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Light Company by Thomas Saporito

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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PETITION REVIEW BOARD (PRB)

CONFERENCE CALL

+ + + + +

THURSDAY

MAY 7, 2009

+ + + + +

2.206 PETITION ON FLORIDA POWER AND LIGHT COMPANY

BY THOMAS SAPORITO

+ + + + +

The conference call was held, Thomas B. Blount, Petition Review Board Chairman, presiding.

NRC HEADQUARTERS STAFF:

- THOMAS B. BLOUNT, Chairman, PRB
- TRACY J. ORF, Petition Manager
- TANYA M. MENSAH, Petition Coordinator
- MOLLY L. BARKMAN, OGC/GCHEA/AGCMLE
- AUDREY L. KLETT, NRR/ADRO/DIRS/IP
- LISAMARIE JARRIEL, OE

PETITIONER:

THOMAS SAPORITO

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1 NRC REGION II STAFF:

2 MARVIN SYKES, DRP/PB2

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P R O C E E D I N G S

(1:33:45 p.m.)

1
2
3 MR. ORF: I'd like to thank everybody for
4 attending this meeting. My name is Tracy Orf, and I
5 am sitting in for Jason Paige, the Turkey Point
6 Project Manager. We are here today to allow the
7 Petitioner, Mr. Thomas Saporito, to address the
8 Petition Review Board regarding the 2.206 Petition
9 dated January 11th, 2009. I am the current Petition
10 Manager for this petition.

11 The Petition Review Board Chairman is Tom
12 Blount, Deputy Director for the Division of Policy and
13 Rulemaking. As part of the Petition Review Board's,
14 or PRB's review of this petition, Mr. Thomas Saporito
15 has requested this opportunity to address the PRB.

16 This meeting is scheduled from 1:30 p.m.
17 to 3:30 p.m. The meeting is being recorded by the NRC
18 Operations Center, and will be transcribed by a court
19 reporter. The transcript will become a supplement to
20 the petition. The transcript will also be made
21 publicly available.

22 I'd like to open this meeting with
23 introductions, and as we go around the room, please be
24 sure to clearly state your name, your position, and
25 the office that you work for within the NRC, or your

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1 subject organization. I'll start it off. My name is
2 Tracy Orf. I work for NRR at the NRC.

3 MS. JARRIEL: Lisa Jarriel. I'm the Agency
4 Allegation Advisor in the Office of Enforcement.

5 MS. BARKMAN: Molly Barkman. I'm an
6 attorney in the Office of General Counsel.

7 MR. BLOUNT: I'm Tom Blount. I'm the PRB
8 Chair. I'm also Deputy Director for the Division of
9 Policy and Rulemaking in NRR.

10 MS. KLETT: My name is Audrey Klett. I'm
11 a Reactor Operations Engineer in the Office of Nuclear
12 Reactor Regulation, Division of Inspection, Regional
13 Support.

14 MS. MENSAH: My name is Tanya Mensah. I'm
15 the 2.206 Petition Coordinator.

16 MR. ORF: Okay. That's everybody at NRC
17 Headquarters. Has anyone from the regional office
18 joined us yet?

19 MR. SYKES: Hi. This is Marvin Sykes from
20 Region II.

21 MR. ORF: Okay. The licensee for Turkey
22 Point is Florida Power and Light. Would you please
23 introduce yourself?

24 MR. BLAIR: My name is William Blair. I'm
25 an attorney with Florida Power and Light.

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1 MR. ORF: Okay. And, Mr. Saporito, would
2 you please introduce yourself for the record.

3 MR. SAPORITO: Yes, sir. My name is
4 Thomas Saporito. I'm with Saporito Energy
5 Consultants, and I am the Petitioner for this meeting.

6 MR. ORF: Okay. Is there anyone that I've
7 missed? Okay. I'd like to emphasize that we need to
8 speak clearly and loudly to make sure the court
9 reporter can accurately transcribe this meeting. If
10 you do have something that you would like to say,
11 please first state your name for the record. At this
12 time, I'll turn it over to the PRB Chairman, Tom
13 Blount.

14 MR. BLOUNT: Good afternoon. Welcome to
15 the meeting regarding the 2.206 petition submitted by
16 Mr. Thomas Saporito. I'd like to first share some
17 background on our process.

18 Section 2.206 of Title 10 of the Code of
19 Federal Regulations describes the petition process,
20 the primary mechanism for the public to request
21 enforcement action by the NRC in a public process.
22 This process permits anyone to petition NRC to take
23 enforcement-type actions related to NRC licensees, or
24 license activities.

25 Depending upon the results of this

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1 evaluation, NRC could modify, suspend, or revoke an
2 NRC-issued license, or take any other appropriate
3 enforcement action to resolve a problem. The NRC
4 Staff Guidance for the disposition of 2.206 petition
5 requests is in Management Directive 8.11, which is
6 publicly available.

7 The purpose of today's meeting is to allow
8 the Petitioner, Mr. Saporito, an opportunity to
9 continue with his presentation of March 19th, 2009,
10 providing any additional explanation or support for
11 the petition before the Petition Review Board's
12 initial consideration and recommendation.

13 This meeting is not a hearing, nor is it
14 an opportunity for the Petitioner to question or
15 examine the PRB on the merits or issues presented in
16 the petition request. No decisions regarding the
17 merits of this petition will be made at this meeting.

18 Following this meeting, the Petition
19 Review Board will conduct its internal deliberations.

20 The outcome of this internal meeting will be
21 discussed with the Petitioner. The Petition Review
22 Board typically consists of a Chairman, usually a
23 Manager at the Senior Executive Service level at the
24 NRC. It has a Petition Manager, and a PRB
25 Coordinator. Other members of the Board are

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1 determined by the NRC Staff based on the content of
2 the information in the petition request.

3 At this time, I'd like to introduce the
4 Board. I am Tom Blount, as I indicated earlier, the
5 Petition Review Board Chairman. Tracy Orf is the
6 Petition Manager for this petition under discussion
7 today. Tanya Mensah is the Office's PRB Coordinator.

8 Audrey Klett is the Office of NRR, or Nuclear Reactor
9 Regulation Technical Lead on Safety Culture. Marvin
10 Sykes is the NRC's Region II representative. We also
11 obtain advice from our Office of General Counsel
12 represented by Molly Barkman. We also have a
13 representative from the Office of Enforcement, OE,
14 Lisamarie Jarriel, Agency Allegation Advisor.

15 The PRB notified the NRC OIG of the 2.206
16 PRB meeting today in consideration of Mr. Saporito's
17 request that the OIG be in attendance. The OIG has
18 requested a copy of the transcript of this PRB
19 meeting.

20 As described in our process, the NRC staff
21 may ask clarifying questions in order to better
22 understand the Petitioner's presentation, and to reach
23 a reasoned decision whether to accept or reject the
24 Petitioner's request for review under the 2.206
25 process. Florida Power and Light, the licensee for

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1 Turkey Point, has been invited to this meeting, and
2 will be afforded an opportunity to ask clarifying
3 questions of the Petitioner. For clarification, the
4 licensee is not part of the decision making process,
5 or the NRC's review of 2.206 petitions. We invite the
6 licensees so that they are aware of a request for
7 action against their facility, and provide an
8 opportunity to ask questions so that they may
9 understand the details pertaining to their facility.

10 I would like to summarize the scope of the
11 petition under consideration, and NRC's activities to
12 date. On January 11th, 2009, Mr. Thomas Saporito
13 submitted to the NRC a petition under 2.206 regarding
14 concerns with Turkey Point's Employee Concerns
15 program. In this petition request, Mr. Saporito
16 identified the following areas of concern. One,
17 request for issuance for notice of violation with
18 civil penalty for \$1 million. Two, request that NRC
19 issue a confirmatory order modifying the Florida Power
20 and Light license to impose requirements for safety
21 culture assessments, ratings of supervisors and
22 managers by employees, training programs for all
23 supervisors and managers on safety conscious work
24 environment, and the employee protection rule. And
25 the licensee shall inform all employees of the

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1 confirmatory order and their rights to raise safety
2 concerns. The proffered basis for the two requests
3 are that the licensee did a self-assessment of its
4 ECP, which identified weaknesses and areas of
5 improvement in the ECP; that the NRC has issued two
6 Notices of Violations for violations of the Employee
7 Protection Rule, and that Florida Power and Light has
8 a 20-year history of retaliatory actions.

9 Allow me to discuss the NRC activities to
10 date. The NRR Petition Review Board has not met
11 internally to make an initial recommendation on this
12 2.206 petition. Following the conclusion of today's
13 call, the Petition Review Board will convene
14 internally to make an initial recommendation. You
15 will be informed of the initial recommendation.

16 As a reminder for the phone participants,
17 please identify yourself if you make any remarks, as
18 this will help us in the preparation of the meeting
19 transcript that will be made publicly available.
20 Thank you.

21 As I have stated before, this
22 teleconference is a continuation of the March 19th,
23 2009 teleconference. Mr. Saporito, there is no need
24 to begin anew, as the PRB has been provided a
25 transcript of the previous teleconference. For your

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1 information, we have received and reviewed the
2 documents that you provided to Mr. Paige on April
3 21st, 2009. You will have one hour and a half, 90
4 minutes, to provide the PRB with additional
5 information in support of your request. And we will
6 alert you when there are 10 minutes remaining.

7 With that said, Mr. Saporito, I'll turn it
8 over to you, and allow you to provide any information
9 you believe the PRB should consider as part of this
10 petition.

11 MR. SAPORITO: All right. Thank you very
12 much. I appreciate the second opportunity to address
13 the PRB in this matter. I think it's important for
14 the public to interface with the government regarding
15 nuclear power operations in this country.

16 Just for the record, I believe the first
17 meeting was on March 14th, and not March 19th. Because
18 this is a public record, I heard the acronym NRC OIG
19 mentioned. NRC OIG for the public's information is
20 Nuclear Regulatory Commission's Office of the
21 Inspector General.

22 I'm going to be referencing the documents
23 that I did provide to the Agency, and they were
24 enumerated with a SEC number at the top of each
25 document, with the first document being SEC Number 1.

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1 And that would be the petition. So, the PRB members
2 have those documents at their disposal at this time.
3 Is that correct?

