



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

June 14, 1997

50-250/251  
50-250/389

Mr. Thomas J. Saporito, Jr.  
National Litigation Consultants  
6230 West Indiantown Road, Suite 7-355  
Jupiter, FL 33458

Dear Mr. Saporito:

This letter acknowledges receipt of your Petition dated April 23, 1997, as supplemented May 11 and 17, 1997, (Petition) filed with the Chairman of the U.S. Nuclear Regulatory Commission (Commission or NRC) on behalf of yourself and the National Litigation Consultants (Petitioners) requesting action by the Commission regarding Florida Power & Light Company (licensee or FPL). Your requests are summarized below.

In your initial Petition, you ask the Commission to; (1) modify, suspend, or revoke FPL's operating licenses for St. Lucie, Units 1 and 2, and Turkey Point, Units 3 and 4, until FPL can sufficiently demonstrate that employees at the FPL nuclear facilities are exposed to a work environment that encourages employees to freely raise safety concerns directly to the NRC without being required to first identify safety concerns to the licensee; (2) take escalated enforcement action because of discriminatory practices of the licensee in violation of 10 CFR 50.7 and/or other NRC regulations, and that the enforcement action be retroactive to the initial occurrence of the violation by the licensee; (3) conduct a public hearing through the Atomic Safety and Licensing Board and permit Petitioners leave to intervene to perfect an evidentiary record in consideration of whether the licensee has violated NRC requirements; (4) require the licensee to post a written notice alongside each NRC Form 3 currently posted at the licensee's nuclear facilities that alerts employees that they can directly contact the NRC about safety concerns without first identifying the safety concerns to the licensee; (5) require the licensee to provide a copy of the posted communications to all employees and insure that all employees are made aware of those communications through the licensee's General Employee Training Program; and (6) require the licensee to provide the NRC with written documents authored by licensee officers under affirmation that the requirements described in items (4) and (5) have been fully complied with.

In your supplement of May 11, 1997, you request the imposition of a civil penalty in the amount of \$100,000 against each of three former FPL managers and that the NRC refer the matter of the conduct of these managers to the Department of Justice (DOJ) for consideration of invoking criminal proceedings.

In your supplement of May 17, 1997, you request that the Commission: (1) impose a civil penalty in the amount of \$100,000 against each of six FPL employees, restrict these employees from licensed activities, and revoke their unescorted access to nuclear facilities; (2) impose a civil penalty in the amount of \$100,000 against the International Brotherhood of Electrical Workers

