTION.

10 MR. LIEBERMAN:

11 HOW ABOUT HAVING OR PROVIDING IMMEDIATE  
12 REINSTATEMENT INTO THE AREA OF ALL THESE FINDINGS OF  
13 DISCRIMINATION PENDING ANY ADJUDICATED ISSUE?

14 THE SPEAKER:

15 I THINK THAT WOULD BE A MISTAKE. I THINK IT'S  
16 CERTAINLY APPROPRIATE FOR A UTILITY -- TO REQUIRE  
17 THEM WOULD BE A MISTAKE. I THINK IT'S APPROPRIATE  
18 FOR A UTILITY TO STRONGLY CONSIDER IT MAKING A  
19 STATEMENT OF SUCH A FINDING, BUT IF THE UTILITY,  
20 BASED ON ITS UNDERSTANDING OF THE FACTS, TRULY  
21 BELIEVES THAT REINSTATEMENT IS NOT APPROPRIATE, AND  
22 I THINK SUCH A MANDATE WOULD BE WRONG.

23 MR. GRIMES:

24 YOU MENTIONED SETTLEMENT AGREEMENTS, WE HEARD  
25 LAST NIGHT ONE CONCERN THAT PERHAPS A SETTLEMENT

1 AGREEMENT PREVENTED PEOPLE FROM RAISING SAFETY  
2 CONCERNS, THIS IS A WAY FOR PROVIDING SILENCE OF THE  
3 INDIVIDUAL. CAN YOU SPEAK A LITTLE BIT OF THE  
4 LANGUAGE IN YOUR SETTLEMENT AGREEMENTS WHEN YOU DO  
5 SETTLE?

6 THE SPEAKER:

7 I'M NOT -- I WON'T CLAIM TO BE PRIVY TO EVERY  
8 DETAIL OF EVERY SETTLEMENT AGREEMENT WE'VE EVER  
9 SIGNED, BUT I'M GENERALLY FAMILIAR WITH THE TERMS OF  
10 IT, AND WITH A CERTAINTY OF PARTICULARLY FOR THOSE  
11 SETTLEMENT AGREEMENTS REACHED IN THE LAST SEVERAL  
12 YEARS, YOU WILL NOT FIND ANY LANGUAGE IN THOSE  
13 AGREEMENTS THAT PREVENTS EMPLOYEES OR FORCES  
14 EMPLOYEES FROM RAISING SAFETY ISSUES.

15 MR. GRIMES:

16 DO YOU THINK THE EMPLOYEES THAT DO ENTER THE  
17 SETTLEMENT AGREEMENTS UNDERSTAND THAT THEY ARE STILL  
18 ADVISED TO BRING FORWARD SAFETY CONCERNS?

19 THE SPEAKER:

20 I DON'T HAVE MUCH OBJECTIVE DATA ON THAT. I  
21 WOULD OFFER THE OPINION THAT IT DOESN'T SEEM TO BE A  
22 CONCERN.

23 MR. LIEBERMAN:

24 WELL, THERE CERTAINLY WAS A PERCEPTION LAST  
25 NIGHT OF THAT OCCURRING, AND I'M SURE YOU ARE AWARE

1 OF HAVING STRICT LANGUAGE WOULD BE SUBJECT TO A  
2 VIOLATION, THAT BEING THE ISSUE ONE WOULD WANT TO  
3 DEAL WITH.

4 MY LAST ISSUE RAISED IS THAT YOU SUGGESTED THAT  
5 NRC NOT HAVE SPECIFIC REGULATIONS OF EMPLOYEE  
6 CONCERN TYPE PROGRAMS. OBVIOUSLY THERE ARE SOME  
7 LICENSEES THAT HAVE PROGRAMS AND SOME LICENSEES  
8 DON'T HAVE PROGRAMS. THE REAL ISSUE IN OF ITSELF IS  
9 COMMUNICATION, AND I ADD TO THAT IF MANAGEMENT  
10 DESIRES TO HAVE A QUESTION ANSWERED, I THINK YOU  
11 WOULD FIND A BETTER LICENSEE, A MORE SUCCESSFUL  
12 LICENSEE, WHEN MANAGEMENT REALLY BELIEVES IN HAVING  
13 THE QUESTION ADDED TO AND REALLY ENCOURAGES WORKERS  
14 TO HAVE THAT QUESTION ASKED.

15 WHAT CAN THE NRC DO TO ENCOURAGE FOR THAT, OR  
16 ARE WE DEALING WITH THE SOLUTION BEFORE SEEKING THE  
17 PROBLEM? IS THERE A PROBLEM HERE THAT NRC SHOULD BE  
18 ADDRESSING, AND IF SO, HOW SHOULD NRC ADDRESS IT?

19 THE SPEAKER:

20 LET ME ANSWER THAT TWO WAYS. I FIND THE  
21 CURRENT NRC ABILITY TO INSPECT AND AUDIT THE  
22 CONCERNS RESOLUTIONS PROGRAM AND EMPLOYEE CONCERNS  
23 PROGRAM -- I FIND THAT YOU HAVE ADEQUATE BASIS FOR  
24 INSPECTION THERE AND THAT WHEN YOU FIND THE PROBLEMS  
25 YOU HAVE ADEQUATE BASIS FOR ENFORCEMENT. NOW, SO IF

1 THE QUESTION IS ARE THE CURRENT REQUIREMENTS AND  
2 PROGRAMS IN PLACE ON PART OF THE NRC AND THE  
3 DEPARTMENT OF LABOR ADEQUATE; MY ANSWER IS YES.  
4 DOES THAT MEAN THAT ACROSS THE INDUSTRY AND  
5 SPECIFICALLY TVA THAT I'M SATISFIED WITH WHERE WE  
6 ARE TODAY; THE ANSWER IS NO. AS I INDICATED IN MY  
7 EARLIER REMARKS I THINK THAT WE ARE DEFINITELY ON AN  
8 IMPROVEMENT TREND. I WOULD EXPECT THAT IMPROVEMENT  
9 TREND TO CONTINUE, AND WE'RE GOING TO WORK VERY HARD  
10 TO DO SO.

11 I AGREE WITH YOUR REMARKS ON THE  
12 CHARACTERISTICS OF A GOOD NUCLEAR MANAGEMENT IN  
13 TERMS OF QUESTIONING, ATTITUDE AND IN TERMS OF BEING  
14 ACCEPTED FOR THOSE DISPUTES.

15 MR. LIEBERMAN:

16 DOES THAT MEAN THAT YOU DON'T THINK THAT THE  
17 NRC SHOULD DO ANYTHING DIFFERENTLY THAN WHAT WE DO  
18 NOW?

19 THE SPEAKER:

20 THAT'S CORRECT.

21 MR. GRIMES:

22 I GUESS I'M INTERESTED IN FOLLOWING IT CLOSELY  
23 WHERE THE NRC, AS A RESULT OF ITS INSPECTIONS AND  
24 KNOWLEDGE, FEELS THAT THERE ARE INADEQUACIES.  
25 WHAT'S THE MOST EFFECTIVE WAY FOR THE NRC TO GET

1 THAT ACROSS THE LICENSEES AND MANAGEMENT?

2 THE SPEAKER:

3 THE CURRENT METHODS THAT YOU USE, AS YOU WELL  
4 KNOW, ARE NOTICES OF VIOLATION. IN SOME CASES CIVIL  
5 PENALTIES, DEPENDING ON THE NATURE OF THE FINDING.  
6 I THINK THAT CARRIES A VERY STIFF MESSAGE OVER TO  
7 THE UTILITY, ITS MANAGEMENT TEAM AND TO ITS  
8 EMPLOYEES.

9 MR. GRIMES:

10 SHOULD WE, FOR EXAMPLE, BE EMPHASIZING MORE  
11 MEETINGS WITH TOP NRC MANAGEMENT WITH BOARD'S OF  
12 DIRECTORS OR DO YOU THINK CIVIL PENALTIES ARE THE  
13 MOST EFFECTIVE?

14 THE SPEAKER:

15 I THINK, WHERE APPROPRIATE, CIVIL PENALTIES  
16 DELIVER THE MESSAGE WELL. NOW, I'M NOT ENCOURAGING  
17 YOU TO GO OFF ON A CIVIL PENALTY RAMPAGE.

18 THERE IS ONE THING THAT YOU COULD DO  
19 DIFFERENTLY THAN CURRENTLY THAT WOULD BE VERY  
20 HELPFUL, AND THAT IS THE MORE OPEN COMMUNICATION OF  
21 STATISTICS IN REGARD TO ALLEGATIONS RAISED IN THE  
22 NRC BY THE EMPLOYEE BASE IN THE UTILITY. I SEE NO  
23 UTILITY IN SHARING THAT DATA WIDELY WITH THE WORLD.  
24 I DON'T HAVE A BIG HUGE PROBLEM WITH IT, EXCEPT THAT  
25 RAW DATA BY ITSELF CAN BE MISLEADING. BUT FOR THE

1 REASON I MENTIONED EARLIER IN TERMS OF HAVING AN  
2 UNDERSTANDING OF THE TOTAL CONCERNS RAISED BY OUR  
3 EMPLOYEE BASED CAN BE VERY VALUABLE TO TVA AND TO  
4 FOR OTHER UTILITIES TO KNOW ON, SAY, A QUARTERLY  
5 BASIS THE NUMBER OF ALLEGATIONS RAISED AT EACH OF  
6 THEIR SITES.

7 MR. HAYES:

8 MR. MEDFORD, ARE YOU FAMILIAR WITH THE NEW RULE  
9 THAT MR. LIEBERMAN AUTHORED?

10 THE SPEAKER:

11 YES.

12 MR. HAYES:

13 WHICH, IN ESSENCE, ALLOWS THE COMMISSION TO  
14 HOLD INDIVIDUALS ACCOUNTABLE TO A FINE OR REMOVAL.  
15 WHAT IS YOUR OPINION OF THE NRC EXERCISING THAT  
16 PARTICULAR RULE IN A MORE AGGRESSIVE FASHION?  
17 UNDERSTANDING THAT IT'S A NEW RULE, AND WE HAVE  
18 SUFFICIENT DATA TO EXERCISE THAT RULE. DO YOU THINK  
19 THAT WOULD GO ALONG THE WAY IN EVEN MAKING A MORE  
20 STRIKING MESSAGE TO THOSE MANAGERS THAT MIGHT NOT BE  
21 INTIMIDATED ALSO?

22 THE SPEAKER:

23 I FOUND OVER THE YEARS THE NRC WILL NOT BE SHY  
24 ABOUT EXERCISING ITS ENFORCEMENT POWERS, SO I'M  
25 ALWAYS HESITANT TO ENCOURAGE YOU TO EXERCISE THOSE

1 MORE VIGOROUSLY. I WILL, HOWEVER, SAY THAT THAT  
2 PARTICULAR RULE IN MY MIND APPLIES, AT LEAST  
3 THEORETICALLY, MORE IN THIS AREA THAN ADMITTED.  
4 DEPENDING ON THE LEVEL OF THE INDIVIDUAL INVOLVED  
5 AND THE VIOLATION, DEPENDING ON THE NATURE OF THE  
6 VIOLATION, WILLFUL MISCONSCIOUSNESS WOULD BE KEY  
7 ELEMENTS. I'M NOT OPPOSED TO THE USE OF THE USE OF  
8 THE RULE IN THIS AREA.

9 MR. HAYES:

10 ONE OTHER QUESTION I HAVE IS I THINK A COMMON  
11 THREAD THAT WE ALL RECOGNIZE IS THE LENGTH OF TIME  
12 FOR THE RESOLUTION ONCE IT GETS INTO THE SYSTEM  
13 THROUGH DEPARTMENT OF LABOR, TVA AND THE NRC  
14 PROCESSES, AND AS IT WORKS NOW WE HAVE THE  
15 DEPARTMENT OF LABOR GOES THIS WAY, NRC IS GOING THIS  
16 WAY. WOULD YOU BE AN ADVOCATE OF ADDING EITHER THE  
17 DEPARTMENT OF LABOR OR THE NRC ASSUMING FULL AND  
18 TOTAL RESPONSIBILITY FOR THE RESOLUTION OF  
19 INTIMIDATION AND HARASSMENT CONCERNS?

20 THE SPEAKER:

21 THE PROBLEM WE HAVE HERE IN MY MIND IS THERE  
22 ARE TWO DIFFERENT AREAS OF RESPONSIBILITY, AND TWO  
23 AGENCIES ARE GOING TO HAVE TO COVER THOSE  
24 RESPONSIBILITIES. THE DEPARTMENT OF LABOR IS NOT  
25 WELL EQUIPPED TO DEAL WITH THE TECHNICAL END OF THE

1 GIVEN PROBLEM, AND ON THE OTHER HAND, THE DEPARTMENT  
2 OF LABOR HAS SOME CLEAR RESPONSIBILITY FOR DEALING  
3 WITH THE BEHAVIORAL INTIMIDATION AND HARASSMENT END  
4 OF THE PROBLEM. I'M NOT SAYING THAT THERE'S NO  
5 DIFFERENCE IN THE MIX OF RESPONSIBILITIES THAT CAN'T  
6 BE HANDLED IN APPROVED RESULTS AND THERE PROBABLY  
7 IS. I DON'T HAVE THAT IN MIND, BUT I WOULD NOT BE  
8 AN ADVOCATE OF SAYING EITHER THE NRC OUGHT TO  
9 TOTALLY PURSUE THIS AREA, OR IN TURN THE DOL.

10 MR. LIEBERMAN:

11 HAVING SAID THAT, DO YOU HAVE ANY PROBLEMS WITH  
12 DOL AND NEC INVESTIGATING THE SAME ISSUE AT MORE OR  
13 LESS THE SAME TIME?

14 THE SPEAKER:

15 IT WOULD DEPEND ON THE COORDINATION OF THE  
16 ACTIVITY. I THINK HAVING BOTH TO INVESTIGATE, FOR  
17 EXAMPLE, THE INTIMIDATION OR HARASSMENT ASPECTS OF A  
18 GIVEN CASE WOULD RUN THE GREAT RISK OF HAVING THE  
19 TWO AGENCIES, DESPITE THE BEST INTENTIONS, STUMBLING  
20 ALL OVER EACH OTHER, AND WOULD PROBABLY GET A  
21 SUBSTANDARD RESULT COMPARED WITH WHAT ONE COULD DO  
22 ON HIS OWN.

