

From: <VMBLANCH@aol.com>
To: WND2.WNP3(jnh,jaz),TWD1.TWP4(wjs,ljn1),WND1.WNP2(d...
Date: 6/2/96 10:49am
Subject: NRC Inaction

Readers:

The following is from a very concerned individual who will not be identified without his/her specific permission. Maybe some day Taylor, Russell and Lieberman will get the message that they can't continue with their sleazy actions and that the general public will not put up with their incompetence.

Paul:

Is this real or is this Kafka?

First, the NRC refused to meet its statutory responsibility to investigate violations of the Atomic Energy Act and its regulations by deferring to the proceedings of another federal agency, and now it refuses to issue any civil penalties based upon the findings of the other agency because, in the NRC's words, the Statute of Limitations expired "while the employees were pursuing complaints and appeals at the Department of Labor." Catch-22! The real reason the Statute expired was because the NRC refused to investigate or take any action of its own to promptly investigate what has been found to be serious violations of the Atomic Energy Act. The Statute of Limitations expired because the NRC exercised its own "enforcement discretion" not to enforce the Atomic Energy Act while the employee sought a personal remedy at the Department of Labor.

The NRC will find there is a violation only if the discriminated-against employee--who most often is without a job, and always has zero investigatory resources--proves to the DOL that the employer violated the employee protection provisions of the Atomic Energy Act. Of course, while this is going on, the enforcement staff of the NRC--whose job it is to enforce the employee protection laws--is sitting around and doing nothing at all to investigate or enforce. Only if the discriminated-against employee proves to the DOL that there has been discrimination will the NRC enforcement staff do anything. And now, we see that this enforcement staff will do nothing but issue a piece of paper if the employee takes too long to prove that the employer violated the Atomic Energy Act. The NRC has set up a system that is designed to reward violations of the employee protection laws that are followed by cover-up and stonewalling. For the NRC to blame the expiration of the Statute of Limitations on the employee and the DOL is disingenuous; for the NRC not to have issued any enforcement action beyond the issuance of a inconsequential citation for a Severity Level I violation is a flagrant failure to fulfill a statutory responsibility.

From: <VMBLANCH@aol.com>
To: KPD1.KPP2(epw),TWD1.TWP4(wjs,ljn1),WND1.WNP2(dcd),...
Date: 6/4/96 8:45pm
Subject: INTIMIDATION ?

6/4/96
Mr. Alen Pollack CPA
Northeast Utilities
PO Box 270
Hartford CT 06141

Dear Mr. Pollack:

I have received your letter dated May 31, 1996 and am now totally confused.
In your letter you state:

"I achieved a BS-Accounting from Boston College, MBA from University of Hartford, CPA in the State of Connecticut, CFE (Certified Fraud Auditor) and I am a member in good standing with the AICPA (American Institute of CPA's). Except for the MBA, all these were in place when I was involved with the investigation back in 1989."

You are now claiming to being in possession of a CPA license in the State of Connecticut where I thought this was determined not to be the case back in 1989. I also recall the NRC's Office of Investigation determined that you were not a licensed CPA at the time of the internal audit.

It is my understanding that the title CPA is used in a similar fashion as a PE is to us engineers. I would not, and could not, use the designation of PE even though I had an engineering degree unless I obtained the certification from the State. I don't think a doctor would use M.D. after his name without board certification. My son has a degree in accounting but does not use CPA because he has not been "Certified" by any State agency.

If I am wrong about this, I am sorry and will never mention this issue in public again. Please send me a copy of your license indicating that you are a licensed CPA in the State of Connecticut and were licensed at the time of the audit.

This is an old issue but my recollection is from a letter I recently retrieved from my computer files. This letter was issued sometime in 1990 and is enclosed for your information.

I assume your letter is an official NU position as there was no indication as to its origin other than the NU phone number.

Sincerely,

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

cc: Ernie Wilson NRC
Ernie Hadley Esq.

~~960807028~~ / IP

From: <VMBLANCH@aol.com>
To: WND2.WNP3(jnh,jaz),TWD1.TWP4(wjs,ljn1),WND1.WNP2(d...
Date: 6/2/96 10:49am
Subject: Engineering Ethics

THREE DO-ABLE PROPOSALS TO CURTAIL WHISTLEBLOWER REPRISAL IN THE ENGINEERING WORKPLACE

When we engineers encounter problems, we diagnose them and determine corrective actions. I have now seen the problem of whistleblower reprisal in the workplace "up close and personal" (I've spent over \$30,000 and 3000 hours of personal time confronting the reprisal I've experienced in DOE since my offense of "committing the truth" in DOE in late 1991.) The June 1996 ET article described my story and the "counsel of despair" I'd give a potential whistleblower at this point (look the other way if you can live with yourself.) Well, fellow engineers, I cannot live with myself having to give that dismal advice either. I want to be able to advise a potential engineer whistleblower, "Do the right thing and, if you suffer reprisal, your profession will be behind you hoping that you'll end up 'laughing on your way to the bank,' while 'rejoicing for righteousness' sake."

