

From: PAUL M. BLANCH <PMBLANCH@ix.netcom.com>  
To: John Zwolinski <JAZ@nrc.gov>  
Date: 9/11/96 4:07am  
Subject: Re: INDEPENDENCE -Reply

John:

On 9/10/96 you wrote:

>Past NU employees that have worked on Units 1 or 2 can be  
>considered to be on the team. Current employees of NU will not be  
>on the Team. Financial stipulations are clear as to any financial  
>interest in NU would disqualify an individual. The licensee must first  
>select a contractor...that contractor must identify individuals they  
>believe are sufficiently independent and the staff will review  
>qualifications with no names...Sorry you felt we did not answer your  
>questions....As to state people being involved. Gene Imbro is in  
>contact with two different state organizations to allow them to  
>observe the oversight activities.....Z

Your e-mail note appears to conflict with your letter of 9/4/96. The letter and the order clearly allow the use of NU employees on the team. Your note states: Current employees of NU will not be on the Team. Why are we getting these conflicting statements and why was the order written to allow this apparent conflict when the public was told this would be a totally independent team?

Paul M. Blanch  
Energy Consultant  
135 Hyde Rd.  
West Hartford CT 06117  
Voice 860-236-0326  
Fax 860-232-9350

From: PAUL M. BLANCH <PMBLANCH@ix.netcom.com>  
To: WND2.WNP3(jaz,awd),WND1.WNP2(hjm,dcd),TWD1.TWP4(ga...  
Date: 9/11/96 6:39am  
Subject: Letter to NRC Chairman

Marylee:

I would appreciate it if you could please give a copy of this to the =  
Chairman. I will be sending a hard copy via regular mail.  
Paul Blanch

9/11/96

The Honorable Shirley Jackson  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dear Chairman Jackson:

I am writing to you as Chairman of the Nuclear Regulatory Commission = on  
behalf of myself and do not intend to represent the opinions of = any of the  
other members of the National Nuclear Safety Network =  
(NNSN). I am responding to the position taken by James Lieberman in = his  
letter to me as Spokesperson for NNSN dated August 9, 1996.

When we met on April 9, 1996, I was extremely encouraged that we = finally had  
the leadership that the Commission needed to assure true = nuclear safety.  
Your aggressive actions related to enforcement = discretion, FSAR design  
controls, and meeting with the public at =  
Millstone have been very encouraging to us as members of the = concerned  
public.

During our meeting my primary concern was that proper protection was = not  
being given to those licensee employees if and when they allege = retaliation  
as a result of their involvement in protected activities. =

At the meeting, you indicated that you had provided direction to the =  
NRC Staff to develop a position for the investigation of high = priority  
cases. It was my assumption that high priority cases would = be those that  
result in the termination or some other adverse actions = against licensee  
employees.

The nuclear industry is unique in that employees are required to = report  
violations or potential violations to management and/or the =  
NRC. Failure to identify and report non-compliance with regulations = may  
result in violations being issued to the individual. If the = individual  
follows the recommendations of the recently issued Police =  
Statement (SECY 96-056) he will be encouraged to report these = concerns to  
management. However, according to Mr. Lieberman's = response, should  
retaliation occur as a direct result of these = actions and the individual is  
terminated by his immediate supervisor, = even if directed by upper  
management, this is not a high priority and = will not be investigated. This

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has the appearance of prosecution = based not on the crime committed but based on the person committing = the crime.

This assignment of priorities is completely inconsistent with the = interests of public health and safety and is sure to increase the = chilling effect and actual retaliation already rampant in the nuclear = industry. If priorities have to be assigned, they must be based upon = the nature of the actions taken and not the status of the person = committing the alleged crime. Mr. Lieberman stated in his letter to = me that high priority investigations included =B3[a]llegations of = discrimination caused by a manager above first-line supervisor = (consistent with current Enforcement Policy classification of = Severity Level I or II violations).=B2 Reading this, I can only = assume that supervisors can retaliate and no investigation or = enforcement actions will be considered by Mr. Lieberman.

If this policy is followed, then every case of alleged = discrimination resulting in an employee termination must be = designated a high priority. From my experience at NU, a termination = always receives the approval of someone above the first-line = supervision. The terminations occurring at

NU in January of this year had the approval of the President of NU = and likely the CEO. If this has been assigned a high priority, why = are these people still awaiting the results of the NRC investigation? =

What has happened to the NCR=B9s concept of =B3Prompt and Vigorous = Enforcement Action?=B2

Mr. Lieberman refers to =B3expedited enforcement=B2 for the high = priority cases, however, he fails to define what is meant by this = term. My case of alleged harassment was considered a high priority = case and took more than three and one-half years for =B3expedited = enforcement.=B2 Does =B3expedited enforcement=B2 mean that the = investigation will be completed within four years?

In July 1993, the NCR=B9s Inspector General reported that out of 609 = cases of alleged discrimination, only 44 or about 7% of these were = ever investigated. Of these 44 cases only two resulted in = =B3expedited enforcement.=B2 Are we to assume that this pattern will = continue with Mr. Lieberman=B9s new policy ?

Chairman Jackson, I know you are doing your best to address the = whistleblower problems. However, Mr. Lieberman=B9s most recent = letter indicates that it is business as usual at the NRC and he will = continue with his policy of taking a =B3hands off=B2 attitude when it = comes to addressing this vital issue. Mr. Lieberman has made no = commitment with respect to enforcement, resources, timeliness, = investigations, or sanctions against management that continues to = retaliate against people who identify safety concerns.

I applaud your statement to the House Subcommittee last week stating: =

=B3I am ruthless about what is right.=B2 We want what is right for = those employees who elect to follow NRC Regulations. We expect the = NRC investigate all alleged cases of discrimination, not just those = high visibility cases as in the past. If the Mr. Lieberman continues = to look the other way, then possibly the NRC should consider changing = its requirement that licensee employees report violations of NRC = Regulations.

Finally, I find Mr. Lieberman's response on the issue of licensee = attorneys being included during OI investigative interviews to be = less than forthcoming. The case cited by Mr. Lieberman applies only = to OI interviews conducted with the issuance of a subpoena. I doubt = very much that OI has issued any subpoenas to NU employees in = connection with its investigations into the matters raised by George = Galatis and others. Nor does Mr. Lieberman's response address why = OI insists on keeping alleged and their attorneys in the dark during = investigations while the licensee's attorneys have access to nearly = all phases of the investigation.

I consider Mr. Lieberman=B9s letter totally unresponsive to the = concerns identified in the NNSN letter to you dated June 24, 1996.

I will be in Washington DC on November 11, 1996 to participate in an = ANS sponsored panel on the nuclear whistleblower issues. If it is = convenient, I would like another opportunity to meet with you to = discuss this vital issue.

I look forward to your personal response.

Sincerely,

Paul M. Blanch  
135 Hyde Rd. West Hartford CT. 06117  
860-236-0326