4 MR. ORF: This is Tracy Orf. Yes, we have
5 them.

6 MR. SAPORITO: Okay. Great.

7 All right. As the Petition Manager, Mr.
8 Blount, accurately stated, the petition was filed on
9 January 11th, 2009, and was seeking a \$1 million
10 penalty, Notice of Violation with a \$1 million penalty
11 to get the licensee's attention to correct the work
12 environment. That's the essence of this petition. We
13 strongly believe in nuclear power production in this
14 country, but the employees have to have a work
15 environment that encourages them to raise safety
16 concerns without any fear of retaliation whatsoever.
17 And that's what the essence of this petition is, is
18 for, number one, to get the licensee's attention with
19 a stiff penalty, a monetary penalty. And, number two,
20 to modify the license in such a way that the licensee
21 is required to take aggressive measures to change,
22 what I believe to be hostile culture, hostile work
23 environment because of poor management culture at that
24 nuclear plant just over the last 20 years.

25 Okay. The first document we're going to

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1 look at is SEC Number 2, which is where we left off in
2 March. This is the State of Florida Public Counsel
3 brief, the Citizen's brief on Issue 13. It's a
4 document that was submitted in the Florida Public
5 Service Commission Rate Hearing involving Florida
6 Power and Light. The page I want to continue on is
7 page 11, where I left off last time, and specifically
8 at the bottom of the page under Paragraph 5.

9 There is language there that talks about
10 Commissioner Skop, S-K-O-P. Now, he pursued a concern
11 with the Public Counsel and with Florida Power and
12 Light attorneys regarding a hole that had been drilled
13 in the plant system as an act of sabotage related to a
14 contract worker who was permitted unescorted access to
15 the facility.

16 The part that I want to highlight to the
17 PRB is that a co-worker became knowledgeable of this
18 vandalism before FPL discovered the vandalism, but the
19 co-worker did not report it immediately. So, there
20 was some apprehension of that co-worker. It's my
21 understanding, the beliefs that the co-worker did not
22 want to be subject to any type of retaliation for
23 identifying this safety issue, and it shows that in
24 this one instance, in any event, that there was a
25 delayed reaction in not coming forward with the

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1 information. And if my recollection serves me
2 correctly, I believe FPL offered \$100,000 reward to
3 anyone at that plant with information leading to the
4 individual or individuals who performed this act of
5 sabotage. So, the fact that a licensee has to offer
6 \$100,000 for their workforce to come forward with
7 information should be a red flag to the NRC that there
8 is a problem with that work environment, where people
9 aren't properly trained to come forward with these
10 concerns, and fear retaliation if they do come forward
11 with safety complaints.

12 If you turn to page 12, the next page of
13 that same document, the Public Counsel is talking
14 about the same point I just made. It raises the
15 issues of the adequacy of FPL's training of workers
16 with nuclear power plant access, and that they must be
17 trained about the importance of reporting anything
18 that could be a safety concern. In fact, this
19 particular worker, who was a co-worker, failed to
20 report this serious act of vandalism, that's a concern
21 of itself, and it reflects FPL's failure to properly
22 train its nuclear workforce at the Turkey Point
23 facility. And the fact that this contract worker was
24 allowed access to the power plant, also calls into
25 question FPL's failure as a licensee regarding plant

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1 access to their nuclear power plant. So, it's an
2 illustration of failed training programs at the
3 facility.

4 And, Commissioner Skop, his concerns
5 included the adequate emphasis of how critical it is
6 for nuclear workers to report safety concerns. FPL,
7 according to this document, is not able to properly,
8 or definitively answer the Commissioner's concerns.

9 The very end of that document, the last
10 paragraph talks about -- there's a statement there.
11 "First, this failure arose in the training process
12 just as in Docket No. 900001." And the reason why I
13 highlight that particular sentence is because that
14 docket was another Public Service Commission public
15 hearing. That was back in 1989 where numerous
16 operators at the Turkey Point facility failed to pass
17 the NRC required re-qualification exam. So, the NRC
18 took action back then, and those plants were not
19 permitted to restart until those operators could
20 demonstrate their knowledge of how to operate that
21 plant. So, you can see that there's quite a lengthy
22 history of 20 years, where we're addressing training
23 problems at that facility.

24 The next page, page 13, under Paragraph 6,
25 this talks about, there was an NRC augmented

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1 inspection team sent to the Turkey Point facility in
2 2006 when this vandal drilled a hole in one of the
3 reactor system loops. And the augmented inspection
4 team went in and investigated, and made a report. And
5 that was followed by a report by the FBI, who did
6 their own investigation. FPL put a witness on the
7 stand, and the individual took an oath to tell the
8 truth at a public hearing. And the Public Counsel,
9 his comment related to that testimony. And after
10 referencing the ATR report, the Public Counsel goes on
11 to say, "Nevertheless, FPL witness took liberties to
12 make several public representations which purported to
13 characterize the AIT's findings, the actual language
14 of the confidential report, however, directly
15 contradicts the public representation that FPL made
16 about AIT's findings."

17 And the very next sentence says, "The
18 utility's witness claimed that the NRC's confidential
19 findings exonerated FPL." And the Public Counsel
20 pointed to the Commissioner saying that, "Mr. Jones'
21 claims, however, are directly contradicted by the
22 report, itself."

23 And the next page has a big section at the
24 top that you can't read because it was crossed out,
25 because it's confidential part of that report because

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1 it's a security-related matter. That's why that's
2 blacked out like that, or redacted. But that's what
3 he's referring to. He said FPL put a witness under
4 oath up here, testified that the NRC exonerated the
5 utility, which meant they did nothing wrong allowing
6 this contractor to come on their site, even though the
7 contractor ended up vandalizing the plant. And Public
8 Counsel is saying that's all -- what he's saying
9 really is suborned perjury, putting somebody under
10 oath. You're saying one thing, and it's totally a
11 lie. That should be of grave concern to the NRC,
12 because we're talking about a licensee here who's
13 entrusted with public health and safety in operating
14 two nuclear power reactors on this Turkey Point
15 facility. So, these are very serious situations when
16 you have a utility, in what appears to be a very
17 blatant act of suborned perjury, in my view.

18 Anyway, on page 14, the next page of that
19 document, Public Counsel goes on to say, "The clear
20 and unambiguous language the AIT report itself
21 directly contradicts Mr. Jones' claim that the AIT
22 found FPL's programs, processes, and procedures in
23 full compliance with the NRC." And "in full
24 compliance with the NRC" is in quotes, meaning that's
25 the words of Mr. Jones, the FPL representative.

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1 Then at the bottom of page 14, Public
2 Counsel goes on to talk about that, "Initially, FPL
3 never mentioned any red flags, but rather led the
4 Commission to understand that the individual's
5 application, meaning the vandal, was clean. And then
6 just days before the hearing, it was revealed that the
7 individual's security questionnaire, with FPL has
8 possession since 2006", okay, for two years they've
9 had that, "showed a number of red flags that should
10 have concerned FPL." So, that was the point made by
11 the Public Counsel.

12 And, on the very next page, on page 15,
13 the Public Counsel talks about, "The vandal had
14 confided to a co-worker that he had drilled the hole,
15 and had the co-worker reported this serious violation,
16 serious admission in a timely fashion, the hole would
17 have been discovered and repaired without any
18 additional outage. Requiring workers to report
19 incidents of such magnitude is the responsibility of
20 FPL's program for training nuclear plant workers."
21 And that brings us back to the point that FPL has a
22 failed training program across the board over there at
23 the Turkey Point facility with respect to compliance
24 with the NRC regulations at 10 CFR 50.7.

25 They don't properly train their

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1 management, and they don't properly train their
2 supervisory personnel. They don't properly train the
3 nuclear workers, themselves, about the employees
4 unfettered right to raise nuclear safety complaints
5 directly to the NRC, directly to management, or to the
6 media without any fear of retaliation, whatsoever. And
7 this particular exhibit, which is SEC Number 2,
8 amplifies that point in spades.

9 All right. The next document I'm going to
10 talk about is SEC Number 3. Number 3 is entitled,
11 "FPL Turkey Point Employee Concerns Program, Self-
12 assessment dated January 14th-17th, 2008." And, I
13 guess we'll go to page 7 first, and we're just going
14 to highlight the points that I want to emphasize here.

15 On page 7, there's a methodology, I'm sorry, that
16 they talk about. If you go down to the second
17 paragraph, it talks about the team performing
18 interviews on off-site personnel. And it says they
19 performed 27 interviews. And, in my view, 27
20 interviews is not representative of the volume of the
21 personnel at the Turkey Point site. Therefore, the
22 base, what I consider the baseline data for Turkey
23 Point Nuclear Plant's Employee Concerns Program
24 evaluation by the licensee is flawed, the methodology
25 is flawed, just on that basis alone. And I would

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1 extend that concern back at least five years on all
2 their programs. You have to look at the baseline
3 data, how many employees did they interview? How many
4 were nuclear workers, craft, mechanics, electricians,
5 they type of people, how many people were in
6 Operations, how many people did you talk to, or
7 supervise? How many people did you talk to who were
8 managers, executive managers, corporate managers that
9 have responsibility and authority over the operations
10 at the Turkey Point Nuclear Plant? So, 27 people is
11 not adequate. It's not representative of the work
12 environment at that facility, in my view.

13 The next page we're going to look at is
14 page 10. And this talks about, the second paragraph,
15 specifically, "Employees continue to have a negative
16 perception that ECP, or Employees Concerns Program,
17 will address and investigate concerns properly. The
18 level of upper management support is sufficient, and
19 that the program not be used without fear of
20 retaliation, and that confidentiality of the concern
21 will not be maintained." So, what they're saying here
22 in this one paragraph is the employees have a very
23 negative perception about using the program. They
24 feel that their concerns not only will not be properly
25 addressed or investigated, but they also have a fear

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1 of retaliation if they would go ahead and use that
2 program. And they certainly don't feel that there's
3 any measure of confidentiality maintained about people
4 who go and avail themselves of this program. So,
5 that's a pretty serious finding, and, let's face it,
6 that's the heart of any Employee Concerns Program.
7 You have to have a nuclear workforce at your facility
8 that is encouraged to use the program. They have to
9 feel good about it, they have to feel confident about
10 it. They have to know that when they raise a nuclear
11 safety complaint, that management takes that complaint
12 seriously, that management will exhaust no finite
13 amount of resources to insure that that concern is
14 investigated, and that at the proper point in time
15 when the licensee investigates, and either concludes
16 or fails to validate the concern, that there is proper
17 feedback to the individual, or individuals who brought
18 that concern. So, these items, or these elements of
19 the Employee Concerns Program are failed at the Turkey
20 Point facility. And, therefore, you have a generic
21 pervasive problem in implementing the existing
22 Employee Concerns Program. And this Employee Concerns
23 Program is labeled the icon ECP, is a product from the
24 prior program, which is called "Speak Up". And that
25 program is a failed program, also, so it's just a

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1 continuation of that failed program.