23 MR. LIEBERMAN:

24 YOU MENTIONED IN RESPONSE TO ONE OF BRIAN'S  
25 QUESTIONS THAT YOU THOUGHT CIVIL PENALTIES WERE

1 EFFECTIVE. WE'VE HEARD A LOT OF PEOPLE TELL US THAT  
2 CIVIL PENALTIES OF A HUNDRED THOUSAND DOLLARS IS  
3 ESSENTIALLY PENNIES COMPARED TO THE CAPITAL  
4 INVESTMENT OR THE INCOME OF UTILITIES. HOW DO YOU  
5 RESPOND TO THAT?

6 THE SPEAKER:

7 IT IS RELATIVELY SMALL COMPARED TO THE TOTAL  
8 INVESTMENT OF NUCLEAR POWER, THERE'S NO QUESTION  
9 ABOUT THAT. BUT LARGE CIVIL PENALTIES -- FOR THAT  
10 MATTER, SMALL CIVIL PENALTIES ARE TAKEN EXTREMELY  
11 SERIOUS BY UTILITY MANAGEMENT. I'VE BEEN PART OF A  
12 MANAGEMENT STRUCTURE AT TWO UTILITIES. I CAN ASSURE  
13 YOU BOTH OF THOSE PAID A GREAT DEAL OF ATTENTION.  
14 YOU MENTIONED A HUNDRED THOUSAND DOLLARS, IT DOESN'T  
15 HAVE TO BE A HUNDRED THOUSAND DOLLARS. PENALTIES  
16 FAR LESS THAN THAT, TWENTY-FIVE THOUSAND DOLLARS,  
17 FIFTY-THOUSAND DOLLARS, ANY VIOLATION INVOLVING  
18 CIVIL PENALTY -- IN FACT, LEVEL THREE VIOLATIONS  
19 THAT DON'T INVOLVE CIVIL PENALTIES ARE TAKEN VERY  
20 SERIOUS. I DON'T THINK -- THE PURPOSE IS NOT TO  
21 BRING THE UTILITY FINANCIALLY TO ITS KNEES. THAT  
22 SHOULD NOT BE THE PURPOSE OF THE ENFORCEMENT  
23 PROCESS. THE PURPOSE IS TO GET MANAGEMENT'S  
24 ATTENTION, AND I WILL ASSURE YOU THAT WHEN YOU HAVE  
25 A CIVIL PENALTY OF A HUNDRED THOUSAND DOLLARS, YOU

1 HAVE OUR ATTENTION.

2 MR. LIEBERMAN:

3 WHY DO WE HAVE MORE ATTENTION TO THE CIVIL  
4 PENALTY TO ANY OTHER NRC VIOLATION THAT WOULD BE  
5 ISSUED?

6 THE SPEAKER:

7 YOU GET MORE BECAUSE, EVEN IN YOUR OWN  
8 STRUCTURE, IT'S AN ESCALATED IMPORTANCE. WE PAY  
9 ATTENTION TO LEVEL FOUR'S AND FIVE'S AS WELL, BUT  
10 THEY ARE MORE FREQUENT, THEY RECEIVE LESS PUBLICITY,  
11 THERE'S LESS OF A MESSAGE SENT. THE PURPOSE OF  
12 HAVING A TIER ENFORCEMENT POLICY SPEAKS FOR ITSELF.  
13 AN NRC LEVEL FIVE IS NOT OF THE SAME SIGNIFICANCE AS  
14 AN NRC LEVEL THREE.

15 MR. HAYES:

16 I HAVE ONE LAST QUESTION, PROMISE. DO YOU  
17 THINK IT'S GENERALLY UNDERSTOOD AND KNOWLEDGEABLE  
18 WITHIN THE INDUSTRY THAT WHEN THE OFFICE OF  
19 INVESTIGATION FINDS THAT SOMEONE HAS BEEN HARASSED  
20 OR INTIMIDATED THAT THAT INDIVIDUAL WHO WAS, IN  
21 FACT, THE HARASSER IS NOW GOING TO BE REPORTED TO  
22 THE DEPARTMENT OF JUSTICE FOR CRIMINAL PROSECUTION?

23 THE SPEAKER:

24 IT IS KNOWN, BUT HOW WIDELY KNOWN IT IS I DON'T  
25 KNOW.

1 MR. HAYES:

2 THANK YOU.

3 (WHEREUPON, A SHORT RECESS ENSUED.)

4 MR. LIEBERMAN:

5 SHALL WE RESUME NOW. WOULD THE REPRESENTATIVE  
6 FROM THE IG'S OFFICE?

7 THE SPEAKER:

8 GOOD MORNING. MY NAME IS DON HICKMAN. I'M THE  
9 MANAGER OF INTERNAL INVESTIGATIONS FOR THE TVA  
10 OFFICE OF THE INSPECTOR GENERAL. ON BEHALF OF BILL  
11 HENSHAW, THE TVA IG, I WOULD LIKE TO EXPRESS MY  
12 APPRECIATION FOR YOU ALLOWING US TO APPEAR BEFORE  
13 THIS HEARING TODAY, AND TO PROVIDE COMMENTS.

14 I'D LIKE TO TAKE MY TIME TO ADDRESS TWO GENERAL  
15 TOPICS. THE FIRST TOPIC IS HOW DOES THE TVA OFFICE  
16 OF THE INSPECTOR GENERAL ASSIST IN CREATING A  
17 CLIMATE WHERE EMPLOYEES FEEL FREE TO EXPRESS SAFETY  
18 CONCERNS FOR TVA WITHOUT FEAR OF RETALIATION OR  
19 REPRISAL, AND I'D LIKE TO TAKE A FEW MINUTES TO TALK  
20 ABOUT OUR VIEW OF WHAT IMPROVEMENTS WE WOULD  
21 RECOMMEND TO THE CURRENT PROCESS FOR HANDLING THESE  
22 KINDS OF COMPLAINTS.

23 THE OFFICE OF THE INSPECTOR GENERAL HELPS TVA  
24 MANAGEMENT CREATE THE ATMOSPHERE OF EXPRESSING  
25 SAFETY CONCERNS BY PROVIDING FACTUAL INFORMATION FOR

1 MANAGEMENT TO BASE ITS DECISION. ACTION IS TAKEN BY  
2 THE IG TO ASSIST IN PROMOTING AN ENVIRONMENT WHEREIN  
3 EMPLOYEES ARE FREE TO EXPRESS SAFETY CONCERNS OR  
4 QUALITY CONCERNS, INCLUDE A FEW OF THE THINGS THAT  
5 WE ARE INVOLVED IN: FIRST OF ALL, AND I THINK MANY  
6 PEOPLE ARE AWARE OF THIS FACT, THE IG MAINTAINS AN  
7 ADVERTISING HOT LINE FOR EMPLOYEES AND TO THE  
8 GENERAL PUBLIC WHO WISH TO RAISE CONCERNS OF FRAUD,  
9 WASTE OR ABUSE. THE HOT LINE IS A VEHICLE FOR  
10 EMPLOYEES AND THE GENERAL PUBLIC TO RAISE SAFETY OR  
11 QUALITY CONCERNS OUTSIDE THE NORMAL MANAGEMENT  
12 CHAIN. THE INSPECTOR GENERAL'S OFFICE PROVIDES  
13 CONFIDENTIALITY TO CALLERS WHERE IT IS APPROPRIATE.  
14 THE IG EMPLOYS A PROFESSIONALLY TRAINED STAFF OF  
15 INVESTIGATORS AND AUDITORS. ALL CONCERNS,  
16 ESPECIALLY TECHNICAL AND SAFETY CONCERNS, ARE  
17 CAREFULLY REVIEWED AND REFERRED TO EITHER FOR  
18 INVESTIGATION, AUDIT -- OR IN THE CASE OF TECHNICAL  
19 AND SAFETY CONCERNS, THEY ARE PROMPTLY REFERRED FOR  
20 MANAGEMENT ACTION. THE IG INVESTIGATES ALLEGATIONS  
21 OF INTIMIDATION, HARASSMENT, RETALIATION AND  
22 REPRISAL INVOLVING TVA EMPLOYEES OR ITS CONTRACTORS.  
23 THESE ISSUES ARE DESIGNATED AS PRIORITY ONE MATTERS  
24 BY OUR INTERNAL INVESTIGATIONS DEPARTMENT.

25 OUR GOALS IN THESE INVESTIGATIONS, SIMPLY PUT,

1 IS TO PROVIDE A TIMELY, OBJECTIVE AND INDEPENDENT  
2 REVIEW OF THE CONCERNS IN A SHORT TIME FRAME. TO  
3 ASSIST THE NUCLEAR REGULATORY COMMISSION AND THE  
4 DEPARTMENT OF LABOR, THE OFFICE OF THE INSPECTOR  
5 GENERAL MAKES ITS FILES AVAILABLE TO BOTH AGENCIES.  
6 REGARDLESS OF OUR FINDINGS, OUR FILES ARE AVAILABLE  
7 TO PLAINTIFFS AND THE DEPARTMENT OF LABOR  
8 ADMINISTRATIVE HEARINGS PURSUANT TO DISCOVERY  
9 REQUESTS. UNLIKE THE NRC AND THE DEPARTMENT OF  
10 LABOR INVESTIGATORS, OIG EMPLOYEES TESTIFY AT  
11 DEPARTMENT OF LABOR ADMINISTRATIVE HEARINGS. OUR  
12 STAFF OFFERS TESTIMONY AT THESE HEARINGS, IF  
13 REQUESTED, EVEN THOUGH THE INVESTIGATION FINDINGS  
14 SOMETIMES ADVERSELY EFFECT TVA.

15 THE OFFICE OF THE INSPECTOR GENERAL AUDITS THE  
16 PERFORMANCE OF TVA'S CONCERNS RESOLUTION STAFF.  
17 THIS AUDIT WAS CONDUCTED IN ORDER TO EVALUATE THE  
18 EFFECTIVENESS AND THE EFFICIENCY OF THE CONCERNS  
19 RESOLUTION PROGRAM. IN AN ATTEMPT TO APPROVE THE  
20 ACCESSIBILITY OF THE IG, WE RECENTLY OPENED  
21 SATELLITE OFFICES. THE OFFICES HAVE BEEN LOCATED AT  
22 CHATTANOOGA, HUNTSVILLE AND IN MEMPHIS, AND, OF  
23 COURSE, WE STILL MAINTAIN OUR HEADQUARTERS OFFICE IN  
24 KNOXVILLE.

25 THE IG'S STAFF IS ALSO ACCESSIBLE TO EMPLOYEES

1 THROUGH ITS PARTICIPATION IN VARIOUS TRAINING  
2 PROGRAMS IN THE AGENCY. TWO THAT COME TO MIND ARE  
3 COMPLETENESS AND ACCURACY TRAINING WHERE WE ARE  
4 INVOLVED IN A DISCUSSION OF CFR 50.5, 50.7 AND 50.9  
5 REGULATIONS. IN THE PAST WE HAVE ALSO PARTICIPATED  
6 IN THE PRESENTATION OF TRAINING TO EMPLOYEES  
7 ENTITLED, "HOW TO MAINTAIN A WORK ENVIRONMENT FREE  
8 OF INTIMIDATION AND HARASSMENT."

9 IN SUMMARY, THE OFFICE OF INSPECTOR GENERAL  
10 WANTS EMPLOYEES TO FEEL THAT, IF NECESSARY, THEY  
11 HAVE A PLACE THAT THEY CAN BRING CONCERNS WHERE THEY  
12 WILL GET A FAIR AND OBJECTIVE ASSESSMENT. THE IG  
13 SUPPORTS TVA'S POLICY AGAINST DISCRIMINATION BY  
14 INVESTIGATING ALLEGATIONS OF DISCRIMINATION. OIG  
15 INVESTIGATIONS ARE NOT LIMITED TO DOL CASES. WE  
16 WILL CONSIDER ANY ALLEGATION OF INTIMIDATION AND  
17 HARASSMENT OR DISCRIMINATORY TREATMENT. GENERALLY,  
18 AN ALLEGER DOES NOT HAVE TO ESTABLISH A PROTECTIVE  
19 ACTIVITY FOR THE OIG TO INSPECT AN ALLEGATION FOR  
20 INVESTIGATION. THE OIG IDENTIFIES ACTS OF  
21 DISCRIMINATION SO THAT MANAGEMENT CAN TAKE ACTION  
22 AND ENSURE THAT THE EMPLOYEES KNOW THAT THE  
23 DISCRIMINATION OR DISCRIMINATORY TREATMENT WILL NOT  
24 BE TOLERATED.

25 PRIOR TO FEBRUARY, 1990, THE OIG DID NOT

1 CONDUCT PARALLEL INVESTIGATIONS WITH THE DEPARTMENT  
2 OF LABOR AND SECTION 211 ISSUES. WE ARE INVOLVED IN  
3 CONDUCTING PARALLEL INVESTIGATIONS TODAY. PRIOR TO  
4 1990, OUR VIEW WAS THAT THE DEPARTMENT OF LABOR AND  
5 THE NRC HAVE PRIMARY JURISDICTION IN THIS AREA. THE  
6 OIG WOULD INITIATE AN INVESTIGATION OF AN EMPLOYEES  
7 CONDUCT ONLY IN THOSE INSTANCES WHERE THE DEPARTMENT  
8 OF LABOR ISSUED A FINDING THAT DISCRIMINATION WAS A  
9 FACTOR IN THE ADVERSE TREATMENT OF AN INDIVIDUAL AT  
10 TVA. AT THE REQUEST OF THE TVA MANAGEMENT TEAM IN  
11 1990, WE BEGAN CONDUCTING A PARALLEL INVESTIGATION  
12 CALLED DOL SECTION 211 COMPLAINTS. THE REASON WE  
13 ACCEPTED THIS ROLE ARE THREEFOLD: FIRST OF ALL,  
14 THERE WAS A NEED FOR PROMPT, RELIABLE AND FACTUAL  
15 INVESTIGATION.

