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NUCLEAR REGULATORY COMMISSION
REVIEW TEAM
FOR REASSESSMENT OF THE NRC'S HANDLING OF
RETALIATION ALLEGATIONS

October 7, 1993

New London, Connecticut

Review Team Members:

James Lieberman - Director of the Nuclear Regulatory
Commission's Office of Enforcement

Jon Johnson - Deputy Director, Division of Projects Operating,
Region II

Ben Hayes - Director of the Office of Investigations

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1 6:00 p.m.

2 THE COURT: Good evening. Let me call this meeting
3 to order. I am Jim Lieberman, the Director of the Nuclear
4 Regulatory Commission's Office of Enforcement and the Chairman
5 of the Review Team for Reassessment of the NRC program for
6 protecting allegers against retaliation. With me today from
7 the review team on my right Ben Hayes, Director of the Office
8 of Investigations; and on my left John Johnson is the Deputy
9 Director, Divison of Projects in Region II.

10 This is the third of four public meetings to
11 obtain comments from interested persons including licensees
12 and their contractors and their employees. At each of these
13 meetings we are having an evening session and morning session.

14 The purpose of these meetings is to obtain
15 information to assist the Review Team in evaluating current
16 NRC activities, and making recommendations to improve the
17 regulatory process. The evening session is being provided to
18 make it easier for workers to provide us comments. Tomorrow
19 morning we will begin with a presentation from Northeast
20 Utilities to provide us comments on its efforts to obtain
21 employee concerns on safety issues.

22 It appears this room may become somewhat crowded
23 this evening. Our first priority is to make room for persons
24 who wish to make presentations to us. We set aside a number
25 of seats in the back rose for persons who desire to speak

1 tonight if they have not already made prior seating. We would
2 appreciate if we could reserve those seats.

3 The Review Team was formed at the direction of
4 the Commission to consider whether NRC has taken sufficient
5 steps within its authority to create an atmosphere within
6 licensees' organizations where employees including contractor
7 employees feel free to raise safety issues without fear of
8 retaliation.

9 By way of background there are two federal
10 agencies involved in this area. The Department of Labor and
11 the NRC. The Department of Labor is responsible for doing
12 investigations and providing a personal remedy for employees
13 who believe that they may have been subject to discrimination
14 for engaging in protected activities, that is raising a safety
15 issue either to a licensee or the NRC. The NRC is responsible
16 for regulating the licensee to assure that workers are free to
17 raise safety issues.

18 The Review Team is considering issues such as:

19 1. Whether the NRC has taken sufficient steps
20 through regulations, policy statements, and inspections to
21 assure that licensees encourage their workers and contractors
22 to raise safety issues.

23 2. Whether the current NRC process for handling
24 allegations is appropriate from the perspective of the
25 employee feeling free to raise safety issues.

1 3. Whether NRC is sufficiently proactive in
2 cases where employees raise concerns or express fears that
3 they may become subject to retaliation if they do raise safety
4 issues, and

5 4. Whether the NRC policies are appropriate
6 when discrimination may have occurred including our relations
7 with the Department of Labor, treating the potential for
8 chilling effects, performing investigations, and taking
9 enforcement actions.

10 As I noted, we are seeking comments from both
11 workers and licensees. We have published a Federal Register
12 notice seeking public comments. We have copies of the Federal
13 Register notice available on the back table. We are accepting
14 public comments through mid October. We have also met with
15 attorneys representing both workers and licensees in this
16 area.

17 These efforts including the meeting today are
18 intended for the purpose of employees licensees and other
19 concerned individuals like yourselves to bring forth issues
20 and ideas for our consideration. Following the completion of
21 the public meetings and review of the written comments and the
22 comments from these meetings, we will be preparing a report to
23 submit to the NRC Commissioners. It is our expectation that
24 this report will be provided to the Commission in January of
25 1994.

1 The issue before us is an important one. NRC
2 even with its many inspectors can only observe a fraction of
3 licensed activities. We will never have the knowledge
4 possessed by the thousands of employees in the nuclear
5 industry. Employees in the nuclear industry have clearly made
6 contributions to the public health and safety by coming
7 forward with concerns.

8 Employees must feel free to raise potential
9 safety issues to the NRC. However, in the commission's view
10 it is not enough for employees to feel free to come directly
11 to the NRC.

12 Licensees have the first responsibility for
13 safety. Thus employees must also feel free to raise safety
14 issues to their management.

15 We recognize that there is dissatisfaction with
16 the current system. Employees are not always comfortable in
17 raising safety issues. There are cases where discrimination
18 has occurred where employees have engaged in protected
19 activities.

20 We are looking forward today to your ideas on
21 what actions NRC should consider to cause licensees to foster
22 an atmosphere where individuals with potential safety concerns
23 are encouraged to come forward with those concerns.

24 I want to emphasize that our purpose today is
25 not to debate or resolve specific cases but rather to gain

1 ideas how to improve the current regulatory system.

2 The ground rules for this meeting will be that
3 persons who desire to speak will need to check in at the table
4 in the back of the room. A number will be given to each
5 speaker, each person who desires to speak. You do not need to
6 provide your name to have an opportunity to speak. I will
7 call the speakers to the microphone here in front of the room
8 by numbers. Speakers will be initially allocated about 10
9 minutes to make their presentations. At the end of the time
10 if the speaker is not finished, I will ask the speaker to
11 conclude his or her remarks as we run through the time.
12 During or after each presentation we may ask questions to make
13 sure we understand the concern or issue. We do not, however,
14 intend to debate the merits of the comments, but we do intend
15 to ask questions to make sure we understand the concerns or
16 issues. Please don't take our silence to mean that we either
17 agree or disagree with the comments.

18 If after all persons who are interested in
19 speaking have made their initial remarks, and there are
20 persons who desire to make additional comments, we will 'f
21 time remains, go through a second round of comments, depending
22 on the time we will go through a second or third round of
23 comments.

24 We recognize that there may be some here who may
25 not be comfortable in speaking before this audience. Let me

1 emphasize that in our view speaking in this meeting today is
2 considered a protected activity. I invite any person here, as
3 well as the speakers if they have not done so to commit
4 written comments to us on the issues raised in the Federal
5 Register notice. We have forms on the back table with
6 envelopes if you desire to provide comments to us. Again we
7 have copies of the Federal Register notice in the back.

8 There will also be an opportunity to provide
9 comments tomorrow morning after Northeast Utilities has
10 completed its presentation.

11 We welcome each of you here today, and
12 appreciate you taking the time to meet with us.

13 This is a transcribed meeting. As I said
14 earlier, speakers do not need to identify themselves by name,
15 but it would be helpful to us if each speaker, provided some
16 background on their past involvement in the industry.

17 Let's begin with Speaker Number 1.

18 SPEAKER NUMBER 1: Mr. Lieberman, members of the
19 committee, my name is Ray Joyce. I am a Connecticut State
20 Representative and an Assistant Majority Leader in our House.
21 I was previously the House Chairman of the Energy and Public
22 Utilities Committee for six years.

23 In 1989 the Energy and Public Utilities
24 Committee began looking into charges of harassment of
25 whistleblowers at our nuclear energy plants. Bills were

1 passed in 1989, 1991, 1992 that attempted to discourage such
2 harassment, and encourage employees to come forward with their
3 safety concerns.

4 It was clear from the beginning that while
5 states are extremely vulnerable to nuclear mishaps they have
6 no real power over the operation of such plants. And several
7 problems are conspicuously in need of solution:

8 Number 1, there were in the cases we looked
9 into, a great lapse of time for grievances to be addressed.

10 Two, there was confusion in the jurisdiction of
11 the NRC, and the Department of Labor. Also, there was
12 confusion over what part of the State Department of Labor
13 would have in these proceedings. There were procedural rules
14 that kept important issues from ever being addressed at all.
15 The Department of Labor, the Federal Department of Labor
16 requires that incidents be reported within 30 days. There are
17 probably -- there probably has been miscommunications between
18 the front lines, the workers and the front offices, the
19 executives. So that in some cases it would seem that the
20 executives honestly did not know of the harassment in the
21 workplace.

22 There seems to be a great temptation, Number 5,
23 there seems to be a great temptation on the part of top
24 management of any enterprise for institutional coverup, which
25 may play a part in this problem. I think we can just take

1 witness. We can look at the Tailhook incident in the Navy,
2 and even church leaders, clergymen. This temptation exists
3 everywhere.

4 I welcome, certainly welcome NRC's concern, and
5 I believe that the issues raised in your August 2nd Federal
6 Register are valid, and show a good sense of a problem. There
7 are several procedures that are urgently in need of change.
8 The first is the recognition of the nuclear whistleblower
9 problem is much more of a safety issue than a labor issue.
10 The NRC should take the lead in dealing with this, as with all
11 other nuclear problems. And, second, NRC should adopt a model
12 plan for licensees dealing with whistleblowers and strictly
13 enforce adherence to the plan. The plan would protect the
14 employee from harassment for an interim period that we give
15 the NRC the opportunity to do their duties and studies
16 completely. Again, I thank the members of the committee for
17 your attention and for the ability to appear here before you.

18 THE CHAIRMAN: Thank you very much. If we could have
19 speaker Number 2.

20 SPEAKER NUMBER 2: Good afternoon, Mr. Lieberman and
21 members of the panel. My name is James Delacruz. I was
22 employed as a subcontractor in the Millstone Nuclear Power
23 Station in July 1985 through September of 1987. My position
24 at the time of my termination was Electrical General Foreman
25 in charge of general maintenance of the three plants. I had

1 raised concerns regarding certain plant procedures and was
2 terminated on September 11th, 1987.

3 These procedures were, these procedural
4 violations were later substantiated in an NRC report. I then
5 filed a lawsuit in October of 1988 based on that NRC report.
6 In March of 1989 I was offered a settlement agreement which
7 later was ruled to hold restrictive language not within the
8 guidelines of the NRC. This agreement I was told went to the
9 Department of Justice in 1989. I still have not heard from
10 that department to date.

11 I would like to mention in that agreement I was
12 asked that if I signed it, it was for the amount of \$15,000.
13 That I would never be able to work for Northeast Utilities
14 ever again, nor the contractor. And I would be restricted to
15 go before any subpoena-type meeting, I would have to first go
16 through the lawyers for any type of subpoena.

17 NU has vigorously fought my suit in court
18 because of my reluctance to sign and agree to that proposed
19 settlement agreement. I have also filed a complaint
20 pertaining to the agreement offered by the licensee and the
21 contractor. It is still before the Secretary of Labor for a
22 decision.

23 In January of 1990 I was falsely arrested for
24 trespassing in my own union hall in attempting to enlist the
25 aid of my Local 90 brothers in New Haven pertaining to my

1 termination at the Millstone point. The trespassing charge
2 was later dismissed in criminal court in my favor. I again
3 filed a DOL complaint based on that firing. The case is also
4 before the Secretary of Labor for a decision.

5 My wrongful termination suit is still pending in
6 federal court. I have gone through three secretaries of
7 labors, have been blackballed by my union, and labeled a
8 troublemaker by my fellow workers and contractors.

9 This October it will be five years since my
10 lawsuit was filed. I am still waiting to get into a
11 courtroom. A great deal of this delay was caused by the
12 licensee's filing of numerous motions. And I would like to
13 add it is kind of ironic today I was in court, and finally
14 after all that time I will be going to court in January of
15 1994.

16 It has been six years since my termination, and
17 within these six years I have had many months of unemployment,
18 which have now turned into years. I could go on and on about
19 my experience and what happens to individuals who try to do
20 their job within the guidelines set forth by the NRC and the
21 licensee's procedural system. I have also accumulated many
22 filing cabinets pertaining to this information. I believe NU
23 does not take the NRC seriously. It manipulates the NRC's
24 inspectors to produce favorable and watered down reports for
25 their own benefit. The DOL creates costly delays for

1 whistleblowers through lengthy investigations, hearings and
2 court proceedings which the average worker cannot afford. And
3 the licensee uses its never ending pool of resources both
4 political and financial to obtain the objectives, fight the
5 whistleblowers.

6 I would like to mention a couple of things as
7 far as the DOL. When the settlement was offered to me I filed
8 a DOL complaint. And I made the mistake of not filing the DOL
9 complaint in my termination. I put my faith in my union. The
10 DOL judge ruled because I did not originally file a complaint
11 my second complaint was null and void. So to me that would
12 say for the rest of my entire career anything could be done to
13 me because I didn't originally file that 30-day complaint.
14 Northeast has won summary judgments on all counts of my
15 lawsuit. My civil suit pending is strictly for the
16 contractor. Northeast has vigorously, as I said, fought me
17 tooth and nail and has won on the summary judgment. On all
18 five counts of my lawsuit I am going in not as a whistleblower
19 but as a First Amendment rights violation. My lawyer feels
20 and I feel there is no faith in the whistleblower protection
21 act, but there is faith in our First Amendment rights, freedom
22 of speech. And we will prevail on that count.

23 In 1987 there were just a few of us at Millstone
24 coming out. There were three of us exactly. Since that time
25 many more have come forward. And even though I didn't file my

1 30-day complaint, I am an example of somebody who didn't, but
2 there are people in this room who had filed their complaints
3 and were fired afterwards. I stand here strong, and I have
4 survived these past years of unemployment, and believe me of
5 great aggravation, and great anxiety, and I put my faith in
6 God, not in this system. Thank you.

7 THE CHAIRMAN: Thank you. Speaker Number 3.

8 SPEAKER NUMBER 3: My name is Margaret Gundersen. I
9 am currently being harassed but refusing to be intimidated by
10 the blatant slanderous material false statements made by the
11 NRC Office of Investigation and the Penn Central Corporation
12 and its division Nuclear Energy Services. Mr. Lieberman, you
13 may consider this a formal allegation.

14 Responding to your statement when you opened
15 that speaking here is a protected activity, it certainly is
16 not. My husband spoke publicly, and we were slapped with a
17 \$1.5 million lawsuit that you have allowed to stand and
18 refused to take enforcement action on. In addition, you began
19 your statement, Mr. Lieberman, with the fact that this is a
20 program for protecting whistleblowers when there is, in fact,
21 no program.

22 I first joined the nuclear industry in 1976 as
23 an employee of Combustion Engineering in Reload Core Design
24 conducting computer calculations for the positioning of fuel
25 rods in nuclear power plants. On CE's recommendation I joined

1 New York State Electric & Gas as their public relations
2 representative, which the utility called energy information
3 specialist, at their proposed nuclear power plant site in
4 Oswego County, New York.

