



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

March 22, 1990

Mr. Thomas J. Saporito, Jr.
1202 Sioux Street
Jupiter, Florida 33458

Dear Mr. Saporito:

This letter is in further response to your submittal of a request for action by the U.S. Nuclear Regulatory Commission (NRC) with regard to Turkey Point Plant, Units 3 and 4, that was filed on December 21, 1988, and supplemented by letters of January 13 and 30, February 7, and April 25 and 26, 1989. These submittals are referred to hereafter as the "December 21, 1988, Petition." On July 12, 1989, I issued Partial Director's Decision DD-89-05, which responded in part to your request for action. In addition, by letters dated July 7 and August 12, 1989, you submitted additional requests for action with regard to the Turkey Point facility. This letter responds to the remaining issues from the December 21, 1988, Petition, as well as subsequent requests for action in your Petitions dated July 7, 1989, and August 12, 1989.

As discussed in Partial Director's Decision DD-89-05, two issues identified in your December 21, 1988, Petition required further investigation by the NRC staff. The two issues involved (1) a chilling effect on reporting safety concerns as a result of discrimination and harassment, and (2) the falsification and destruction of documents. In your Petition, you requested that the operating licenses for Units 3 and 4 be immediately suspended and revoked, and that an escalated civil penalty be imposed on Florida Power & Light Company (FPL, the licensee) based upon these issues.

In your July 7, 1989, Petition, you requested that the NRC take immediate actions to cause the suspension of Turkey Point operating licenses DPR-31 and DPR-41, cause the imposition of an escalated civil penalty upon the licensee, and cause an investigation into unlawful actions of the licensee. As a basis for these requests, you alleged that reprisals and retaliatory measures were taken against employees at the Turkey Point facility after these employees voiced safety concerns to FPL management.

In your August 12, 1989, Petition, you requested that the NRC investigate the violations of NRC requirements delineated in that Petition and take immediate actions to (1) cause the suspension of operating licenses DPR-31 and DPR-41; (2) cause the imposition of an escalated civil penalty upon the licensee; (3) cause a criminal investigation concerning the behavior and conduct of licensee's counsel; and (4) reverse the chilling effect at the Turkey Point

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facility resulting from the illegal licensee conduct. In your Petition, you stated that the licensee has violated NRC regulation 10 CFR §50.7, "Employee Protection." In support of this statement, you referred to particular examples at the Turkey Point facility whereby violation of this regulation allegedly occurred.

Your Petitions have been referred to me for consideration pursuant to 10 CFR §2.206 of the Commission's regulations. After a review of your Petitions, your requests have been denied. The reasons for this denial can be found in the enclosed Director's Decision. The enclosed Director's Decision responds to the two issues remaining open from the December 21, 1988, Petition, and responds in full to your July 7 and August 12, 1989, Petitions. As discussed in the Director's Decision, the allegations contained in your Petitions have been investigated by the NRC's Office of Investigation.

A copy of the Director's Decision will be referred to the Secretary of the Commission for the Commission's review in accordance with 10 CFR §2.206. For your information, I have also enclosed a copy of the notice of Issuance of Director's Decision, which has been filed with the Office of the Federal Register for publication.

Sincerely,

Original signed by
Thomas E. Murley

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Enclosures:

- 1. Director's Decision DD-90-01;
- 2. Federal Register Notice

cc w/enclosures:

See next page

Licensee

*See previous concurrence

**By telecon, 3/16/90, from L. Reyes to H. Berkow

OFC	: LA:PDII-2	: PM:PDII-2	: PM:PDII-2	: D:PDII-2	: Tech Editor	: ADR2	: D:DRP
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DATE	: 3/13/90	: 3/20/90	: 3/14/90	: 3/15/90	: 3/16/90	: 3/14/90	: 3/21/90

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NAME	: JGoldberg*	: LReyes**	: JPartlow	: JSniezek	: TMurley	:	:
DATE	: 3/16/90	: 3/16/90	: 3/21/90	: 3/ /90	: 3/22/90	:	:

Handwritten initials and date: M-3/21



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Mr. T. J. Saporito

Turkey Point Plant

cc:

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