16 I THINK YOU HAVE HEARD MANY PEOPLE SAY, AND WE  
17 AGREE, THE DEPARTMENT OF LABOR PROCESS IS VERY SLOW.  
18 IN FACT, OUR EXPERIENCE HAS BEEN IN SOME INSTANCES  
19 IT CAN TAKE SEVERAL YEARS. THERE'S ALSO A NEED FOR  
20 MANAGEMENT TO KNOW UP FRONT IF THERE IS A PROBLEM,  
21 IF THERE'S NOT A PROBLEM OR IF A SETTLEMENT IS  
22 WARRANTED. AND THIRDLY, THERE'S ALSO AN IMPORTANT  
23 NEED FOR MANAGEMENT TO TAKE SWIFT DISCIPLINARY  
24 ACTION IF DISCRIMINATORY TREATMENT WAS INVOLVED IN  
25 AN ADVERSE ACTION. NOW, WE ALSO BELIEVE THAT THE

1 INVESTIGATORS PART IN INDEPENDENT INVESTIGATION IS  
2 NECESSARY AND THE INVESTIGATIONS MUST BE CREDIBLE.

3 IT IS MY CONTENTION THAT MANY OF THE CONCERNS  
4 THAT YOU'VE HEARD EXPRESSED HERE TODAY OR LAST NIGHT  
5 REVOLVE AROUND THE ISSUE OF CREDIBILITY. WE BELIEVE  
6 THAT IF AN INVESTIGATION IS NOT PROMPT, OBJECTIVE  
7 AND INDEPENDENT, THEN YOU GET QUESTIONS OF  
8 CREDIBILITY. WITH QUESTIONS OF CREDIBILITY,  
9 REGARDLESS OF WHETHER YOU ARE THE DEPARTMENT OF  
10 LABOR, THE NRC OR THE IG, EMPLOYEES COME TO FEEL  
11 THAT YOU ARE NO LONGER A PART OF THE SOLUTION, BUT  
12 YOU ARE PART OF THE PROBLEM, AND I BELIEVE WE HAVE  
13 QUESTIONS OF CREDIBILITY RAISED BY MANY EMPLOYEES  
14 TODAY.

15 THE IG, THROUGH ITS INVESTIGATIONS, ATTEMPTS TO  
16 COMPLIMENT TVA'S POLICY AGAINST DISCRIMINATION. WE  
17 BELIEVE, HOWEVER, THAT IT IS PREFERABLE FOR  
18 MANAGEMENT TO RESOLVE CONCERNS BEFORE THEY ARISE TO  
19 THE LEVEL OF FORMAL COMPLAINTS. MANAGEMENT MUST  
20 ESTABLISH THE ATMOSPHERE WHERE EMPLOYEES FEEL FREE  
21 TO RAISE CONCERNS WITHOUT FEAR OF RETALIATION OR  
22 REPRISAL. IN THAT REGARD, THE TVA'S OFFICE OF  
23 INSPECTOR GENERAL IS MERELY AN INDEPENDENT FACT  
24 FINDER REGARDING WHETHER THERE HAS BEEN MISCONDUCT  
25 IN A SPECIFIC CASE. THE OIG PROVIDES MANAGEMENT

1 WITH FACTUAL INFORMATION TO ASSIST IN DECIDING AT AN  
2 EARLY STAGE WHAT ACTION THEY SHOULD TAKE IN AN  
3 INDIVIDUAL DEPARTMENT OF LABOR ALLEGATION.

4 MANAGEMENT BASICALLY HAS TWO CHOICES: WHETHER TO  
5 SETTLE, TO LITIGATE OR WHETHER DISCIPLINARY ACTION  
6 AGAINST AN EMPLOYEE IS NECESSARY.

7 HAVING SAID ALL THAT, I'D LIKE TO ADDRESS WHAT  
8 IMPROVEMENTS WE THINK WE WOULD RECOMMEND IN THIS  
9 AREA. WE SUPPORT A VIEW THAT THE MOST EFFECTIVE WAY  
10 TO RESOLVE SAFETY AND QUALITY ISSUES IS BETWEEN THE  
11 EMPLOYEE AND THE FIRST LINE SUPERVISOR AT THE  
12 WORKMAN LEVEL. HOWEVER, WHEN AN INDIVIDUAL FEELS  
13 THE NEED TO RAISE AN INTIMIDATION ISSUE OUTSIDE THE  
14 ESTABLISHED MANAGEMENT CHAIN, WE BELIEVE THAT A  
15 PROCESS SHOULD BE IN PLACE TO CONCILIATE THE ISSUE  
16 IN AN ATTEMPT TO RESOLVE THE PROBLEM BEFORE A FORMAL  
17 DEPARTMENT OF LABOR SECTION 211 COMPLAINT IS FILED.  
18 I SUPPOSE I'M RECOMMENDING A PROCESS VERY SIMILAR TO  
19 WHAT THE EQUAL EMPLOYMENT OPPORTUNITY STAFF USES  
20 PRESENTLY. THERE IS A COUNSELING PERIOD, AND DURING  
21 THAT SPECIFIED PERIOD OF TIME, MANAGEMENT AND THE  
22 EMPLOYEE ARE MANDATED TO ATTEMPT TO ACHIEVE SOME  
23 TYPE OF SATISFACTORY RESOLUTION. IF THAT PROCESS  
24 BREAKS DOWN, THEN THE EMPLOYEE IS FREE TO FILE A  
25 FORMAL COMPLAINT.

1 WE ALSO BELIEVE THAT AN INDEPENDENT  
2 INVESTIGATION AT THE BEGINNING OF THE FORMAL DOL  
3 SECTION 211 PROCESS WOULD BE USEFUL TO ALL PARTIES.  
4 HOWEVER, THE INVESTIGATION MUST BE PROMPT. THE  
5 INVESTIGATION MUST BE INDEPENDENT AND CONDUCTED BY  
6 INDIVIDUALS WHO DO NOT REPORT TO LINE MANAGEMENT.  
7 WE ALSO BELIEVE THAT INVESTIGATORS MUST HAVE WHAT  
8 I'LL CALL REASONABLE CREDIBILITY, BECAUSE WITHOUT  
9 REASONABLE CREDIBILITY I CAN ASSURE YOU THAT YOU  
10 WILL VIEWED AS A PART OF THE PROBLEM. I BELIEVE AN  
11 UP FRONT INVESTIGATION WOULD ENABLE MANAGEMENT TO  
12 MAKE INFORMED DECISIONS REGARDING WHAT ACTION IS  
13 NECESSARY AND WHAT ACTIONS THEY SHOULD TAKE.  
14 HOWEVER, THE ROLE OF AN INDEPENDENT FACT FINDER  
15 CANNOT AND SHOULD NOT SUBSTITUTE FOR MANagements  
16 RESPONSIBILITY FOR ENSURING THAT EMPLOYEES ARE FREE  
17 TO RAISE SAFETY OR QUALITY CONCERNS WITHOUT THE FEAR  
18 OF RETALIATION OR REPRISAL.

19 THANK YOU.

20 MR. LIEBERMAN:

21 THANK YOU.

22 I'D LIKE TO ASK A QUESTION CONCERNING THE POWER  
23 OF INVESTIGATION, BECAUSE THAT'S AN ISSUE THAT A LOT  
24 OF PEOPLE HAVE RAISED THROUGH VARIOUS MEANS AND  
25 COMMENTS. YOU SEEM TO DO IT WITH DOL, DO YOU FIND

1            THAT PRESENTS ANY PROBLEM WHEN YOU HAVE TWO GROUPS  
2            DOING INVESTIGATIONS ON THE SAME ISSUE?

3            THE SPEAKER:

4                        I BELIEVE THAT THE PROCESS WORKS.    HOWEVER,  
5            THERE IS A PROBLEM THAT I SHOULD IDENTIFY AND THAT  
6            IS -- AND I'M TRYING TO BE KIND, MR. LIEBERMAN,  
7            BECAUSE I UNDERSTAND THAT YOU'RE AN ATTORNEY.

8            MR. HAYES:

9                        JUST TELL IT LIKE IT IS.

10           THE SPEAKER:

11                        THE PROBLEM THAT WE SOMETIMES RUN INTO IS THAT  
12            OUR EMPLOYEES ARE ADVISED BY THEIR ATTORNEYS NOT TO  
13            COOPERATE WITH THE IG IN A PARALLEL INVESTIGATION.  
14            NOW, THE REASONING FOR THAT ADVISE THERE IS  
15            SOMETIMES THE ATTORNEY RIGHTFULLY BELIEVES THAT THE  
16            EMPLOYEE HAS A GOOD CASE AND HE CERTAINLY DOES NOT  
17            WANT TO PREVIEW HIS CASE BEFORE THE DEPARTMENT OF  
18            LABOR OR THE ADMINISTRATIVE LAW JUDGE OR WHATEVER  
19            FORUM THEY ARE GOING TO BE IN.    SOMETIMES, HOWEVER,  
20            THERE APPEARS TO BE A DISINGENUOUS MOTIVE OF NOT  
21            PRESENTING YOUR CASE BECAUSE WE DON'T WANT THE TVA  
22            IG TO CONDUCT A REVIEW OF THE MATTER BEFORE IT GOES  
23            TO COURT BECAUSE THERE MAY BE PROBLEMS WITH THE  
24            CASE.    AM I MAKING MY POINT?

25           MR. JOHNSON:

1 I DON'T UNDERSTAND.

2 THE SPEAKER:

3 IF I'M GOING TO TAKE YOU TO COURT, IF I'M GOING  
4 TO SUE YOU, WHY SHOULD I TELL YOU WHAT I'M GOING TO  
5 SUE YOU ABOUT BEFORE I GET TO COURT, THAT'S THE  
6 POINT I'M MAKING. I DON'T WANT TO PREVIEW MY CASE.  
7 THE IG'S OFFICE IS SOMETIMES VIEWED AS AN INTERVENER  
8 FOR MANAGEMENT. CERTAINLY, I DISAGREE WITH THAT  
9 VIEW. MY VIEW IS THAT WE'RE INTERESTED IN PROVIDING  
10 AN OBJECTIVE, TIMELY ASSESSMENT OF THE FACTS, AND  
11 I'M NOT INTERESTED IN PLAYING LAWYER GAMES.

12 MR. JOHNSON:

13 I UNDERSTAND THAT. YOU'RE RIGHT, WE DID HEAR  
14 SEVERAL COMPLAINTS ABOUT THAT LAST NIGHT.

15 MR. LIEBERMAN:

16 HOW OFTEN DOES THE TVA IG WANT TO DO AN  
17 INVESTIGATION AT THE SAME TIME THE DOL IS DOING AN  
18 INVESTIGATION AND YOU REACH DIFFERENT RESULTS?

19 THE SPEAKER:

20 AT THE WAGE AND HOUR OR AT THE ADMINISTRATIVE  
21 LAW JUDGE?

22 MR. LIEBERMAN:

23 WAGE AND HOUR.

24 THE SPEAKER:

25 IT IS POSSIBLE THAT OUR INVESTIGATION AND OUR

1 FINDINGS DISAGREE WITH THE WAGE AND HOUR. HOWEVER,  
2 WE RECOGNIZE THAT THAT IS POSSIBLE BECAUSE WE USE A  
3 DIFFERENT STANDARD. WE RECOGNIZE THAT THE  
4 DEPARTMENT OF LABOR, WAGE AND HOUR DIVISION, IS  
5 INTRUSTED TO MAKE A SECTION 211 FINDING. THEIR  
6 FINDING -- THEY HAVE TO ESTABLISH, OF COURSE, THAT  
7 THERE IS A PRIMA FACIE -- THE EMPLOYEE HAS TO MAKE A  
8 PRIMA FACIE SHOWING THAT ADVERSE TREATMENT OCCURRED.  
9 HE ALSO HAS TO SHOW THAT ADVERSE TREATMENT OCCURRED  
10 BECAUSE OF A PROTECTED ACTIVITY. THAT IS NOT THE  
11 CASE IN A TVA OIG INVESTIGATION. WE ARE NOT  
12 REQUIRED TO SHOW A PROTECTED ACTIVITY IN ORDER FOR  
13 US TO MAKE A FINDING THAT DISCRIMINATORY TREATMENT  
14 OCCURRED. SO IT IS POSSIBLE THAT OUR FINDING DOES,  
15 IN FACT, DISAGREE WITH WAGE AND HOUR, BUT PLEASE  
16 UNDERSTAND THE OIG INVESTIGATION IS NOT CONDUCTED TO  
17 MAKE A SECTION 211 FINDING. WE ARE LOOKING AT THE  
18 SAME SET OF FACTS. WE MAY REACH A DIFFERENT  
19 CONCLUSION, HOWEVER, BECAUSE OF THE STANDARD  
20 APPROVAL.

21 MR. LIEBERMAN:

22 FROM WHAT YOU SAID, IS IT MORE LIKELY THAT THE  
23 IG WILL FIND A PROTECTION PROBLEM THAN DOL BECAUSE  
24 YOU USE DIFFERENT STANDARDS?

25 THE SPEAKER:

1 IT IS MORE LIKELY THAT WE WOULD FIND THAT  
2 DISCRIMINATORY TREATMENT BECAUSE OF THE EXPRESSION  
3 OF A SAFETY CONCERN DID NOT OCCUR. HOWEVER, WE  
4 MIGHT ALSO FIND THAT CERTAIN OTHER MANAGEMENT  
5 DEFICIENCIES LEAD TO THE PERCEPTION THAT THE ADVERSE  
6 TREATMENT OCCURRED.