5 I was on the front line of a controversial
6 issue. I found myself assuring residents, school personnel,
7 state legislatures, and many other citizens of the safety of
8 nuclear power. Key to my presentations in front of audiences
9 on TV, on the radio, and in my opinion pieces in the local
10 press was the fact that the NRC was empowered to enforce
11 regulations and protect whistleblowers. I believed what I was
12 saying, but I have learned for myself that it was all untrue.
13 The NRC does not enforce the regulations and it does not
14 protect whistleblowers.

15 My husband, Arnold Gundersen, is a nuclear
16 whistleblower who followed Form 3 and who was harassed,
17 intimidated, fired, and sued for \$1.5 million for making his
18 so-called "allegations" public. May I remind this Task Force
19 that my husband's "allegations" were upheld by a Region 1
20 Re-Inspection Report issued in June 1992 and the licensee's
21 appeal denied in March 1993. Clearly my husband is a
22 "truther" which makes the licensee quite obviously a liar.

23 Your agency, particularly Mr. Hayes, has tried
24 to discredit my husband and me. The Office of Investigation
25 report Mr. Hayes issued in June 1993 was a blatant character

1 assassination of each of us. I will not speak to the more 200
2 material false statements made about Arnie by the licensee and
3 the NRC in that report. I know those intentional material
4 false statements have been documented and will be made public
5 shortly. I will, however speak to the fact that not one
6 statement made about me was true. In addition, I was never
7 even interviewed for the report which alleges statements I
8 never even made. For more than three years the NRC has
9 documented the material false statements made by the licensee,
10 yet in an effort to shut me up, you, Mr. Hayes, allowed
11 material false statements made by a licensee proven to have
12 the NRC in its pocket, stand unsubstantiated against me.

13 Following the release of the OI report, I was
14 contacted by Region 1 that the allegation panel had decided in
15 light of Mr. Hayes' OI report about my husband, there were no
16 further allegations for them to pursue and his case was
17 closed. The panel consisted of chairman Bill Heyl, who I had
18 publicly criticized for his lack of knowledge about Form 3 and
19 his outright material false statements about Form 3 at the
20 February 3 NRC hearing in Plymouth, Massachusetts; Doctor,
21 Doctor, Ron Bellamy, who it has previously been proven, made
22 "misleading statements to the Commission that needed to be
23 qualified"; Frank Costello, Region 1 Section Chief, with the
24 reputation of Region 1's incompetence to defend; and Ernie
25 Wilson, the OI investigator who handled the actual

1 investigation and never interviewed either my husband Arnie or
2 myself. Clearly each member of the Region 1 Allegation panel
3 had a vested interest in covering their trails and burying us.

4 You have not enforced your own regulations. You
5 do not protect whistleblowers. You continue to allow nuclear
6 power plants to operate so severely out of their tech specs
7 that there is no way to calculate the risk factors these
8 plants were licensed under. You have so severely allowed
9 regulation of the nuclear medical licensees to deteriorate
10 that more than 40 deaths have occurred due to mishandling of
11 radioactive materials. Yet you continue to tell the public,
12 the press, and even Congress that everything is fine and you
13 do not need an oversight committee.

14 Not only do you need total oversight but you
15 need a complete housecleaning starting at the Commission
16 level. I know if I were you I could not sleep at night
17 knowing about the lives you have ruined with intentional
18 material false statements and the reports like the OI report
19 about my husband Arnie, or the medical deaths caused by your
20 lack of regulation, and the Chernobyl-type accident just
21 waiting to happen because you refuse to enforce the
22 regulations under which these nuclear power plants were
23 licensed.

24 One of my assignments, while a licensee
25 employee, was as a grass roots consensus builder for the

1 industry. Grass roots consensus building is one of my areas
2 of expertise. I promise you I will continue to exercise my
3 skill in billing a national grass roots organization insisting
4 on safety first for every licensee.

5 I may be losing my house, my husband has lost
6 his career, and I have lost my nuclear business, but I pity
7 all of you for you have lost your souls.

8 THE CHAIRMAN: Thank you. Speaker Number 4, please.

9 SPEAKER NUMBER 4: Good evening, Mr. Lieberman, Mr.
10 Hayes, Mr. Johnson. I would like to ask the Committee's
11 indulgence. I was unaware that time would be limited to 10
12 minutes. I have tried as best I could, and have maybe a
13 14-minute presentation.

14 THE CHAIRMAN: That will be fine.

15 SPEAKER NUMBER 4: Basically I have come here this
16 evening to address four of the issues which I feel are of
17 concern if we are to return to a responsible program of
18 regulations of nuclear electrical generation plants.
19 Furthermore, these issues are paramount to any meaningful
20 program of whistleblower protection, and we should not forget
21 this who are in the business of protecting the public, and
22 performing the duties of the NRC who have to have date failed
23 to do so.

24 The four issues I would like to discuss here
25 this evening is, Number 1 lack, of whistleblower protection

1 programs; Number 2, the recently ex-commissioner Curtis
2 situation; Number 3, the confidentiality of allegers; Number
3 4, the makeup of the present Oversight Committee, with a brief
4 summary what I would call a portrait in the life of a
5 whistleblower.

6 Issue Number 1, the lack of whistleblower
7 protection programs. On July 6, 1993, a statement in the
8 Federal Register indicated that an oversight committee within
9 the NRC was formed to determine the effectiveness of the NRC's
10 whistleblower protection program. This position and statement
11 was again reinforced on September 1, 1993 when the agency
12 released a statement basically the same as that which appeared
13 in the Federal Register on July 6.

14 Not only are such pronouncements remarkable for
15 their mendacity but they are demonstrably false since no such
16 program exists.

17 This type of misrepresentation has become so
18 pervasive within the NRC that we, the public, are left with
19 two possible conclusions. One: Either such statements are
20 astonishingly incompetent and misleading or two: The agency
21 has simply lied.

22 Additionally we, the public, are denied the
23 reasoning process of law, the whole system of accountability
24 and NRC regulations become stillborn, and the moral obligation
25 to obey 10 CFR is cast into grave and somber doubt.

1 The Agency's unwillingness to act on behalf of
2 public safety and their insistence on diluting absolutisms
3 contained in 10 CFR not only forces the formation of such
4 opposition groups as "We the People," the "National Nuclear
5 Safety Network," "GAP" and the "National Whistleblowers
6 Center." But in the words of Edmund Burke we must necessarily
7 become subtle disputants rather than happy citizens.

8 Issue Number 2 which I will call the Curtis Gate
9 I am sure the committee is well aware recently former
10 Commissioner Curtis left the agency to join the law offices of
11 Winston and Strong a nationally known legal firm whose primary
12 business is defending utility and major corporations against
13 the charges of whistleblowers.

14 Most observers agree that as Mr. Curtis was
15 privy to both written and verbal information from
16 whistleblowers during his tenure as commissioner that it is
17 unlikely he has suffered a complete loss of memory during his
18 transition and will most likely appraise his new employer of
19 this information.

20 What appears to be occurring here is that the
21 NRC, its commissioners and employees are availing themselves
22 of a concept of easy freedom without consequences, a moral
23 Harlequinade at public expense. In short, a cozy revolving
24 door policy without retribution. For sheer psalm singing
25 sanctimoniousness nothing quite reaches the level of Mr.

1 Curtis's statement when asked about this clear breach of
2 ethics is that "I am 39 years of age and I need to work." How
3 fortunate for him that all of life's inadequacies lie so
4 uniformly with the rest of our poor slobs. One has to wonder
5 how he feels about the many whistleblowers he has had fired,
6 lose family and fortunes, be blackballed from the industry,
7 and be harassed, intimidated and threatened.

8 His actions clearly are the work of the
9 ethically unthreatened and unwashed making one feel in the
10 words of Archie Bunker like you would want to go throw up on
11 somebody else's shoes. To underscore the significance and
12 tragedy of this distasteful event we as members of the
13 numerous national groups view this as similar to having
14 William Sessions leaving the FBI becoming consuliary to the
15 Costa Nostra, or if we could roll back the pages some 40 years
16 asking famed civil rights Attorney William Consler to become
17 the chief counsel to the McCarthy led witch hunts.

18 As for solutions, we ask that you and your
19 agency rise above the level of moral squalor. We ask that
20 your office, in particular Mr. Lieberman's, be restored to
21 something other than producing small gestures of impotence.
22 We ask that the existing attitude prevailing within the NRC of
23 insensitivity seasoned with an ingrained residue or
24 superiority be relegated to the trash heap of human failures.
25 So as to lessen a sense of hopelessness of whistleblowers, we

1 ask that the bankruptcy of your enforcement agenda be morally
2 refinanced. We ask Mr. Lieberman that you resign with the
3 fervent hope that such action will restore a sense of balance
4 and enforcement to an agency so hopelessly and dangerously out
5 of step with nuclear safety.

6 Issue Number 3, confidentiality of allegers.
7 The USNRC manual, which I hold in my hand, part 0500 chapter
8 0517 paragraph 054 on management of allegations makes the
9 following statements:

10 "Documents released to the licensee or to the
11 public should not contain information which could identify the
12 allegor unless it is clearly documented in the allegation case
13 file that the allegor has no objection."

14 It goes on to say again, and I quote, "If asked
15 whether a person is an allegor NRC staff should respond that
16 it is the NRC's policy to neither confirm nor deny that an
17 individual is an allegor. This policy was developed in
18 conjunction with the Department of Justice."

19 There are numerous well-documented examples of
20 resident inspectors, regional NRC staff, and agency executives
21 providing immediate written and verbal notification of allegor
22 complaints to utility companies without the express permission
23 of the allegor. One such example is the Memorandum of
24 Understanding, commonly referred to as MOU, between the NRC
25 and TVA management. In fact, this has become a routine matter

1 for regional and plant residential staff. As a direct result
2 of this managerial, philisophical and regulatory memorandum
3 existing between the NRC, OI and TVA, TVA has recently
4 published a black list of all those employees who have ever
5 raised nuclear concerns.

6 The NRC should recognize that consent to reveal
7 information to them for a particular person is not consent for
8 that information to be circulated to all or used for other
9 reasons.

10 Information given to the NRC ought not to be
11 shared in ways that identify the particular individual.
12 Unless the principle of confidentiality is well understood and
13 accepted by the NRC as the controlling principle for
14 information flow from the allegor to the agency, we face
15 serious problems in the future.

16 Furthermore, systems of protection must be
17 developed by the agency to insure that information provided by
18 the whistleblower guarantees them protection of privacy and
19 should be accompanied with appropriate penalties -- strictly
20 enforced -- against unauthorized disclosure.

21 Existing policies of sharing information between
22 the NRC and the utility companies compresses, enervates,
23 extinguishes, and stupifies the allegor until all nuclear
24 workers are reduced to nothing better than a flock of timid
25 and industrial animals of which the utility and the NRC are

1 the shepherds. Unless there is a complete and permanent
2 change of attitude at the commissioner level whistleblowers
3 will continue to be persecuted. We clearly do not want
4 another Curtis Gate.

5 The result of your claim that the allegeders are
6 both the eyes and ears of the agency and that their protection
7 is guaranteed is one of confusion and contradiction suggesting
8 ambivalence and equivocation which clearly invites cynicism.

9 You have openly sided with the licensee,
10 trampled shamelessly on the allegeder rights with the
11 frightening result of having the allegeders branded as
12 "informers."

13 In the nuclear industry, Mr. Lieberman, this
14 word has a very specific and pejorative meaning. Informers
15 are ostracized at best and as in the Silkwood case -- dead at
16 worst. The knowledge of certain reprisal is a marvelous
17 incentive to keep the mouth shut, the eye closed, and the mind
18 blank.

19 The NRC has helped rearrange reality so as to
20 conform to the larger scheme of public deception. This type
21 of massive fraud has debased the agency to such a level that
22 in all probability it can no longer be fixed. This leads to
23 the obvious solution of disbandonment such as was the case
24 with the old Atomic Energy Commission.

25 Certainly what would be reconstituted could not

1 be more tainted, more slanted, or more ineffective than what
2 exists. It would certainly be hoped that what would follow
3 would be just regulation, just solutions, and just treatment
4 of whistleblowers.

5 We further ask that you immediately and
6 forcefully implement the Inspector General's report finding of
7 July 9 which reads as follows, which is right here, which
8 reads as follows, and I would like to read his findings very
9 briefly:

10 "Based on the information developed during this
11 inspection we found that the NRC process for handling
12 allegations of retaliation does not provide an adequate level
13 of protection for whistleblowers. Our inspection disclosed
14 substantial dissatisfaction with the process among the
15 allegers and numerous NRC staff we interviewed. The NRC staff
16 acknowledged that the current NRC practice of awaiting DOL
17 decisions does not provide for timely resolution of
18 allegations. Such a delay can send a message that retaliation
19 complaints are not a priority concern. This perception can
20 result in a chilling effect for whistleblowers and their
21 co-workers who may have additional safety concerns to report
22 to licensee management or to the NRC.

23 "Allegers and certain NRC staff told us this
24 chilling effect would be diminished if a number of policy
25 changes were initiated. These suggested changes include:

1 1. Earlier NRC investigations of retaliation complaints;
2 2. Increased civil penalties for retaliation; and 3. More
3 vigorous use of the wrongdoer rule to hold individuals
4 responsible for retaliation.

5 "The NRC staff had varying opinions about the
6 usefulness of the NRC's chilling effect letter. However,
7 several believed it was ineffective and had not deterrent
8 effect for licensees. Further the staff told OIG that the NRC
9 did not routinely verify licensees response to chilling effect
10 letters.

11 "NRC practice has been to take an enforcement
12 action against an offending licensee and issue a notice of
13 violation or a civil penalty when appropriate. However,
14 several of the NRC staff and others interviewed by the OIG
15 felt that the NRC should take legal action against individuals
16 responsible for retaliation. In this regard two options
17 available to the NRC are the wrongdoer rule and the potential
18 criminal penalties of 42 USC 2273." Based on the information
19 developed during this inspection we think you should adopt
20 this.

21 Issue 4, the makeup of this committee. The
22 makeup of the existing Oversight Committee is one that truly
23 defies logic. To ask an Oversight Committee completely
24 comprised of NRC officials to police and evaluate themselves
25 is like asking William Boss Tweed to develop a code of ethics

1 for the Tammany Hall Gang or to ask the robber barons of the
2 reconstruction era to supervise the banking and railroad
3 industries.