2 If you would turn to page 11 of that
3 document, again, at the top it talks that the team
4 only interviewed 27 employees. And some of those
5 employees were contractors, meaning that they didn't
6 work directly for the licensee. And, at some point,
7 there services would no longer be needed, and they
8 would leave. At the bottom of that page at Paragraph
9 5, it says, "Some individuals felt there has been
10 retaliation in the past for CRs", and CRs are
11 Critters. It's the licensee's documentation for
12 concerns. "There has been retaliation in the past for
13 CRs, and were concerned that it would be the same now.

14 A lot said there is retaliation for using the ECP.
15 This is part of the perception, where individuals --
16 they fear retaliation if they raise safety
17 complaints, and that they feel that there is
18 retaliation going on right now with people who engage
19 in the licensee's current ECP program."

20 All right. Then the next page of the
21 document, page 12. I'm going to go down to Paragraph
22 7, and it talks about, "None of the interviewees could
23 recall having any ECP specific training." So, of the
24 27 individuals that were interviewed, nobody was
25 trained. No one was trained on the ECP. Here is our

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1 program, here's an outline of the program. If you
2 have a concern you would go here. You go here, this
3 is the next process. We look into the concern. We
4 either validate it or we don't, and then there's a
5 feedback step. We'll come back and ask for more input
6 from you before we make a final determination. But,
7 at some point, you're going to get feedback. And you
8 are protected as an employee in raising this concern.

9 If you feel -- if you've been retaliated against, you
10 can contact the NRC, because it's a violation under 10
11 CFR 50.7. They can't make you whole economically. If
12 you get some economic harm, you get fired, or
13 whatever, you can file a Department of Labor complaint
14 under 42C-58.51.

15 None of that was explained to these
16 employees, and that's part of the heart of the failed
17 program. If you don't train your nuclear workers
18 about your program, if you don't train your first
19 level supervisors about the program, if you don't
20 train your managers about the program, and you don't
21 train your executive management about the program, the
22 program is inherently flawed, and it will fail, as
23 this program has failed.

24 We go down below Paragraph 9 on page 12,
25 you'll see "Conclusions." And what I want to

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1 highlight, it says, "The majority of the employees did
2 not know the ECP Coordinator, or his name." Now, I
3 think that's very significant. I mean, if you're
4 going to have an effective Employee Concerns Program,
5 well, then individual charged with the responsibility
6 of implementing that program, and operating that
7 program, had darned well better become the most
8 popular individual at that nuclear power plant. That
9 individual should be attending management meetings.
10 That individual should be attending daily tel board
11 meetings in the maintenance department, in operations
12 department, health physics department, wherever that
13 individual can engage the volume of employees, that
14 individual should make himself known, make himself
15 seen, should be wearing a badge, I'm the ECP
16 Coordinator. You've got safety concerns, come talk to
17 me. He should go out there and solicit concerns, you
18 know. He can go in there at a plant safety meeting,
19 say I'm the ECP, in case you forgot who I am. I'm
20 still here. My name is whoever. Just want to let you
21 know, if you've got a concern, you come talk to me, or
22 I'll come meet you. You need to have a rapport with
23 people. You've got to make them understand that the
24 program is meant to encourage them to use it. And if
25 they do use it, I'm the guy that's going to help you

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1 get through this. If something bad happens to you
2 after you talk to me, darned sure someone is going to
3 be held accountable for it.

4 Well, these things aren't being done.
5 Hell, the people don't even know who this individual
6 is. They didn't even know what his name was, so, I
7 mean, that's a very, very big red flag. And NRC
8 should be very, very concerned about that.

9 Let's move to page 21 of the same
10 document. This says, "Conclusionary Statement" under
11 ECP facility, under Paragraph 1 at the very, very
12 bottom. Conclusionary Statement. "The ECP facilities
13 did not create a welcoming environment to conduct
14 investigations/interviews. Office accessibility was
15 also discussed, and the location of the trailers in an
16 area with heavy traffic, which could compromise the
17 concerned individual's confidentiality."

18 What they're saying here is that the
19 office facility where this unknown Employee Concerns
20 Program facility resides, it's not conducive -- it's
21 not a professionally -- it's an unprofessional looking
22 facility. It's a trailer. First of all, it's a
23 trailer, and it's a heavily trafficked area. If Mr.
24 Smith wants to go report a safety concern, he's going
25 to be seen by all these people going into this

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1 trailer, where everybody knows the trailer is the ECP
2 Coordinator's home. So, that does nothing to instill
3 confidence and encourage people to use the program.
4 And I have recently attended NRC Region II progress
5 meeting regarding Turkey Point Power Plant down in
6 Homestead, Florida a couple of weeks ago. I believe
7 Mr. Sykes on the line here, and he can validate that
8 one of the Commissioners stood up there. I believe
9 her name was Kathleen Soresen, I believe, if my memory
10 serves me right. And one of her concerns was, she
11 says, "Look, when people called in, talked to me, they
12 said there's a trailer out there at this Turkey Point
13 facility, and that's where people are supposed to
14 voice safety concerns. And there's a camera on it.
15 And she said that's something I want the NRC to look
16 into." She told that to the Region II people. So
17 this is the same trailer that we're talking about.
18 She's saying her people, and I have actually since
19 that time confirmed, or even prior to that time
20 confirmed that that is one of the concerns of these
21 people. Someone has told me yes, there is a camera
22 there, and that is one reason people don't want to use
23 that trailer facility to report concerns. And, as the
24 report documents, when you go in there -- you've got
25 to have an Employee Concerns Program, employees,

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1 whether they feel confident in using that program or
2 not, depends on a number of elements, some of which
3 we've already discussed. But one of those elements is
4 certainly whether or not management is serious about
5 the Employee Concerns Program, or do the majority of
6 the employees, including supervision and management,
7 believe that the program is just superficial; meaning
8 that, you know, the NRC is our regulator. And NRC
9 regulations at 10 CFR 50.7 says we've got to have a
10 work environment that encourages employees to raise
11 safety concerns. To meet that obligation, to keep our
12 operating license, we're going to come up with this --
13 we came up with this ECP program. But if the
14 employee sees that it's so superficial-- and, believe
15 me, if I walk into a trailer that has a camera on it,
16 and I've got to go through a bunch of my co-workers to
17 get there, management is not telling me that they're
18 very serious about this ECP program. They're not
19 spending any amount of resources, whatsoever.

20 I mean, there are very well-built
21 professional looking office facilities available at
22 that Turkey Point nuclear site. And there is
23 absolutely no reason that some of those resources
24 should not have been expended, and allocated, and
25 dedicated to the Employee Concerns Program. I'm

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1 talking about going into a professional office, not a
2 trailer, a structure, building that's going to at
3 least withstand a hurricane, and that it's made out of
4 concrete and bricks, and it's well lit, and it's got
5 an Employee Concerns Program in there, and it's got a
6 secretary in there to assist this individual, so that
7 these employees can see that management is serious.
8 Management is not serious if you've got to report your
9 concerns to an individual who hangs his hat on a
10 trailer and monitoring everybody that comes in and out
11 of there with a camera.

12 Turning on to page 22 of that same
13 document, under the second half is highlighted
14 "Training". There's two paragraphs highlighted there.

15 First one I'm going to talk about, it says, "Team did
16 not conduct any interviews with site
17 supervisors/managers." Think about that. Here is a
18 licensee doing a self-assessment of their Employee
19 Concerns Program, and the reason they're --
20 theoretically, the reason they're doing a self-
21 assessment is to identify deficiencies, to highlight
22 those deficiencies, and to resolve those deficiencies,
23 and to enhance the overall effectiveness of the
24 program. So, this team -- my understanding, there was
25 a team of individuals, people from other nuclear

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1 plants were part of this team, so they're getting
2 input from all these other nuclear plants, which is an
3 excellent idea. It's an excellent way to handle this.

4 They have their ECP -- their licensing manager round
5 up all these individuals from these other plants and
6 made this team, but then they don't talk to any site
7 supervisors. They don't talk to any managers at the
8 site. I mean, what's with that? That's very, very
9 important to have -- and when you're going to
10 establish a baseline for your program -- I mean, you
11 have to have an effective baseline. You have to
12 interview from the top. You have to start with the
13 executive management level. You have to talk to this
14 guy J.A. Stall, who's been there since probably the
15 first brick was laid at the Turkey Point facility.
16 You have to start with him. You have to interview
17 him, get his understanding of how serious he is about
18 dedicating resources to this program. What he knows
19 about the program, does he understand what 10 CFR 50.7
20 means? Does he understand employees can go directly
21 to the NRC without -- have to be able to go there
22 without fear of retaliation to raise safety
23 complaints. And if you don't start there, the rest of
24 your baseline is flawed to begin with.

25 You have to interview the licensing

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1 attorneys, like this fellow, William Blair that's on
2 the line. You need to interview him. You need to get
3 his aspects, because he counsels executive managers
4 like Mr. Stall, and like Louis Hay, who is the CEO of
5 this company.

6 They want to build two more nuclear plants
7 out there, and here we have two nuclear plants which
8 they can't even manage effectively with respect to an
9 Employee Concerns Program, which is the heart of
10 protecting public health and safety. So, this program
11 is serious -- this self-assessment is seriously
12 flawed, and it shows how seriously flawed the ECP
13 existing at the Turkey Point facility is.

14 The next couple of lines down it talks
15 about conclusion. It says, "Employees are not trained
16 on HIRD effectively." HIRD is Harassment,
17 Intimidation, Retaliation and Discrimination. It
18 says, "There is no specific ECP HIRD training for
19 supervisors and managers." There is no training.
20 They're not trained on the program. They're not
21 trained about 10 CFR 50.7. They're not trained that
22 you cannot retaliate against employees who raise
23 safety concerns, either to the management, or directly
24 to NRC, or if they decide to go to the media. Say
25 look what happened here at this plant. They're not

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1 trained at all, so if you're not training your
2 supervisors, if you're not training your managers,
3 guess what, your program is going to fail. People who
4 use the program, the crafts, the operators, HP
5 technicians, they're going to get retaliated against
6 for raising safety complaints. Why? Because
7 management and supervisors, they don't know any
8 better. They weren't even trained as to how to
9 ascertain what the route for a safety complaint is,
10 the protected status of the employee bringing that
11 concern, and how to interface, react, and deal with
12 the safety concern that was raised, and how to
13 interface, react, and deal with the employee who
14 raised that safety complaint. This is very, very,
15 very, very serious. It's a very serious finding.