7 MR. LIEBERMAN:

8 YOU INDICATED THAT PEOPLE COME TO THE IG OR YOU  
9 LOOK INTO H AND I ISSUES WHERE EMPLOYEES DO NOT GO  
10 TO DOL?

11 THE SPEAKER:

12 YES. THAT IS CORRECT.

13 MR. LIEBERMAN:

14 YOU CAN YOU OFFER ANY PERCENTAGE OR AN ESTIMATE  
15 AND PERCENTAGE AS TO WHAT PERCENTAGE OF THE ISSUES  
16 THAT LOOK INTO CONCERN H AND I WHERE EMPLOYEES DO  
17 NOT GO TO DOL?

18 THE SPEAKER:

19 I'M NOT SURE THAT I UNDERSTAND YOUR QUESTION.  
20 ARE YOU ASKING ME WHY DIDN'T AN EMPLOYEE COME TO US  
21 RATHER THAN GOING TO DOL?

22 MR. LIEBERMAN:

23 THE PERCENTAGE -- IS IT SEVENTY-FIVE PERCENT  
24 OF PEOPLE COMING TO THE IG AND NOT GOING TO DOL?  
25 IS IT NINETY-NINE PERCENT OF THE TIME THAT THEY GO

1 TO IG AND ALSO GO TO DOL?

2 THE SPEAKER:

3 I DON'T HAVE THAT NUMBER AVAILABLE.

4 MR. LIEBERMAN:

5 CAN YOU GIVE A GUESS?

6 THE SPEAKER:

7 IF I HAD TO GUESS I WOULD SAY THAT IT'S A  
8 LARGER PERCENTAGE OF EMPLOYEES GO TO DEPARTMENT OF  
9 LABOR BECAUSE I THINK MANY TVA EMPLOYEES UNDERSTAND  
10 THAT GOING TO DEPARTMENT OF LABOR WILL AUTOMATICALLY  
11 TRIGGER AN IG INVESTIGATION.

12 MR. LIEBERMAN:

13 THE SECOND PART OF THE QUESTION WOULD YOU HAVE  
14 ANY REASON IS WHY SOMEONE WOULD NOT GO TO THE  
15 DEPARTMENT OF LABOR AND GO TO THE IG?

16 THE SPEAKER:

17 I THINK THAT'S A PERSONAL CHOICE. I CAN'T  
18 ANSWER WHY THEY WOULD DO THAT. I THINK THE IG'S  
19 VIEW, HOWEVER, WOULD BE THAT THAT PERSON WOULD  
20 PROBABLY COME TO US BECAUSE OF THE TIMELINESS ISSUE.  
21 WE CERTAINLY CAN PUT THE FACTS ON THE TABLE FOR  
22 MANAGEMENTS CONSIDERATION MUCH FASTER THAN THEY  
23 WOULD OTHERWISE RECEIVE THAT INFORMATION IF THE CASE  
24 WENT THROUGH THE FORMAL DOL PROCESS.

25 MR. LIEBERMAN:

1           ONE LAST QUESTION, LAST NIGHT WE HEARD CONCERNS  
2 ABOUT THE INDEPENDENCE OF THE IG'S PERCEPTION. ARE  
3 YOU CONCERNED ABOUT THAT, AND IF SO, DO YOU HAVE ANY  
4 THOUGHTS ON WHAT YOU MIGHT DO TO TRY TO REMEDY THAT  
5 CONCERN?

6 THE SPEAKER:

7           I ASKED THE BOSS ABOUT IT, I THINK THE FIRST  
8 THOUGHT THAT COMES TO MIND IS THAT ISSUE OF  
9 CREDIBILITY. WE ARE VERY CONCERNED ABOUT THE ISSUE  
10 OF CREDIBILITY BECAUSE AS I SAID, IF YOU'RE NOT  
11 CREDIBLE, YOU ARE VIEWED AS PART OF THE PROBLEM  
12 RATHER THAN PART OF THE SOLUTION.

13           ONE OF THE REASON THAT WE'VE HAD CREDIBILITY  
14 PROBLEMS IS -- LET'S FACE IT, THE STANDARD OF PROOF  
15 IN THESE CASES IS VERY HIGH. SOMETIMES WE RECOGNIZE  
16 THAT A VIOLATION OCCURRED AND WE SIMPLY CAN'T PROVE  
17 IT. THERE ARE OTHER TIMES WHEN EVIDENCE DOESN'T  
18 SUPPORT THE ALLEGATION THAT IS RAISED. OBVIOUSLY,  
19 FOR THE ALLEGER, THAT CREATES A CREDIBILITY PROBLEM  
20 WITH US AND WE RECOGNIZE THAT. WE TRY TO DEAL WITH  
21 THAT BY ADHERING TO A VERY HIGH INVESTIGATIVE  
22 STANDARD, AND I'M WILLING TO DISCUSS THAT WITH YOU  
23 OR PROVIDE YOU WRITTEN COMMENTS ABOUT OUR  
24 INVESTIGATIVE STANDARDS IN THIS AREA.

25           ANOTHER THOUGHT THAT COMES TO MIND IS THAT

1 BECAUSE OF TIMELINESS CONSIDERATIONS WE ARE  
2 PRECLUDED FROM PUBLICIZING OUR SUCCESS STORIES. I  
3 WONDERED, AS I SAT HERE LAST NIGHT, WHERE WERE ALL  
4 THE EMPLOYEES WHO FILED COMPLAINTS, THE IG CONDUCTED  
5 AN INVESTIGATION AND AS A RESULT OF THAT  
6 INVESTIGATION SOMETHING GOOD HAPPENED; AND THE  
7 REASON THEY AREN'T HERE IS BECAUSE THOSE STORIES,  
8 BECAUSE OF THE NATURE OF THE BUSINESS WE'RE IN,  
9 WE'RE PRECLUDED FROM PUBLICIZING THOSE SUCCESS  
10 STORIES.

11 MR. LIEBERMAN:

12 WE RECOGNIZE THE PRIVACY ACT, AND WE DON'T WANT  
13 YOU TO DISCLOSE YOUR INFORMATION, BUT BASED ON THE  
14 PRIVACY ACT, CAN'T YOU TALK ABOUT GENERIC OF ISSUES  
15 IN A WAY THAT DOESN'T DISCLOSE THE NAMES OF  
16 INDIVIDUALS, DISCUSS THE CONCEPTS OF THE ISSUES AND  
17 WHAT TYPE OF ACTION TAKEN IN GENERAL?

18 THE SPEAKER:

19 WE DO THAT IN OUR SEMIANNUAL REPORT. I BELIEVE  
20 IT WOULD BE MORE APPROPRIATE FOR TVA MANAGEMENT TO  
21 REDACT OUR FORMAL REPORT AND MAKE ANY SORT OF  
22 PUBLICITY REGARDING THE OIG INVESTIGATION. WE  
23 SIMPLY ARE PRECLUDED FROM DOING THAT IN OUR NORMAL  
24 EVERYDAY WORK.

25 MR. HAYES:

1 MR. HICKMAN, I'M SURE YOU ARE AWARE OF THE  
2 VARIOUS FEDERAL STATUTES THAT OUTLINE THE CONDUCT OF  
3 THE INSPECTOR GENERAL'S OFFICE. AT THE NRC WE HAVE  
4 AN INSPECTOR GENERAL AND OBVIOUSLY THE TVA HAS AN  
5 INSPECTOR GENERAL. AM I CORRECT TO ASSUME THAT OUR  
6 INSPECTOR GENERAL AND TVA'S INSPECTOR GENERAL IS  
7 MANDATED BY FEDERAL STATUTES OPERATING IN THE SAME  
8 FASHION IN TERMS OF INDEPENDENCE, OBJECTIVITY,  
9 PROFESSIONAL STANDARDS, ETCETERA; IS THAT CORRECT?

10 THE SPEAKER:

11 YES, SIR. THAT IS CORRECT. BOTH OFFICES --  
12 CERTAINLY IN OUR OFFICE -- THE TVA'S OFFICE OF THE  
13 INSPECTOR GENERAL WAS CREATED IN 1985 BY TVA BOARD  
14 RESOLUTION AND, OF COURSE, YOUR INSPECTOR GENERAL  
15 WAS CREATED IN 1988. THE IG ACT AMENDMENT OF 1988  
16 COVERS THE RESPONSIBILITIES THAT MANDATE BOTH  
17 OFFICES. YOU ARE CORRECT IN THAT ASSUMPTION.

18 MR. HAYES:

19 SO IN TERMS OF STANDARDS, AND ACCEPTABLE  
20 PERFORMANCE THERE'S NO DIFFERENCE BETWEEN TVA S  
21 INSPECTOR GENERAL AND A TVA INSPECTOR GENERAL  
22 DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION,  
23 DEPARTMENT OF ENERGY OR THE NRC?

24 THE SPEAKER:

25 THAT IS CORRECT. WE OPERATE UNDER THE SAME

1 STANDARD.

2 MR. HAYES:

3 THEN YOU ARE REQUIRED ON A SEMIANNUAL BASIS TO  
4 PRODUCE A REPORT OUTLINING YOUR SUCCESSES AND YOUR  
5 FAILURES, AND THAT REPORT GOES TO CERTAIN MEMBERS OF  
6 CONGRESS AND IT'S AVAILABLE TO THE GENERAL PUBLIC?

7 THE SPEAKER:

8 THAT'S CORRECT.

9 MR. HAYES:

10 CAN YOU GIVE US SOME IDEA AS TO THE MAKEUP IN  
11 TERMS OF THE INVESTIGATIVE SIDE OF THE TVA IG, THE  
12 LEVEL OF EXPERIENCE AND ALSO IN GENERAL TERMS THE  
13 BACKGROUND OF THOSE INVESTIGATORS?

14 THE SPEAKER:

15 THE INVESTIGATIVE OPERATIONS OF THE TVA  
16 INSPECTOR GENERAL HAS A STAFF OF APPROXIMATELY  
17 THIRTY-FIVE INDIVIDUALS, INCLUDED ON THAT STAFF ARE  
18 INVESTIGATORS WITH VARIOUS BACKGROUNDS. A LARGE  
19 NUMBER OF OUR STAFF ARE FORMER EIGHTEEN ELEVEN  
20 SERIES FEDERAL CRIMINAL INVESTIGATORS. WE ALSO HAVE  
21 A NUMBER OF INDIVIDUALS FROM VARIOUS STATE AND LOCAL  
22 LAW ENFORCEMENT AGENCIES. THOSE INDIVIDUALS THAT WE  
23 HIRE AS ENTRY LEVEL EMPLOYEES THEY ARE ALL REQUIRED  
24 TO SUCCESSFULLY COMPLETE A EIGHT WEEK COURSE OF  
25 BASIC CRIMINAL INVESTIGATIONS AT THE FEDERAL LAW

1 ENFORCEMENT TRAINING CENTER HERE IN GEORGIA. THAT  
2 TRAINING IS SUPPLEMENTED BY A THREE WEEK COURSE  
3 CALLED "THE INSPECTOR GENERAL BASIC TRAINING." ALL  
4 OF OUR EMPLOYEES HAVE HAD THIS TRAINING. ONCE THOSE  
5 EMPLOYEES COMPLETE THAT TRAINING, THEY GENERALLY ARE  
6 MENTORED DURING THE FIRST YEAR, TWENTY-FOUR MONTHS,  
7 IN OUR OFFICE UNTIL THEY UNDERSTAND THE INTERNAL  
8 POLICIES AND PROCEDURES OF OUR OFFICE.

9 MR. HAYES:

10 SO WHAT YOU'RE SAYING IS THE LEVEL OF TRAINING  
11 AND EXPECTATIONS IS THE SAME AS WITH ANY OTHER  
12 STATUTORY INSPECTOR GENERAL OF THE UNITED STATES?

13 THE SPEAKER:

14 THAT IS CORRECT. YES, SIR.

15 MR. HAYES:

16 SAME COURSE, SAME LOCAL TRAINING, SAME  
17 NECESSARY REQUIREMENTS?

18 THE SPEAKER:

19 YES. THAT IS TRUE.

20 MR. HAYES:

21 HOW MANY INVESTIGATORS DO YOU HAVE THAT  
22 BASICALLY YOU UTILIZE ON THE 211 AREA?

23 THE SPEAKER:

24 WE HAVE A STAFF OF -- IT WAS EIGHT, IT HAS BEEN  
25 SUPPLEMENTED NOW. I THINK IT'S NINE INVESTIGATORS

1 ON MY STAFF THAT SPEND A LARGE PERCENTAGE OF THEIR  
2 TIME SPECIALIZING IN PARALLEL INVESTIGATION OF  
3 SECTION 211 COMPLAINTS OR INVESTIGATION OF  
4 INTIMIDATION AND HARASSMENT ISSUES GENERALLY.

5 MR. HAYES:

6 I HAVE NO OTHER QUESTIONS.

7 MR. LIEBERMAN:

8 BRIAN.

9 MR. GRIMES:

10 I WAS INTERESTED IN YOUR REMARKS ON THE  
11 CONCILIATION PROCESS. COULD YOU SPEAK A LITTLE BIT  
12 ABOUT HOW THIS WILL BE EFFECTED BY THE TIME LIMITS  
13 OR DOL TIME LIMITS OR DO YOU HAVE ANY EXTENSION ON  
14 THE PERIOD OF TIME --

15 THE SPEAKER:

16 WELL, I THINK YOU'VE CALLED FOR SOME RECENT  
17 CHANGES IN THE LAW. AN INDIVIDUAL NOW HAS SIX  
18 MONTHS TO FILE A COMPLAINT ANYWAY. IN OUR VIEW, IF  
19 YOU USED A PORTION OF THAT TIME TO DO A CONCILIATION  
20 AND I'M NOT TALKING MONTHS AND MONTHS, AND I'M  
21 TRYING NOT TO BE CRITICAL OF THE DEPARTMENT OF LABOR  
22 PROCESS, BUT LET'S FACE IT, WE ALL KNOW THAT IT DOES  
23 TAKE A GREAT DEAL OF TIME. BUT WHAT WE ARE  
24 PROPOSING IS THAT YOU CONSIDER USING A PORTION OF  
25 THAT TIME IN THE FRONT END AND I WOULDN'T ATTEMPT TO

1 TELL YOU WHAT THAT TIME, BUT I THINK IT SHOULD BE A  
2 REASONABLY SHORT PERIOD OF TIME WHEREIN MANAGEMENT  
3 AND THE EMPLOYEE AND ANY OTHER HUMAN RESOURCES, NRC,  
4 DEPARTMENT OF LABOR EXPERTS SIT DOWN AROUND THE  
5 TABLE AND ATTEMPT TO RESOLVE "A," FIRST OF ALL,  
6 FIRST AND FOREMOST, THE TECHNICAL AND SAFETY CONCERN  
7 WHICH IS SOMETHING THAT IS DONE NOW, BY THE WAY, BY  
8 TVA'S EMPLOYEES CONCERNS PROGRAM; AND SECONDLY,  
9 LET'S DEAL WITH THE ISSUE OF THE ADVERSE TREATMENT:  
10 DID IT OCCUR? IF IT DID OCCUR, WHAT IS THE FIX SO  
11 THAT WE CAN MAKE THIS INDIVIDUAL A PRODUCTIVE  
12 EMPLOYEE SHORT OF SENDING IT ACROSS THE STREET TO  
13 THE DEPARTMENT OF LABOR AND GETTING INTO THAT PLACE.

