OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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DEDR
DEDCM
AO
RII
Orders, OEDO

AUTHOR: Mr. Thomas Saporito

AFFILIATION: FL

ADDRESSEE: NRC ExecSec

SUBJECT: News release - NRC considering sanctions against Florida Power and Light Company regarding operation of the Turkey Point Nuclear Power Plant

ACTION: Appropriate

DISTRIBUTION:

Note: Per Chairman Jaczko's 9/23/09 response to Thomas Saporito (ML092260310), no further action will be taken by the NRC on this issue.

LETTER DATE: 09/29/2009

ACKNOWLEDGED No

SPECIAL HANDLING: Immediate public release via SECY/EDO/DPC

NOTES:

FILE LOCATION: ADAMS

DATE DUE: **DATE SIGNED:**

Mike, Linda

From: Thomas Saporito [support@renewableelectricsystems.com]
Sent: Tuesday, September 29, 2009 2:31 PM
To: support@renewableelectricsystems.com
Subject: <<< NEWS FOR IMMEDIATE RELEASE - FPL - NRC >>>

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News for Immediate Release:

NRC CONSIDERING SANCTIONS AGAINST FPL REGARDING OPERATION OF THE TURKEY POINT NUCLEAR POWER PLANT

In January 2009, Thomas Saporito (Saporito) filed a petition with the U.S. Nuclear Regulatory Commission (NRC) seeking enforcement action against the Florida Power and Light Company (FPL) regarding operations at the FPL Turkey Point Nuclear Plant (TPN). According to Saporito, *"A hostile work environment exists at the Turkey Point facility which dissuades nuclear workers from raising nuclear safety complaints to FPL management or directly to the NRC."*

The NRC is the government agency directly responsible for the oversight of 104-operating nuclear reactors across the United States. Saporito was the first whistleblower fired by FPL after he raised substantial nuclear safety complaints directly to NRC investigators related to operations at the Turkey Point Nuclear facility in 1988. FPL offered Saporito a cash settlement in excess of $500,000 dollars but Saporito rejected that offer seeking reinstatement for the benefit of his coworkers. Years of litigation followed Saporito's termination. Please follow this link to view the history of this case.
http://www.docstoc.com/docs/document-preview.aspx?doc_id=12234249

Since Saporito's termination in 1988, approximately 20-30 other nuclear workers at FPL's nuclear facilities have filed whistleblower claims against FPL. Most recently, FPL fired Paul Infanger, who held the position of Licensing Manager at the FPL Turkey Point Nuclear facility. Infanger was fired shortly after [h]is written report to the NRC showed that FPL's employee concerns program was a failure and that nuclear workers had no trust in the program. Please follow this link to review Infanger's report.
http://www.docstoc.com/docs/document-preview.aspx?doc_id=10951904

Infanger filed a whistleblower lawsuit with the U.S. Department of Labor (DOL) and shortly thereafter FPL settled the case by compensating Infanger about $190,000 dollars and forgoing any repayment of the huge bonus Infanger received in accepting the job at Turkey Point. Following the termination of Infanger, a senior

nuclear plant operator at the Turkey Point Nuclear facility, David Hoffman abruptly quit [his] job because FPL management was apparently trying to force Hoffman to restart one of the nuclear reactors in less than 12-hours after the reactor had shut-down due to a voltage discrepancy on FPL's high-voltage overhead power distribution system. Hoffman also filed a whistleblower complaint with the DOL and the matter is pending. In addition, Hoffman and FPL are suing each other about the huge bonus FPL gave to Hoffman to work at the Turkey Point Nuclear facility.

"How many other nuclear workers at the Turkey Point Nuclear Plant know of nuclear safety issues but fear retaliation by FPL if they voice their concerns?" Saporito asked. The NRC requires its reactor operators, like FPL, to foster a work environment at the Turkey Point Nuclear facility that encourages employees to raise nuclear safety complaints to FPL management or directly to the NRC without any fear of retaliation. Such a work environment is required because the NRC has limited resources and depends on nuclear workers at Turkey Point to be the agency's eyes and hears to nuclear safety concerns in the interest of protecting public health and safety.

Notably, FPL was recently fined by the NRC for having security guards asleep on duty at Turkey Point; and other guards covered for the sleepers; and a security person disassembled his weapon on duty. FPL paid in excess of $400,000 in security related violations at the Turkey Point Nuclear facility. According to Saporito, *"The customers of FPL should not have to pay for FPL's mismanagement of the Turkey Point Nuclear Power plant in the current $1.3-billion dollar rate case related to fines FPL paid to the NRC."*

FPL has recently made application to the NRC for the construction of two more nuclear power plants to be located near the existing Turkey Point nuclear facility at an estimated cost of $18-billion dollars and an apparent $16-billion dollar build out of supporting infra-structure including an overhead high-voltage power distribution system. Saporito is currently scheduled to make a presentation before he City of South Miami located at: http://www.cityofsouthmiami.net/index.php?src=events&srctype=detail&category=Main&refno=23137 regarding FPL's plan to build these two additional nuclear plants. *"It is incredibly hard to believe that the NRC would even consider FPL's application to build two more nuclear plants when FPL cannot manage the nuclear plants they now operate."* Saporito said. Professor Philip Stoddard will join Saporito at the Commissioners' meeting on October 6th. Both Saporito and Stoddard will be available to the media to answer questions following Saporito's presentation.