16 The next page, page 23, has three
17 paragraphs highlighted there. I want to go to
18 Paragraph 3. It says, "There is no formal ECP
19 training. This is not applicable." So, this is a
20 generic statement about there is no training, period.

21 The employees aren't being trained, the craft
22 workers, the electricians aren't being trained,
23 instrument control technicians aren't being trained,
24 mechanics aren't being trained, electricians aren't
25 being trained, management isn't being trained,

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1 supervisors aren't being trained, plant nuclear
2 licensed operators aren't being trained. Nobody is
3 being trained.

4 Paragraph 5 below that says, "There are no
5 ECP training objectives." There's no module, there's
6 no trainer to conduct the training sessions. So, this
7 is a failed program that will continue to fail because
8 there is absolutely no training going on at all with
9 respect to training the nuclear workforce at Turkey
10 Point Nuclear Station, or to train management, or
11 supervision. This amplifies, and exemplifies the
12 comments made by the Public Service Commissioner,
13 Commissioner Skop, S-K-O-P, when he said, "Look at
14 this contract nuclear worker that you allowed on your
15 plant. He drilled a hole in one of your nuclear
16 reactor loops. And a co-worker observed this, became
17 aware of it ahead of FPL, but that co-worker did not
18 report this concern."

19 Well, why would they? They were never
20 even trained that they were supposed to report that
21 nuclear safety concern. Had they been trained, even
22 though they're a contractor, they should be trained.
23 They're working at a licensed facility, licensed by
24 the NRC. Had the employee been trained, the issue
25 could have been dealt with swiftly. The plant could

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1 have been brought on line much quicker than the week
2 or so it took to expend the funds for replacement
3 fuel. FPL would have saved themselves about \$6
4 million. It's a failed program, and that's what
5 happens when you have a failed program. You have a
6 contract worker drilling a hole in a loop, and it's
7 not reported in a timely manner. It could not have
8 been reported at all, and it could have been another
9 system where the reactor started after it came up to
10 some level of power, another system would have failed.

11 It could have been vandalized in a much more
12 sophisticated manner. And this is very serious. If
13 you have a program that's failed, public health and
14 safety is at risk. That's the bottom line.

15 If we have a Three Mile Island incident
16 here, and there is a release of radiation, then we're
17 not going to be coming back to our homes. We live in
18 this area, and we like coming back to our homes, so we
19 depend on the NRC to constantly monitor the activities
20 of these plants in such a way that protects our health
21 and safety. And, right now, that's not being done.

22 When I attended the performance meeting
23 held by Region II, they gave them green lights across
24 the board, green, green, green, green, green.
25 Everything is fine. Everything is safe. There's no

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1 problems at this nuclear plant. It's unbelievable
2 comments in the light of what's progressed over the
3 last couple of years over there, with the hole being
4 drilled, security guards sleeping, security guards
5 covering for sleeping security guards, security guards
6 disassembling their weapons, nuclear engineer
7 violating a procedure willfully, licensee denying the
8 willfulness of these security violations, and the fact
9 that the violation even existed. All these things
10 transpiring at a couple of nuclear plants licensed by
11 the NRC where there is a failed Employee Concerns
12 Program, people -- the public should be gravely
13 concerned about their health and safety, at this
14 point, because no one knows if there is a safety
15 concern out there that hasn't been reported, because
16 people -- due to the hostile work environment. I'm
17 telling you, right now, and people are scared to raise
18 safety complaints. And, on top of that, you have an
19 Employee Concerns Program which is a failed program,
20 where there is absolutely no training across the
21 board, a pervasively failed program, where no one is
22 being trained. And there are plenty of examples to
23 that extent.

24 Okay. On page 26 of this report of SEC
25 Document 3, Exhibit 3, it says, "Another example of

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1 event-based investigative focus contained in the
2 report of a substantiated concern involving the
3 chilling behavior of a supervisor." It goes on to say
4 that, "The report noted some of the interviewees had
5 mentioned that the performance of this supervisor had
6 been called into question before." So, then it says,
7 "Did you have a problem with a supervisor?" It says,
8 "Chilling behavior. Supervisor did something that was
9 very what's called aberrant, aberrant behavior is a
10 concern that should raise the eyebrows of the NRC,
11 because this is a nuclear plant." If you have a
12 supervisor acting in an aberrant manner, then that's a
13 big red flag.

14 So, they found this guy, this male,
15 female, whoever, supervisor acted this way before.
16 Other people have seen this supervisor act in this
17 manner, and this team of licensee -- this licensee's
18 team is doing this ECP review, and in their view it
19 was chilling behavior. So, that just emphasizes again
20 the negative and hostile retaliatory work environment
21 at that facility, at the Turkey Point Nuclear Power
22 Plant.

23 The next page, page 27 talked about,
24 "There's recurring concern expressed by station
25 personnel in various forms. The perception is ECP is

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1 either unwilling or unable to maintain
2 confidentiality." And then it says, "This issue is
3 evidenced not only from a number of interviews
4 described previously in this report, but has been
5 extensively documented in previous inspections and
6 surveys dating back, the 2005 survey, the 2006 survey,
7 NRC problem identification and resolution inspection,
8 and in January of 2007, and in July 2007 when the NRC
9 did a PINR inspection." And it goes on to say, "The
10 problem" -- this says, "The team is not aware of
11 significant efforts underway to address the problem,
12 or relay the problem, underlying issues appears to
13 have gone unnoticed, and the ineffectiveness of
14 previous corrective actions." Meaning, the licensee
15 was aware of this dating back to 2005. I've mentioned
16 this point before. "They're aware of this deficiency,
17 that there's a problem with the confidentiality, with
18 the ECP program. They known about this for now over
19 four years, and the problem has not been resolved."
20 And it's been, again, documented here, so this is a
21 big red flag that the licensee's program has failed.

22 I'm going to move on to page 23 of this
23 exhibit, at the bottom of page 23 are some
24 conclusionary statements. "These efforts to prevent
25 the perception of retaliation have not been

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1 effective." Now, how could they? No one even knows
2 who this guy is, or what he does. They don't even
3 know what his name is. No one is given any training
4 from the nuclear worker, and all the way up through
5 management. So, it's no reason that the conclusion is
6 that there is a perception that there's no effort to
7 prevent retaliation. In fact, retaliation has
8 occurred at that plant. They forced the resignation
9 of a senior nuclear plant operator because he had
10 safety concerns in restarting a nuclear reactor, and
11 he had numerous other safety concerns this individual
12 had raised during his employment there. And it got to
13 a point where they were challenging his NRC license,
14 because is a licensed operator. So, they were
15 challenging his license and ordering him to restart
16 this reactor. And it's coming from Bill Jefferson,
17 the Plant Manager. Bill Jefferson, being perceived by
18 a Senior Nuclear Plant Operator, is retaliating
19 against him because he wants to operate the plant in
20 conformance with his own NRC license, plus the plant's
21 license, of course.

22 At the bottom of that page, again, it
23 says, "Some station personnel expressed a concern that
24 ECP is unable to prevent retaliation." It is. It's
25 unable to prevent retaliation, because, again, there

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1 is no training. People aren't aware of the program.
2 Managers aren't trained, supervisors aren't trained.
3 Therefore, if there is retaliation going on, no one
4 knows that what they're doing is wrong. Managers
5 don't know, the supervisors don't know that they're
6 not supposed to act this way to a nuclear worker, and
7 that's a violation of NRC requirements and regulation
8 at 10 CFR 50.7, because they weren't trained. They
9 have no idea, they have no concept.

10 I've worked at that nuclear plant, believe
11 me, and I stayed in touch with a lot of people there
12 over the years. There's a lot of good quality people
13 there. But I don't care how good you are, how
14 professional you are, how many degrees you have, how
15 many years experience you have, if you aren't trained
16 in a specific area, or specific function, you're not
17 knowledgeable. And you're going to make missteps, and
18 the licensee, management, supervisors have made
19 missteps, and continue to make missteps, and will
20 continue to make missteps in retaliating against
21 nuclear workers because they have not been trained
22 otherwise. This is very, very serious.

23 I mean, Paul Insanger used to be their
24 licensing manager. He was the fellow who gathered
25 these nuclear professionals from the other NRC

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1 licensed facilities, and formed this team. They fired
2 him. They fired him right after he turned this report
3 in to FPL management and NRC. So, think about that.
4 People know who Paul Insanger was out there. He's
5 well liked, professional individual, probably 15 or
6 more years in the industry. He was fired right after
7 he submitted this report. Because why? This report
8 puts FPL, puts the licensee in a bad light to the NRC.

9 And the individual doesn't have a job there anymore.

10 His co-workers know he doesn't have a job there
11 anymore, and they know that he was the main author
12 behind this report. And they know that FPL was made
13 aware of this report, and NRC was made aware of this
14 report. That just goes to instill the hostility and
15 the retaliatory work environment at the Turkey Point
16 plant. That's probably one of the most serious
17 nuclear safety concerns that this PRB will ever hear.

18 The licensee -- the manager gets fired for engaging
19 the licensee on the failure of their ECP. It's just
20 an incredible, incredible event.

21 Okay. Page 41 of this document at the
22 third paragraph down, talks about, "Management
23 attention to the EC program did not meet expectations.
24 Management awareness of the EC program was
25 superficial, and program values had not been

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1 emphasized with their employees. The ECP facility was
2 of low quality, and did not give the impression of
3 being important to management. Two of the items we've
4 previously talked about, three of the items we've
5 talked about. "There is a perception problem with the
6 ECP in the areas of confidentiality, and potential
7 retribution", the report goes on to say. So, again,
8 people do not feel that their complaining about safety
9 complaints will be kept confidential, and they
10 certainly feel that they'll be retaliated against if
11 they use this program.

