



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

50-250
50-251

February 20, 1992

Mr. Thomas Saporito
1202 Sioux Street
Jupiter, Florida 33458

Dear Mr. Saporito:

I am writing to acknowledge receiving your letter of January 3, 1992, in which you requested pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206) that the U.S. Nuclear Regulatory Commission (NRC) institute a show cause proceeding pursuant to 10 CFR 2.202 regarding the Florida Power and Light Company (FPL, the licensee) which operates and owns the Turkey Point Plant, Units 3 and 4, near Homestead, Florida. In your letter, you also requested that the NRC initiate enforcement action against FPL for violating 10 CFR 50.7 and the Atomic Energy Act.

You assert, as bases for your request, that in December 1988, you were fired from your job as an Instrument Control Technician at the Turkey Point Plant because you raised nuclear safety concerns to the NRC Region II office, that FPL is continuing to practice conduct in violation of the Atomic Energy Act and 10 CFR 50.7 and recently fired Mr. Robainas for identifying nuclear safety concerns to NRC Region II personnel, and that this action by FPL has resulted in a significant "chilling effect" on the willingness of employees to raise safety concerns at FPL's Turkey Point and St. Lucie nuclear stations.

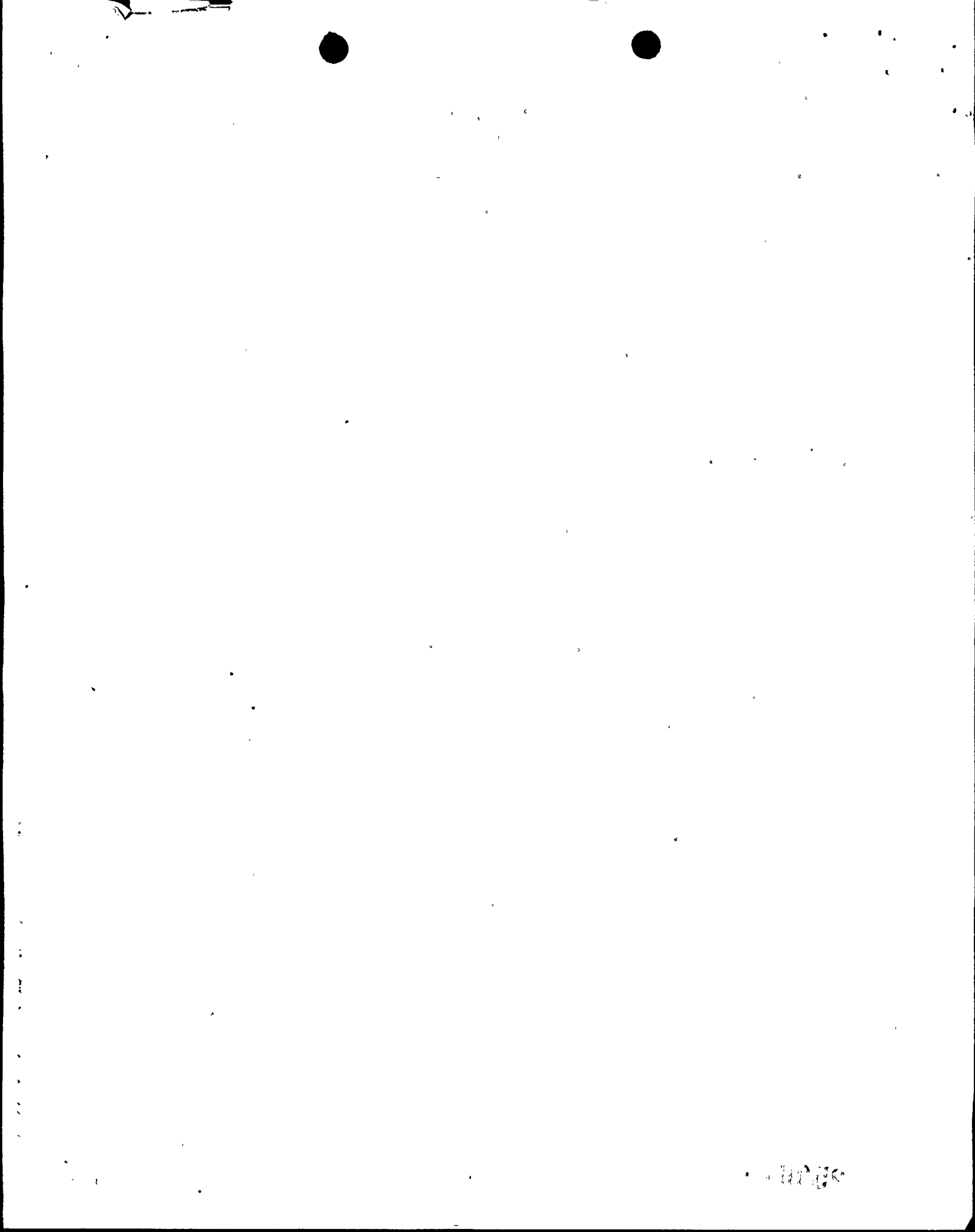
The Office of Nuclear Reactor Regulation (NRR) has reviewed your letter and concluded that it does not provide any basis for any action against FPL. Our basis for this position is that you have provided no new information that has not already been addressed by the licensee and the NRC staff. On June 30, 1989, the U.S. Department of Labor (DOL) Administrative Law Judge (ALJ) issued a decision which held that FPL discharged you solely as a result of insubordination (Case Nos. 89-ERA-7/89-ERA-17). If the Secretary of Labor reverses or modifies the ALJ's decision, the NRC will consider whether enforcement action against the licensee is appropriate. This matter was discussed in Director's Decision DD-90-01 which was transmitted to you by a letter of March 22, 1990. The NRC concludes that, since no violation occurred under 10 CFR 50.7, the NRC has no cause for taking any action at this time. The DOL is reviewing Mr. Robainas' discharge from FPL. The NRC will consider whether or not to take enforcement action when DOL has completed its review of this matter.