4 Two of its members Mr. Lieberman and Hayes have
5 for years lacerated and shredded not merely the flanks but the
6 very substance of whistleblower complaints. Together they
7 represent all that is wrong within the agency and whose past
8 record indicates providing good reasons for what has no reason
9 or is unreasonable.

10 It is difficult to expect an upsurge of devotion
11 to the common good from those whom the whistleblower community
12 view as a practical and regulatory failure and whose record
13 indicates a long history of deciding nuclear safety complaints
14 on political criteria, economic damage to utility companies
15 and their own public relations image rather than the reasoning
16 process of engineering expertise and hands on experience of
17 those who have defined the commercial nuclear industry.

18 We therefore ask in the most forceful way
19 possible that whistleblower representation be included in this
20 oversight committee. We strongly urge that our National
21 Nuclear Safety Network be afforded two seats on your
22 committee, one of which be one of our attorneys with one
23 additional regional member to add balance and restore
24 integrity to the process.

25 Introducing new membership in the form fo

1 allegers and their attorneys not only would excite admiration
2 and imitation, but would add a creditability so desperately
3 lacking in the present makeup of the committee.

4 The reason for such lack of credibility is due
5 in large part to the fact that long ago utility company
6 executives discovered that pompous, ineffective NRC regulators
7 who catechized them about safety issues could with a little
8 shove be made into dancing bears.

9 In summary, Mr. Lieberman, I would feel like a
10 total failure here this evening if I did not try however
11 anemically to provide this committee with a mosaic of what it
12 is like to be a whistleblower. It is especially important if
13 the NRC, if they did their job we would have no reason to be
14 here this evening.

15 I would also feel that my failure to articulate
16 such a picture regardless of how ineffective or
17 unsophisticated would be a betrayal of the 200 plus
18 whistleblowers at TVA represented by Ann Harris; it would als
19 betray Stephen Comely and his fight to preserve the dignity of
20 his geriatric patient community from the dangers of
21 unwarranted and preventable nuclear releases. It would ignore
22 the security concerns of South Texas employees David Lamb and
23 James Dean. It would neglect the recognition of Ed Tomlinson
24 of Comanche Peak and Joe Wampler of Seabrook and their
25 concerns regarding Piping Welds. It would betray the Arnie

1 Gundersen family whose lives and savings have been devastated
2 since he raised safety issues at NES, and the list goes on:

3 Larry Simmons - Crystal River

4 Jim Jones - Watts Barr

5 Terry Dysert - Westinghouse

6 Linda Mitchell - Palo Verde

7 Richard Robainas - Turkey Point

8 Vera English - General Electric

9 Paul Blanch, Don Delcore, Tim O'Sullivan -

10 Millstone

11 Allen Mosbaugh - Georgia Power

12 James Kelley & ISA YEN - NRC Inspectors

13 and the 548 other complainers the NRC has failed

14 to investigate for nuclear whistleblowers

15 between October '89 and April 1993, and

16 Attorneys David Colapinto of Washington, D.C.

17 Ernie Hadley of Wareham, Massachusetts

18 Lynn Bernabei of GAP

19 Who have consistently devoted their legal expertise to
20 representing whistleblowers in their fight for public safety.
21 Even though I consider myself to be reasonably proficient in
22 three languages I was unable to graft together a true picture
23 of the whistleblower situation either semantically,
24 intellectually or philosophically. I, therefore, have decided
25 to borrow from the writings of a 19th Century Frenchman in his

1 quest for fair government regulation. Substituting the word
2 whistleblower in place of the word governed does, I feel,
3 indicate precisely what it feels like to be a whistleblower,
4 and it would read as follows:

5 To be a whistleblower it is to be watched over,
6 inspected, spied on, directed, legislated at, regulated,
7 docketed, indoctrinated, preached at, controlled, assessed,
8 weighed, censored, ordered about, by men who have neither the
9 right, nor the knowledge, or the virtue. To be a
10 whistleblower means to be, at each operation, at each
11 transaction, at each movement, noted, registered, controlled,
12 taxed, stamped, measured, valued, assessed, patented,
13 licensed, authorized, endorsed, admonished, hampered,
14 reformed, rebuked, arrested. It is to be, on the pretext of
15 the general interest, taxed, drilled, held to ransom,
16 exploited, monopolized, extorted, hoaxed, robbed, then at the
17 least resistance, at the first word of complaint, to be
18 repressed, fined, abused, annoyed, followed, bullied, beaten,
19 disarmed, garotted, imprisoned, judged, condemned, fired,
20 flayed, sold, betrayed and finally mocked, ridiculed, insulted
21 and dishonored.

22 It is hoped that in your deliberations you will
23 consider this abominable litany of what the NRC has made us
24 whistleblowers feel.

25 Thank you, Mr. Lieberman, thank you members of

1 the committee.

2 MR. LIEBERMAN: Thank you. Can we have speaker
3 Number 5.

4 SPEAKER NUMBER 5: Good evening, I am Jane Fleming,
5 Tonight I am addressing you as a spokesman for the National
6 Nuclear Safety Network. NNSN is a coalition of
7 whistleblowers, nuclear safety and public interest
8 organizations, as well as interested individuals across the
9 country, dedicated to pursuing safe operation of nuclear power
10 plants and adherence to regulations by all nuclear licensees.

11 On September 26, 1993, representatives of the
12 NNSN met with James Lieberman, Director of the Office of
13 Enforcement, and two other NRC representatives. Although this
14 meeting was not, (by design), an official meeting of the
15 Review Team, NNSN did discuss with the NRC representatives its
16 views on issues related to whistleblower protection. Prior to
17 the meeting, NNSN entered into a written agreement with the
18 NRC representatives that both NNSN and NRC staff would prepare
19 respective memorandum reflecting each parties "sense of the
20 meeting." Both parties agreed that the respective memorandum
21 would be submitted to the Review Team, and become part of the
22 official record. NNSN does not intend -- or does, excuse me,
23 does intend to fully honor that agreement. The statement
24 tonight is not to be considered a preemption of that
25 agreement.

1 NNSN has found out that the whistleblower
2 protection process is flawed intrinsically on every level.
3 Beginning with:

4 Form NRC-3

5 Chapter 0517 Management of allegation readily
6 indicates a bias to the licensee by the NRC acceptance of the
7 the licensees opinion without verification of fact.

8 The Office of Investigation, Mr. Hayes, again
9 relies heavily on unverified opinion of the licensee,
10 untimeliness in investigations and fingerprinting or
11 identifying the whistleblower. The lack of technical
12 expertise tends to diminish the significant of allegations.

13 The Office of Enforcement: Again a lack of
14 timeliness and a lack of closure. (Of 609 retaliation
15 complaints only seven, only in seven of 609 were enforcement
16 actions taken by the NRC.

17 DOL: DOL's lack of technical expertise
18 contributes to an untimely resolution. The MOU between DOL
19 and NRC delays NRC investigations until a DOL determination
20 has been made.

21 The flaws throughout the process are numerous.
22 They will be discussed in greater detail by others present
23 tonight. In general the process fails, by diminishing the
24 significance of allegations, fingerprinting or identifying the
25 whistleblower, there is a definite bias within the process

1 toward the licensee, the NRC once again, and being from my
2 area of the country, I say once again, is found to be
3 accepting unverified opinions of the licensee. The lack of
4 timeliness on the part of the NRC works against the
5 whistleblower but, indeed, it allows ample opportunity for the
6 licensee to participate in a full scale retaliation against
7 the whistleblower.

8 As complex as the flaws are the remedies are
9 equally complex, in light of that NNSN is requesting for short
10 term remedy that:

11 NNSN be allowed two representatives to
12 participate in the development of findings, issues and
13 recommendations of this task force.

14 On a long term basis NNSN requests that:

15 The NRC establish a permanent Citizen Advisory
16 Board to address the ongoing concerns of whistleblower. NNSN
17 requests two representatives to participate in that advisory
18 board.

19 NNSN does not believe that these requests are
20 asking for special privileges, rather we are asking for equal
21 representation. The NRC has certainly set ample precedent by
22 as a matter of policy, by allowing special status to the
23 licensee groups such as NUMARC, the BWROG and INPO. NNSN is
24 merely asking for equal access for the whistleblower and the
25 attorneys who represent the whistleblowers. This topic is a

1 topic that pertains strictly to the whistleblowers and the
2 concerns of NNSN.

3 As stated the problems are complex, and the
4 solutions are equally complex. The reality is that any
5 solution that is not inclusive of the "eyes and ears," of the
6 NRC, so quickly to identify the whistleblowers, the eyes and
7 ears, if they are not included in the process there will not
8 be a solution. The Commission needs the eyes and ears of the
9 workers to do its job properly. Allow the whistleblower equal
10 representation in developing the solution to the problems that
11 they confront firsthand. Thank you very much.

12 THE CHAIRMAN: Could I ask one question, you raised a
13 concern about fingerprinting. Fingerprinting as I understand
14 it is giving information to the licensee to pursue the issue
15 without identifying the person by name, but giving enough
16 facts to a particular concern that the licensee may be able to
17 identify who the person was who submitted the allegation. Do
18 you have any thoughts on how we can address the fingerprinting
19 issue?

20 SPEAKER NUMBER 5: Well, I think my reference, and I
21 identified that with OI, but I realize it also happens on a
22 regular basis through the region as well, my reference in and
23 my intent in mentioning fingerprinting is sometimes exactly
24 that word intent. There are ways to identify an issue and
25 ways to identify an issue. In some cases I feel that the

1 issues are identified with the intent of identifying the
2 whistleblower, and that is something that concerns me. We are
3 all aware in this room of the problem with issues being so
4 specific that certain whistleblowers or certain people are the
5 only people in that plant who would have that knowledge.
6 Everyone is aware of that, everyone is aware of that problem,
7 perhaps if the process of protection stepped in earlier we
8 could avoid the retaliation. But when I identify the
9 fingerprinting I am identifying intent as well on the part of
10 the NRC people to identify these people.

11 THE CHAIRMAN: Thank you. Next speaker would be
12 Number 6.

13 SPEAKER NUMBER 6: Good evening, Mr. Lieberman,
14 members of the task force, my name is Paul Blanch. I am a 20
15 year veteran of Northeast Utilities until I was cleansed from
16 the industry in February of this year. I am going to be using
17 some overheads this evening to present some of my points, and
18 Arnie Gundersen will be helping me. I would like to make an
19 introduction process.

20 THE CHAIRMAN: Can we take a two or three-minute
21 break, and we will set up the overhead, and then you can
22 continue.

23 (Recess taken.)

24 SPEAKER NUMBER 6: Good evening again. Again, as a
25 whistleblower, and as a participant of the NNSN, I fully

1 support Mrs. Fleming's position that in order to obtain an
2 objective recommendation from this task force I believe it is
3 absolutely necessary that us individuals who have been
4 involved in the entire process from beginning to our end
5 participate, and again we discussed that on the 26th of
6 September.

7 I am here tonight to express my grave concerns
8 to you with respect to the NRC's unstated program for the
9 handling of whistleblowers. For the past two days I have
10 pondered as to whether I would speak or not after receiving
11 communications from my attorney. I am speaking at great risk
12 to my personal safety and livelihood and am petrified with
13 respect to possible legal action against me and my family.

14 This fear is the result of a conversation
15 between NU's Legal Department and my attorney. This
16 communication from my attorney stated in part, and I quote
17 directly "I believe they" referring to Northeast Utilities
18 "are going to challenge you on the Contract, and certainly
19 will do so, if you do anything provocative on Thursday," that
20 is tonight. That is a protected activity. That is a threat
21 to me which I take very seriously. I may be provocative, but
22 I will not take threats and intimidation. My attorney who
23 informed me of this was not even aware of this meeting until
24 this conversation with your legal department. This is the
25 same type of communications I received prior to my testimony

1 before Senator Lieberman on July 15th of this year. These
2 types of communications are a clear threat to my Civil
3 Liberties and my First Amendment Rights to speak out. This is
4 but another example of the strong-arm, but very subtle tactics
5 employed by NU to suppress individuals. Because these
6 communications came by way of NU's Legal Department they are
7 as, as in the past, apparently exempt from NRC's Regulations
8 forbidding retaliation. As with every other allegation of
9 Harassment and Intimidation, I would suspect this one will
10 also be ignored by your offices. In spite of these direct
11 threats from the highest level of Northeast Utilities, I will
12 not be intimidated into submission. While this meeting
13 tonight is defined as a "Protected Activity" for most
14 individuals I am unable to determine whether myself and
15 ex-employees are protected, because the law clearly states it
16 covers employees and contractors. This is the law as stated
17 by 10 CFR 50.7 and other regulations.

18 It is my firm belief that the NRC must
19 intentionally continue to suppress whistleblowers due to the
20 fact that there are so many significant issues, that the
21 economic viability of the nuclear industry would be in serious
22 jeopardy if all these issues had tube addressed.

23 As an example, when I first identified the
24 Rosemount cover-up, the NRC refused to require any utility to
25 comply with the NRC Regulations. It was only through my

1 perserverance that finally forced the NRC to fix the problem
2 after four years. After almost five years the NRC has taken
3 no action against Rosemount for failing to report a major
4 defect as required by 10 CFR Part 21.

5 With the condensate pot issue, the NRC still
6 refuses at the Commission level to require any utility to
7 perform an operability determination as required by every
8 license. The NRC and the Commission are sticking their heads
9 in the sand. The NRC has openly admitted that continued
10 operation with these defective devices violates many NRC
11 regulations, yet every BWR continues to operate.

12 I have recently become aware that the NRC Region
13 1 was informed by CFR Part 21 report titled "Report of
14 Substantial Safety Hazard," dated November 27th, 1992.
15 According to this report this event may result in a meltdown
16 of irradiated fuel outside the primary containment with
17 uncalculated radioactive releases and the failure of all
18 safety-related systems in the reactor building. Even though
19 the NRC has been aware of this problem for more than 10
20 months, they have intentionally and criminally failed to
21 convey this information to any utility and the general public.
22 This problem potentially affects every operating reactor in
23 the world and has been confirmed to be significant by a high
24 level NRC Official in a conversation we had yesterday. I
25 would like to remind you as representatives of the NRC that

1 safety is the responsibility of the licensee and unless the
2 NRC informs each licensee of potential safety issue, how can
3 these issues be assessed as they apply to reach individual
4 plants such as Millstone? I believe the reason for this type
5 of irresponsible conduct is that if the utilities were
6 required to fix these and all the other problems, it would be
7 impossible to operate these plants economically.