12 "Previous surveys and assessments have
13 identified this perception, but little or no progress
14 has been made in reversing this perception." I mean,
15 they knew about it. The licensee has known about this
16 for the better part of four or five years. Nobody has
17 done anything about it, to correct it, so the program
18 continues to be a failed program.

19 Then at the very end it says, "A large
20 percentage of concerns submitted anonymously hampers
21 feedback to individuals." This is a very, very
22 critical and important statement for the NRC to
23 analyze. What they're saying here is, our licensee
24 employees, including management, supervisors, they can
25 raise safety complaints anonymously if they fear

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1 retaliation. Because, you know, if you do it
2 anonymously, no one is supposed to know who you are,
3 so how can you be retaliated against, if you're doing
4 this anonymously? Well, the licensee is saying here
5 that there's a lot of people filing complaints
6 anonymously. So, number one, that raises a red flag,
7 should raise a red flag to the NRC saying well, these
8 people were fearing retaliation, because everybody
9 wants to be anonymous. If you didn't fear
10 retaliation, you just go up to your supervisor, you go
11 up to your manager, or if you're a manager you go to
12 your next level of management and say look, this
13 indicator over here on the control board, you know,
14 doesn't look right to me. It's supposed to indicate
15 this, it's indicating this. We may have a problem
16 with the pressure coming out of this pump, whatever.
17 And let me know how you make out on this. That's not
18 happening. No, no, no. People are trying to secretly
19 submit their concerns because, like I say, the people
20 at Turkey Point facility are very excellent workers.
21 They're very talented, they're educated, they're
22 professionals, and they have due regard for public
23 health and safety. And they want to see that nuclear
24 power plant operate safely. Hell, their jobs and
25 their livelihoods depend on that plant running safely,

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1 and their kids go to the same schools as the people
2 who live in the area. But, on the other hand, they
3 don't want to take that complaint directly to
4 management or NRC, because if they get found out,
5 they're going to lose their job. They're going to in
6 some way get retaliated against.

7 In the past, they've seen Gino Urbanos,
8 who was a nuclear engineer, he got discriminated
9 against. He got fired. He was a nuclear plant
10 operator, he got demoted, failed to get a promotion.
11 They were cited on both of those occasions by the NRC
12 as retaliation. How many retaliatory issues does the
13 NRC Region II, that they're not even aware of over the
14 last 20 years? Numerous ones. Go to the DOL website,
15 there's been many DOL complaints filed. Now, it's
16 very hard to prosecute a DOL complaint under 42 USC
17 58.51, because when you're economically damaged by an
18 employment action by FPL, you get fired, the
19 attorneys, they want \$10,000 minimum before they're
20 even going to talk to you. You got \$10,000? Sit
21 down, I want to talk to you. You don't have \$10,000 -
22 - well, why don't you go see Joe Blow down the street
23 here. He might be able to help you out. You're just
24 left twisting in the wind.

25 However, if any one of those nuclear

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1 workers at Turkey Point decided to go rob a bank down
2 there in Homestead, God forbid, but they decided to
3 rob a bank and they got caught, first thing the
4 Department of Justice does is appoint the individual
5 an attorney free of charge if you're economically
6 disadvantaged. Free of charge. You can rob a bank,
7 you can get represented by this government. You can
8 raise a nuclear safety complaint, get fired, and
9 you're on your own.

10 Anyway, back to this report, on page 41.
11 "A large number of employees are using the program
12 anonymously, and the licensee is saying that that
13 hampers their ability to provide feedback." Well,
14 that's a ridiculous statement, because if the program
15 was set up correctly, and properly managed, and
16 operated, you can have employees raise concerns
17 anonymously. You can identify those concerns with a
18 number, enumerate them, FPL - you can have the
19 Employee Concerns forms somewhere out there in the
20 plant. And they're all numbered with an FPL number,
21 or a Turkey Point number, TPN 0002. And these forms
22 could be throughout the plant, different boxes,
23 Employee Concerns stations, and people can on the fly
24 pick these up. And, hell, the licensee could mandate
25 and require all supervisors, managers, and nuclear

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1 workers to have one of these forms. They should be
2 everywhere. There should be no -- you shouldn't have
3 to tiptoe around the rose bushes to find one of these
4 forms, and try to get one secretly. They should be
5 everywhere, so that everybody has access to them, so
6 that if you want to raise a concern anonymously, you
7 have the form already. It's enumerated. When it goes
8 into the little locked box, or however they want to
9 get it to the Employee Concerns manager, that manager
10 has a document with a nuclear safety concern on it
11 from an individual that he has no idea who it is, but
12 it's enumerated. So that nuclear safety concern can
13 be readily identified. It could be investigated. It
14 can be corrected, if need be. And, in any event, when
15 final resolution is achieved by the licensee, that
16 nuclear safety complaint can be posted publicly at the
17 nuclear facility on another FPL form with that FPL
18 tag. This is Turkey Point Nuclear Safety Concern
19 Number 2. It doesn't identify anybody, but, guess
20 what, it gives feedback to the guy or girl who raised
21 the safety concern, because they know. It could be a
22 tri-part form. They kept the last part before they
23 turned it in. Their part says it's Concern Number 2,
24 and this is my concern they're talking about. And
25 here's what they did about it.

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1 Not only does that instill confidence in
2 the individual who used the program, whose safety
3 complaint was looked at by FPL and investigated,
4 whether it was validated or not, it shows the employee
5 that FPL took his concern, his or her concern
6 seriously. There was an effort made to investigate
7 it, and to resolve it one way or another. And it was
8 posted, so the employee knows that it was done. And
9 his or her co-workers see that a concern was raised.
10 FPL took the following actions, and here's final
11 resolution. And that's the way the program could be
12 run, and should be run to address those individuals
13 who want to remain anonymous. So, don't tell me,
14 being the licensee, don't tell me, FPL, that this
15 hampers your ability to provide feedback to
16 individuals. That's totally absurd. That's a failed
17 analysis by this team, who did this report. And it's
18 a failed conclusion by the licensee, itself. So that
19 should be a separate concern with the NRC, to the
20 extent that the licensee can't even manage their ECP
21 program, which is a failed program to begin with.

22 The next page, page 42 down here it talks
23 about -- Paragraph 2, "Weakness", there's a number 3
24 after it. Talks about the quality of the Employee
25 Concerns office. It says -- it talks about, "The

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1 appearance of the office is such" -- it's a poor
2 appearance. It doesn't give the appearance that
3 management is serious about the program, or that
4 management is going to expend any amount of resources
5 to enhance and operate the Employee Concerns Program.

6 We talked about that before.

7 Hello? Are we still on the line here?

8 (Chorus of yeses.)

9 MR. SAPORITO: Okay. I'm sorry. It must
10 have been my phone.

11 So, again, the perception problem
12 certainly needs to be addressed. And you've got to
13 start with providing professional building office area
14 for the ECP Coordinator or Manager to work from. And
15 they do need some help, whether it's a male or female,
16 the person needs at least one secretary, some help.
17 You need to look -- the NRC needs to look at the
18 program from an operational perspective, first of all,
19 or the use of computers if they -- as their filing
20 system, and how do they manage it? Is it an
21 electronic filing system? How is it managed? Is it a
22 paper system? How is it managed? Where are all these
23 things kept, and how -- you need to interview the ECP
24 coordinator. How are you operating your program? Are
25 you out there talking to people? Are you making

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1 yourself known? Do you interface with management,
2 interface with supervisors, interface with first-level
3 workers, craft? Do you attend meetings? If people
4 give you a concern, what do you do? How are you
5 keeping it confidential, if they want to be
6 confidential? If you investigate, how it is being
7 investigated? Do you turn it over to quality team,
8 people that have specific experience? If an
9 operations concern, do you have a -- do you have a
10 licensed plant operator as part of a three or four-
11 member team to address it? If it is an operations
12 problem, and it involves a piece of equipment, motor-
13 operated valve, do you have an electrician on this
14 team? Do you have a mechanic on this team? Licensing
15 department on this team?

16 One individual cannot effectively manage
17 the entire program by themselves, so you have two
18 nuclear plants out there. One individual cannot
19 investigate the volume of safety complaints that are
20 out there. One individual certainly is not qualified
21 to address the array of nuclear safety complaints that
22 come in nuclear plants to the extent the individual is
23 not a licensed operator himself. What is his
24 background, electrical, mechanical? No one possesses
25 all those skills to, in a sufficient quantity or

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1 quality to ascertain, and validate any nuclear safety
2 complaint. He needs teams at his disposal, he or she
3 needs teams at their disposal so that when they get
4 safety complaints, these teams are already in place.
5 Here's one, operational nuclear safety concern.
6 Here's a mechanical maintenance nuclear safety
7 complaint. Here's a health physics nuclear safety
8 complaint.

9 The team analyzes the complaint,
10 investigates the complaint, makes their preliminary
11 findings. He can review it with the team, and then
12 they can decide on resolution, and then feedback to
13 the individual bringing it about. But as it exists,
14 the entire program, the overall program is a failed
15 Employee Concerns Program. It is a failed program.

16 This only a sampling of 27 people, and
17 there is no managers, or no supervisors in this
18 sample. So, the baseline -- there is no baseline,
19 first of all, for this particular self-assessment.
20 Other self-assessments will show you the same. And,
21 therefore, the baseline for the entire -- the last
22 five, ten, fifteen, twenty years, there is no baseline
23 of what the environment is out there at Turkey Point
24 Nuclear Station.

25 So, first of all, you know, 2.206, you can

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1 request a modification of licensee's -- to order the
2 licensee to have valid self-assessment done. And you
3 need to have an outside entity, someone outside of
4 FPL's business relationship to come in there and do a
5 self-assessment. You have to -- if you're going to do
6 a baseline, a valid baseline, you need to talk to I
7 would say 100 percent of the people. You need to talk
8 to 100 percent of the people out there to get your
9 first valid baseline. You need to be talking to Lou
10 Hays and get his understanding, how serious is he in
11 operating nuclear power plants under his authority.
12 You need to talk to J.A. Stall, certainly. And to the
13 licensing attorneys, Blair and Ross, get their
14 understanding of how serious are they about
15 implementing a valid program, something that's going
16 to work. And then you need to interview the entire
17 population at that facility, the Turkey Point Nuclear
18 Plant. And that's your baseline.

19 From there, you can start. But this is --
20 this program is garbage. This is a major and
21 significant nuclear safety concern that the NRC should
22 be very concerned about, very gravely concerned about.