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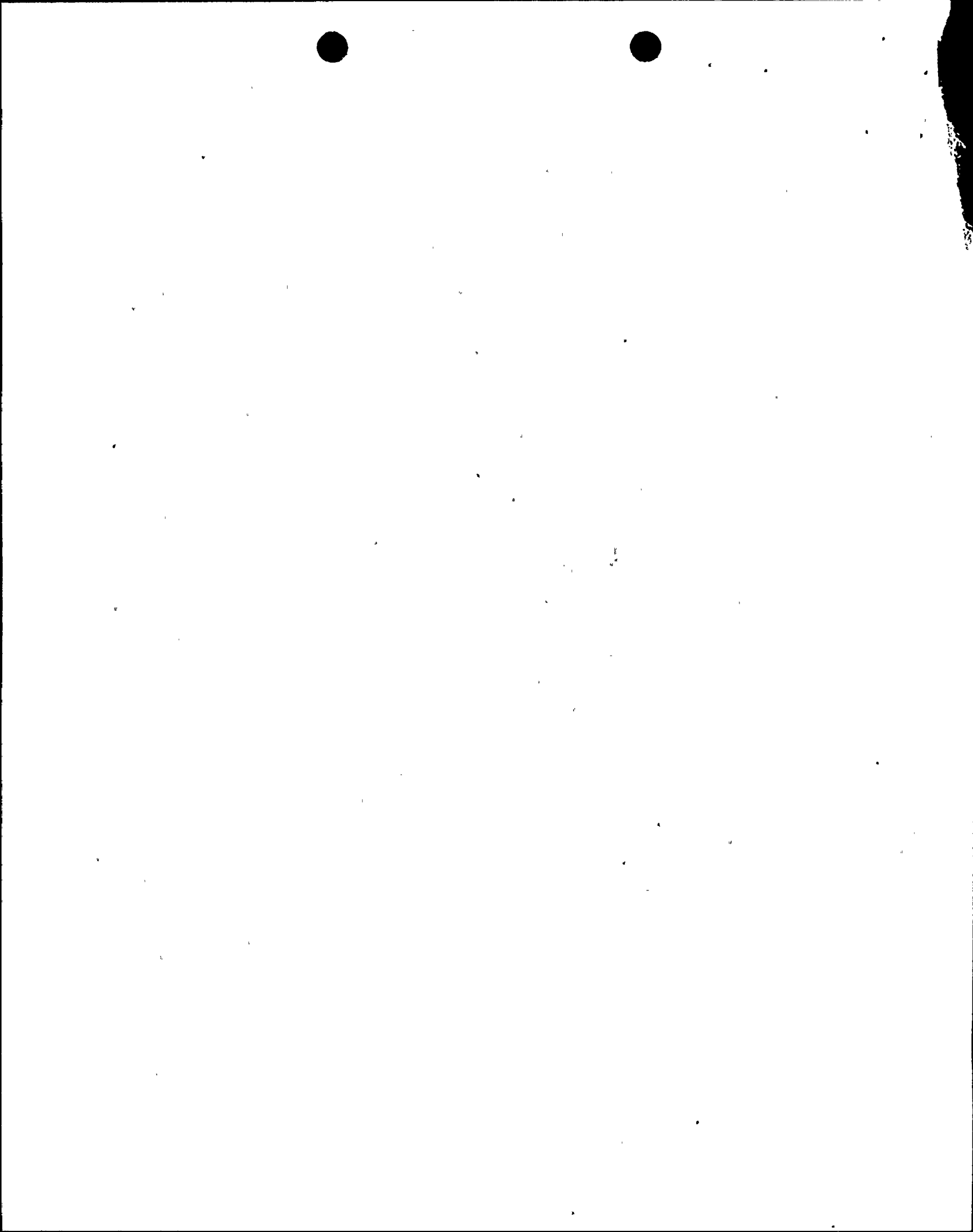


(IBEW) and require IBEW to inform its members of their right to report safety concerns directly to the NRC and that IBEW encourages such action; (3) impose a civil penalty in the amount of \$100,000 against each of two licensee representatives; (4) cause an investigation into the "willful falsification" of a company business record; (5) cause an investigation into the "cause of transcript records found missing" in Department of Labor (DOL) case 89-ERA-07 and 89-ERA-17; (6) refer the conduct of the referenced individuals and entities to DOJ for consideration of invoking criminal proceedings, and (7) conduct an interview with the Petitioners regarding the substance of their Petition.

As grounds for these requests, you assert that the NRC's failure to take enforcement action against the licensee on the basis of the Secretary of Labor's finding in case 89-ERA-07/17 that FPL violated the Energy Reorganization Act when it discharged an employee for raising safety concerns has resulted in a "chilling effect" at FPL and continued discrimination against employees by FPL in violation of 10 CFR 50.7. In addition, in your supplement to your Petition of May 11, 1997, you assert that the employee's "Damages Brief" in the DOL proceeding establishes that the licensee and its managers are liable for creating a hostile work environment at Turkey Point and have failed to stop harassment and discrimination against the employee. You further assert that the record in this case contains evidence showing direct participation of the employee's chain of command in the retaliatory actions taken against the employee. In your supplement to your Petition of May 17, 1997, you assert that certain pleadings and transcripts in the DOL case referenced above establish the fact that licensee employees and union members played a role in discriminating against you and set out the chronology of events surrounding missing record transcripts and the falsification of a licensee company business record. You further assert that there exists additional evidence that requires detailed explanation by Petitioners that necessitates that the NRC interview Petitioners at length.

In addition, by letter dated May 20, 1997, to Mr. Luis A. Reyes, Regional Administrator, Region II, you requested a meeting to discuss the substance of your Petition as well as the protection that will be provided to you should you again raise nuclear safety concerns once you are reinstated to your position at the St. Lucie Nuclear Station.

Your Petition has been referred to me pursuant to 10 CFR 2.206 of the Commission's regulations. As provided by Section 2.206, action will be taken on your request within a reasonable time. I have enclosed for your information a copy of the notice that is being filed with the Office of the Federal Register for publication. I have also enclosed for your information a pamphlet on the public petition process.