8 This I believe is the reason that the NRC
9 continues to suppress each and every whistleblower.

10 With that I would like to start with the lights,
11 the overheads, and I would like to briefly describe what I see
12 to be the problem, and some possible solutions.

13 As Ivan Selin stated on February 1992 "The first
14 line of defense" referring to whistleblowers "is the
15 Department of Labor." In fact, on May 6th of this year when
16 Mr. Gundersen showed the chairman a copy of his foreclosure
17 notice he said to Mr. Gundersen, "Go see the Department of
18 Labor." As I said before, Ivan Selin says the DOL is the
19 first line of defense. I believe this is nothing more than a
20 dumping ground for the NRC. The NRC will not take any action
21 unless an individual files with the DOL. Per the Inspector
22 General's report, 369 cases have been initiated, and less than
23 10 individuals have survived the process. In fact, I have
24 called your office, Mr. Lieberman, asking for the number of
25 people that have gotten into the entire process, and I have

1 not gotten a response. The cost of this Department of Labor
2 proceeding, which everyone is told to go to, can approach
3 \$500,000. It can take seven to 20 years. No enforcement
4 action can be done after seven to 20 years, because of
5 expiration of the statute of limitation. But yet, Mr.
6 Lieberman, your office advises everyone, knowing the pitfalls
7 of this process, go to the Department of Labor. The
8 Department of Labor process doesn't work.

9 My perception of the real problem, NRC's
10 investigation of harassment as seen by Paul Blanch 10 CFR Part
11 2, Appendix C specifies "prompt and vigorous enforcement
12 action." 95 percent of the cases brought to the NRC are never
13 even investigated. This is substantiated by the Inspector
14 General's report. Violations of NRC regulations in 95 percent
15 of the cases are not investigated.

16 Many of the investigations are nothing more than
17 "character assassinations," and "shooting the messenger," such
18 as the Gundersen OI report.

19 If investigated, such as in my case, the process
20 usually takes in excess of four years, this is by the NRC.

21 Harassment is never investigated by OI unless it
22 is a major safety issue or media political pressure. This is
23 contrary to what is publicly stated by the NRC.

24 According to the NRC Inspector General only two
25 cases have every resulted in civil penalties, and both of

1 these are awaiting final DOL decisions. So your record is
2 just about zero with the exception possibly of my particular
3 case, but that was not covered by the Inspector General's
4 report.

5 The NRC has never taken action against the
6 responsible utility management, and only the lowest level of
7 management is sacrificed. For example, my particular case
8 where they found that the chief executive officer and the
9 president were directly involved, but no action other than
10 some negative publicity which apparently, Mr. Lieberman, you
11 think is very strong enforcement.

12 Contract lawyers harass allegeders continuously,
13 no actions have ever been taken against these "firms."

14 Your chances of vindication, as I say two people
15 have caused fines to be imposed are two out of 609. Doesn't
16 this send a clear message that something is wrong?

17 All whistleblowers are eventually cleansed from
18 the industry with the NRC's encouragement I believe.

19 It is the NRC that has created the chilling
20 effect due to their own inaction.

21 The only solution, as I tell people who approach
22 me from not only Northeast Utilities but other utilities,
23 "Shut your mouth and collect your paycheck." That is the only
24 way you are going to continue your employment.

25 How can the program, whatever that might be, be

1 improved? First of all, we need a definition of what the
2 program is. None of us have seen that.

3 We need to totally dispose of the Department of
4 Labor black hole process, everything in, nothing ever comes
5 eventually.

6 We need to enforce existing regulations, which
7 will eventually reduce the number of whistleblower
8 complaints. If all regulations were enforced I think that the
9 number of whistleblowers coming forward would probably be
10 reduced by 90 percent.

11 We need to extend protection to whistleblowers,
12 coworkers, subordinates and families. I had two of my
13 subordinates suspended by Northeast Utilities' management when
14 they approached your office, Mr. Hayes, the response from your
15 office was you are not engaged in protected activities so we
16 can't do anything for you. I have received threatening, what
17 I perceive to be and what my wife perceives to be very
18 threatening letters from NU's legal firm in Washington. Yet
19 this seems to be endorsed by the NRC because they take no
20 action.

21 We must require the NRC to investigate every
22 allegation of harassment within a specified time frame, and
23 that has to be quicker than four years. We need to take
24 prompt and vigorous enforcement action as testified by 10 CFR
25 Part 2, Appendix C specifies we need to provide legal

1 assistance to whistleblowers, either from the NRC or utility
2 funding using the same ratepayer mega-dollars being used to
3 defend these utilities.

4 We need to implement sanctions against any legal
5 firm employing any ex-NRC commissioners due to conflict of
6 interest with our cases.

7 We need to use the "wrongdoer" rule and put the
8 NU officers behind bars.

9 Nuclear safety concern programs such as NU's are
10 useless. I get more people contacting me than NU. I have
11 contacted NU's safety programs and they are useless. The only
12 credible nuclear safety concerns program was LRS at Northeast
13 Utilities who was terminated, and QTV at TVA because they were
14 doing a good job they were dismissed. So now we have
15 extensions of management in these nuclear safety concerns
16 programs.

17 We had need new leadership of the NRC with a
18 willingness to put safety first rather than the economies of
19 the utility.

20 My final slide, the real problem is that the
21 commissioners and NRC staff are not held accountable for their
22 inaction.

23 The NRC openly defies, lies to and ignores
24 Congress, the public and the Inspector General's Office.

25 The industry disposes of all individuals

1 concerned with nuclear safety.

2 The Commission places industry survival and
3 profit first and safety second.

4 The NRC withholds vital information, as I
5 mentioned before, from the utilities and the general public.

6 The Commission must enforce all laws and
7 regulations approved by Congress, as was stated to me by a
8 member of the Office of General Counsel, there are two types
9 of regulations, important ones, and unimportant ones, but they
10 haven't defined which ones are unimportant. The NRC must
11 define which regulations are enforced and which ones are
12 important. The NRC in the long run must prioritize safety
13 issues.

14 The only solution is complete change of the NRC
15 leadership with individuals concerned with nuclear safety
16 rather than the promotion of the nuclear industry. It is my
17 belief that we should place the NRC's Office of Enforcement
18 and Office of Investigation under a separate agency such as
19 the Inspector General's Office or possibly even the Justice
20 Department.

21 We need to eliminate the DOL process. It is a
22 burial ground. It is a black hole. It doesn't work. No one
23 comes out. Anything less than what I am requesting will only
24 be cosmetic and short term. Thank you, gentlemen, for your
25 time.

1 MR. JOHNSON: Mr. Blanch, you mentioned something
2 about a technical problem that affected all plants that would
3 cause them to melt down. Could you describe the component or
4 the problem?

5 SPEAKER NUMBER 6: It is well-known to the NRC, Tim
6 Martin head of Region 1 was informed of it November 27, 1992.
7 There was a meeting last Friday with NRC. Everyone is aware
8 of it. No one is doing anything about it. What it basically
9 is it is a lot of coolant accidents. With a loss of normal
10 power that causes a loss of spent fuel cooling, and there is
11 no safety related makeup to the spent fuel pool, but I have a
12 copy of the letter that was sent to your Mr. Martin. It is
13 outlined very well.

14 MR. JOHNSON: Thank you.

15 THE CHAIRMAN: In that regard I understand the
16 Commission will be issuing something very shortly to address
17 that issue.

18 SPEAKER NUMBER 6: It has been 10 months.

19 THE CHAIRMAN: I hear what you are saying. I am just
20 addressing that.

21 SPEAKER NUMBER 6: I am sure they will after my
22 conversation yesterday. Thank you.

23 THE CHAIRMAN: Next speaker, Number 7.

24 SPEAKER NUMBER 7: I am Mitzie Boman. I am a member
25 of the public. I come as a representative of the Woman's

1 International League for Peace and Freedom and as Chairman of
2 their Energy and Environment Committee. I am also
3 representing an organization called Don't Waste Connecticut,
4 of which I am one of the coordinators.

5 I have been following the history of the Nuclear
6 Regulatory Commission, and the nuclear industry as a whole for
7 18 years. Starting with an opinion that nuclear bombs are
8 naughty but nuclear power is great, and it is going to be too
9 cheap to meter. You have heard that before. The
10 whistleblowers are honest men, for the most part, they are
11 good workers. And I hope they will forgive me for saying they
12 are naive.

13 They trusting in the publicly stated mandate of
14 the Nuclear Regulatory Commission expected it to have the same
15 goal as their own, that is public safety. Recognizing that
16 nuclear power is a dangerous and sensitive technology they
17 took pride in good work, and they expected their superiors and
18 coworkers to follow the same policies, to care about safety.
19 They expected their employers to have their goals. When they
20 saw this didn't happen, when they saw that procedures were
21 never followed correctly in Northeast Utilities' plants, for
22 example, and many other plants around the nation, and when
23 they saw accidents covered up, and lies being told to the
24 public and themselves, they were shocked, and they said, "Oh,
25 now it is time to go to the Nuclear Regulatory Commission,

1 because the Nuclear Regulatory Commission's mandate is to see
2 to it that the industry does its job."

3 What they didn't realize is that you don't want
4 whistleblowers because your mandate, the Nuclear Regulatory
5 Committee's secret mandate is not to protect the public
6 safety, but rather to defend the technology at all costs. It
7 is a federal policy at all costs, costs to the public purse,
8 costs to the public health, and the public safety, as clusters
9 of cancers are found around nuclear plants like Millstone, on
10 Long Island, and downwind of Millstone's complex, as low
11 weight, low birth weight babies are born in increasing
12 numbers, with defective hearts and organs, as scientists
13 discover the effect on cell membranes from the low level
14 radiation that is accumulating in our environment. The NRC
15 licensed Seabrook, licensed and permitted Shoreham to become
16 contaminated, even though they knew it wasn't going to go on
17 line for good, and gives Northeast Utilities permission to
18 crowd its fuel pools and to get away with releases of
19 radioactive materials.

20 The NRC establishes a policy of below regulatory
21 concern, which goes on the basis of, Number 1, dilution is the
22 solution to pollution; and, Number 2, profits are a pride,
23 sell radioactive waste to industry and don't supervise it.
24 The last Federal Register indicates that even though our
25 legislatures pretended to protect us by eliminating the words

1 "below regulatory concern," the Nuclear Regulatory Commission
2 has publicly stated in the Federal Register that it is in name
3 only, they will continue to deregulate.

4 So because the troubles are out of pandora's box
5 and we need regulation of radioactive materials in the
6 radioactive industry, and hopefully we need to watch it more
7 safely for thousands of years, I don't know how, we should
8 have a reorganization of federal policy in which the Nuclear
9 Regulatory Commission plays a role of protecting the public
10 safety, that would be good. The only way that could be done
11 after a federal policy reversal, which can only be affectuated
12 by mass public action, would be a Nuclear Regulatory
13 Commission that was staffed by ex-workers in nuclear plants,
14 by the public in the communities where the radioactive
15 materials are found, and by honest citizens. It is the only
16 way that we can even halfway protect the public in the future,
17 and future generations from this devastating technology that
18 has been started.

19 So I am not surprised that you are harassing
20 nuclear workers who are honest, who care about safety, who
21 care about the public, and care about their own lives. I am
22 not surprised at all. The only thing that surprises me is
23 that they are surprised. But now I think they understand. I
24 think they are beginning to understand. And when that happens
25 watch your jobs. Thank you.

1 THE CHAIRMAN: Thank you. We will take a
2 five-minute break now, and resume at 7:35. Thank you.

3 (Recess taken.)

4 THE CHAIRMAN: Speaker Number 7 -- I am sorry, 8,
5 Number 8.

6 SPEAKER NUMBER 8: Good evening Mr. Hayes, Mr.
7 Lieberman, Mr. Johnson. Many of the inputs that I was going
8 to have tonight through the NRC task force have been covered,
9 and so I am going to digress a little bit from what I have
10 here.

11 I think one of the first topics I want to
12 discuss, and incidentally I would like to point out to you
13 that I am also a individual involved with the NNSN, which I
14 think is an important group to try to bring forth some of the
15 whistleblower problems forward to see if we can get some
16 action. One of the things we need to talk about here is why
17 you guys are here, and my perception of why you are here. And
18 I think one of the major reasons you are here tonight, in
19 spite of what you have indicated in your opening statement, I
20 believe the pressure from Senator Lieberman from the State of
21 Connecticut, who by the way has proved his worth as a large
22 support vehicle for nuclear whistleblowers, I believe his
23 subcommittee hearings and subsequent information from OIG
24 reports is one of the real reasons you are here. The major
25 pressure which is coming forth from media throughout the

1 country, not only New London, from South Texas, from Arizona,
2 from TVA, and the other areas, I think those are major reasons
3 why you are really here. I think you are really here because
4 Mr. Taylor wants you to cover his butt, and the Commission's
5 butt and your own.

6 Mr. Taylor, for those of you who don't know who
7 he is, James Taylor is the Executive Director of Operations
8 from the NRC. You are also getting substantial pressure from
9 within your own agency I believe. I think a lot of you people
10 from the OIG report seem to feel that the whistleblower
11 protection you are providing is absolutely inadequate, and
12 doesn't do the job.

13 I have some reservations about this task group
14 itself. What is wrong with the task group structure? Well,
15 first of all it is made up of all the people we are having
16 problems with. You have a representative here, a director of
17 the Enforcement Department, enforcement section. It is the
18 very reason why we are having problems. There isn't any
19 enforcement. That is really the generic reason there is a
20 chilling problem at most of these plants, and why the
21 utilities contain to intimidate, harass, discriminate and
22 retaliate against those of us who come forward with legitimate
23 safety concerns.

24 We have here Mr. Hayes from the Office of
25 Enforcement. He is one of the guilty parties, and certainly

1 the reactor regulation is a guilty party. As Paul Blanch
2 indicated, you have a plant that doesn't even meet their
3 regulation requirements, and they are still operating.

4 One of the other reasons there is a task force,
5 group structure problems, previous task forces and review
6 groups have been totally ineffective. In fact, I have a cover
7 letter to Bill Ellis from James Taylor dated April 6, 1992,
8 and the executive summary seems to be dealing with exactly the
9 same problems at Millstone that I had when I was fired, and
10 even more so current problems that are currently existing from
11 my understanding of an enforcement conference that you just
12 had last week. And many of those same problems are right here
13 in this summary. So I wonder what the effectiveness of task
14 groups is really doing for us, besides spending money.