23 And, to the extent that the NRC Office of the
24 Inspector General is going to read these transcripts,
25 the OIG should be extremely concerned about Region II

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1 representing to the public at its recent meeting that
2 everything is green at the Turkey Point Plant.
3 Everything is safe. The plant is running just fine.
4 Where was the NRC over the last 20 years? Why did the
5 NRC Region II allow these plants' work environments to
6 degrade to this degree? That's what the OIG should be
7 looking into.

8 Okay. The next document we're going to
9 look at is SEC Number 4, Exhibit 4. It's a "Miami
10 Herald" news article entitled, "Court papers reveal
11 nuclear feud at Turkey Point". It's dated March 12th,
12 2009. And page 1 of this document talks about this
13 fellow I mentioned earlier, David Hoffman. He's a
14 Senior Nuclear Plant Operator, and he's a licensed
15 individual. He holds a license from the NRC separate
16 and apart from FPL's operating license as DRP-31 and
17 41, which regard the operation of those two nuclear
18 reactors.

19 Mr. Hoffman -- well, he happened to be on
20 duty on February 26th, 2008, when another engineer at
21 one of the FPL substations obviously violated,
22 apparently violated a procedure, maintenance
23 procedure. He pulled some relays he shouldn't have.
24 He tripped the entire Florida Power and Light high
25 line, which caused an imbalance, and then scrambled

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1 both nuclear reactors at the Turkey Point facility
2 automatically as a safety function of that system.
3 And Mr. Hoffman was in charge. He was the senior
4 nuclear power operator. And, yet, all his safety
5 concerns about starting this reactor in less than 12
6 hours were cast aside by plant management. He was
7 brushed aside. People from Juno Beach were apparently
8 sent down there, and given orders. And he got very
9 concerned about safety. He had safety concerns
10 before. They apparently weren't addressed, and now
11 his authority has been usurped by people from the Juno
12 facility. And the licensee, being FPL, and through, I
13 would imagine, Bill Jefferson, the Plant Manager,
14 wanted to get this reactor started back up within 12
15 hours. So, the licensee sets a time table. We want
16 this reactor restarted within 12 hours.

17 Well, think about that. You're putting
18 your operations department on a time line now. It
19 doesn't matter what happened, doesn't matter what the
20 status of that nuclear reactor is at the core when the
21 neutron flux in that reactor, whatever it did when
22 these reactors scrambled, and whether it was too much
23 Xenon in there, or displacement of the flux within
24 that core, or the status of any of the equipment that
25 was involved in the significant action of a nuclear

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1 reactor scram. No matter what, we want this reactor
2 started within 12 hours. Okay? So, you're putting
3 your -- the licensee is putting plant operations in a
4 very precarious position to look at changing their
5 focus from the safety aspects of what just happened,
6 to let's get this reactor back on. Let's make our
7 million dollars a day. It's an economic consideration
8 over safety, licensee is putting money over safety.
9 And they're doing it in a very direct, and forceful
10 manner. They're having their management from their
11 corporate offices, Juno Beach rush down there and take
12 over, brushing away Mr. Hoffman, who was in charge,
13 who knows how to operate a nuclear reactor. He was
14 hired to do so by FPL for many years. And brushing
15 him aside, and all his authority, and all his
16 insights, and you're saying we want a time line, and
17 we're going to have this reactor back up in less than
18 12 hours.

19 That is a nuclear safety concern, in and
20 of itself, putting your operations department in such
21 a precarious position. So, Hoffman got to the point
22 well, this is it. I'm out of here. You're going to
23 jeopardize my NRC license. The guy's got a family.
24 He's got to make a living, and if he loses his plant
25 operating license, what is he going to do? So, he

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1 leaves. He resigns, and he resigns on the cusp of
2 having raised a significant nuclear safety concern to
3 management, who just brushed it aside, and brushed him
4 aside, all in the name of economics, to get the plant
5 back on line.

6 Page 2 of that news report, you have a
7 statement by this fellow, Tom Veenstra. He represents
8 Florida Power and Light as their spokesman. He
9 represents the licensee. He's making a statement to
10 the public. And he's quoted as say, "Without
11 exception, the safety of our customers, communities,
12 employees is always FPL's top priority at Turkey
13 Point, and all of our facilities. The facts clearly
14 show this case is totally without merit, having
15 nothing to do with safety, but rather, one
16 individual's attempt to improperly keep a retention
17 payment that he chose to forfeit."

18 That's the most outrageous, and
19 incompetent statement I've ever heard from any
20 manager, or any spokesman for the Florida Power and
21 Light Company. That is outrageous, and it's totally
22 contradicted by the actual events that happened
23 concerning Mr. Hoffman. And it's contradicted by the
24 Employee Concerns Program report we just went through.
25 Because FPL does not, without exception, look after

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1 the safety of their customers and communities, and
2 their employees. That's not always their top
3 priority. Their top priority is restarting this
4 reactor as fast, within 12 hours. Their top priority
5 isn't maintaining the facilities for the Employee
6 Concerns Program. No, let's just get them a fricken
7 trailer out somewhere back there. You know what, put
8 a camera on it. I want to know who's coming in and
9 out of there. And make sure it's a heavily traveled
10 area, in case somebody sees them. We want somebody to
11 see who's going in there. That's FPL's top priority,
12 making money. So, this statement is just totally
13 outrageous. And that's how they retaliate. This is
14 retaliation against Hoffman, because he -- Hoffman.
15 Yes, he was paid a big amount of money, like all the
16 people. We're going to get that, all these nuclear
17 workers down there are paid a big bunch of money by
18 FPL because no one wants to work there. Believe me.
19 Everybody in the nuclear industry knows how bad it is
20 at Turkey Point, everybody. All the other nuclear
21 plants know how bad it is at Turkey Point, so to get
22 anybody to work there, you're going to have to pay
23 them a lot of money. And if you pay somebody a lot of
24 money, they're going to say oh, if I have to work
25 there, I could probably stick it out for three years,

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1 and I'll maybe get my house paid off. I mean, that's
2 the only incentive, that's the only reason that people
3 like Hoffman, who are professionals, would go to
4 Turkey Point, to begin with. So, the fact that
5 they're saying oh, you know, Hoffman is just trying to
6 get out of his bonus payment. That's totally
7 frivolous. That's totally without merit, and it's a
8 misrepresentation to the public of what's really going
9 on at Turkey Point.

10 The report goes on to say that, according
11 to this reporter, "29.2 percent", and they're talking
12 about the Employee Concerns Program -- it says, "The
13 Employee Concerns Program found that one in four, 29.2
14 percent disagreed with the following statement. 'I am
15 confident that nuclear safety and quality issues
16 reported to the ECP are thoroughly investigated, and
17 appropriately resolved.' More than one in three agree
18 with this statement. 'I can use the ECP without fear
19 of retaliation.'" So, here again, you have a reporter
20 that apparently reviewed this report, and even the
21 layman can see that there's a problem, where people
22 fear retaliation using the Employee Concerns Program
23 at Turkey Point. And they don't believe that the
24 issues that they raise in that facility are going to
25 be resolved. So, you know, this is -- it just

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1 exemplifies in layman's terms. It's a news reporter
2 who can take this report, and see the inherent
3 problems with it.

4 The next exhibit, Exhibit 5, is a Miami
5 News article, "Silence clause aims to keep Turkey
6 Point workers quiet". It's dated March 12th of 2009.

7 Page 1 of this document, if you go down to the fourth
8 paragraph, it says, "One reason" -- they're talking
9 about "virtually, all operators are reluctant to talk
10 to journalists. One reason is that many signed bonus
11 agreements, which they promise not to say anything
12 bad." It's supposedly quoted in the bonus agreement
13 that, "The employee shall not at any time in the
14 future, and in any way, make any statements that may
15 be derogatory or detrimental to the company's good
16 name." And the reporter is saying, this is the way
17 that the document was phrased on the contract of
18 employment agreement that David Hoffman signed. So,
19 these employment agreements where FPL is paying
20 operators, and health physics technicians, and non-
21 licensed operators, and other craft a lot of money to
22 come work at it's Turkey Point Nuclear Plant. And
23 they require them to sign these agreements.

24 This is inherently discriminatory. This
25 document is inherently discriminatory, where you

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1 require the employee to sign saying they won't make
2 any statements that are derogatory or detrimental to
3 the company's good name, because it precludes them
4 from raising safety complaints at that facility, at
5 the Turkey Point facility. And that is a direct
6 violation of 10 CFR 50.7. I mean, there is no if,
7 ands, or buts about it, that is inherently
8 discriminatory, and inherently in violation of NRC
9 requirements and regulations under 10 CFR 50.7.

10 But, FPL Spokesman, Tom Veenstra, in this
11 report is quoted as saying that, "The utility
12 vigorously encourages any one at any of our nuclear
13 power plants, or our other facilities, to identify
14 safety concerns without fearing reprisal of any kind."

15 Well, that is totally false. I mean, their own self-
16 assessment contradicts that statement by Mr. Veenstra,
17 and they're making this to the public, again. They're
18 misleading the public.

19 The fact of the matter is that FPL doesn't
20 vigorously encourage anyone. They don't even train
21 people about their nuclear safety concerns program.
22 If you don't train people, how are you going to
23 encourage them? I mean, it's just -- it's totally
24 ridiculous. And there was -- FPL is a huge company.
25 They renamed their FPL groups into FPL Next

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1 Generation, and FPL or something. They renamed it.
2 But, anyway, they have other power plants that are
3 licensed by the NRC, and I just want the PRB to make
4 note of a document dated December 22nd, 2008. It's
5 FPL's response to an NRC enforcement action, EA-06-
6 178, regarding the safety culture of the Point Beach
7 Nuclear Plant, that the NRC inspected and found the
8 safety culture to be very, very poor. And, actually
9 modified FPL's license to operate that plant in such a
10 way as to correct the work environment there. So,
11 where you have an FPL spokesman, Tom Veenstra, saying
12 that we vigorously encourage anyone working at any of
13 our nuclear power plants, or other facilities, to
14 identify safety concerns without fearing reprisal of
15 any kind, is totally false, totally misleads the
16 public. And it's contradicted by the ECP, and it's
17 contradicted by the fact that the NRC cited another
18 nuclear facility operated by FPL, because they have a
19 work environment that doesn't encourage employees to
20 raise safety concerns without fear of reprisal. That's
21 what you're dealing with here. You have a licensee
22 who denies everything. They deny all violations, they
23 deny there's nothing wrong with our facility, and it's
24 a mess.