You also asserted that the firing of Mr. Robainas resulted in a significant chilling effect at the Turkey Point and St. Lucie nuclear sites. To address this assertion and the allegations submitted by Mr. Robainas, the NRC conducted a team inspection from October 28 through November 8, 1991 to determine if FPL was conducting any unsafe engineering practices or allowing unsafe operating conditions, as alleged, or if FPL's personnel practices resulted in a chilling effect upon other employees in raising safety issues. The team found no evidence that personnel employed at the Turkey Point or

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Mr. Thomas Saporito

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February 20, 1992

St. Lucie plants were prohibited or discouraged from pursuing safety concerns. On January 2, 1992, the NRC issued Inspection Report 50-250/91-45 and 50-251/91-45. A copy is enclosed for your information.

I have concluded, for the reasons stated herein, that no action on your request pursuant to 10 CFR 2.206 is warranted. I have enclosed for your information a copy of the notice of receipt and denial of your petition that is being filed with the Office of the Federal Register for publication.

Sincerely,

Signed by Frank J. Miraglia for:
Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Enclosures:

- 1. Inspections Report Nos. *See Inspections*
50-250/91-45 and
50-251/91-45
- 2. Federal Register Notice

cc w/enclosures:
See next page
Licensee

DISTRIBUTION:
See next page

See previous concurrence
Subject to noted comments & changes (no legal disputes)

OFFICE	LA:PDII-2	PM:PDII-2	D:PDII-2	TECH EDITOR	OGC
NAME	DMJler	RAutuckmk	H Berkow		J. Goldberg
DATE	2/13/92	2/13/92	2/13/92	1/92	2/14/92

OFFICE	ADR3	D:DPPE	ADPR	D:NRR	
NAME	GLainas	Svarga	JPartlow	TMurley	
DATE	2/14/92	2/18/92	2/18/92	2/20/92	1/1

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Dt 2/18



Mr. Thomas Saporito

cc:

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DATED: February 20, 1992

Docket File(50-250 and 50-251)
NRC & Local PDRs
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