14 MR. GRIMES:

15 IN THE TVA CASE, WOULD THE IG HAVE A ROLE IN  
16 THAT PROCESS, IN THE EMPLOYEE CONCERNS PROGRAM? HOW  
17 DID YOU INTEND FOR THAT TO WORK, LINE MANAGEMENT?

18 THE SPEAKER:

19 GENERALLY, WE BELIEVE THAT THAT CONCILIATION  
20 PROCESS SHOULD BE HEADED BY A PROGRAM THAT REPORTS  
21 TO A SENIOR LINE MANAGER.

22 MR. GRIMES:

23 IN TERMS OF THE IG ROLE, CERTAINLY YOU HAVE  
24 EXPLAINED THE INVESTIGATIVE ROLE ON PARTICULAR  
25 CASES, WHAT ABOUT THE OVERALL PROGRAMMATIC VIEW, YOU

1 SPOKE ABOUT THE IMPORTANCE OR HOW IMPORTANT CLIMATE  
2 IS WITHIN LINE ORGANIZATION. DO YOU HAVE ANY  
3 RECOMMENDATIONS OR DO YOU FOCUS ON WAYS SO THAT TVA  
4 AND LINE MANAGEMENT CAN IMPROVE THAT CLIMATE? IS  
5 THE IG ROLE INCLUDED LOOKING AT THE WAY IN WHICH TVA  
6 MANAGEMENT SHOULD BE TRYING TO IMPROVE THAT BASIC  
7 CLIMATE IN ADDITION TO THE ROLE OF INVESTIGATIONS?

8 THE SPEAKER:

9 GENERALLY, THAT KIND OF INFORMATION WOULD BE  
10 PRESENTED AS A FINDING IN AN OIG INVESTIGATION.  
11 RECENTLY OUR OFFICE CREATED A INSPECTION STAFF THAT  
12 IS DESIGNED TO DO JUST THAT, IS TO PROVIDE A SERVICE  
13 TO MANAGEMENT WHERE WE COME OUT AND LOOK AT SPECIFIC  
14 PROGRAMMATIC AREAS AND MAKE RECOMMENDED SOLUTIONS IN  
15 A PROGRAMMATIC WAY.

16 MR. GRIMES:

17 DO YOU HAVE ANY THOUGHTS FOR TVA OR IN TERMS IN  
18 GENERAL ON HOW LINE MANAGEMENT SHOULD FOCUS ITS  
19 TRAINING OF SUPERVISORS? WHAT ARE THE KEY THINGS  
20 THAT NEED TO BE LOOKED AT?

21 THE SPEAKER:

22 HOW MANY DAYS DID YOU SAY YOU WANTED TO SPEND  
23 HERE? SERIOUSLY, I'M NOT SURE THAT I'M PREPARED TO  
24 GIVE YOU A SPECIFIC ANSWER AS TO WHICH BUTTON NEEDS  
25 TO PUSHED TO MAKE THAT PROBLEM GO AWAY. I THINK

1 IT'S A VERY COMPLEX PROBLEM AND INVOLVES A LOT OF  
2 AREAS, MANY OF WHICH OVERLAP. I'D BE MORE THAN  
3 HAPPY TO SIT DOWN WITH YOU AND TALK ONE ON ONE ABOUT  
4 SOME AREAS THAT -- OF CONCERN THAT WE HAVE DISCUSSED  
5 WITH TVA MANAGEMENT THAT ARE POTENTIAL PROBLEM  
6 AREAS.

7 MR. GRIMES:

8 I GUESS, THE LAST THING THAT YOU MENTIONED WAS  
9 THAT YOUR HOT LINE AND THAT THEY PROVIDED  
10 CONFIDENTIALITY WHERE APPROPRIATE. CAN YOU TELL US  
11 A LITTLE MORE ON WHAT AREAS ARE APPROPRIATE?

12 THE SPEAKER:

13 YES. I SURE CAN. THE INSPECTOR GENERAL'S ACT  
14 REQUIRES US TO GRANT CONFIDENTIALITY TO ANY EMPLOYEE  
15 WHO RAISES A CONCERN OF FRAUD, WASTE OR ABUSE TO OUR  
16 HOT LINE. NOW, AS A GENERAL PRACTICE, IF THE CALLER  
17 TO OUR HOT LINE IS ALSO THE VICTIM OF THE ADVERSE  
18 TREATMENT, WE RECOGNIZE THAT IT IS VERY DIFFICULT TO  
19 CONDUCT AN INVESTIGATION OF AN INDIVIDUAL WITH WHOM  
20 YOU HAVE A CONFIDENTIAL RELATIONSHIP. THE FIRST  
21 THING WE HAVE TO DO IN THOSE SITUATIONS IS REQUEST  
22 THAT THE EMPLOYEE WAIVE THAT CONFIDENTIALITY. MANY  
23 OF THESE INVESTIGATIONS BECOME SINGULAR ISSUES: JOE  
24 DOE RAISED THIS ALLEGATION AGAINST EMPLOYEE "A."  
25 THEREFORE, IT IS VERY DIFFICULT TO GRANT

1 CONFIDENTIALITY TO A CALLER IF THE CALLER IS THE  
2 VICTIM. HOWEVER, IF THE COMPLAINANT OR THE CALLER  
3 TO HOT LINE IS A THIRD PARTY, THEN CERTAINLY IT'S  
4 VERY EASY FOR US TO INITIATE AN INVESTIGATION AND AT  
5 THE SAME TIME TO HONOR THAT CONFIDENTIALITY. WITH  
6 RESPECT TO NON-EMPLOYEES WE HAVE A -- FOR LACK OF A  
7 BETTER WORD I'LL CALL IT A CONTRACT. WE HAVE THE  
8 ABILITY TO OFFER CONFIDENTIALITY TO NON-EMPLOYEES.  
9 IF WE GRANT CONFIDENTIALITY TO AN INDIVIDUAL, HIS  
10 IDENTITY AND INFORMATION THAT MIGHT LEAD TO HIS  
11 IDENTIFICATION, WE WOULD EXCLUDE THAT FROM OUR  
12 INVESTIGATIVE REPORT.

13 MR. GRIMES:

14 ONE LAST QUESTION, WITH REGARD TO THE NRC,  
15 TVA'S MEMORANDUM OF UNDERSTANDING. DO YOU HAVE ANY  
16 COMMENTS ON WHAT WE HEARD LAST NIGHT WITH THE  
17 CONCERNS ABOUT THE PERCEPTION OF NRC, GIVEN WHERE  
18 THE EMPLOYEES RESPONSIBILITY TO TVA IS CONSIDERED.  
19 DO YOU HAVE ANY SUGGESTIONS WITH REGARD TO THE  
20 MEMORANDUM OF UNDERSTANDING? IS THERE ANYTHING TO  
21 CHANGE THE PERCEPTION OF THESE ROLES?

22 THE SPEAKER:

23 I HAVE TWO OR THREE THOUGHTS. FIRST OF ALL, I  
24 BELIEVE THE MEMO OF UNDERSTANDING THAT YOU ARE  
25 REFERRING TO DOCUMENTS A LEGITIMATE RELATIONSHIP

1 BETWEEN TWO GOVERNMENT AGENCIES. I AM NOT DENYING  
2 THAT THAT RELATIONSHIP EXISTS. IN FACT, I HEARD IT  
3 CALLED A SECRET MEMORANDUM; IT CERTAINLY WASN'T  
4 SECRET. THE REASON THE MEMORANDUM WAS SIGNED IS SO  
5 THAT THE RELATIONSHIP THAT EXISTS CAN BE DOCUMENTED  
6 WHEN QUESTIONS ARISE, AND CERTAINLY, WE ARE MORE  
7 THAN WILLING -- IF IT WERE SECRET, WHY WOULD WE HAVE  
8 TOLD PEOPLE THAT WE HAVE THE RELATIONSHIP WITH THE  
9 NRC. IT DOCUMENTS A RELATIONSHIP THAT EXISTED  
10 BEFORE THE MOU WAS EVEN SIGNED. THAT'S MY FIRST  
11 THOUGHT.

12 MY SECOND THOUGHT IS WITH RESPECT TO THAT  
13 RELATIONSHIP, BECAUSE THE TVA OFFICE OF INSPECTOR  
14 GENERAL IS AN OFFICE CREATED BY CONGRESS WITH THE IG  
15 ACT AMENDMENT OF 1988, WE HAVE CONCURRENT AND  
16 OVERLAPPING JURISDICTION WITH THE NUCLEAR REGULATORY  
17 COMMISSION'S OFFICE OF INVESTIGATION. THAT'S THE  
18 SECOND REASON THAT THE MEMO OF UNDERSTANDING IS  
19 IMPORTANT. THERE WAS A NEED TO DOCUMENT IT, I THINK  
20 IF YOU'LL LOOK AT THE MOU CLOSELY, IT SUGGEST THAT  
21 THE NRC CLEARLY IS THE LEAD ORGANIZATION AND HAS THE  
22 PRIMARY JURISDICTION FOR NUCLEAR SAFETY RELATED  
23 TYPES OF INVESTIGATIONS, AND WE HAVE ATTEMPTED TO  
24 DOCUMENT THAT THAT WAS, IN FACT, THE CASE.

25 AND I GUESS MY THIRD REACTION IS IF YOU LOOK AT

1 THE MOU VERY CLOSELY, IT SAYS THAT THE NRC WILL NOT  
2 REFER ANY ISSUES TO TVA UNLESS THE ALLEGER AGREES TO  
3 WAIVE HIS OR HER CONFIDENTIALITY. ASSUMING THAT  
4 THAT IS, IN FACT, THE CASE THE ISSUES THAT WE  
5 RECEIVE FROM THE NRC ARE ONLY THOSE ISSUES WHICH THE  
6 NRC OBVIOUSLY HAS CHOSEN NOT TO INVESTIGATE, AND  
7 THEY ARE ISSUES THAT FALL WITHIN THE JURISDICTION OF  
8 THE OFFICE OF THE INSPECTOR GENERAL.

9 MR. GRIMES:

10 THANK YOU.

11 MR. LIEBERMAN:

12 I HAVE ONE MORE QUESTION. TALKING ABOUT  
13 CONCILIATION BEFORE DOING THE INVESTIGATION, CAN YOU  
14 REALLY FOCUS ON THE CONCILIATION WITHOUT HAVING AN  
15 UNDERSTANDING OF WHAT THE FACTS ARE WITHOUT  
16 CONDUCTING AN INVESTIGATION FIRST?

17 THE SPEAKER:

18 I THINK THAT'S A QUESTION THAT CAN PROBABLY  
19 BETTER BE ANSWERED BY THE PEOPLE THAT DO IT ALL THE  
20 TIME, THE DEPARTMENT OF LABOR. I DON'T KNOW WHAT  
21 THE BASIS FOR A CONCILIATION IS IN THE CURRENT  
22 PROCESS. I BELIEVE THAT YOU -- MY PERSONAL VIEW IS  
23 THAT IF YOU SIT EXPERTS AROUND THE TABLE, YOU CAN  
24 PROBABLY COME UP WITH AS GOOD AS AN AGREEMENT THAT  
25 WE NOW GET.

1 MY PERSON VIEW IS MANY OF THE PEOPLE THAT YOU  
2 HEARD FROM LAST NIGHT, ARE VICTIMS OF BAD  
3 SETTLEMENTS, BAD IN THE SENSE THAT WE MIGHT HAVE  
4 BEEN ABLE TO DO A BETTER JOB OF MAKING THOSE PEOPLE  
5 PRODUCTIVE EMPLOYEES IF WE HAD SAT DOWN BEFORE THE  
6 FORMAL SECTION 211 PROCEEDING OCCURRED, BECAUSE MY  
7 EXPERIENCE HAS TAUGHT ME THAT ONCE THE FORMAL  
8 SECTION 211 PROCESS BEGINS, LIKE IT OR NOT, YOU END  
9 UP WITH SOME TYPE OF ADVERSARIAL RELATIONSHIP  
10 BETWEEN THE EMPLOYEE AND THE EMPLOYER.

11 MR. LIEBERMAN:

12 OKAY. JOHN.

13 MR. JOHNSON:

14 YES. I WANT TO ASK ONE QUESTION ABOUT THIS  
15 PUBLICIZING THE SUCCESS STORIES. I DON'T UNDERSTAND  
16 THE PROBLEM. OBVIOUSLY CERTAIN THINGS ARE PRIVATE,  
17 BUT WHEN YOU DETERMINE THAT A DISCRIMINATION DID  
18 TAKE PLACE BY AN EMPLOYEE WHETHER ITS A SUPERVISOR  
19 OR MANAGER, I DON'T UNDERSTAND WHY YOU CAN'T  
20 PUBLICIZE THAT AND STILL MEET THE STATUTORY  
21 REQUIREMENTS OF THE PRIVACY ACT. YOU INDICATED THAT  
22 THE LINE MANAGEMENT COULD TAKE OF YOU REPORTS AND  
23 REDACT IT AND DISTRIBUTE IT. I DON'T UNDERSTAND WHY  
24 YOU CAN'T DO THAT. REGARDLESS WHETHER IT'S YOU OR  
25 LINE MANAGEMENT, I'M NOT THAT CONCERNED. I DON'T

1 UNDERSTAND WHY YOU CANNOT PUBLICIZE CERTAINLY THE  
2 ISSUES, ACTS THAT HAVE TAKEN PLACE SO THAT PEOPLE  
3 ARE REMINDED WITH SPECIFIC EXAMPLES OF UNACCEPTABLE  
4 CONDUCT.