T. Saporito, Jr.

- 3 -

With regard to your request for a meeting with NRC staff to discuss the substance of the 2.206 Petition and supplements, you may call Mr. Leonard A. Wiens, of my staff at (301) 415-1495 to arrange a suitable day and time for a meeting at the NRC's Headquarters in Rockville, Maryland.

Sincerely,

*LSI*

Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

- Enclosures: 1. *Federal Register Notice*  
2. *Petition Process Pamphlet*

cc: See next page

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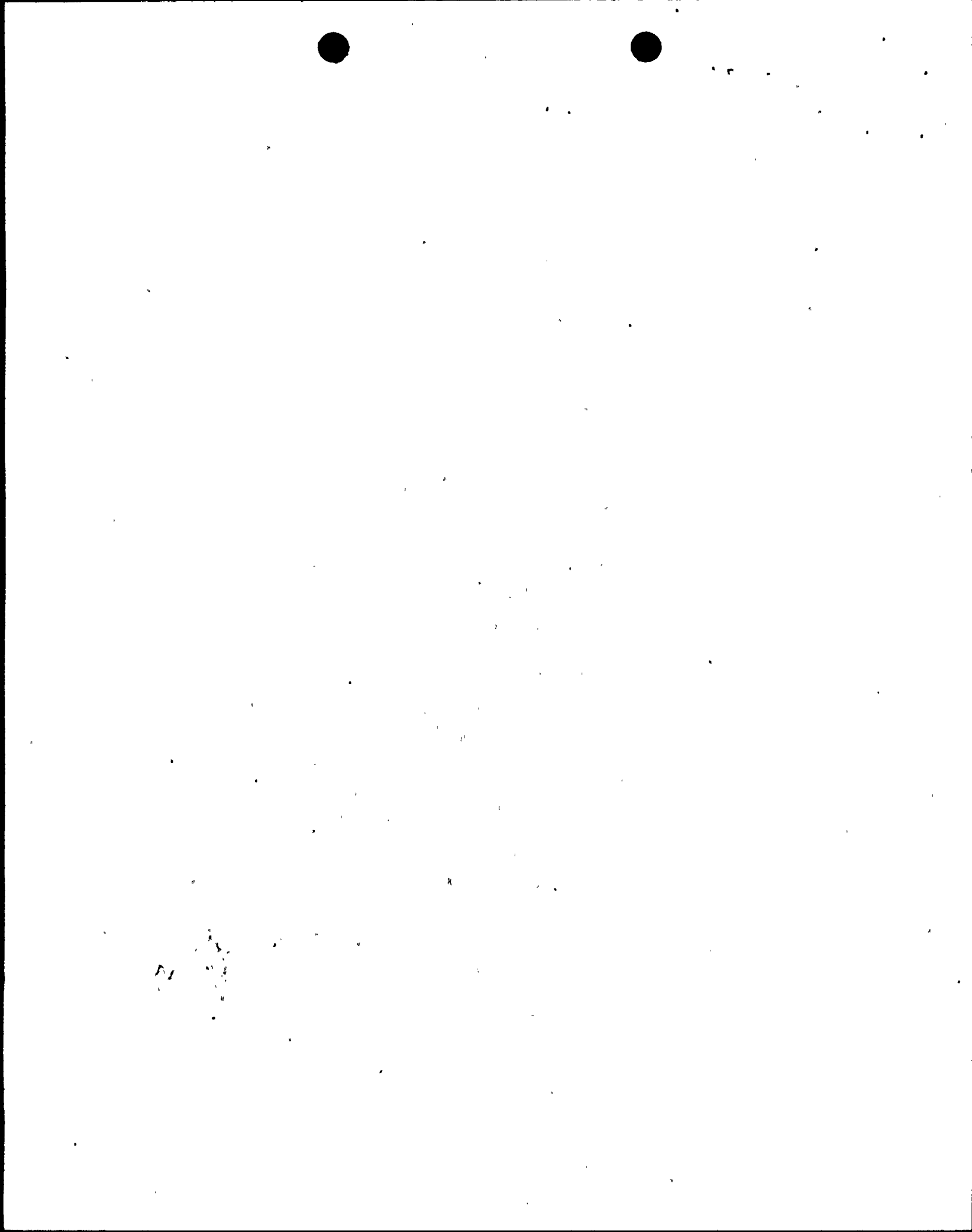
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Acknowledgement Letter to Thomas J. Saporito, Jr.

DIRECTOR'S DECISION UNDER 10 CFR 2.206

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