15 The other problem with the structure is where
16 the task force reports. You report to the Commission, you
17 report to Mr. Taylor. And clearly Mr. Taylor has been aware
18 of at least the ongoing problems with Millstone, and the
19 whistleblowers in that area for quite some time. I have
20 personally had conversations with that gentleman for about
21 three years while I was working at Millstone. Many of the
22 problems tonight that we are facing with whistleblowers have
23 been discussed. However, some of them hadn't been addressed
24 and I would like to address those.

25 One of the major issues that I see coming forth

1 is that the Nuclear Regulatory Commission is waiting for
2 action by the DOL. In a particular case I had one of my
3 beginning cases I actually identified four specific areas of
4 harassment and intimidation and discrimination. And in
5 summary judgment at the ALJ hearing it was thrown out by the
6 illustrious lawyers for Northeast Utilities. And I would like
7 to point out while I am here that Northeast Utilities only
8 engaged three major legal firms to fight Tim O'Sullivan and I
9 and the firing at Millstone. They were Winston and Strong,
10 and Newman and Holsinger, both very prestigious lawyer groups
11 from out of state, contractor-type, and Day, Berry & Howard,
12 which is one of the largest legal firms in the State of
13 Connecticut. There is no way that a whistleblower can compete
14 with those kinds of resources.

15 Absent that, let's go on with the issue I was
16 trying to deal with. I think what you have to look at is
17 three of those issues were thrown out. Those issues were
18 raised in the area of April, May and June of 1988. Because
19 the issues were thrown out OI didn't look at them, enforcement
20 didn't look at them, and clearly the DOL didn't look at them
21 because they threw them out. It doesn't mean that harassment
22 and intimidation didn't take place. Those particular issues
23 were not thrown out because they had no validity. They were--
24 DOL didn't look at them because they threw them out. It
25 doesn't mean that harassment and intimidation didn't take

1 place. Those particular issues were not thrown out because
2 they had no validity. They were thrown out because of a
3 30-day time constraint. Did the NRC look into those? No.
4 Did the NRC ever do anything about them? No. Did they
5 involve higher management? Yes. What was done? Nothing.

6 The five-year statute of limitation has gone by,
7 gentlemen, and you took no enforcement action whatsoever.
8 These are the types of issues that you are letting slip
9 through the cracks, I believe intentionally.

10 One of the other major problems that I have
11 found I have had to deal with the Nuclear Regulatory
12 Commission is a lack of information. We are continually
13 prodded by the Nuclear Regulatory Commission, DOL, and even in
14 my case by Northeast Utilities to supply information related
15 to the allegations. But nothing ever comes back from the NRC.
16 Anything that you ever want to get back from the NRC has to
17 come out on a Freedom of Information. And then guys like Ben
18 Hayes throw their name on a piece of paper and limit you from
19 getting a FOI request because there is an investigation
20 pending or they send you a blank page saying there is a
21 investigation pending. Mr. Hayes has conveniently discussed
22 my case with people outside of his office, outside of the NRC,
23 outside of the company, and doesn't have, doesn't seem to have
24 any problem with that. And I wonder why he can refuse me FOI
25 information and yet discuss my case with individuals who have

1 no business knowing what my case is about.

2 At any rate, the black hole is also in the NRC,
3 information does not come back out of the NRC either in a FOI
4 request or anything else. But it is clear that the NRC
5 submits almost every bit of paperwork that a whistleblower
6 submits back to the utility. So there is constant
7 communication between the utility and NRC regarding all the
8 whistleblower complaints and allegations, yet there is nothing
9 between the whistleblower and the utility, and nothing between
10 the whistleblower and the NRC. Another issue which has been
11 touched upon, but needs some addressing is lawyer harassment.

12 One of the things that I noted through almost
13 every DOL case, and almost every situation where I raised
14 retaliation issues the utility would post a lawyer up where
15 the DOL was doing the investigations or where the NRC was
16 doing the investigations, and would conveniently detain those
17 people who were going to be talking to them so they could sit
18 down and see if they wanted a lawyer, and basically intimidate
19 them into taking a lawyer before they went in and talked to
20 those people. And if that doesn't intimidate witnesses
21 nothing will.

22 And I think that is an important area that you
23 should control. Maybe you should conduct your investigation
24 off the site, and privately such as the people from OSHA do.
25 I think that they assure themselves that the person doesn't

1 want any legal representation, but he isn't pressured publicly
2 by it.

3 One of the other areas that create a major
4 problem for me in many of the DOL cases that I complained
5 about discrimination and retaliation, they involve labor
6 issues. Unfortunately there was no accessibility for me to
7 get at that labor information to provide substantiated
8 information to the DOL because the keeper of all the
9 information was the perpetrator, Northeast Utilities. I can't
10 get labor information without a court directive. And in many
11 cases the roadblocks were up before we even got a chance to
12 get the information. so they are the keeper of the
13 information when it comes to labor issues that you raise and
14 those are typically the type of issues that are brought
15 forward when a person is retaliated against, yet you can't get
16 that information.

17 To give you an example, if you needed to know
18 your position on an overtime list or whether you had had more
19 sick days than somebody else, a lot of that information is
20 prevented from you getting it, and you can't substantiate your
21 case. The Labor Department can get at it. They can't share
22 it with you in most cases because of freedom of information
23 and privacy information, and, therefore, can't depict the
24 correct information to you because they are not allowed to
25 have the document.

1 So it really creates a problem again. It is
2 very apparent that the DOL investigators are overloaded. And
3 they really don't have the technical expertise that is needed
4 to get through the utility facades between the lawyers, and
5 engineers, and technical people. And that is another area you
6 need to take a look at. What can we do about the problems
7 that are facing whistleblowers and improving the protection?

8 Well, hopefully President Clinton is going to
9 change the character of the NRC with new appointees. I hope
10 that is going to be an area we are going to see. I think
11 without question we have to call for the removal of James
12 Taylor, the Director of Enforcement, Director of OI, and
13 Director of Reactor information, because they are the
14 perpetrators of the problems we are having right now. The
15 basic reasoning in saying those people should be removed from
16 office is quite simple, if you have 609 allegations of
17 harassment and intimidation or retaliation complaints by
18 individuals, and 50 percent of them are caused by five
19 utilities, and those five utilities TVA, which was the
20 highest; Arizona Public Service, was the second highest; and
21 thirdly was Northeast Utilities, and Northeast Utilities had
22 approximately 50 for the time frame that the Inspector General
23 looked into it. In retrospect if you look at the total area
24 between right now and back through mid-'87 there were about 60
25 complaints that should have rung a bell somewhere in Ben

1 Hayes' head. It should have rung a bell in your head, should
2 have done something in Mr. Johnson's head. I would have told
3 Mr. Taylor something like, you don't have 60 cases of people
4 complaining down there. It ought to be pretty obvious you
5 have a problem. I don't think you need to look at the DOL
6 process anymore. I don't think you have to wait for the DOL
7 process anymore. What you need to be doing is getting down to
8 Millstone. These boys make about three mill a day. Why don't
9 we fine them about three mill a day, and see how quick they
10 restore these whistleblowers' pay and get them back made
11 whole.

12 They say we have these limitations in 10 CFR 2
13 Appendix E we can only fine so much. Shut them down, take
14 away their revenue. You won't need the DOL process, my
15 friends, the DOL process will be completely unnecessary. And
16 they will have as much due process as they need taking it back
17 up with you. In the meantime, you are the holder of the
18 license. You don't let up. There is a persuasive pattern
19 against those who bring forward safety issues. I think you
20 would solve your problem without decreasing the force within
21 the NRC. You can probably alleviate the requirement of DOL
22 doing any investigations. It won't be necessary anymore. We
23 can probably cut down some people just like President Clinton
24 wants to do. You ought to take a close, hard look at that.
25 What is the driving force right now for these guys retaliating

1 against us? That is what it is all about, big bucks. If you
2 take the bucks away from them they are not going to retaliate.

3 That is where you guys are making a big mistake.
4 You are carrying a big stick from what I read of 10 CFR. You
5 can shut them down anytime you want. You don't need to change
6 any regulations. I think you need to address that, and that
7 should be a major thing you do. You can change or modify the
8 existing limitations with fines, but that is going to take a
9 change. I think if you just enforce the existing regulations
10 regarding retaliations including the punishment of individuals
11 and suspension of licenses you are going to go a long way.

12 I think one of the things that is imperative,
13 remove all discretionary enforcement powers such as Section 7B
14 of 10 CFR Appendix C. You are familiar with that, where you
15 can mitigate based on your opinion of how well the utility
16 addressed that violation, even though it was a violation you
17 don't have to charge them with a violation because you can let
18 it go by, and that appendix section lets you do that. I think
19 you need to take that out of there, because what you are doing
20 is you are not assessing violators for every time they are in
21 violation. And then they have a nice clean record so you can
22 say, well, we are only going to wack you \$100,000 for screwing
23 with Paul Blanch. When, in fact, what you probably should
24 have done based on all the other stuff that went on at
25 Millstone, suspend their license for 90 days and got their

1 attention, 30 million bucks, even if you suspended it 30 days,
2 and took away 30 million you would have got their attention.

3 I think what you should also do is use the
4 enforcement fines, increase your fines, and use the fines to
5 fund future enforcement action. Don't be coming out of my
6 taxpayer pocket. Don't be coming and tell the president and
7 the rest of the people you want more money. You have plenty
8 of people. You have plenty of authority. Don't be taking it
9 out of my tax pocket. Make the utility pay for it. If they
10 don't want to pay for it, get together with the industry you
11 are so cozy with, and let them support their own shortcomings.

12 Licensees already pay for most special
13 inspections and the like. You already have the things in
14 place to assess them, the money for OI inspections, for
15 regulatory inspections and for enforcement, additional
16 enforcement. Charge it off just like you do with those. It
17 shouldn't be any different. I think one of the things you can
18 do to prevent the excessive spending of money and increasing
19 your resources is have some flexibility of your resources. If
20 Mr. Hayes doesn't have enough people to investigate a
21 particular situation, then go to the Enforcement Department,
22 go to the Engineering Department, go to the technical staff,
23 you know, that are sitting around not doing anything, and
24 bring them in, and have them conduct an investigation. And
25 please, don't come back to me and tell me they are not

1 qualified. Because look what we have had for inspections from
2 this guy for the last five years. So that is not going to
3 have any influence on me either.

4 One of the things you can do is utilize existing
5 NRC staff to enforce, inspect, investigate, and they are not
6 going to do any poorer job than Ben has been doing over the
7 years. Sorry to attack Mr. Hayes. It is the way I feel.
8 Flexibility of resources is the answer, not increasing
9 resources. You have plenty of middle level management, from
10 what I have seen, you have plenty of technical and engineering
11 staff who understand the technical issues, and can get through
12 the facade that I talked about before that these utilities
13 throw up. And they can really get to the bottom of
14 whistleblower concerns. You don't have to go asking for more
15 money. It is very important you make a change to keep the
16 utility out of the circuit. If there is a investigative
17 circuit or regulatory circuit keep them out of it. If you
18 don't they are going to set up roadblocks immediately. That
19 is what they did to me, and O'Sullivan, and every other
20 whistleblower that has ever been involved with a nuclear
21 plant.

22 They hear these lawyers, and contractors, and
23 they go in and do this. I think one of the things you should
24 do is require all licensees to fund an incentive program to
25 reward people, to reward them for coming forward with

1 concerns, not attack them. One of the things that is done on
2 a daily basis in corporate America is we give the guy a
3 parking place if he contributes to some charity, or they put
4 his name in a pool, and they pull it out of a hat, and give
5 him an up-front parking place.

6 There is no incentive for whistleblowers at
7 nuclear plants right now. All the programs we have do nothing
8 more than identify them and implicate them. That is all they
9 do. The programs aren't doing anything for them right now.
10 So they ought to be required to come up with an incentive
11 program they have to pay for. And believe me you start paying
12 people to bring forward safety concerns, and you put them up
13 on a pedestal, and you make it good that he came forward to do
14 that, and I guarantee you they will come forward with them.
15 Unfortunately you will probably have to shut a few of them
16 down until you get some of those concerns fixed.

17 With the other issues I think you need to do is
18 get rid of all current owner controlled nuclear safety
19 programs. They don't work. My phone is busy. I cannot
20 handle all the calls that I am getting from whistleblowers
21 from Millstone. There is no credibility in the Nuclear
22 Concerns Program at Northeast Utilities. There is none. They
23 won't come forward to them guys. They are calling me. They
24 are calling O'Sullivan. And they are calling Blanch. So
25 there must be some credibility if they are calling us for

1 help. So we probably collectively have a hell of a lot more
2 than the NSCP Program at Millstone in terms of allegations
3 that have come forward.

4 In some cases we have taken them through your
5 agency through Senator Lieberman because we can't take a
6 chance of identifying the contractors or individuals that work
7 for Millstone, because they are going to get bounced. We know
8 they are going to get bounced. O'Sullivan and I are living
9 proof that we are going to get bounced. Lastly, take a look
10 at the whistleblowers themselves. Look at the profile on a
11 whistleblowers. They are always people who have good reviews,
12 good grades. The stuff that they bring forward for the most
13 part is right. I look at O'Sullivan and I in our first
14 special inspection at Millstone I think we raised somewhere
15 around 100 allegations of safety concerns, some significant,
16 some minor, in fact, I think a number of them turned out not
17 to be safety concerns.

18 Incidentally, the allegor simply has to feel it
19 is a concern. It does not have to be a legitimate concern as
20 long as he feels it is. We raised 100 concerns the first
21 go-around with Jack Dewers. Out of that he found some 75, 80
22 percent accuracy and substantiated 75 to 80 of those
23 allegations. And he simply said the rest couldn't be
24 substantiated. He didn't say they weren't true.

25 Those people are typically very accurate. And

1 they are concerned for their fellow workers. And they are
2 concerned for the people who live in the area. And they are
3 concerned about operations that will create problems. It
4 should be very clear to you based on the last six months of
5 inspection reports that I looked at that there is a pervasive
6 problem in Unit 2, at least Unit 2, if not the rest,
7 guaranteed Unit 2 that work control is a major problem there.
8 Failure to follow procedures is a major problem there.
9 Tagging control is a major problem there. I mean, they were
10 taking water out of the primary system on that last shut down
11 valve repair because they had an improper valve line-up, and
12 it was all tagged out. How the hell could that happen? Those
13 issues were being raised by O'Sullivan and I in '87, in '88,
14 in '89, in '90, and finally when you guys were embarrassed so
15 bad, and NU was embarrassed so bad they had to fire us.