***"Solar-voltaic electric power generation is the future of Florida** – there is absolutely no need to construct additional nuclear power plants in Florida when power from the sun provides free and clean energy for everyone."* Saporito said.

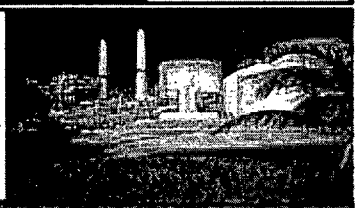
<<< End >>>

FACILITY:	Turkey Point (TP), Units 3 and 4
REACTOR TYPE:	Pressurized-Water Reactor
PETITIONER:	Thomas Saporito

U.S.NRC

OPEN PETITION UNDER CONSIDERATION

DATE OF PETITION:	JANUARY 11, 2009
DIRECTOR'S DECISION (DD) TO BE ISSUED BY:	NRR
PROPOSED DD ISSUANCE:	N/A
FINAL DD ISSUANCE:	N/A
LAST CONTACT WITH PETITIONER:	JULY 10, 2009
PETITION MANAGER:	JASON PAIGE
CASE ATTORNEY:	MOLLY BARKMAN



ACTIONS REQUESTED AND ISSUES

The petitioner requests that the NRC take enforcement action against Florida Power and Light Company (FPL), the licensee for TP, Units 3 and 4, by issuing a Notice of Violation and Civil Penalty in the amount of $1 million and a Confirmatory Order modifying FPL's operating licenses DPR-31 and DPR-41 for TP Units 3 and 4, as described in the January 11, 2009, 10 CFR 2.206 petition request.

BASIS FOR THE REQUEST

On or about January 17, 2008, the licensee, FPL, completed a self-assessment of the TP, Unit 3 and 4 facility, which included an assessment of the TP Employee Concerns Program (ECP). The purpose of the self-assessment was for FPL to understand and address weaknesses in the ECP. The petitioner states that FPL has continually engaged in retaliatory actions against its own employees who raise safety concerns at TP Units 3 and 4, and that the enforcement actions sought, including the confirmatory order, will dissuade FPL from further violations of NRC regulations and requirements under 10 CFR 50.7, "Employee Protection." The petitioner contends that such action will protect the public health and safety by eliminating the chilling effect that currently exists at TP Units 3 and 4 and fostering a work environment in which employees can freely raise safety concerns directly to the NRC and FPL management without fear of retaliation.

BACKGROUND, ACTIONS, & KEY MILESTONES		[illegible]	
The petitioner filed a petition for an enforcement action under 10 CFR 2.206.	01/11/09	• On April 21, 2009, the PRB received the supplemental information from the petitioner. The petitioner was scheduled to address the PRB by telephone on May 7, 2009.	04/21/09
In an e-mail dated February 12, 2009, the petitioner sent a copy of his petition to various NRC staff members.	02/12/09	• On May 1, 2009, the PRB requested an extension from the OEDO to support the additional interactions required for the PRB to make its initial and final recommendation. On May 4, 2009, the OEDO approved the extension request with a new due date of June 30, 2009.	05/01/09
The petition manager was made aware of the e-mails on February 27, 2009, and requested support from the 10 CFR 2.206 petition coordinator to have the petition formally assigned to the Office of Nuclear Reactor Regulation (NRR).	02/27/09	• On May 7, 2009, the petitioner addressed the PRB by phone. The PRB reviewed the additional information to determine if the petition met the criteria for acceptance under 10 CFR 2.206	05/07/09
The Office of the Executive Director for Operations (OEDO) assigned the petition to NRR via a Green Ticket on March 3, 2009.	03/03/09	• On June 25, 2009, the OEDO approved an extension until July 17, 2009 for the PRB to issue its final recommendation.	06/25/09
The Petition Review Board (PRB) is reviewing the petition to determine if it meets the criteria for acceptance under 10 CFR 2.206. The staff was scheduled to issue the acknowledgment letter conveying the PRB's final recommendation by April 2, 2009.	03/05/09	• On June 30, 2009, the PRB made an initial recommendation to accept the petition for review under 10 CFR 2.206. The NRC notified the petitioner of the initial recommendation on July 1, 2009, and the petitioner requested a second opportunity to provide additional information to the PRB.	06/30/09
On March 19, 2009, the petitioner addressed the PRB by phone. During the call, he requested additional time to supplement his petition request in writing. The PRB agreed to provide the petitioner additional time. On March 25, 2009, the PRB requested an extension from OEDO until May 14, 2009, to support the petitioner's request.	03/19/09	• On July 10, 2009, the PRB held a telephone call with the petitioner.	07/10/09
On March 26, 2009, the OEDO approved the extension request until May 14, 2009. The acknowledgement letter conveying the PRB's final recommendation was due by May 14, 2009	03/26/09	• On August 10, 2009, the OEDO approved an extension request until November 20, 2009, to support the PRB's need for additional coordination with RII, prior to making a final recommendation	08/10/09

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(support@renewableelectricsystems.com@74.233.86.201) by
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Reply-To: <Support@RenewableElectricSystems.com>
From: Thomas Saporito <support@renewableelectricsystems.com>
To: <support@renewableelectricsystems.com>
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Date: Tue, 29 Sep 2009 14:30:41 -0400
Organization: RenewableElectricSystems.com
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