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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

AUG 31 1992

MEMORANDUM FOR: Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

FROM: Jack R. Goldberg
Deputy Assistant General Counsel
for Enforcement

SUBJECT: THOMAS J. SAPORITO, JR. REQUEST, PURSUANT TO
2.206, FOR NRC ENFORCEMENT ACTIONS AGAINST
PALO VERDE NUCLEAR GENERATING STATION

Enclosed is a copy of an August 12, 1992, request for enforcement action (Petition) filed by Thomas J. Saporito, Jr., with the Director, Office of Nuclear Reactor Regulation, for consideration as a petition under 10 CFR 2.206. The Petition requests that the Nuclear Regulatory Commission issue to Arizona Public Service Company two Notices of Violation with the imposition of a civil penalty for each violation. The Petitioner seeks this relief based on his assertion that he observed these alleged violations. The Petitioner has failed, however, to specify what he did observe or explain how what he observed supports the alleged violations. The Petitioner simply makes reference to his Department of Labor case file (92-ERA-30) and his deposition taken in that case on July 23 & 24, 1992. 10 CFR 2.206 requires that the Petitioner "set forth the facts that constitute the basis for the request." Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), DD 85-11, 22 NRC 149, 154 (1985). Since the Petitioner has failed to set forth the factual basis for the instant request with the requisite specificity, this Petition should not be treated pursuant to 10 CFR 2.206.

I have enclosed a draft of a letter to the Petitioner for your signature that indicates that action on his request pursuant to 10 CFR 2.206 will not be taken. The OGC attorney assigned to this matter is Jay McGurren (301) 504-1695.


Jack R. Goldberg
Deputy Assistant General Counsel
for Enforcement
Office of the General Counsel

Enclosures: As stated
cc w/attachments: L. Chandler
J. Lieberman

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Mr. Thomas J. Saporito, Jr.
7881 Piper Lane
Lake Worth, Florida 33463

Dear Mr. Saporito:

This is in response to your Petition filed on August 12, 1992, with the Executive Director for Operations. In your petition, you request that the Nuclear Regulatory Commission (NRC or Commission) issue, for violations allegedly observed by you, two Notices of Violation with the imposition of a civil penalty for each violation. As grounds for your request, you allege for each violation that you directly observed the alleged violation. However, you have failed in each instance to state what you specifically observed or explain how what you observed supports a violation. You simply made reference to your Department of Labor case file (92-ERA-30) and your deposition taken in that case on July 23 & 24, 1992. No specific factual basis has been provided by you to support your claim that violations requiring enforcement action have occurred. Accordingly, it is not appropriate to consider your Petition pursuant to 10 CFR 2.206. That regulation requires that the Petition "set forth the facts that constitute the basis for the request." Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), DD 85-11, 22 NRC 149, 154 (1985). Since you have not set forth the factual basis for your request with the requisite specificity, no further action will be taken on your request.

Sincerely,

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