16 And I say that you need to take a look at what
17 is going on and your enforcement actions primarily because of
18 Section 7B, you haven't been assessing enforcement strong
19 enough, and that is why you have the pervasive problem you
20 have. Shut them down, fine them one million bucks, fine them
21 \$100,000. There are scores of repeat violations on issues
22 which are almost identical, on radiation monitors, procedure
23 compliance. I would like to give you a list, but
24 unfortunately Mr. Barkley and his boys didn't want to supply
25 me with it. It was too much trouble to break it down and give

1 me a complete list of all my allegations. I have had to do
2 page by page out of the stuff I have in my file boxes. It is
3 pretty hard for me.

4 So whistleblowers are usually right, and you
5 need to look at their profile. And lastly I would like to
6 say, look, when editors, and TV stations, radio stations,
7 reporters and legislatures, and all the other people that have
8 looked at these cases and said there is a problem, I don't
9 understand why you guys that are sitting in the driver's seat
10 didn't recognize before they did that there was a problem.
11 You guys had all the information. All these people can't be
12 wrong. There are two, 300, 400 whistleblowers, 609 people
13 that raised complaints about retaliation. They can't be
14 wrong. There has to be a percentage that are wrong, but all
15 of them can't be wrong. And everybody else that has looked at
16 their cases says there is a problem here, and you guys don't
17 see it. It has been before you for seven or eight years. It
18 has been before you for five years that I know of, and you
19 aren't doing anything about it.

20 I have a chilling effect letter and I think this
21 chilling effect letter tells it all:

22 "On September 22nd, 1989 the U.S. Department of
23 Labor's Wage and Hour Division in Hartford, Connecticut
24 received a complain from an employee of Northeast Nuclear
25 Energy Companyat..." dated March 8, 1990, just to give you

1 some indication that there was a problem before Tim and I got
2 fired, "...at the Millstone Nuclear Power Station Unit 2. The
3 employee alleged that he was being harassed by being
4 dissimilarly treated from other employees regarding the
5 crediting of leave time because he had raised safety concerns
6 while performing his duties at Millstone 2. In response to
7 that complaint, the Wage and Hour Division conducted an
8 investigation, and in a letter dated October 30, 1989, the
9 District Director of the Wage and Hour Division found that the
10 evidence obtained during the Division's investigation
11 indicated that the employee was engaged in a protected
12 activity within the ambit of the Energy Reorganization Act and
13 that discrimination was defined and prohibited by the statute
14 was a factor in the actions which comprise his complaint."

15 Now, this is a letter to the Senior Vice
16 President Nuclear -- from you guys, and the next paragraph
17 describes on October 31st, the first one was September 22nd,
18 1989. October 31st, 1989 there was another incident where
19 they found discriminatory action. November 17 they found it
20 again. The other part of this thing is the interesting part:

21 "The NRC is concerned that violations of the
22 employee protection provisions set forth in 10 CFR 50.7 may
23 have occurred and that the actions taken against these
24 employees may have a chilling effect on other licensee or
25 contractor personnel.

1 "We have previously written to you in letters
2 dated June 17, August 3, and August 19, 1988 concerning
3 previous findings by the DOL Area Director that the
4 descrimination, as defined and prohibited by the Energy
5 Reorganization Act was a factor in actions that comprised the
6 complaints of certain individuals. Those letters requested,
7 in part, the actions taken or planned by you to ensure that
8 those employment actions did not have a 'chilling effect' in
9 discouraging other employees or contractor employees from
10 raising safety concerns. your response was provided in your
11 letters dated July 15, September 2, and December 15th, 1988.

12 "Not withstanding those previous findings, as
13 well as your response to our previous letters, the recent
14 complaints filed in September, October and November 1989 and
15 the related DOL Area Director findings indicate that
16 discrimination of your employees may be occurring within the
17 Northeast Utilities organization and this may result in other
18 employees not bringing safety concerns to you."

19 I mean, we are talking about six or eight
20 letters that went back and forth about guys being retaliated
21 against in 1988 and 1989. We are talking about six or eight
22 people. Did you see a pattern there? Did you see maybe there
23 was a problem there? You may want to take a look at it. You
24 got a problem guys, and you better get on it. Is out in the
25 street now. You have a coalition that is going to stay on

1 your tail until you do something about it.

2 Thank you.

3 THE CHAIRMAN: Speaker Number 9.

4 SPEAKER NUMBER 9: I am Arnold Gundersen from Warren,
5 Connecticut. On the record I would like to put four New
6 London Day pieces which occurred this week into the record
7 three are editorial, and one is a news article. The last
8 editorial I will read the ed line for NRC, "Just do your job."

9 THE CHAIRMAN: We will be happy to take that for the
10 record.

11 SPEAKER NUMBER 9: I have a bachelor's and master's
12 degree in nuclear engineering. I am licensed. I served on
13 the governor's Low Level Radioactive Advisory Committee. I
14 was a senior vice president in the nuclear industry. I turned
15 in safety allegations which turned out to be true. I was
16 fired and am being sued for \$1.5 million dollars. I am losing
17 my house to foreclosure, and I have to defend myself because I
18 can't afford a lawyer. What am I doing? I am digging holes
19 for swimming pools. Thank you very much for your prompt and
20 vigorous enforcement actions.

21 For the record I would would like to thank
22 Senator John Glenn who has been very helpful; David Williams,
23 the inspector general of the NRC who has been incredibly
24 helpful; especially Senator Lieberman, without whom I would be
25 dead meat right now. Those three individuals that appear to

1 me to be the only three people in Washington D.C. who give a
2 damn about nuclear safety. You stated in your press release
3 you are worried about retribution from licensees. I am
4 worried about retribution from the NRC. I am here to state we
5 don't need one new whistleblower law. All we need is for you
6 guys to enforce the laws we have. An example of the attitude
7 within the NRC contract is in the word "allegor." My
8 allegations were proven true. I am no longer an allegor. I
9 am a truther. And I refuse to be called an allegor again. If
10 I am truther what does that say about the licensee?

11 The Inspector General told you that he
12 intentionally misrepresented, and yet I am still called in
13 your parlance an allegor. The root of the problem is in your
14 concept of what a whistleblower is. And until you affect that
15 kind of change, the rest is just a facade. I have five
16 examples quickly, Ralph Nader has said that the Nuclear
17 Regulatory Commission is the most corrupt organization in
18 Washington. Considering what goes on in Washington that is
19 quite a compliment. The Union of Concerned Scientists has
20 said that your motto is safety second. The Cleveland Brown
21 dealer found 40 fatalities from overexposures in the medical
22 field which you weren't even aware. The Houston Chronicle
23 says NRC means nobody really cares. And Connecticut's Sam
24 Gejdenson in 1988 wrote a report entitled "The cozy
25 relationship between the NRC and its licensees."

1 In my experience all of those statements are
2 true. In my experience there is no such thing as a protected
3 activity. The emperor has no clothes, guys, you may call it a
4 protected activity. I haven't seen the protection. You
5 stated tonight is a protected activity. For a former employee
6 like me or Mr. Blanch is this a protected activity? That
7 seems to be a simple yes, no question. Is it a protected
8 activity for former employees to discuss safety violations?

9 THE CHAIRMAN: It may well be. I have to be honest
10 with you and tell you there are no court cases of that area.
11 My own personal view it is. How a court would resolve it I
12 can't tell you.

13 SPEAKER NUMBER 9: Well, I am being sued for a
14 million and a half. In my experience there is no such thing
15 as a protected activity. The emperor has no clothes. I wrote
16 to my management with safety violations, that is a protected
17 activity. I was fired. I wrote to the NRC about those safety
18 violations, that is protective activity. The NRC botched the
19 investigations. I contacted the NRC. I was ignored, that is
20 a protected activity. I wrote to Senator Lieberman after I
21 was fired, that is a protected activity. I think those
22 letters to Lieberman were responded to by your boss James
23 Taylor who basically said all my allegations were false and
24 you guys weren't going to waste your time looking at them. I
25 had to write to a United States senator five times to get you

1 guys to do your job.

2 Don't tell me about protected activities. Two
3 years later in an inspection you found the seven violations
4 that I as a truther brought to your attention. Well, finally
5 the good guys arrived in the scene on the form of David
6 Williams an Inspector General and Gundersen. The Inspector
7 General found the NRC had botched its initial inspection
8 because it had relied on the assurances of the president of
9 the forum. In Gundersen 2 the NRC found the there was a cozy
10 relationship between the NRC and the licensee, where work was
11 being given to the licensee on the sole source basis. And
12 wining and dining was occurring outside of standard policy.
13 So I was able to prove that my allegations were true. I was
14 able to prove the technical and managerial incompetence of
15 Region 1. And I was also able to prove that some people in
16 the NRC were on the take.

17 What was the NRC's response? Mr. Hayes wrote a
18 90-page letter assassinating my character, 250 errors and
19 material false statements in that letter. And it is
20 interesting that the Inspector General's report about botched
21 inspections never made it to the public document room. The
22 Inspector General's report about the cozy relationship never
23 made it to the public document room. Before the ink was dry
24 on Ben Hayes' report about me, boom, it is in the public
25 document room. I find it curious that you guys can write a

1 report about someone's allegations and never interview the
2 person, and I was never interviewed.

3 There are 250 errors in that report that I am
4 bringing to the Inspector General's attention. I think that
5 is appalling it ever occurred in the first place. Thank you
6 Mr. Hayes, Mr. Lieberman. You have known for two and a half
7 years that I am being sued for discussing safety violations in
8 forums like this, and you are letting that suit progress.
9 Thank you, Mr. Lieberman. If this is protection I don't need
10 it. Every license I have ever read says that enforcement
11 action will be prompt and vigorous. Paul Blanch's took 49
12 months. May I remind you that the United States entered World
13 War II, fought World War II, won World War II and had the
14 Nuremberg trials in less than 49 months. That is not prompt,
15 and it is not vigorous.

16 In my case an action has been so slow I am
17 losing my house. I have lost my career. I am getting a nice
18 tan but it is not from golf, it is from digging holes in the
19 ground. I think it is time that we face the fact that you
20 guys have portrayed the NRC as a cathedral of integrity, but
21 those of us that are whistleblowers know that is just the
22 facade. There is the back side of the building that the
23 lobbyist can enter, nuclear licensees can enter. We can't.
24 We know it is there. It is a facade. The cathedral of
25 integrity is a facade, really what we have is a bureaucratic

1 brothel.

2 In conclusion, we don't need any new laws. I
3 will tell you what it feels like to be a whistleblower. It
4 feels like you are in Fort Apache surrounded by Indians. And
5 you call for help. And you hear the cavalry in the distance.
6 You hear the horns. You hear the hoofbeats. It seems like it
7 is a long time. You hear the hoofbeats, and horns, and when
8 the cavalry comes over the horizon they start shooting at you
9 too. We don't need any new laws. We need integrity in the
10 NRC to enforce the laws we already have on the books. Thank
11 you.

12 THE CHAIRMAN: Speaker Number 10.

13 SPEAKER NUMBER 10: My name is Pete Reynold. I work
14 at Northeast Utilities Millstone 1. First of all, I want to
15 ask a question, is this a protected activity?

16 THE CHAIRMAN: Yes, it is.

17 SPEAKER NUMBER 10: Did you hear that, Steve? Out of
18 the speakers so far I feel a little left out. I am the only
19 one still working so far. And I want to keep my job.

20 THE CHAIRMAN: I would appreciate it if the speakers
21 could speak, and the audience not clap or whatnot.

22 SPEAKER NUMBER 10: I have been at Millstone for 14
23 years as a maintenance mechanic. And I came here tonight to
24 see what kind of protection that you people had to offer, but
25 listening to all the speakers so far I was a little hesitant

1 about coming up here, but I have commenced with this company
2 for the past two years almost on a personal basis with the
3 officers, all the way up to the higher vice presidents on what
4 has been going on at Millstone. If they say they don't know
5 what has been going on, I think they should go back to the
6 records of my grievances that I put in concerning
7 performances, concerning the time I told them exactly what was
8 going on about raising nuclear concerns.

9 I have been harassed, threatened, and even this
10 past August I was suspended for 15 days. So I am here, and I
11 am asking for your protection, but so far I haven't seen
12 anything that would indicate that I am going to be protected.
13 I guess I am going to have to go out and look for another job.
14 I have been told by the company that I either conform to their
15 standards which are in use or pay the consequences up to and
16 including dismissal. I feel I am not going to lower myself to
17 their standards. I have a good working record of every place
18 I have ever worked. I do my job well. And I expect them to
19 do their job well. If they want me to lower myself to their
20 standards as far as nuclear safety concerns, the safety of the
21 people, and the way they harass people they might as well fire
22 me now, because I won't do it. And I am not a very good
23 speaker either.

24 THE CHAIRMAN: You are doing good.

25 SPEAKER NUMBER 10: All I ask from you people from

1 what I hear tonight is that you do your jobs, what we are
2 paying you to do. If you want to join a bureaucratic
3 political movement to keep your jobs and only do what you have
4 to do to cover your jobs, then we don't need you. We will
5 find other routes to go. And they can dissolve the NRC,
6 because over a year ago I brought forth safety concerns, and
7 what was happening to me. And a year later I get a letter
8 back from the NRC trying to justify their actions. That was
9 only after I submitted another letter to the NRC enforcement
10 office that I got an answer back.

11 All I ask you people to do is do your job. And
12 the other thing is we are talking about a company especially
13 like Northeast Utilities, you go after the company, the
14 company itself. This is a decent place to work. Most of the
15 people in it are decent. You have a few individuals, all they
16 concern themselves with is furthering their career, and they
17 will do anything to shut people up that might intimidate them
18 as far as getting advancement in the company. I feel that
19 each individual that is responsible for their harassment of
20 people like myself, they are the ones you should go after. If
21 they are slapped with a \$100,000 fine maybe they will think
22 twice before they do things like they did to Paul and Tim and
23 Don.

24 The freedom of speech, there is no such thing as
25 freedom of speech. They put out memos, and stuff about

1 bridging forth nuclear concerns. They send you to classes on
2 it. They have all kinds of stuff. As soon as you open your
3 mouth about anything you are told you are being derogatory to
4 your supervision, all kinds of stuff like that. I think that
5 is all I have to say.

6 THE CHAIRMAN: Thank you very much. Speaker Number
7 11.

8 SPEAKER NUMBER 11: Good evening. My name is Mike
9 Brown. I am a Manager for Northeast Utilities. I am not
10 speaking on behalf of the utility, and certainly have not
11 cleared my discussions with the utility in advance.