25 Exhibit 6 is a Miami News article

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1 entitled, "Amid nuclear worker shortage, FPL says it's
2 following the rules", dated March 12th, 2009. Page 1
3 of this document, third paragraph down, talks about,
4 "In the first six weeks of 2008, the Nuclear
5 Regulatory Commission found that the Florida Power and
6 Plant Nuclear Plants had 21 overtime deviations, 17
7 plant operators that worked more than 72 hours a week,
8 which exceeds the maximum allowed, and that two of
9 those workers were involved in a spill of 200 gallons
10 of boric acid used to control the nuclear reaction in
11 the core."

12 At the bottom of that document there's a
13 couple of paragraphs that talks about, "The NRC
14 Chairman, himself, Dale Klein, he visited Turkey
15 Point, and then he spoke with journalists. And he
16 talked about "how furiously understaffed the facility
17 was." This is dated March 12th, 2009. But this
18 reported document that Mr. Klein visited the facility
19 last year, so this is approximately one year dated.
20 He's talking about the serious under staffing. And
21 Mr. Klein was quoted by this reporter as saying, "This
22 is the first time I've delivered a message of this
23 magnitude on a plant's human performance issues." And
24 then he's quoted again as saying, "A lot of operators
25 are complaining about the overtime they do." And he

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1 says, "FPL was way behind in filling openings, and its
2 training programs weren't sufficient."

3 Well, the NRC -- the Commissioner, the
4 Chairman of the Nuclear Regulatory Commission is
5 telling the public that it's an overtime issue,
6 because Turkey Point Nuclear Power Plants are being
7 overworked. They're working numerous hours, and that
8 he's personally coming down to the plant here. He
9 personally came there, admonished them about it,
10 because he's serious about it. He's concerned for
11 public health and safety. But the fact of the matter
12 is, FPL has failed training programs, is what the
13 Commissioner said. And we already talked about their
14 failed training programs with the ECP. He's talking
15 about now failed training programs regarding plant
16 operators. The fact that there aren't enough
17 operators. You're working too much overtime. But
18 even though it's an overtime issue, it also deals with
19 training, failed training program at the licensee's
20 plant. And it also deals with the situation,
21 extensive overtime, 72 hours a week, extensive
22 overtime takes away from the overall work environment
23 at Turkey Point Nuclear facility. And there can be no
24 if, ands, or buts about it. I've worked at that
25 facility. I've worked seven days a week, ten, twelve

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1 or more hours a day, and you're just a zombie down
2 there. So, it takes away from the work environment,
3 believe me. And Mr. Klein was perfectly correct that
4 there's a very serious problem here.

5 The next document is SEC Exhibit 7. It's
6 a "Miami Herald" news article entitled, "At the heart
7 of Turkey Point plant worker's unrest overtime", March
8 12th, 2009 is the date of it. And, again, the second,
9 the third and fourth paragraph is talking about the
10 core issues involved, bonuses, which operators could
11 get \$40,000 or \$50,000 a year in addition to their
12 regular salary, which can easily run over \$100,000
13 with overtime. Overtime is important at Turkey Point,
14 because there is so much of it. The lawsuit said that
15 most operators, an average work week is sixty or
16 seventy hours more."

17 What you have here is a news article
18 related to a lawsuit filed by at least 20 operators at
19 Turkey Point Nuclear Power Plant regarding overtime
20 issues, and the way that FPL allocates the overtime
21 with respect to the Department of Labor rules and
22 regulations in that regard. But, the only reason I
23 bring this to the PRB's attention, again, because it
24 deals with overtime. It deals with the fact that FPL
25 is paying large monetary bonuses to recruit workers,

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1 and to force workers to stay at Turkey Point Nuclear
2 Power Plant. And those two issues, again, go to
3 illustrate the poor work environment at the Turkey
4 Point Nuclear Power Plant facility.

5 People don't want to work there. People
6 know you get retaliated against. You raise safety
7 complaints, they know how bad it is down there.
8 Money, that's the only reason FPL is offering this
9 money, is to get these people down there for at least
10 three years.

11 The next exhibit, SEC Exhibit 8, an
12 "Associated Press" article entitled, "Ex-Worker of
13 Florida Power Company puts safety second". It's dated
14 March 14th, 2009. And it talks about Hoffman again.
15 It says Hoffman or FPL's - and he's quoted saying,
16 "Horrible management". He was quoted as saying in his
17 resignation letter to Bill Jefferson. And, Hoffman,
18 of course, he hired an attorney. He's suing FPL
19 because FPL is wanting to get back their bonus pay
20 they gave him. And they're claiming that's the only
21 reason that he quit. He's trying to weasel out of
22 this payment. But according to Hoffman's attorney,
23 this guy, Joe Hackney, he said that his client's case
24 was the, "tip of the iceberg."

25 It's an attorney who's in the know. He's

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1 in the know, because he's talking to Hoffman. That's
2 his client, and witnesses that are involved in the
3 Hoffman case, and whatnot. The attorney is saying
4 it's the tip of the iceberg. So, the NRC should be
5 very concerned. That's a red flag to the NRC that
6 there's many, many other issues regarding safety, and
7 the environment at that plant that are going to be
8 coming out.

9 And just a point of record here, one of
10 those plant operators, there's 20 operators, I think
11 the name is Klein, I think it's Mark Klein. There's
12 another document that references the name, so I can
13 identify that later. But he told this reporter that
14 people are retaliated against when they raise safety
15 concerns at Turkey Point Nuclear Plant. And he's
16 working there right now. He's an operator, licensed
17 operator, so Region II, you might want to look into
18 that.

19 Okay. The next exhibit, SEC 9 is a "Miami
20 Herald" news article entitled, "Turkey Point Nuclear
21 Operator Response to Miami Herald Article." It's
22 dated March 14th, 2009. This is Hoffman. He
23 responded to the news article. I guess the one that
24 said there's a feud going down there, a nuclear feud
25 at Turkey Point. But, anyway, he's quoted here about

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1 the third, fourth paragraph down. He said, "FPL has
2 chosen to continue to neglect the environment created
3 at Turkey Point regarding the retaliatory nature of
4 the management team in place. Multiple examples of
5 this inappropriate behavior will continue to be
6 presented as the lawsuit moves forward."

7 So, remember my earlier comment about his
8 attorney saying this is just the tip of the iceberg.
9 Well, here, this is the iceberg, Hoffman is telling
10 you what the iceberg is. There is retaliation, there
11 is a hostile work environment at Turkey Point Nuclear
12 Plant. There's going to be witnesses testify to that
13 effect. Some of the NRC should be very concerned
14 about it.

15 The last paragraph talks about, "As the
16 Senior Licensed Operator with the NRC who was chartered
17 to safely operate the nuclear power plant, while
18 insuring the health and safety of the public, I left
19 FPL when I was no longer allowed to satisfy these
20 requirements."

21 That's what the -- Dave Hoffman. That's
22 what that Senior Nuclear Power Operator had to say.
23 He quit, he could not meet the requirements under
24 NRC's licensing requirement. And his license that he
25 holds with FPL -- Dave Hoffman's license that he holds

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1 with the Nuclear Regulatory Commission, and the DRP-
2 31, 41, which are licenses FPL holds with the Nuclear
3 Regulatory Commission, David Hoffman is saying he
4 can no longer maintain the -- to work at the Turkey
5 Point facility, because he can't work where there is a
6 safety environment which it's required, where he'd get
7 his safety concerns acknowledged, addressed, and
8 resolved to protect public health and safety. So,
9 he's saying there's a retaliatory work environment.
10 That's what that -- he's telling the public here
11 through this reporter.

12 And, again, I go back to Region II
13 presentation a week or so ago to the public, that
14 everything at Turkey Point is fine. We give them
15 green across the board. The Region II Administrator,
16 he never even attended the meeting. I guess it's not
17 important to him. It's not important to him to
18 interface with the public, and all the concerns that
19 were raised at that meeting.

20 He should have been there giving answers
21 to myself, and to other members of the public who have
22 some serious safety issues that they're bringing to
23 Region II. And many of those issues weren't -- there
24 was no answer. I guess, people that were representing
25 Region II at the time were going to look into it, and

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1 didn't have an answer available at that time. But
2 they said everything is green. I think that's a gross
3 misrepresentation what's actually happening at Turkey
4 Point Nuclear Power Plant.

5 And to the extent that OIG is going to be
6 reviewing these transcripts, OIG needs to look into
7 how regions, like NRC Region II, interface with the
8 public. And they should be more -- there should be
9 more sunshine. There should be more transparency.
10 The NRC should say we cited them these violations. We
11 sent a guy in there. They found guards sleeping on
12 the job. They found guards covering up for other
13 guards. They found guards taking their weapons apart.

14 And this is what we did about it. And this is where
15 that situation is now. Yes, we know Hoffman resigned
16 after this reactor scram, and we're looking at it, and
17 this is where we are now.

18 No, they didn't do any of that stuff.
19 It's just dancing around this silly report, these
20 White findings, and Green findings, and Orange
21 findings. And hell, the public don't know what the
22 hell they're talking about. All they hear is the NRC
23 thinks everything is fine out there.

24 MR. BLOUNT: Excuse me, Mr. Saporito.

25 MR. SAPORITO: Yes.

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1 MR. BLOUNT: Just to let you know, we're
2 coming up on an hour and a half. You've got about 10
3 minutes left.

4 MR. SAPORITO: Okay. Thank you.

5 MR. BLOUNT: Yes.

6 MR. SAPORITO: All right. So, SEC Number
7 10, I just want to get through these, so I'm going to
8 go a little faster here. An article talking about
9 FPL's response to the Turkey Point story. And this is
10 by Bill Jefferson. He's the Turkey Point Site Vice
11 President. Everything he says in this report, I'm not
12 going to read it to you. You can read it for
13 yourselves. But everything it says is contradicted by
14 the documents we've already reviewed, and the Employee
15 Concerns Program itself. And by statements made by
16 Hoffman in those reports, so that's why I put that in
17 there. He's trying to make the public think that
18 everything is fine. It's really not.

19 The next exhibit, SEC Number 11, this
20 talks about the David Hoffman lawsuit. But,
21 specifically, the first page. If you go down to the
22 dotted paragraph, there's are safety concerns that
23 Hoffman raised. Okay? And that's the reason he quit.

