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U.S. NUCLEAR REGULATORY COMMISSION  
FLORIDA POWER AND LIGHT COMPANY  
TURKEY POINT, UNITS NO. 3 AND 4  
ST. LUCIE, UNITS 1 AND 2

RECEIPT OF PETITION FOR DIRECTOR'S DECISION  
UNDER 10 CFR § 2.206

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ENCLOSURE 1

U.S. NUCLEAR REGULATORY COMMISSION

FLORIDA POWER & LIGHT COMPANY

TURKEY POINT, UNITS 3 AND 4, AND ST. LUCIE, UNITS 1 AND 2

DOCKET NOS. 50-250, 50-251, 50-335, AND 50-389

LICENSE NOS. DPR-31, DPR-41, DPR-67, AND NPF-16

RECEIPT OF PETITION FOR DIRECTOR'S DECISION UNDER 10 CFR 2.206

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Notice is hereby given that by Petition dated April 23, 1997, as supplemented May 11 and May 17, 1997, Thomas J. Saporito, Jr., on behalf of himself and the National Litigation Consultants (Petitioners) has 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 (Commission or NRC) take action with regard to operations at the Florida Power & Light Company's (FPL or licensee) Turkey Point Nuclear Station, Units 3 and 4, and St. Lucie Nuclear Station, Units 1 and 2.

The Petitioners request the Commission (1) modify, suspend, or revoke FPL's operating licenses for these facilities 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 and/or regulations; (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 authorized by licensee officers under affirmation that the requirements described in items (4) and (5) have been fully complied with.

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

In the supplement of May 17, 1997, the Petitioners requested imposition of a civil penalty in the amount of \$100,000 against each of six FPL employees and restriction of these employees' licensed activities and revocation of their unescorted access to nuclear facilities; the imposition of a civil penalty in the amount of \$100,000 against the International Brotherhood of Electrical Workers (IBEW), that the IBEW be required to inform its members that they have a right to report safety concerns directly to the NRC, and that the IBEW encourages such action at the discretion of its members; and the imposition of a civil penalty in the amount of \$100,000 against two agents or representatives of the licensee. The Petitioners also requested



investigations of "willful falsification" of a company record and the cause of "transcripts found missing" in a Department of Labor (DOL) proceeding, and the referral of the matter, of the conduct of the eight individuals and entities to the Department of Justice for consideration of invoking criminal proceedings. Finally, it was requested that the NRC conduct an interview with the Petitioners regarding the substance of their 2.206 Petition.

As grounds for this request, the Petitioners 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 the Petitioners' May 11, 1997, supplement to their Petition, they assert that the employee's "Damages Brief" in the Department of Labor 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. The Petitioners 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 the supplement to the Petition of May 17, 1997, the Petitioners assert that certain pleadings and transcripts in this DOL proceeding set out a chronology of events surrounding missing record transcripts and the falsification of a licensee company business record. They further assert that there exists additional evidence necessitating a meeting between the NRC and Petitioners.



The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by Section 2.206, appropriate action will be taken on this Petition within a reasonable time. A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, NW., Washington, D.C. 20555-0001.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by

Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,  
this            day of            1997.

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