5 THE SPEAKER:

6 I THINK YOURS IS A VALID POINT, AND I AGREE  
7 WITH YOU. I WOULD BE INTERESTED IN TALKING WITH YOU  
8 AND MAYBE WE COULD DO THAT IN A MANNER SIMILAR TO  
9 HOW YOU ALL DO IT. AND I'M NOT BEING A WISE GUY IN  
10 ANSWERING THAT WAY, BUT AS I SAID, WE ARE BOUND BY  
11 SOME OF THE SAME KIND OF RESTRICTIONS THAT YOUR  
12 OFFICE OF INVESTIGATIONS AND YOUR OIG ARE, AND I AM  
13 CERTAINLY OPEN TO ANY SUGGESTIONS THAT YOUR AGENCY  
14 CAN PROVIDE AS TO HOW YOU ALL DO THAT, BECAUSE I  
15 UNDERSTAND, AND I'M AWARE THAT BEN'S STAFF HAS THE  
16 SAME KIND OF PROBLEM WITH --

17 MR. JOHNSON:

18 I ASKED OUR OIG THE SAME QUESTION. HE CAME  
19 DOWN AND TALKED TO US A COUPLE OF WEEKS AGO, AND  
20 ASKED HIM THE SAME QUESTION THAT I ASKED YOU, HE  
21 PUBLISHES SEMIANNUAL REPORTS, TOO, THAT I FIND  
22 SOMEWHAT VAGUE, AND I THINK WOULD BE OF MORE VALUE  
23 TO OUR EMPLOYEES TO SEE MORE DETAILS, AND STILL  
24 MAINTAIN WHAT ARE A REQUIRED PRACTICE.

25 MR. LIEBERMAN:

1 WE THANK YOU VERY MUCH MR. HICKMAN.

2 THE SPEAKER:

3 THANK YOU.

4 MR. LIEBERMAN:

5 AT THIS POINT ARE THERE ANY INDIVIDUALS WHO  
6 DESIRE TO MAKE A PRESENTATION? I THINK WE GAVE OUT  
7 NUMBER ONE AND NUMBER TWO. SO IF NUMBER ONE WOULD  
8 COME FORWARD.

9 SPEAKER NUMBER ONE:

10 MY NAME IS TREY BURCHFIELD. I'D LIKE TO SAY  
11 THAT OUR EX-PRESIDENT DIDN'T BELIEVE WE HAD A  
12 RECESSION. TVA DON'T BELIEVE WE HAVE A PROBLEM WITH  
13 INDIVIDUALS BRINGING UP CONCERNS FORWARD.

14 I KNOW FOR ME, I WAS THE FIRST TO HAVE PROBLEMS  
15 WITH IG'S TRANSITION OF A PARALLEL INVESTIGATION.  
16 MAYBE THAT'S WHY THEY, IN MY VIEW, WHEN THEY  
17 QUESTIONED ME THEY HAD A LIST OF APPROXIMATELY A  
18 HUNDRED QUESTIONS, AND THEY ALREADY HAD ANSWERS FROM  
19 OTHER TVA PEOPLE. I GOT A LITTLE BIT UPSET BECAUSE  
20 IT SEEMED BIAS. THAT CAUSED THE IG TO GET VERY  
21 VERBAL AND CURSE ME OUT PRETTY STRONGLY THAT WAS  
22 EQUAL TO MY DRILL INSTRUCTOR WHILE I WAS IN BOOT  
23 CAMP IN THE MARINE CORP. I GUESS IT'S PRETTY  
24 DIFFICULT FOR ME TO KNOW HOW SOMEONE THAT THEY KNOW,  
25 OR BELIEVE AND TRY TO REPRESENT THEIR AGENCY. AND

1 MAYBE THEY DO OR DON'T KNOW, CIRCUMSTANCES THAT HAVE  
2 HAPPENED TO INDIVIDUALS BECAUSE THE PEOPLE AT THE  
3 TOP REPRESENT THE WHOLE AGENCY. YET, THAT  
4 INFORMATION IS NOT AVAILABLE, ONLY WHEN IT IS  
5 AVAILABLE TO THE TOP, THEN THEY REALLY CAN'T MAKE AN  
6 HONEST VIEW TO WHAT REALLY IS HAPPENING. SO I DON'T  
7 KNOW IF THE TOP KNOWS OR DON'T KNOW. I KNOW FOR  
8 MYSELF, I KNOW THAT THE PROBLEM I THINK FOR TVA AND  
9 FOR ME IS THE FACT THAT THEY HAVE DONE THE MOST FOR  
10 ME IS KNOWLEDGE. NOW, IF I HAD BEEN ABLE TO DO MY  
11 JOB AND HADN'T GOT CAUGHT UP IN THESE CIRCUMSTANCES  
12 THAT'S LEAD ME TO BE HERE AND GO TO WASHINGTON AND  
13 EVERYPLACE, I WOULDN'T HAVE THIS KNOWLEDGE. AND  
14 KNOWLEDGE IS FEAR.

15 I'VE ALWAYS WONDERED, LIKE, I DID NOT KNOW AND  
16 I DO NOW. I KNOW THE REAL PROCESS AND DETAIL ABOUT  
17 THE DOL AND THE THINGS THAT WE CAN DO ABOUT CONCERNS  
18 AND ISSUES. I KNOW THAT GLENN WALTON, THE SITE  
19 INSPECTOR TOLD ME, ENCOURAGED ME, THAT HE FELT MY  
20 ONLY RIGHT LEFT WAS TO GO TO THE DOL. THE PROBLEM I  
21 HAD WAS I DID NOT KNOW HOW TO GO TO THE DOL. THE  
22 TVA OR NOTHING IN THE SYSTEM HELPED TO ME KNOW WHAT  
23 TO DO TO GO FORWARD. WHAT HAPPENED WAS MY ONLY  
24 RESOURCE WAS TO GO TO SOMEONE ELSE WHO HAD ALREADY  
25 BEEN THERE, AND THAT WAS ANN HARRIS, BECAUSE SOMEONE

1 HAD MENTIONED HER NAME HAD BEEN THROUGH THIS BEFORE.  
2 TVA DID NOT PROVIDE ANY KIND OF MEANS TO SAY, "IF  
3 YOU'RE NOT COMFORTABLE WITH ANY OF THE SYSTEM, HERE  
4 IS A SYSTEM YOU CAN GO TO." I KNOW WHERE ALASKA IS,  
5 BUT I DON'T KNOW HOW TO GET THERE. AND THE PROBLEM  
6 IS THERE'S A LOT OF PEOPLE HERE, YOU KNOW, IN THE  
7 SYSTEM THAT KNOW OF THE NAME OF THE SYSTEM, BUT  
8 DON'T KNOW HOW TO USE THE SYSTEM. EVEN NOW, I'M NOT  
9 REAL COMFORTABLE WITH KNOWING WHAT I NEED TO DO  
10 MYSELF, TO BRING THIS FORWARD FOR OTHER PEOPLE TO  
11 KNOW THAT THERE IS A SYSTEM THERE, BUT WHAT GOOD IS  
12 A SYSTEM BY NAME IF YOU REALLY DON'T KNOW HOW TO USE  
13 IT? AND EVEN FOR ME NOW, I DON'T REALLY KNOW HOW TO  
14 USE THE SYSTEM, AND I'VE BEEN INVOLVED IN THE  
15 SYSTEM.

16 I'D LIKE TO EXPRESS HERE SOMETHING THAT I WROTE  
17 WHILE THE OTHER PERSON WAS SPEAKING. EVERY TIME TVA  
18 HELD AN OPEN MEETING FOR EMPLOYEES VIEWS, I  
19 EXPRESSED MY VIEWS TO THE MEETING, AND AFTER THE  
20 MEETING I GOT CALLED IN AND ASKED WHAT WAS MY  
21 PROBLEM. THEY WOULD ASK, "DON'T YOU LIKE IT HERE?  
22 IF NOT, WHY DON'T YOU LEAVE?" I WOULD ASK WHY IS IT  
23 I'M ASKED TO COME TO THE MEETING, AND THEN ASK IF  
24 I'M NOT HAPPY, YOU KNOW, WHY DON'T I LEAVE. I SAID  
25 I SPOKE BECAUSE I WAS CONVINCED BY THEM THAT THEY

1 DIDN'T WANT TO HEAR MY VIEWS. YET, I DON'T BELIEVE  
2 THEY REALLY WANTED TO HEAR MY VIEWS OR EVERY TIME I  
3 WOULDN'T HAVE BEEN CALLED IN.

4 IN 1991 TVA MANAGEMENT STATED THAT THEY SENT  
5 THEIR MOST PASSIVE TVA SUPPORTIVE PEOPLE TO SOME OF  
6 THE SITE MEETINGS, AND EVEN THEY EXPRESSED STRONG  
7 VIEWS. TVA MANAGEMENT SAID THEY DON'T KNOW WHAT  
8 MIGHT HAVE HAPPENED IF OTHERS GOT TO GO. TVA  
9 MANAGEMENT SELECTED THOSE TO GO. THOSE WHO WANTED  
10 TO EXPRESS VIEWS WERE NOT ALLOWED TO PARTICIPATE. A  
11 PROGRAM IS NOT A PROGRAM IF YOU ARE NOT REALLY  
12 LETTING EVERYBODY EXPRESS HOW THEY REALLY FEEL ABOUT  
13 ALL THE THINGS INVOLVED. TVA IS BIG ON HAVING  
14 PROGRAMS, AND THEY BELIEVE THE PROGRAM WORKS.

15 IT REALLY OFFENDS ME THAT MARK MEDFORD, AND  
16 WHAT REALLY BOTHERS ME IS HE REALLY BELIEVES WHAT  
17 HE'S SAYING. I REALLY BELIEVE THAT HE CAN TAKE A  
18 LIE DETECTOR TEST AND PASS IT. BUT ME ON THE OTHER  
19 SIDE, I CAN'T SEE HOW HE SEES WHAT HE SEES, EXCEPT I  
20 WAS BLINDED BEFORE I GOT INVOLVED IN THE SYSTEM,  
21 TOO. I DID NOT KNOW WHAT WAS THERE, BUT TVA THROUGH  
22 THE SYSTEM BROUGHT ME INTO THE SYSTEM AND CAUSED ME  
23 TO TAKE A TRIP TO WASHINGTON, BEING AT ATLANTA  
24 MEETINGS, AT WATTS BAR MEETINGS. I'VE LEARNED MORE  
25 ABOUT GOVERNMENT THAN I REALLY WANTED TO KNOW. AND

1 THE SAD PART IS EVEN NOW, I DON'T NECESSARILY  
2 CONSIDER THAT A VALUABLE ASSET WITH ANYTHING THAT I  
3 CAN DO.

4 I KNOW I EVEN TOOK MY WIFE AND MY CHILDREN TO  
5 ONE OF THE MEETINGS AT WATTS BAR, AND MY SON, HE'S A  
6 SENIOR THIS YEAR, BACK IN THE SUMMER, HE LISTENED TO  
7 A TVA, NRC SPEECH. AND EVEN HE -- HE DON'T KNOW  
8 MUCH ABOUT THIS BECAUSE I'VE NEVER SHARED THIS REAL  
9 STRONGLY WITH MY CHILDREN, AND HE SAID HE WAS AMAZED  
10 TO SEE TVA SPEAK FOR APPROXIMATELY AN HOUR AND A  
11 HALF TO TWO HOURS AND HE SAID THAT ALL HE THEY HAD  
12 WAS REPETITIOUS WORDS. HE SAID A SECOND GRADER  
13 COULDN'T HAVE UNDERSTOOD THAT. THEY DON'T SAY  
14 ANYTHING, AND I WAS QUITE SHOCKED TO FIND OUT THAT  
15 MY SON SEEN AT HIS YOUNG AGE WHAT I DIDN'T SEE IN MY  
16 OLDER AGE; THAT I ACTUALLY DID NOT SEE THAT THEY HAD  
17 A PROGRAM THAT I THOUGH THAT I BELIEVED THAT I  
18 TRUSTED, BUT YET IT DID NOT HELP ME.

