

October 15, 2011

Mr. Lee Hamilton and General Brent Scowcroft (Ret.), Co-Chairs  
Blue Ribbon Commission on America's Nuclear Future  
c/o Timothy A. Frazier, *Designated Federal Officer*  
U.S. Department of Energy  
1000 Independence Avenue, SW.  
Washington, DC 20585  
www.brc.gov

Subject: Comments on draft BRC report

Dear Co-chairs Hamilton and Scowcroft,

I am a deeply concerned licensed professional engineer (PE), employed as a safety engineer (including nuclear safety) in the U.S. Department of Energy. If my longstanding, well-evidenced, good-faith concerns are valid and remained unresolved, then America cannot have an adequately safe nuclear future - and neither does it have an adequately safe nuclear present.

My diagnosis is stark:

1) there are significant and persistent deficiencies in the scope and implementation of engineering ethics, that enable much institutional evil and human suffering around the world, and are directly relevant to worker and public health and safety in America's nuclear facilities and operations, both ongoing and anticipated, and <sup>1</sup>

2) there is a 33 year-long "broken covenant" between the President and the federal civil service - Presidents since 1978 have not ensured that three crucial, intertwined civil service laws for ensuring the adequate protection of federal employees from reprisal, discrimination, cronyism, personal favoritism and other types of "prohibited personnel practices (PPPs)" are properly interpreted and applied, so they can perform their duties in a trustworthy fashion, per the "merit system principles" - and I contend they are not.<sup>2</sup>

If I am correct, then these concerns combine and amplify to preclude any acceptable alternatives for the long-term disposal of America's high level nuclear waste and/or spent nuclear fuel.

The draft BRC report is based, in my opinion, on unverified and invalid premises including: 1) the engineers responsible for the design, construction, operation, maintenance of the necessary facilities either know or will comply with their duties to worker and public health and safety by engineering ethics, specifically when doing so is inconvenient to their economic well-being or that of their employers, and 2)

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<sup>1</sup> See [www.aaas.org/spp/sfrr/per/per43.htm](http://www.aaas.org/spp/sfrr/per/per43.htm) for my published article, "Is Engineering Ethics Ethical? Is Engineering Ethics "at all"?" in a publication of the American Association for the Advancement of Science, the world's largest science and engineering membership society.

<sup>2</sup> See [www.broken-covenant.org](http://www.broken-covenant.org) for a detailed description and links to a petition on the White House website, calling for President Obama to task the Attorney General to resolve my contentions.

the federal employees, including nuclear safety engineers like myself, are adequately protected from reprisal or other types of prohibited personnel practices (PPPs), so we can do our duty without fear or favor - and actually be relied upon to be so foolish to put the public health and safety before our economic self-interest.

I respectfully challenge you to assign a BRC Committee member to spend the time to hear me out. I make this statement based on my repeated - and completely futile - efforts to bring my similar concerns to the 9/11 Commission. The mastermind of 9/11 is a US educated, degreed engineer, two of the four pilots on 9/11 were degreed engineers, and other key plotters were degreed engineers, as the 9/11 Commission Report noted. Because my concerns were ignored - not even acknowledged - by the 9/11 Commission, its report was silent to existence and relevance of engineering ethics - just as the draft BRC report is. As a result, the engineering profession has yet to condemn terrorist engineers for betraying the ethics and values of the profession or, more relevant to the BRC, has yet to acknowledge - let alone address - many significant deficiencies in the scope and implementation of engineering ethics.

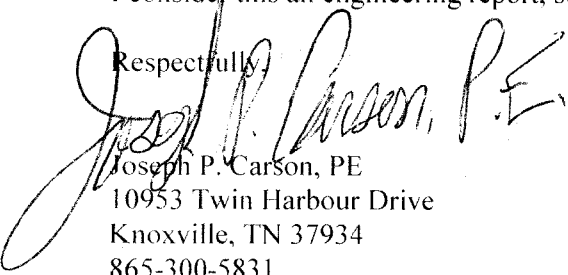
The 9/11 Commission's investigation was, in my opinion, consciously limited to ignore any evidence of government lawbreaking that contributed to the persistence and existence of the security vulnerabilities exploited by the 9/11 terrorists. For that reason, the government lawbreaking I allege - the President's failure to comply with his most fundamental duty to the federal civil service, to ensure its members are adequately protected from reprisal and other prohibited personnel practices so they can perform their duties in a trustworthy fashion per the merit system principles - remains unresolved. If my allegations are correct, then the 9/11 Commission failed, in a significant way, and America remains at unnecessarily increased risk of a nuclear 9/11 or other catastrophe.

Relevant to the BRC, if my concerns about 33 years of government lawbreaking are valid and remain uncorrected, they preclude whatever recommendations the BRC may make from being properly implemented, they preclude adequate worker and public health and safety in America's nuclear future. The 9/11 Commission, in my opinion, did not have the moral courage to objectively consider my concerns. Will the BRC?

I am making a public statement, about matters of great importance to the public health and safety. I am making them consistent with my responsibilities to public health and safety as a licensed professional engineer. I challenge anyone - anyone - to file a professional misconduct against me with the Tennessee Board of Architectural and Engineering Examiners if they contend my claims are not objective and truthful - at least then someone may actually hear me out, instead of ignoring me.

I consider this an engineering report, so I am stamping it as a PE.

Respectfully,

  
Joseph P. Carson, PE  
10953 Twin Harbour Drive  
Knoxville, TN 37934  
865-300-5831