24 These safety concerns, all of them, not just the
25 incident that happened on that one night where he

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1 quit, but all these incidents he didn't think were
2 getting resolved.

3 But there's a paragraph, the second one
4 from the bottom of that paragraph, says, "The
5 operating crews should never be placed in the position
6 to get the reactor startup completed under a time
7 pressure condition, which to me seem -- the IV
8 plotting requirements for the third doubling with a
9 rapidly changing Xenon condition. This lack of desire
10 to listen and act on input continues to force written
11 correspondence, and is a major contributor to why we
12 have an SCWD issue at the station. People are not
13 valued, and they're treated like equipment and
14 numbers."

15 What he's saying is, I raised these safety
16 complaints, including the one to restart this reactor,
17 and no one cares, no one listens. They want to get
18 the reactor back on line. We're nothing more than
19 equipment and numbers to this plant. Again, that goes
20 to the work environment.

21 The next couple of pages, this one is
22 entitled, "Counterclaim Count One-Retaliation", not
23 that one. I'm sorry. It's the next page following
24 that. It's Item 11 and 12, talks about, "The plant
25 manager insisted that Hoffman start the reactor", and

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1 it talks about Hoffman being put in the position of
2 being constructively discharged because he refused to
3 do something he thought was not safe. And, again,
4 that goes to the environment.

5 And on, this page is not numbered. Oh,
6 it's page 4 of 6 of the Retention Bonus Agreement,
7 Paragraph D. It says, "The employee shall not, at any
8 time in the future in any way disparage the company,
9 its related entities, or any current or former
10 officers, directors, and employees orally or in
11 writing, or make any statements that may be derogatory
12 or detrimental to the company's good name, or business
13 reputation, of that of its related entities." This is
14 the statement that Hoffman and all these nuclear
15 workers have to sign to get their bonus pay. This is
16 inherently discriminatory. It's inherently in
17 violation of 10 CFR 50.7.

18 The next, Exhibit 12 is just the Union's
19 Memorandum of Understanding. Again, it highlights the
20 amount of pay and the fact that it's across the board.

21 It's a pervasive bonus program to keep their nuclear
22 workers at Turkey Point. They don't even want them
23 transferring out of Turkey Point to another plant
24 owned or operated by FPL. They're paying them big
25 dollars, \$40-50,000, to agree to stay at Turkey Point.

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1 It's because the environment is so poor there, they
2 have to offer these kind of bonuses.

3 The next document, SEC Exhibit 13. This
4 is the amended complaint. I don't have time to go
5 through this. It's pretty self-explanatory. But,
6 again, the reason I put it in there, it accentuates
7 issues concerning the environment at Turkey Point, the
8 poor environment.

9 SEC Number 14, again, this is a Memorandum
10 of Understanding. It talks about the bonuses. And
11 number 9 on the first page of it says, "Operators
12 execute the election agreement will not be eligible to
13 bid out of Turkey Point, TPN is Turkey Point
14 Operations Department prior to 2010." Again, the
15 environment is so bad, they want to pay you big
16 dollars, thousands, and thousands, and thousands of
17 dollars, and they don't even want you bidding out of
18 the department, let alone the plant.

19 Okay. The next document, SEC Number 15,
20 is FPL Motion to Dismiss. Again, I'm not going to go
21 through this document. This document said -- so the
22 PRB has some insight as to FLP's challenge to the
23 lawsuit.

24 And, SEC Number 16, I wrote a letter to
25 Louis Hay. He's the Executive Officer of FPL, the

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1 Chief Executive Officer. And I offered my services to
2 go in that plant, assess the environment, do a
3 baseline, put a training program together, talk to
4 employees, bring everybody up to speed what their
5 protections are, why you need to raise safety
6 concerns, how important it is, and their avenues of
7 protection within the Department of Labor, and how the
8 NRC investigates under 10 CFR 50.7.

9 He never responded, not even the courtesy
10 of a reply. So, you need -- in closing, I just want
11 to say that the petition asks for \$1 million Notice of
12 Violation issues with a civil penalty. That's to get
13 their attention. Money talks. They don't care about
14 anything else. You've got to hit them with the money
15 first.

16 If you say send us \$1 million, you're
17 going to get the attention of Lou Hays, believe me.
18 You're going to get the attention of Lou Hays. You're
19 going to get the attention of Stall. You're going to
20 get the attention of William Blair, and of Mitch Ross,
21 because \$1 million is \$1 million. And the public is
22 going to see that, as hey, the government is doing
23 something about safety at these plants.

24 Second of all, the modification of
25 licenses, because you need an independent firm to come

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1 in here and do a baseline, do an assessment of the
2 Employee Concerns Program, and to make
3 recommendations, and require the licensee to make the
4 changes that are recommended, and to monitor that
5 program over the next 10, 15, 20 years.

6 So, if there's any questions, I'll be
7 certainly happy to answer them.

8 MR. BLOUNT: Thank you. Any questions
9 from the folks here at headquarters for Mr. Saporito?

10 Okay. How about the Region? Does the Region have
11 any questions for Mr. Saporito?

12 MR. SYKES: No. No, we don't.

13 MR. BLOUNT: Do we have any questions from
14 the licensee?

15 MR. BLAIR: Yes, if I may. I'll try to be
16 brief. This is William Blair from Florida Power and
17 Light.

18 Mr. Saporito, what specific rule,
19 regulation, or order are you alleging that Florida
20 Power and Light violated at Turkey Point?

21 MR. SAPORITO: Well, Mr. Blair, it's
22 pretty obvious that 10 CFR 50.7 has been violated over
23 the years at Turkey Point Nuclear Power Plant. It's a
24 matter of public record. The NRC has cited Florida
25 Power and Light twice to the extent that those

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1 regulations have been violated. The fact that the
2 Turkey Point Nuclear facilities are being operated, in
3 my view, with a hostile work environment, and not in
4 full compliance with the requirement, the NRC
5 requirement to maintain a healthy work environment
6 which encourages employees to raise safety concerns
7 directly to the NRC, or directly to the licensee
8 management, or to the media, if they so desire, is a
9 violation of NRC requirements.

10 Because that, certainly, the work
11 environment there is nothing near, it's not even close
12 to complying with the NRC requirements to maintain
13 that type of environment, which encourages employees
14 to freely raise safety complaints without fear of
15 retaliation.

16 MR. BLAIR: All right. You've mentioned
17 the pressurizer piping hole incident. Mr. Saporito,
18 do you have any specific information as to the
19 individual that would have committed that act?

20 MR. SAPORITO: I reference the Public
21 Counsel's 13C brief. It's in that brief. There is an
22 FBI investigative report, an FBI Special Agent
23 conducted an investigation, apparently interviewed the
24 individual who drilled the hole. And I would point
25 you to the FBI for that specific information.

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1 MR. BLAIR: Okay. So, you have no
2 specific knowledge, other than what the FBI and NRC
3 looked at.

4 MR. SAPORITO: Well, yes, I do. If you --
5 I don't have all the pleadings in that Public Service
6 Commission hearing before me right at this time. And
7 it goes into quite specific detail about what
8 transpired when that hole was drilled.

9 MR. BLAIR: All right. I'll move on.

10 You went on at length about the ECP report
11 from January of 2008. Who performed that report?

12 MR. SAPORITO: That's proprietary,
13 confidential information at this time. I can't
14 release that to you.

15 MR. BLAIR: Well, do you know if there
16 were any corrective actions taken as a result of that
17 report?

18 MR. SAPORITO: Do I know what?

19 MR. BLAIR: If there were any corrective
20 actions taken as a result of that report?

21 MR. SAPORITO: No, I don't. I'm not
22 knowledgeable at this time if there was any corrective
23 action. In my view, whatever corrective actions that
24 may have been taken, were not sufficient to overcome
25 the overwhelming evidence which points to a failed

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1 program.

2 MR. BLAIR: Right. I don't doubt that.
3 Do you know if the NRC inspects the safety conscious
4 work environment at Turkey Point?

5 MR. SAPORITO: I know they're supposed to.
6 I haven't followed the inspectors around at the plant
7 to monitor their actions.

8 MR. BLAIR: Thank you. You mentioned that
9 the Hoffman case, as well as Insanger, do you know if
10 those issues were raised those individuals to the NRC?

11 MR. SAPORITO: Do I know what?

12 MR. BLAIR: If those individuals raised
13 their concerns for themselves to the NRC?

14 MR. SAPORITO: I am under the
15 understanding, certain communications that the NRC
16 Office of Investigations, is conducting an
17 investigation of the Hoffman case.

18 MR. BLOUNT: At this point -- this is Tom
19 Blount, the PRB Chairman. I'd like to make sure that
20 we're directing our questions of the Petitioner to
21 clarifying the petition.

22 MR. BLAIR: I'm confused, quite frankly,
23 as to what his petition is. I was going to make sure
24 that I understood his statements, but I'll skip to the
25 chase. The petition is dated January 11th, and

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1 addressed to the Office of Inspector General. Mr.
2 Saporito, now after a period of two and a half hours,
3 has talked about everything except what he thinks
4 Turkey Point did to violate, so I'm just confused.
5 And I'll just leave it at that. It's not clear to me
6 what his alleged violation is.

7 MR. SAPORITO: And this is Thomas Saporito
8 with Saporito Energy Consultants. I just want to
9 confirm that Mr. Blair is confused, because the
10 petition, January 11, 2009, was addressed to the NRC
11 Executive Director for Operations, and not to the
12 Inspector General. So he, apparently, is confused.

13 MR. BLOUNT: I understand. With that in
14 mind, I want to thank you very much for the final
15 clarifying remarks.

16 Are there any members of the public on
17 line? If there are, before I conclude the meeting,
18 the members of the public may provide comments
19 regarding the petition, and ask questions about the
20 2.206 petition process. However, as stated in the
21 opening, the purpose of this meeting is not to provide
22 an opportunity for the petitioner, or the public, to
23 question or examine the PRB regarding the merits of
24 the petition request.

25 Hearing no questions, I want to thank Mr.

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1 Saporito for taking time to provide the NRC with
2 clarifying information on the petition you've
3 submitted. With that, this meeting is concluded, and
4 we'll be terminating the phone connection.

5 MR. SAPORITO: Thank you.

6 (Whereupon, the proceedings went off the
7 record at 3:16:50 p.m.)
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