19 NOW, THEIR IDEA OF -- I GUESS, WHAT THEY CALL A  
20 GOOD SYSTEM IS WHEN THE NUMBERS ARE DOWN. WELL, I  
21 BELIEVE IF THEY HAD ZERO NUMBERS, THE PEOPLE WERE  
22 SUPPRESSED ENOUGH THAT THEY NEVER WOULD COME  
23 FORWARD, THEN THE ZERO WOULD BE GOOD FOR THEM, AND  
24 THEY COULD SAY THE SYSTEM IS PERFECT, AND THE SYSTEM  
25 WORKED BASED ON THAT ZERO NUMBER. THE PROBLEM THAT

1 I HAVE IS THE FACT THAT IN THE EMPLOYEE CONCERNS  
2 PROGRAM SURVEY, I AGREE WITH WHAT MARK MEDFORD SAID  
3 ABOUT THE NINETY-FIVE PERCENT OF THE PEOPLE WILL  
4 COME TO LINE MANAGEMENT. ORIGINALLY, I TALKED WITH  
5 SOME OF MY FRIENDS THAT ARE STILL EMPLOYED AT TVA, I  
6 WAS CONCERNED BECAUSE THEY HAD CALLED ME TO KNOW  
7 WHAT STEPS THEY COULD TAKE BEYOND LINE MANAGEMENT,  
8 BECAUSE LINE MANAGEMENT THEMSELVES DID NOT HAVE  
9 ANOTHER STEP. IT'S EVEN EXPRESSED TO LINE  
10 MANAGEMENT THAT LINE MANAGEMENT IS EXPECTED TO  
11 RESOLVE IT AT THAT LEVEL. THE PROBLEM IS THAT  
12 THERE'S SEEMS TO BE NO LEVEL BEYOND LINE MANAGEMENT.  
13 THE LINE MANAGEMENT LEVEL IS GOOD. THE PROBLEM IS  
14 NOW THEY HAVE CONVINCED EMPLOYEES THAT THEY HAVE  
15 DONE THEIR PART, AND NO MATTER WHAT HAPPENED THE  
16 EMPLOYEE CAN GO HOME AND SLEEP BECAUSE THEY HAVE NOW  
17 PARTICIPATED IN THE PROGRAM, THEY HAVE TAKEN IT TO  
18 LINE LEVEL, AND IF LINE LEVEL IS NOT DONE ANYTHING  
19 WITH IT, THE QUOTE TO ME WAS "IT'S NOT MY PROBLEM  
20 ANYMORE, BECAUSE I'VE DONE WHAT THEY'VE ASKED ME TO  
21 DO." AND THAT REALLY SCARES ME TO KNOW THAT IF  
22 PEOPLE HAVE CONCERNS, AND WHAT HAPPENS IS THESE  
23 ISSUES ARE RESURFACING, AND YOU DON'T KNOW WHAT TO  
24 DO BECAUSE IF LINE LEVEL PUSHES THEM ASIDE OR  
25 DECEIVES PEOPLE LIKE MARK MEDFORD THAT THEY WOULD

1 BELIEVE THAT THE LINE MANAGERS IS TAKING CARE OF IT  
2 AND THEY ARE NOT. WELL, OF COURSE, THEY ARE GOING  
3 TO BELIEVE THE PERSON, BECAUSE THEY HAVE NO EVIDENCE  
4 TO PROVE OTHERWISE. THE PROBLEM IS THE SYSTEM'S  
5 AIN'T WORKING. WHAT'S GOING TO HAPPEN DOWN THE  
6 ROAD?

7 I DON'T KNOW, I GUESS I FEEL REALLY STRONG THAT  
8 THE NRC RECOMMEND ME TO GO TO THE DEPARTMENT OF  
9 LABOR. I WAS NOT REALLY HAPPY WITH THAT, BUT AT THE  
10 SAME TIME, IT SEEMS LIKE I DON'T BLAME PEOPLE FOR  
11 ONLY KNOWING WHAT THEY KNOW. I KNOW FROM ME GETTING  
12 CAUGHT UP IN THE MIDDLE OF THIS WHOLE PROCESS, FROM  
13 BEING ONE OF THE FIRST GUINEA PIGS IN THE SYSTEM, I  
14 KNOW THAT WITH ME LEARNING THE PROCESS THE THING IS  
15 I THINK THAT TVA IS AFRAID OF THE MUSCLE. IF PEOPLE  
16 LIKE MYSELF IS THERE TO SAY, "HERE'S WHAT YOU'VE GOT  
17 TO DO. HERE'S WHERE YOU HAVE TO GO, AND THIS IS HOW  
18 IT WORKS." TO ME THAT'S WHAT TVA IS AFRAID OF.  
19 THEY'RE AFRAID FOR SOMEONE TO BE ABLE TO KNOW AND  
20 EXPRESS WHAT YOU CAN DO TO MAKE A DIFFERENCE. THE  
21 PROBLEM IS PEOPLE, I THINK CAN ALSO EXPRESS WHAT  
22 WILL HAPPEN TO YOU IF YOU DO EXPRESS THOSE VIEWS.  
23 THE PROBLEM IS THAT EVERY TIME THAT I EVER EXPRESSED  
24 A VIEW TO TVA, IT WAS ALWAYS ASKED OF ME BY TVA, AND  
25 EVERY TIME I GOT PUNISHED FOR PARTICIPATING IN THE

1           ACTIVITY THEY REQUESTED. THAT'S WHAT I HAVE A HARD  
2           TIME LIVING WITH.

3           MR. LIEBERMAN:

4                     THANK YOU VERY MUCH.

5                     SPEAKER NUMBER TWO.

6           SPEAKER NUMBER TWO:

7                     MY NAME IS ANN HARRIS. I'D LIKE TO COMMIT ON  
8           THE THINGS THAT WE'VE HEARD HERE EARLIER THIS  
9           MORNING THROUGH EXTENSIVE AMOUNT OF TIME I MIGHT  
10          ADD.

11                    THE CURRENT PRACTICE BY TVA MANAGERS IS TO TELL  
12          IT ALL IN COURT PROCEEDINGS IN THE ADMINISTRATIVE  
13          LAW JUDGE. THEY ADMIT TO FALSIFICATION OF QUALITY  
14          ASSURANCE RECORDS, THEY ADMIT TO LYING TO THE  
15          NUCLEAR REGULATORY COMMISSION, AND THEY ADMIT TO THE  
16          ABUSE OF EMPLOYEES. NOTHING OR NO ONE FROM THE NRC  
17          SITS IN ON THOSE HEARINGS. AT THE VERY LEAST, I  
18          WOULD THINK THAT IF THE NRC REALLY IS INTERESTED IN  
19          HEARING THIS THAT THEY WOULD AT LEAST SHOW UP AT THE  
20          HEARINGS AND GIVE IT SOME CREDIBILITY, IF THEY DO  
21          INTEND TO DO THE JOB.

22                    THE NRC IS AWARE, AS THE DEPARTMENT OF LABOR IS  
23          AWARE, AND THE TVA EMPLOYEES ARE AWARE, AND I  
24          SUSPECT THAT SHORTLY THE PUBLIC WILL BECOME AWARE  
25          THAT THE TVA IS INFAMOUS FOR COOKING THE BOOKS USING

1 THE TVA TAKES THE POSITION THAT IF THERE ARE NO DOL  
2 CASES ON THE BOOKS, THE NUMBER IS ZERO, SO  
3 THEREFORE, THERE IS NOT A PROBLEM. THEY DO NOT  
4 CONTEND WITH ANY ITEM THAT DOES NOT GET A NUMBER  
5 FROM THE DEPARTMENT OF LABOR. THAT DOESN'T MEAN  
6 THERE'S NOT A PROBLEM, IT MEANS THERE'S NO NUMBER ON  
7 THE BOOKS, AND YOU PROBABLY COULD FIND ANY LOCAL  
8 BETTING BOOKIE, HE USES THE SAME SYSTEM IF THE  
9 INTERNAL REVENUE COME TO LOOK AT HIS BOOKS.

10 THE FIRST MANAGER AT WATTS BAR NUCLEAR PLANT IN  
11 1987 THAT ABUSED ME AND TOOK ACTION AGAINST ME FOR  
12 RAISING SAFETY ISSUES THAT AS WE SIT HERE THIS  
13 MORNING STILL ARE NOT FIXED, HE HAS NEVER RECEIVED A  
14 REPRIMAND AND HAS NEVER RECEIVED ANY ABUSE OF HIS  
15 FUTURE, TO HIS CAREER, AND AS FAR AS I CAN TELL AS  
16 OF YESTERDAY HE STILL HAS HIS JOB WITH THIS AGENCY  
17 AND HAS HAD SEVERAL PROMOTIONS FOR HIS CONTENTION  
18 THAT ANN HARRIS IS THE PROBLEM, THE SAFETY PROBLEMS  
19 ARE NOT A PROBLEM.

20 IN AUGUST OF THIS YEAR, REGION TWO REGULATORY  
21 GROUP IN ATLANTA TOLD TVA THAT THE EIGHT THOUSAND  
22 EMPLOYEE ISSUES FOR 1985 HAD NOT BEEN ADEQUATELY  
23 ADDRESSED, HARDWARE IS STILL NOT FIXED AND IN SOME  
24 CASES THEY WERE CLOSED OUT AND STILL IS NOT  
25 ADDRESSED. NOW, THAT DOESN'T SAY WE HAVE A PROGRAM

1 INTACT AT TVA THAT'S WORKING, OR AT LEAST ADDRESSES  
2 THE SAFETY HARDWARE PROBLEM, AND THAT REALLY  
3 CONCERNS ME THAT I LIVE INSIDE THE MAGIC CIRCLE FROM  
4 WATTS BAR NUCLEAR PLANT.

5 ANOTHER ISSUE, CONTRACTORS ONLY INSTITUTED  
6 RECENTLY A PROGRAM FOR EMPLOYEE CONCERNS.  
7 INSPECTION REPORTS FROM REGION TWO SHOW THAT THE  
8 PROGRAM MAY HAVE BEEN IN PLACE, BUT THE CONTRACTORS,  
9 THEIR ONLY EMPLOYEES, OVER FIFTY PERCENT OF THOSE  
10 THAT WERE QUESTIONED DID NOT EVEN KNOW THAT IT  
11 EXISTED. AND THE INSPECTION REPORT ALSO NOTED THAT  
12 SOME OF THOSE CONTRACTOR PROGRAMS, NOT ONLY WERE  
13 THEY NOT KNOWN ABOUT, BUT SOME OF THEM OF LONG TERM  
14 LARGE CONTRACTORS HAD ONLY BEEN INSTITUTED THE WEEK  
15 PRIOR TO THE NRC INSPECTION. TVA HAS HAD MASSIVE  
16 INSIDE CONTRACTORS AT WATTS BAR SINCE 1986 AND '87.  
17 SO THAT'S AN UNACCEPTABLE POSITION AS FAR AS I'M  
18 CONCERNED. THE PEOPLE RAISING THE ISSUES THROUGH  
19 THE EMPLOYEES CONCERNS PROGRAM, THE MAJORITY OF  
20 THEM, I AM SORRY TO SAY, ARE AT HOME OR WE WOULDN'T  
21 BE HOLDING THESE HEARINGS WHICH IS FURTHER EVIDENCE  
22 OF A SYSTEM THAT IS CLEARLY NOT WORKING AT TVA.

23 TVA IS USING THE NRC IN TRACKING NRC ALLEGERS.  
24 MR. MEDFORD STATED THAT EARLIER THIS MORNING.  
25 ALONG, WITH THAT SMALL CONTRACTORS, SHORT TERM

1 CONTRACTORS, THEIR NUMBERS WON'T SHOW UP IN THE  
2 EMPLOYEE CONCERNS PROGRAM, BECAUSE THEY DID NOT HAVE  
3 ACCESS TO IT, BECAUSE IT ISN'T A REQUIREMENT IN  
4 THEIR CONTRACT.

5 THIS CURRENT SYSTEM THAT MR. HICKMAN TALKED  
6 ABOUT EARLIER, THE EEO PROCESS TAKES LONGER THAN THE  
7 211 SECTION OF THE DEPARTMENT OF LABOR DOES, SO WHY  
8 WOULD BE PUT ANOTHER INSTITUTION IN PLACE THAT'S NOT  
9 WORKING ANY BETTER THAN WHAT WE ALREADY HAVE.

10 I SAT AND COUNTED THIS MORNING, AND I NEVER  
11 HAVE DONE THAT, AND I'M SORRY THAT I HAD NOT,  
12 BECAUSE IT PROBABLY MIGHT HAVE SAVED ME A LOT OF  
13 GRIEF. TVA HAS FIVE IN HOUSE ORGANIZATIONS TO  
14 HANDLE EMPLOYEES AND EMPLOYEES ISSUES, AND WE'RE  
15 STILL HERE TODAY SHOWING ON THE TOP OF THE LIST ON  
16 THE GRADING OF ONE TO A HUNDRED AND TEN AS BEING THE  
17 TOP IN LEADING THE NATION IN EMPLOYEE ABUSE, AND I  
18 THINK THAT SPEAKS FOR ITSELF.

19 THE INFAMOUS MOU WAS SIGNED ON JANUARY THE  
20 11TH, 1991. IF THERE WAS NO PROBLEM WITH IT, AND IT  
21 WAS CLEARLY AND ETHICAL THING TO DO, AND THERE WAS  
22 NO ABUSE INTENDED, WHY DID IT TAKE ALMOST THREE  
23 YEARS FOR IT TO COME TO LIFE? THE INSPECTOR GENERAL  
24 REPRESENTATIVE THIS MORNING SAYS THAT HE DIDN'T HIDE  
25 IT. WELL, IT WAS ONLY RECENTLY WAS PUT IN HIS

1 REPORT THAT WAS PUBLISHED AFTER THE FACTS CAME TO  
2 LIFE THIS SUMMER. AND HE SAYS THAT GOING THROUGH  
3 THE SYSTEM, GOING THROUGH THE ORGANIZATION WILL  
4 HANDLE THESE ISSUES, IF THERE IS NO OUTSIDE  
5 ALTERNATIVE. I HAVE PERSONALLY HAVE GIVEN DOCUMENTS  
6 TO THE NRC, TO THE SITE DIRECTOR, TO ALL OF THE NRC,  
7 TO THE DEPARTMENT OF LABOR, ALL THE WAY THROUGH  
8 CONGRESS SHOWING AND PROVING THAT I WENT THROUGH  
9 TVA'S BOARD OF DIRECTORS RIGHT UP THROUGH THE CHAIN  
10 OF COMMAND BEFORE I WAS EVER FORCED OUTSIDE OF THE  
11 AGENCY OVER THE ABUSE THAT HAPPENED TO ME.

