

[7590-01]
DD-90-01

UNITED STATES NUCLEAR REGULATORY COMMISSION

(DOCKET NOS. 50-250 AND 50-251)

FLORIDA POWER & LIGHT COMPANY

TURKEY POINT PLANT, UNITS 3 AND 4

(LICENSE NOS. DPR-31 AND DPR-41)

ISSUANCE OF DIRECTOR'S DECISION UNDER 10 CFR §2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has taken action with regard to Petitions filed pursuant to 10 CFR §2.206 by Mr. Thomas J. Saporito, Jr.

On December 21, 1988, Mr. Saporito (Petitioner) submitted a request pursuant to 10 CFR §2.206 that the NRC take certain actions with regard to the Turkey Point Plant, Units 3 and 4. This request was supplemented by five later submittals dated January 13 and 30, February 7, and April 25 and 26, 1989. On July 12, 1989, Partial Director's Decision DD-89-05 was issued which responded, in part, to the Petitioner's request for action. Subsequently, the Petitioner filed additional requests for action with regard to the Turkey Point facility dated July 7 and August 12, 1989. The current Director's Decision responds to the remaining issues from the December 21, 1988, Petition and to the subsequent requests for action in Petitions submitted by Mr. Saporito.

As discussed in Partial Director's Decision DD-89-05, two issues identified in the 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. This Petition requested that

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the operating licenses for Units 3 and 4 be immediately suspended and revoked, and that an escalated civil penalty be imposed on the licensee based upon these issues.

The July 7, 1989, Petition 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, the Petitioner alleged that reprisals and retaliatory measures were taken against employees at the Turkey Point facility after these employees voiced safety concerns to FPL management.

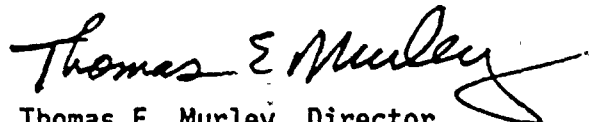
The August 12, 1989, Petition requested that the NRC investigate the violations of NRC requirements delineated in the Petition and take immediate actions to (1) cause the suspension of operating licenses DPR-31 and DPR-41; (2) cause the imposition of an escalated civil penalty upon the licensee; (3) cause a criminal investigation concerning the behavior and conduct of licensee's counsel; and (4) reverse the chilling effect at the Turkey Point facility resulting from the illegal licensee conduct. The Petition stated that the licensee has violated NRC regulation 10 CFR §50.7, "Employee Protection." In support of this statement, the Petitioner referred to particular examples at the Turkey Point facility whereby violation of this regulation allegedly occurred.

The Director of the Office of Nuclear Reactor Regulation has determined that the Petitions should be denied for the reasons explained in the "Director's Decision Under 10 CFR §2.206," (DD-90-01), which is available for public inspection in the Commission's Public Document Room, 2120 L Street, N.W., Washington, D.C., and at the Local Public Document Room at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida.

A copy of the Director's Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR §2.206(c) of the Commission's regulations. As provided by this regulation, the decision will constitute the final action of the Commission 25 days after the date of issuance of the decision, unless the Commission, on its own motion, institutes review of the decision within that time period.

Dated at Rockville, Maryland, this 22nd day of March 1990.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script that reads "Thomas E. Murley". The signature is written in black ink and is positioned above the printed name and title.

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