Whistleblower reprisal is an employer's terror tactic in the workplace. It thrives in an atmosphere of fear and greed. It needs to be confronted scrupulously, but remorselessly. How? Change the rules of the whistleblower reprisal game by our collective action. These three ideas, within the control of NSPE, are a good start.

- 1 Amend the "Code of Ethics of Engineers." I suggest an addition to the seven existing "Fundamental Canons" to read:

Engineers will advocate adherence to this Code (i.e. the Code of Ethics of Engineers) within the Engineering Profession and will oppose discrimination against Engineers for adhering to this Code.

- 2 Establish an Engineers' Whistleblower Defense Fund by requesting a \$1.00 voluntary donation to it on the NSPE dues statement. Encourage other engineering professional societies to do likewise via the National Institute of Engineering Ethics (NIEE).

I suggest that the money collected be used to support the Government Accountability Project (GAP), which was established in 1977 and is a non-profit public interest law firm. GAP specializes in representing whistleblowers who suffer reprisal for their protected disclosures about government or corporate violations of law or regulation that endanger the environment or the health and safety of the public or workers. They are the best around and they represent their clients essentially pro bono (victims of whistleblower reprisal have a difficult time affording attorneys as the law doesn't allow victims of whistleblower reprisal to receive significant monetary damages - so lawyers will not represent whistleblowers on a contingency basis.)

GAP also provides realistic advice to would-be whistleblowers and effectively advocates improvements in whistleblower protection laws to states and Congress. Open discussion of whistleblower reprisal in engineering workplaces would go a long way to its correction. Knowledge that NSPE supports, even indirectly, its members who suffer unlawful discrimination for

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putting the "Code of Ethics of Engineers" above personal considerations should have a strong deterrent effect on unscrupulous engineer employers. Knowledge that GAP is defending an engineer's legal attempts to confront reprisal generally makes most employers "much more reasonable" about resolving the situation quickly, out of court.

If you are a would-be whistleblower or are suffering reprisal for your commitment to the Code of Ethics of Engineers, contact GAP at (202) 408-0034; fax (202) 408-9855; or email <gap@igc.apc.org>. Visit GAP's homepage on the web at <www.halcyon.com/tomcgap> to learn about GAP's determined advocacy of ethical employees.

3 Allow the establishment of Special Interest Groups (SIGs) within NSPE based on metaphysical principles.

At this point, NSPE allows, in effect, SIGs based on age, color, and sex but doesn't allow SIGs based on ideas. I believe that our Republic was founded to protect the freedom of expression of ideas, within the law. I believe that engineers who hold similar metaphysical ideas should be allowed to organize themselves within their professional societies in order to better integrate, appropriately, their metaphysical ideas into their worklives. Anyone who risks his or her career to "blow the whistle" in America today is either a fool or is following the dictates of their conscience by integrating their metaphysic into their workplace.

PE's, whistleblower reprisal is a problem that requires and merits our collective action. The engineering job market is quite competitive, as we all know. That means unscrupulous employers of engineers know it too - so much the better to carry out an "ethic cleansing" program, should an engineer in their employ decide that the "Code of Ethics of Engineers" requires them to "go in harm's way."

The engineering workplace has changed dramatically in recent years. The previously understood "lifetime employment agreement" is largely gone and in its place is the "independent contractor" mentality. Most engineers will have numerous employers in their careers. As a result engineers should identify more with our profession and less with their current employer. NSPE should be booming in such an environment. The fact it is not, means to me at least, that it is not doing as good a job as it should in advancing the interests of its members. Each of us has a strong vested interest in the active support of our Code of Ethics. The

Code of Ethics is designed to protect ethical engineers as much as the employers, clients, and public we serve. Collectively, we need to do a better job at protecting ourselves for adhering to it.

If you agree with my proposals, don't just sit there. Contact Arthur Schwartz, General Counsel of NSPE, other officers of NSPE, and/or officers of your affiliated state or local chapter of NSPE by mail, fax, mail or phone and tell them you want action, not just more handwringing. Do it NOW! NSPE will have its semi-annual meeting in Boston the week of July 15 and I plan to be there to discuss how NSPE can determine a collective path forward on this issue.

Joseph Carson
Knoxville, TN
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