12 For many, many years I have known Mr. Don
13 DelCore Who spoke here today, having served with him in the
14 Navy originally some 25 years ago. And certainly I have known
15 Mr. Paul Blanch probably the better part of 18 years, so I
16 consider both of them friends and find myself in a unique
17 position of having known them as friends before, after and
18 now, and also looking at our company and its position.

19 There is no question early on in Mr. Blanch's
20 case certainly I assisted him on the Rosemount efforts in
21 bringing that forward, and his concern in those types of
22 issues.

23 A few things dealing with the current laws.
24 There is no question, I think you have heard it tonight, the
25 DOL process everybody agrees is not a very effective process,

1 and certainly needs some looking at relative to how that could
2 be either eliminated, streamlined or made much more effective.
3 It appears when you look at these types of concerns with
4 whistleblowers, people originally come forward with some valid
5 concerns. In a case such as Millstone or Northeast Utilities
6 where it is a big company unfortunately some cases weren't
7 handled as good as they should have been handled. I am not
8 trying to make excuses one way or another.

9 It does appear that the NRC in taking as long as
10 it does to process a particular case certainly then encourages
11 the person to keep defending their position, and puts them in
12 an awkward position in that they knowingly or unknowingly
13 search out additional issues to make allegations to
14 substantiate their credibility while the case is being heard.
15 In some cases they may be legitimate concerns. In some cases
16 it may be from a, what they perceive to be an attack on them.

17 Certainly it seems to me that if the NRC adopted
18 some type of arbitration process that moved very, very quickly
19 when there was a concern, let's say within 30 days, if it
20 couldn't be resolved within the utility, then those cases
21 would be heard, looked at, and dispositioned. And it may tend
22 to curtail a lot of what becomes a very divided and conquered
23 issue.

24 From the utility perspective, and I don't speak
25 again once again from the utility, from my own side certainly

1 there is a certain caution when somebody comes forward with an
2 allegation that due process needs to be provided to those
3 individuals, and that in itself kind of isolates an
4 individual, because what you say, what you don't say, how do
5 you say it, and you start picking and choosing words, they
6 feel isolated from the majority of people within a station or
7 within an organization, and unfortunately that process in
8 itself, and as this carries on for years, which sometimes
9 these investigations do, it just becomes more polarized.

10 I think a quick arbitration process to look at
11 allegations would serve the NRC's interest, as well as the
12 individual's interests, and certainly bring balance to the
13 process to have a look at those types of issues. It would
14 also maybe curtail some of the continual barrage of these
15 allegations that may or may not be valid.

16 There is the other issue within a utility, and I
17 am not once again speaking for them, but there is a concern
18 that when you do take disciplinary action for one reason or
19 another the individual then gets vindictive, and then starts
20 looking for, using the whistleblower act as a means of
21 retaliation. And I think, once again, an arbitration process
22 could quickly bring these issues that are legitimate to the
23 forum, and get that behind us.

24 Certainly as far as Northeast Utilities I know
25 Mr. Blanch had a lot of difficulty, and I am not trying to

1 make small with that issue, but in general, I know for myself
2 I, Mr. Hayes, in the particular Blanch case I certainly
3 testified against the company in that particular one to Ernie
4 Wilson. And the company's attorneys are well aware of it.
5 The management is well aware of it, they certainly haven't
6 retaliated against me in any way.

7 In my position as manager of training I have
8 certainly come across a lot of problems, I would say on the
9 average of maybe a half a dozen a month, and certainly bring
10 it to all levels of the company management at the officer
11 level, at the manager levels, and I have not ever had a single
12 case where anybody has tried to retaliate against me. And I
13 don't feel threatened by bringing forward these issues. I
14 certainly don't feel that the NRC has helped or hindered in
15 any way, shape or form. And I don't think the current law
16 necessarily is a bad law. I think we need to move
17 expeditiously to resolve these types of problems.

18 Northeast happens to be a very good company to
19 work for. I have worked there 22 years. I certainly raise a
20 fair number of concerns. They have certainly moved me on
21 different occasions into extremely sensitive positions where
22 they certainly would have a concern, I headed up the recovery
23 unit at Millstone 1. That is not someplace you put someone
24 who raises concerns. If I have a problem I am vocal about
25 those problems.

1 In my perspective Northeast is a decent company,
2 a lot of decent people. There are isolated problems here and
3 there, as there are at other companies in this country.

4 THE CHAIRMAN: Do you have any perspective why in
5 this case some people may be harassed and in other cases other
6 people are not harassed?

7 SPEAKER NUMBER 11: Mr. Lieberman, certainly the
8 individuals involved could bring their own issues forward. I
9 think in my own experience as recently as the recent
10 allegations that came out in the last few weeks there is a
11 tendency to be very, very cautious by the utility as to how
12 they speak to the individuals all of a sudden who have had
13 long term relations and dialogues now are cautious how they
14 talk so they don't get accused by the individual. There tends
15 to be a certain chilling effect because there is no quick way
16 to bring these issues to resolution.

17 I think expediency in bringing the situations to
18 resolution is the secret to reducing your headaches,
19 individuals that bring the concerns forward, headaches. I
20 think people feel they are harassed because, one, they bring
21 forward an idea, as I said it may be legitimate, it may not be
22 legitimate. As they move forward they need to substantiate
23 it. Other people bring them things and it becomes an
24 avalanche of allegations, and the whole issue gets out of hand
25 as it goes over a year. As more and more allegations are

1 brought forward and more attorneys are brought in the whole
2 issue becomes a hectic affair to try to manage.

3 THE CHAIRMAN: Thank you very much. Speaker Number
4 12.

5 SPEAKER NUMBER 12: Good morning, my name is Mike
6 Manlockus (phonetic). I am a Northeast Utilities' employee.
7 I am also a Nuclear Concerns Program Peer Representative. And
8 I would like to say I believe this program in the past year
9 and a half has evolved into a very good program. I think the
10 people that have used it for the most part have been satisfied
11 with the conclusions of their incidents, and I don't believe
12 it is a useless program. I think more utilities should use it
13 if they are not already. And the people who have problems
14 should try to use it, and see if it works, give it a chance.
15 I think the comments I have read in the paper where people say
16 if you haven't used it, you think it works? I don't believe
17 that I think the people that used it will tell you that it has
18 worked. Thank you.

19 THE CHAIRMAN: Do you have any idea how many people
20 have used that program?

21 SPEAKER NUMBER 12: I couldn't give you the exact
22 number, a few dozen I would say. And I don't know of any
23 people that have gone away unhappy from this program. I don't
24 know the exact number.

25 THE CHAIRMAN: Over what time would you say the few

1 dozen might be?

2 SPEAKER NUMBER 12: I would say maybe in the last
3 year, year and a half since the program has been revised. And
4 it has been revised to include the peers, and I think more
5 people feel comfortable going to a peer instead of going to
6 the program head or somewhere up the chain they feel more
7 comfortable talking to someone on their level.

8 THE CHAIRMAN: Thank you very much. Number 13.

9 SPEAKER NUMBER 13: Good evening, my name is Peter
10 Boman. I am from New Haven, Connecticut. And I am a founding
11 member of an organization there called Don't Waste
12 Connecticut. One may ask, well, it is somewhat out of place
13 up here. We are talking about whistleblowing and Northeast
14 Utilities and I had somewhat of a feeling of that when I was
15 on my way up here tonight, but after listening to the speakers
16 I find it very interesting.

17 I have been involved with nuclear issues for
18 many years at a citizens' level, and my most recent
19 experiences have been with the Connecticut Hazardous Waste
20 Management Service who have been mandated by the State of
21 Connecticut to search out a low level radioactive waste site
22 here within the State. And it was interesting to me as I
23 listened to some of the words that the whistleblowers and
24 other speakers used, and how it applies to the very issues
25 that Don't Waste Connecticut are dealing with at the low level

1 radioactive waste. We had words like mendacity, lies,
2 falsehood, loss of memory, harassment, intimidation, I could
3 have added outside of the nuclear industry, I could add what
4 the citizens are referring to hysterical, uninformed,
5 confrontational, ridiculed.

6 I find we have common ground here because we are
7 both concerned, both as citizens outside of the industry, and
8 the whistleblowers within the industry that we have here a
9 technology which is unforgiving. It has tremendous problems,
10 not only in the state, and in the nation, but on the
11 international scene. And we have two bodies which are
12 supposedly concerned with public health and safety. And that
13 is written directly into the mandate which dates back to the
14 Atomic Energy Act through the Atomic Energy Commission of the
15 NRC, and I also refer to the International Atomic Energy
16 Agency that public health and safety are supposedly first
17 priority. And I can go back probably about 18 years when I
18 first started to get some flavor of what was going on in the
19 nuclear industry.

20 I won't take too much of your time. I had a
21 prepared statement, but I would like to digress for a moment,
22 that we were concerned with the shipment of spent fuel from
23 the Brookhaven National Lab that was going to be shipped
24 through Connecticut because the people in New York City said
25 we don't want this highly irradiated, spent fuel coming

1 through this city with eight to 10 million people in this
2 area. So they said we will ship it through Connecticut. I
3 lived in Newtown, Connecticut at that time. And there was a
4 group of citizens there who were somewhat concerned. So
5 Brookhaven National Lab sent this so-called scientist, Dr.
6 Anderson I think his name was, so-called scientist, disguised
7 as a scientist, public relations man actually.

8 And he came to Newtown, and he essentially told
9 us that we were a bunch of freaks. That we didn't know what
10 we were talking about, why would we be concerned about such a
11 simple thing as nuclear power? It is all for the good of the
12 people, for the good of the country, for the good of the
13 world. And we should all go home, bury our heads in the sand
14 and forget about it, and let the industry do their thing.
15 Since then we found out we have had Three Mile Island. We
16 have had Chernobyl. We defined that as -- one of the speakers
17 referred to the rise in the rates of breast cancer, prostate
18 cancer, immune system disorders related to the release of low
19 level radiation both from the bomb testing and the nuclear
20 power plants is decimating the human species. And I went to a
21 lecture where a doctor from the Ukraine who had been involved
22 with the Chernobyl accident, treating the people from the
23 Chernobyl accident. And her statement was, that she has in my
24 mind, that the people of the Ukraine are a dying species.
25 That they are an endangered species because the gene systems

1 of the people in the area of Chernobyl have been damaged.

2 I just read in the paper a couple of days ago
3 that 10,000 children are in Cuba from the Chernobyl area being
4 treated. You may say, well, what has this all to do with the
5 NRC contract and the whistleblowers? This is the whole point
6 going back to my statement that any rational, unbiased
7 observer of the NRC over the past years cannot fail to reach
8 the conclusion that in most cases their regulatory decisions
9 have been in favor of the industry. Completely ignoring the
10 mandated health and safety of the public is of concern. That
11 bias is obvious or these hearings wouldn't be held. There
12 wouldn't be whistleblowers if the public health and safety was
13 on the line.

14 We have to applaud these courageous men and
15 women who are the public's first line of defense against the
16 bureaucracy that hides from the people, lies to the people,
17 and tries to destroy those who question their edicts. Without
18 these men and women to light the warning fires the suspicion
19 of the democratic process would be almost total. What the
20 government and the NRC lack, which is principle and integrity,
21 these people have brought to this process. And I would
22 mention in particular Don DelCore, one of the whistleblowers
23 who spoke earlier. He was not a direct employee of Northeast
24 Utilities, and therefore more vulnerable to harassment and
25 dismissal. He was working for a contractor at the time he

1 raised these issues. And I know from my personal experience
2 with Don that he has suffered for many years now because of
3 the lack of concern by the NRC, and the regulatory bodies
4 about these cases. It is of no surprise to me that this is
5 happening, because at the bottom line of this there is a huge
6 industry out there, the nuclear industry, not only is it
7 involved with the building and running of nuclear power
8 plants, but it is tied directly to the nuclear weapons.

9 I think that when the people -- by the way, I
10 think the podium is turned the wrong way. There is no good
11 need to talking to these people. They have their minds made
12 up. I should be talking to the people and have them realize
13 that the nuclear power, nuclear weapon industry is one in the
14 same. And as I mentioned before it is not only on the state
15 or the national scale but it is an international scale. You
16 only have to go back a short period of time. And we went into
17 the Iraq war where the United States lost a number of troops
18 there, a few hundred, but thousands of civilian deaths
19 occurred. And one of the reasons for that war because Saddam
20 Hussein supposedly had a peaceful nuclear reactor in which he
21 was going to develop the fuel or develop the material to make
22 a bomb. The idea of the peaceful atom has long been
23 shattered.

24 Another reason I would say why the NRC and its
25 other agencies do not want to see whistleblowers coming

1 forward with safety concerns is because this technology is not
2 controllable. And I go back to reading and hearing Carl S.
3 Morgan who is known as the father of health physics. And Carl
4 S. Morgan many years ago, and Carl S. Morgan was a proponent
5 of nuclear power for years. He set up the programs in the
6 nuclear plants to monitor the release of radiation, et cetera,
7 et cetera. Carl S. Morgan said the allowable exposures to
8 radiation should be lowered by a factor of 10 to assure safety
9 both of the workers and the public, but he said if that
10 happened we would have to shut them all down. We couldn't
11 possibly operate, the economics of it would be that way.

12 THE CHAIRMAN: Could I ask you to focus more. I
13 understand the background you are giving us, but if you could
14 focus more on whistleblowing and try to sum up because there
15 are other speakers who want to speak tonight.

16 SPEAKER NUMBER 13: The point is, the public out
17 there, and I am one of those, and Don't Waste Connecticut,
18 many other organizations who are concerned with what is going
19 on in the nuclear power plants find out that their concerns
20 are being addressed by whistleblowers who come out and go
21 public, and you read it in the newspaper. The NRC is not
22 doing their job. My point is the NRC should be disbanded.
23 The Atomic Energy Act should be repealed. And we should go
24 back to stage one, and have a body of independent people,
25 scientists, biologists, epidemiologists. We should go back

1 and we should try to get some control on this industry. I
2 know this is not going to happen because we have jillions of
3 dollars invested in this, Westinghouse, General Electric,
4 Northeast Utilities, you name it.

5 The other thing that came to mind, and I don't
6 know whether I can recollect it all now, but the manager that
7 spoke is very interesting. The point that he made he said
8 that Northeast Utilities put him in some position, I didn't
9 quite get what it was, some sensitive area they were working
10 on, and he didn't think they would have done that if he had
11 been voicing concerns about safety. Well, that tells you
12 something about Northeast Utilities, and how they operate.