12 THANK YOU.

13 MR. LIEBERMAN:

14 THANK YOU.

15 ARE THERE ANY OTHER SPEAKERS?

16 THE SPEAKER:

17 I DON'T HAVE A NUMBER, BUT I WOULD LIKE TO SAY  
18 SOMETHING.

19 MR. LIEBERMAN:

20 NO PROBLEM.

21 THE SPEAKER:

22 I PERCEIVE THAT YOU ARE HERE ASKING FOR IDEAS  
23 ON HOW TO CHANGE THE SITUATION. THIS IDEA HAS VERY  
24 DEEP RAMIFICATIONS IN THAT IT CHANGES THE LAW, BUT I  
25 BELIEVE THAT YOU AND MEMBERS OF CONGRESS THAT YOU

1 WILL BE REPORTING TO HAVE THE POWER TO CHANGE THE  
2 LAW.

3 THE ADMINISTRATIVE PROCEDURES FOR A  
4 WHISTLEBLOWER CASE ALLOW A WHISTLEBLOWER CAN ONLY GO  
5 BEFORE AN ADMINISTRATIVE LAW JUDGE. THIS GENTLEMAN  
6 OR LADY HAS THE SOLE DISCRETION TO VOTE FOR OR  
7 AGAINST A WHISTLEBLOWER. I WOULD LIKE TO PROPOSE  
8 THAT THE LAW BE CHANGED TO A JURY SYSTEM TO ALLOW AN  
9 ADMINISTRATIVE LAW JUDGE TO IMPANEL A JURY TO HEAR  
10 THIS CASE.

11 THE MATTERS THAT I BROUGHT UP TO YOU YESTERDAY  
12 ENTAIL CRIMINAL ACTIVITIES WITH DISCRETION OF TVA  
13 WORK PRODUCT WORTH MULTI-MILLIONS OF DOLLARS. YOU  
14 CAN GO ON A FEDERAL GOVERNMENT PROJECT, AND THEY ALL  
15 HAVE FENCES AROUND THEM. POSTED ON THESE FENCES ARE  
16 SIGNS THAT IF YOU STEAL FROM THIS PROJECT YOU'RE  
17 SUBJECT TO IMPRISONMENT OR TEN THOUSAND DOLLAR FINE.  
18 THAT MEANS A WHEEL BARREL OR A WORK PRODUCT.

19 MR. LIEBERMAN, WHAT IS YOUR STATUS WITH THE  
20 NUCLEAR REGULATORY COMMISSION?

21 MR. LIEBERMAN:

22 YOU MEAN MY POSITION?

23 THE SPEAKER:

24 YES, SIR.

25 MR. LIEBERMAN:

1 I'M THE DIRECTOR OF THE OFFICE OF ENFORCEMENT.

2 THE SPEAKER:

3 YESTERDAY, MR. LIEBERMAN, I MADE YOU AWARE OF  
4 STATUTORY TIME FRAME CONSIDERATIONS. ALL THE  
5 DESTRUCTION OF SIX THOUSAND HANGER RECORDS WHICH ARE  
6 A LIE OF THE PLANT, FALSE INSURANCE RECORDS; AND I  
7 CHALLENGE YOU, MR. LIEBERMAN, TO CERTIFY THIS TO  
8 JANET RENO WITH THE DEPARTMENT OF JUSTICE FOR  
9 INVESTIGATION. I HAVE MADE THE INSPECTOR GENERAL'S  
10 OFFICE AWARE OF THIS. THERE ARE AT LEAST FIFTEEN  
11 PEOPLE THAT SHOULD BE BEHIND BARS FOR THE  
12 DESTRUCTION OF THESE WORK PRODUCT WORTH MULTI-  
13 MILLIONS OF DOLLARS. THEY HAVE NOT BEEN PROSECUTED  
14 AND I DON'T KNOW IF THEY EVER WILL, BUT MY  
15 EXPERIENCE WITH THE IG'S OFFICE CONSISTED OF TELLING  
16 THEM OF THIS CRIMINAL ACTIVITIES; THEY FIRED ME. I  
17 CAME OUT INTO THE PUBLIC AND SOUGHT EMPLOYMENT AT  
18 THE BECKTAL CORPORATION. A NOTORIOUS VIOLATOR OF  
19 WHISTLEBLOWER RIGHTS WAS MY EMPLOYER. I WAS THERE  
20 SIX MONTHS WHEN TWO IG AGENTS APPEARED ON THE JOB  
21 TRYING TO FIND EVIDENCE THAT THEY COULD CONVICT ME  
22 OR HELP CONVICT ME OF A VIOLATOR OR WORKERS'  
23 COMPENSATION LAWS. THIS IS THE EXTENT THAT THE TVA  
24 IG'S OFFICE WAS INTERESTED. THEY ARE INTERESTED IN  
25 SHOOTING THE MESSENGER. THEY TRIED UNSUCCESSFULLY

1 TO DO IT TO THIS PERSON. I'M SURE THEY ARE STILL  
2 TRYING, BUT THE IG'S OFFICE IS NOT BENEFICIAL TO A  
3 WHISTLEBLOWER, AND A WHISTLEBLOWER WILL NEVER,  
4 UNLESS THEY ARE A FOOL, TO THEM AND TO LET THEM KNOW  
5 WHAT WAS GOING ON, AND THEY SIMPLY NEED TO BE  
6 EXCLUDED FROM THE NRC PROCEDURES.

7 THAT'S THE END OF MY STATEMENT.

8 MR. LIEBERMAN:

9 THANK YOU.

10 ARE THERE ANY MORE SPEAKERS?

11 (NO RESPONSE).

12 THEN, WE'LL TAKE A BREAK UNTIL A QUARTER OF  
13 TWELVE, AND IF THERE ARE ANY INDIVIDUALS WHO DESIRE  
14 TO SPEAK, I'LL LET THEM GO AT THAT TIME.

15 (WHEREUPON, A SHORT RECESS ENSUED.)

16 MR. LIEBERMAN:

17 WE JUST HAVE ONE PERSON WHO WOULD LIKE TO MAKE  
18 A QUICK COMMENT.

19 THE SPEAKER:

20 MR. LIEBERMAN AND I WOULD LIKE TO MAKE THIS  
21 STATEMENT SO WE COULD GET IT ON THE RECORD. THERE  
22 WAS A MISCONCEPTION -- A PERCEPTION THAT'S NOT TRUE  
23 ABOUT SETTLEMENT OF WHISTLEBLOWERS. MY SETTLEMENT,  
24 AND ALL THOSE THAT ARE HERE, AND ANY AND ALL I'VE  
25 BEEN ABLE TO CONTACT AND QUESTION THEM ABOUT IS THAT

1 THE VERY FIRST PARAGRAPH OF THAT MUTUAL AGREEMENT  
2 BETWEEN THE WHISTLEBLOWER AND THE TENNESSEE VALLEY  
3 AUTHORITY STATES THAT ALL THOSE PEOPLE BRINGING  
4 FORTH ISSUES AND THAT AS A PART OF THIS SETTLEMENT  
5 IT IS RECOGNIZED THAT THEY HAVE THE LEEWAY TO GO TO  
6 ANY AGENCY TO BRING FORTH ANY SORT OF ABUSE OR ANY  
7 SORT OF DISCRIMINATION, TO CONGRESS OR ANYBODY THAT  
8 THEY DEEM NECESSARY TO GET THEIR ACTIONS DEALT WITH.

9 MR. LIEBERMAN, AND YOUR TASK FORCE, I  
10 APPRECIATE AS DO THE OTHER MEMBERS THAT YOU'VE HEARD  
11 FROM HERE LAST NIGHT, WE APPRECIATE AND WE THANK YOU  
12 FOR COMING DOWN HERE IN THE SOUTH AND LISTEN TO US  
13 TALK SLOW.

14 THANK YOU.

15 MR. LIEBERMAN:

16 THANK YOU.

17 ANYONE ELSE HAVE ANY COMMENTS?

18 (NO RESPONSE).

19 THEN I WOULD LIKE TO CLOSE THIS MEETING, BUT  
20 BEFORE I DO THAT WE WANT TO THANK EVERYONE, AND WITH  
21 THAT THIS MEETING IS CLOSED.

22 THANK YOU.

23  
24  
25 THANK YOU FOR CHOOSING NEWBERRY & COMPANY!

## C E R T I F I C A T E

1  
2 STATE OF GEORGIA )  
3 COUNTY OF FULTON )

4 I, MARY PARHAM, DEPOSITION OFFICER, BEING A NOTARY  
5 PUBLIC AND CERTIFIED COURT REPORTER IN AND FOR THE STATE  
6 OF GEORGIA AT LARGE, CERTIFY THAT THE FOREGOING  
7 TRANSCRIPT IS A TRUE AND COMPLETE RECORD OF THE TESTIMONY  
8 GIVEN, THAT I AM NEITHER A RELATIVE NOR EMPLOYEE NOR  
9 ATTORNEY NOR COUNSEL OF ANY OF THE PARTIES, NOR A  
10 RELATIVE NOR EMPLOYEE OF SUCH ATTORNEY OR COUNSEL, NOR  
11 FINANCIALLY INTERESTED IN THE ACTION.

12 WITNESS MY HAND AND OFFICIAL SEAL AT ATLANTA, FULTON  
13 COUNTY, GEORGIA, THIS 19TH DAY OF OCTOBER, 1993.  
14  
15  
16

17 *Mary Parham*  
18  
19

20 MARY PARHAM, CCR

21 CERTIFICATE NO. B-1727

22 (CCR SEAL - NOTARY SEAL)  
23  
24  
25

NNSN

National Nuclear Safety Network

October 13, 1993

Public Comments

Cleveland, Tennessee

James Lieberman

Review Team for Teassessment of the NRC

Program for Protecting Allegers Against Retaliation

Good evening, I am Ann Harris. I am addressing you tonight as the spokesman for the National Nuclear Safety Network. NNSN is a coalition of whistleblowers, nuclear safety and public interest organizations, as well as interested individuals across America, dedicated to pursuing safe operation of nuclear power plants and adherence to regulations by all nuclear licensees.

On September 26, 1993 representatives of NNSN met with James Lieberman, Director of the Office of Enforcement and two other representatives of the Nuclear Regulatory Commission. Although this meeting was not, by design, an official meeting of this review team, the coalition did discuss with the NRC its views on issues related to whistleblower protection. Prior to the meeting, NNSN entered into a written agreement with the NRC representatives that both NNSN and NRC staff would prepare respective memorandum reflecting both parties "sense of the meeting". Both parties agreed that the respective memorandum would be submitted to the Review Team and become part of the agreement. The coalition intends to fully honor the agreement. My statement tonight is not to be considered a preemption of that agreement.



This Memorandum Of Understanding (MOU) has been used as a direct line to the TVA management, further distancing the NRC from safety issues and employee abuse at the TVA. Using this MOU to betray people, their jobs, their families and their futures is outright negligent. And if not criminal it certainly borders on criminal. Since the TVA used the information gathered through the MOU to cut over six thousand (6,000) TVA construction jobs in 1991, the NRC should hang its head in shame. Such a large price the people of this valley have paid because the NRC cannot regulate, it can only cooperate. The MOU is a clear indication that the NRC does not, cannot and is not regulating the nuclear industry.

The use of the MOU is a clear message to nuclear employees nation wide that the NRC is leading the "chilling effect" against nuclear employees identifying safety issues. The TVA has no better lobby or advocate than the NRC, where abuse of employees is an issue. I am told that the MOU will stay in force because the NRC trust the TVA!

In 1988 I filed with the Department of Labor and the NRC for discrimination for identifying safety problems at the Watts Bar site. The NRC stated that until all legal avenues were exhausted, the NRC would not get involved. Those issues were confirmed and I made the first settlement with TVA in November 1988. Now I'm told that too much time has lapsed and

the NRC will not get involved, and that the TVA has changed. The NRC has trusted TVA again!

Since the 1988 settlement I filed three (3) more actions with the DOL and I settled those issues with TVA in an agreement reached in October 1990. DOL reacted quickly and investigated the issues. All of the initial rulings were in my favor. The NRC could not make the same determinations even after performing an investigation on one case, BUT the NRC turned that same action over to TVA's IG who "could not find any misconduct" by TVA management.

Misconduct by TVA management was not and is not the issue! Intimidation and Harassment of employees for identifying safety issues is the issue. The Whistleblower law does not state that the TVA must be found guilty of misconduct. We are all aware that the policies, programs and procedures of TVA are in conflict with the law. TVA's IG does not look at the safety issue or how wrong doing by a TVA manager can affect safety. As you are aware, the TVA Inspector General gets his job just like every other TVA employee, through a buddy or through the office of human resources. TVA's IG is the management muscle of the TVA and is not independent of TVA management.

When the NRC does not become involved early in the process, the NRC forces the allegers to use resources that we do not have. Look what happened in Connecticut to Maggie and

Harris Page 5

Arnie Gundersen. Listen to peoples here tonight. How would you like to swap places with one of us for a week? How can the NRC have a conscience when it forces families out of their home. The Gundersen's, or anyone else, and myself included, do not have access to the monies that these utilities have. Over five (5) million dollars was spent trying to keep Ann Harris quite. The safety issues were never denied by TVA, just the abuse. The NRC now tells me that too much time has lapsed. TVA has changed and we must trust TVA! The TVA feels very comfortable indeed, with the cooperation from the NRC.

TVA has one of the oldest employee concerns program in the nuclear industry and TVA continues to have the worst record for employee abuse. This task force should go back and tell Chairman Selin that since the programs have no regulation and are yet, another conduit back to the abusing manager the programs are not and have not been working. He should try putting a program in place at the NRC that starts the NRC into the regulation of the nuclear industry, not cooperation. The chairman is out of touch with what employees are willing to endure when they are being abused and when the public health and safety are at risk.

Mr. Leiberman, you have ask us to comment on your work product. And so I shall. In March of this year, the Office of Enforcement held an enforcement conference in Atlanta over TVA's abuse and discrimination of employees over safety issues. The meeting was closed to any whistleblower and or



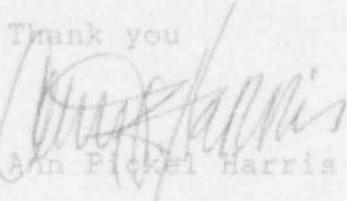




two men have known that what you were practicing in your offices was not correct. Where is your self respect? Where is your concern for the public health? Where is your conscience. I think that they are all right where you put them. In your hip pocket, right where you can touch them when you have an attack of conscience, and the evidence is overwhelming that your hip pocket was removed several years ago from non use.

Before I step down, I want to ask if these hearings are a protected activity for people making statements that do not have jobs with the utilities.

Thank you

  
Ann Pickel Harris

- 1- The NRC should remove the M & U
- 2- 2 people on IRLC force
- 3-