13 There was something else I have kind of
14 forgotten, so many things have gone on. What I am saying here
15 to back up these whistleblowers, to get some control on this
16 industry the NRC has got to go. And that is essentially the
17 bottom line. And as I pointed out this not only applies to
18 this country, but the International Atomic Energy Agency,
19 which runs the same kind of program that NRC runs here should
20 also be disbanded and the international scene should be
21 completely changed.

22 THE CHAIRMAN: I appreciate those comments. Could I
23 ask you to hold the rest of the comments until we have the
24 rest of the speakers if you want to come back at that time it
25 would be fine. Speaker Number 14.

1 SPEAKER NUMBER 14: Mr. Lieberman, Mr. Johnson, Mr.
2 Hayes. My name John Sauger. I am president of Marker
3 Engineering (phonetic). We provide consulting services to the
4 domestic utilities. We also work with the Cherkovka Institute
5 (phonetic) in Moscow, and the Academy of Arts and Sciences in
6 Kiev. Everybody else has digressed, for the members of the
7 public here that are not that familiar a lot of references are
8 us promoting or allowing a Chernobyl-accident here in the U.S.
9 For those of you that don't know that is impossible. We don't
10 have RKM reactors here.

11 A VOICE: That is not true.

12 THE CHAIRMAN: We have let other speakers speak, let
13 this one speak. Go ahead.

14 SPEAKER NUMBER 14: Relative to the whistleblowers I
15 run a small company. I also work with some of the client
16 utilities. I have different responsibilities, a normal
17 utility engineer. Not only do I worry whether I am doing my
18 job right, I also worry about making a payroll, what impact
19 Mrs. Clinton's health care reform is going to have on my
20 company, what insurances we have to pay for liability, how
21 much my lawyers in Washington, lobbyists are costing me to
22 effect changes in the law. I am concerned any changes you
23 make to the law are going to swing too far in the other
24 direction. As a small business I can't have someone come
25 forward and identify a concern, which I will obviously pursue

1 and have rectified, and have a law come out that is so
2 restrictive I can't do anything for that guy and send all the
3 money we get to Washington.

4 I think the idea of Mike Brown from NU is
5 exceptional coming up with some type of committee or some
6 group that can look at these allegations, and in a period of
7 30 days solve them. It does us no good to have someone who is
8 an alleger or truther or whatever they prefer to be called
9 have that then dragged out for months or years on end. Get it
10 over with, put it to bed. Let's get along with the business
11 of making safe and effective nuclear power. You have to find
12 a way to resolve these things in a fast manner.

13 If I had a situation where one of my employees
14 was involved in a case like this, and it dragged out for two
15 years I would hand him the keys to the company. It is not
16 worth it. I worry about this, sexual harassment everything
17 that comes out of Washington. I don't need any changes or
18 laws from you people that are going to slant too far in the
19 other direction. I am not up to speed with any of the claims
20 or what goes on. There is a lot of hate and and animosity in
21 the room. Apparently some breakdown in communication has
22 occurred. We are dealing with procedures and policies that
23 are general in nature. They have to be implemented by people.
24 Sometimes people make mistakes. Hopefully by your efforts we
25 can resolve these issues and move forward in a positive

1 direction instead of wasting so much energy with how we are
2 going to handle people. Thank you.

3 THE CHAIRMAN: Speaker Number 15?

4 SPEAKER NUMBER 15: Good evening, my name is Sharon
5 Siz (phonetic). I am from Ellington, Connecticut. I have
6 some brief comments, gentlemen.

7 My interest in nuclear issues and problems
8 increased very dramatically when a town in which I lived was
9 identified as one of the finalist sites for a low level
10 nuclear waste dump. This does not imply low risk. In
11 Connecticut over 99 percent of the radioactivity is generated
12 by the four nuclear power plants. As you can imagine the
13 siting process met with very vehement opposition of the part
14 of the public, and we mobilized. There were a number of
15 groups involved. With the effort of the Connecticut
16 legislature we were successful in changing the siting
17 criteria, because we felt it was inappropriate for a rural
18 community of 12,500 people over aquifers, and those kinds of
19 things. Fortunately we have new siting criteria in place. I
20 will forever be indebted to Senator John Larson; and
21 Representative Edward Graziani; and Representative Kevin
22 Rennie.

23 The public is not living within a cocoon of
24 ignorance. We have become increasingly informed and alarmed
25 by research, and in part by the numerous articles that have

1 appeared in newspaper articles throughout the United States.
2 I too have read the editorials that appeared on October 4th
3 5th, 6th and 7th in the "New London Day." I am sure that
4 thousands of Connecticut residents read with concern the
5 article describing the whistleblower by Paul Blanch in
6 Northeast Magazine on Sunday, October 3rd. After listening to
7 the previous speakers I find myself asking why are we
8 punishing the messengers?

9 As a citizen I applaud the courage of
10 whistleblowers coming forward. They are very definitely our
11 heroes, and in today's society we have very few. They have
12 refused to compromise their integrity or be deterred by the
13 risks associated by speaking out to protect the public health
14 and safety. To all whistleblowers please accept my sincere
15 respect and appreciation. You are carrying on the fine
16 tradition initiated by Rachel Carson. Our responsibility
17 mandated by our presence on this planet is to fulfill our
18 individual and collective obligations to preserve the
19 environment.

20 I have dealt with Senator Lieberman since his
21 election on a number of issues. He has always been very, very
22 responsive, and I will deal with this issue with him early
23 next week. For anyone who ever doubts the importance of
24 standing up for what you believe in may I quote the late
25 Martin Luther King who said "The time is always right to do

1 what is right." Thank you for giving me the opportunity to
2 speak to you this evening.

3 MR. CHAIRMAN: Thank you. Speaker Number 16.

4 SPEAKER NUMBER 16: Good evening, my name is Pat
5 Nowige (phonetic). I am speaking to you this evening as a
6 member of the Board of Directors of the 20 year old
7 Connecticut Safe Energy Organization, People's Action for
8 Clean Energy, also known as PACE. I also come to you this
9 evening after spending a day with my two young children who
10 were off of school, and directly from dropping one of them off
11 from a piano lesson, therefore, I am not dressed in an
12 executive outfit, as many of the people in the room are. I
13 would like to say that does not mean that I don't understand
14 some of these issues, nor does it mean that I should be
15 ignored.

16 I do want to repeat some of what the previous
17 speaker just said about my gratitude toward the really brave
18 men and women who are termed whistleblowers in the nuclear
19 industry, both in the commercial industry and otherwise. They
20 are doing what I cannot do. They are watching over this very
21 complex technical industry, and they are bringing forward
22 safety concerns so that myself, my family, and the general
23 public are protected.

24 It is true the NRC has never accomplished those
25 safety regulatory procedures. It is unfortunate and it is

1 sad, but it is true. The amounts of fines, for example, are
2 laughable, and indeed they do encourage the industry to
3 continue to harass the workers. It is more profitable for
4 them to take \$100,000 fine than to shut a plant down for even
5 one day. The safety records of the plants is far from
6 excellent simply because no technical Chernobyl has happened
7 in this country. The history of undermining the public trust
8 is abysmal. It began by the Atomic Energy Commission and the
9 current NRC. It began when Eisenhower said "Keep the public
10 confused." And it continues to this day with the current
11 persecution of whistleblowers.

12 Now, given the scientific and technical
13 complexity of the nuclear power plant operations an agency
14 that is truly intent on safety would encourage the workers to
15 come forward. And a previous speaker offered an idea for an
16 incentive program, and I would like to recommend that that is
17 also a good idea. I certainly hope that this meeting this
18 evening and any results of it are not going to be just lip
19 service. The undertaking which this Review Team is involved
20 with, I jotted down a note here from the handout from the
21 Federal Register, is very simple, it seems to me, to determine
22 if sufficient steps are being taken by the NRC to create an
23 atmosphere conducive to bringing up safety concerns. I
24 certainly hope this Review Team is taking its job very
25 seriously. And I have a question, a side issue, Mr. Johnson

1 what would your title be?

2 MR. JOHNSON: I am the Deputy Director of Reactive
3 Projects at NRC's Atlanta Office in Region 2.

4 SPEAKER NUMBER 16: Pardon me. I find it appalling
5 you did not know about Mr. Blanch's allegations about the
6 Rosemount problem; that is simply lack of homework.

7 THE CHAIRMAN: I don't think Mr. Blanch was referring
8 to the Rosemount issue. It was the Susquehanna problem that
9 he was referring to.

10 SPEAKER NUMBER 16: Were you aware of the Rosemount
11 issue, Mr. Johnson?

12 MR. JOHNSON: Very well aware of that.

13 SPEAKER NUMBER 16: My apologies. I was really in
14 shock there. At any rate, the job of the Review Team, while I
15 do not hold all the knowledge that has been offered up this
16 this evening about specific steps for you to take, the simple
17 determination of whether sufficient steps are being taken it
18 apparently to me seems to be a yes or no question. Any
19 report, any recommendations that come as a result of your
20 investigation should begin with a very simple yes or a no.
21 And then I know you will have to go on and qualify that at
22 length I am sure. It is obvious to me from even the small
23 amount of information that was brought forward tonight that
24 the answer in my opinion has got to be a resounding no. And
25 frankly I think that anyone who would say that the NRC is

1 taking sufficient steps at this time has just simply got a
2 morally bankrupt personality.

3 Finally, and I will end with this, I would like
4 to challenge you three gentlemen, and anyone else involved
5 with your Review Team to become whistleblowers yourselves. If
6 at any point along the way in this review that you are
7 conducting you see some of the kinds of coverups, and lies, et
8 cetera, that have been described this evening, I would suggest
9 that you do the right thing, and, as I say, become a
10 whistleblower yourself, thank you.

11 THE CHAIRMAN: Thank you. Can we have speaker Number
12 17?

13 SPEAKER NUMBER 17: My name is Nicholas Reynold. I am an
14 attorney with the law firm of Winston and Strong. I normally
15 would not rise and speak in a forum such as this, but I feel
16 that the record this evening is so distorted with respect to
17 former NRC commissioner Jim Curtis I rise to speak.

18 Mr. Curtis is a law partner of mine. And he is
19 a man of high integrity, and moral conviction. He elected to
20 join Winston & Strong on August 1st in order to practice law
21 in the private sector. In the 14 prior years of his
22 professional career he was a public servant, first with the
23 NRC and then for a number of years as staff counsel to the
24 United States Senate Subcommittee with oversight
25 responsibility of nuclear regulatory matters. For the past

1 five years he has served with high distinction as a
2 Commissioner of the NRC. When Mr. Curtis entered the private
3 practice of law with Winston and Strong he conducted a
4 systematic review of any matter at the firm in order to
5 determine those as to which he could lawfully participate,
6 and those as to which he could not.

7 Because of his involvement as a government
8 employee in his prior life as a commissioner he was obligated
9 to conduct that review. This is a requirement of any attorney
10 who leaves the employ of the federal government in order to
11 practice law in the private sector.

12 Mr. Curtis has, in fact, determined that he may
13 not be involved in the matter involving Mr. O'Sullivan before
14 the NRC, and Mr. Curtis has formally recused himself of
15 involvement in that matter. Mr. Curtis has formally advised
16 the NRC in accordance with the requirements of federal and bar
17 association regulations that he will not be involved in that
18 matter. And, in fact, he has not been involved in any way in
19 that matter since his arrival at Winston and Strong in early
20 August of this year. Thank you.

21 THE CHAIRMAN: Thank you. Speaker Number 19.

22 SPEAKER NUMBER 19: Despite the fact this is a
23 protected activity Speaker 19 has decided not to speak.

24 THE CHAIRMAN: You do appreciate we have forms at
25 the back of the room if you do wish to participate feel free

1 to do so.

2 THE CHAIRMAN: Number 20.

3 SPEAKER NUMBER 20: Hi, my name is Jay Sullivan from
4 Waterford. As a member of the public, I don't feel properly
5 protected concerning nuclear safety. I feel if the people are
6 systematically purged from the industry then we all lose.

7 I have raised safety concerns before about spent
8 fuel, about evacuation plans, about the warning system, the
9 siren and voice page system. And being a member of the public
10 my concerns are generally ignored. I feel that spent fuel is
11 a major safety issue, and I don't feel Long Island Sound
12 should be a storage site. I don't feel myself or my family
13 could be safely evacuated from the shore area under certain
14 conditions. I feel water evacuation routes should be made
15 available in the Waterford Beach and Ocean Beach areas. I do
16 not feel my children could be safely evacuated from school in
17 the event of an emergency. I have been told they might be
18 kept at the school. I have been told they might be sent home.
19 I have been told they might be sent to Wethersfield. And I am
20 supposed to find out how to do that without using the phone.
21 This scares me, the thought of being separated from my
22 children in the event of a nuclear emergency. And I am
23 concerned there aren't enough buses in the area to get them
24 out of there.

25 I feel a well-informed and educated public is

1 important for nuclear safety. Information about radiation
2 releases, planned and unplanned, should be made available to
3 the public, as well as the wind direction. People should be
4 informed about the choices that need to be made concerning
5 nuclear safety. I hope you get some of these whistleblowers
6 working for you and working toward these goals and not
7 shutting them out of the industry. Thank you.

8 THE CHAIRMAN: Thank you. Number 21?

9 Okay. Well, without anymore speakers tonight I
10 want to again remind people we do have comment forms in the
11 back of the room with envelopes if you want to send any
12 comments to us. We will meet, also tomorrow there will be an
13 opportunity for people to speak. I appreciate the various
14 views given tonight, and we do intend to consider them with an
15 open mind to try to improve the process. As many said, there
16 is a lot of room to improve the process. With that I declare
17 the meeting over. Thank you.

18 9:15 p.m.
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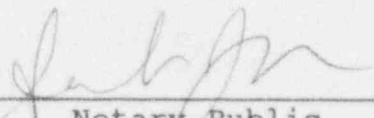
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I hereby certify that the foregoing proceedings were taken by me stenographically and reduced to typewriting under my direction and that the foregoing is a true and accurate transcript of the proceedings.

I further certify that I am neither of counsel nor attorney to any of the parties involved in the proceedings, nor am I interested in the outcome of said proceedings.

Witness my hand and seal as Notary Public this 12th day of October, 1993.



Notary Public

My Commission Expires:
November 31, 1997