

# National Litigation Consultants

Specialists

*Nuclear Whistleblower*

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March 15, 1998

Hon. Shirley Jackson, Chairman  
U.S. Nuclear Regulatory Commission  
White Flint Building  
Washington, D.C. 20555

RE: SUPPLEMENTAL PETITION UNDER 10 C.F.R. 2.206  
REQUEST FOR AGENCY ACTION

Dear Chairman Jackson:

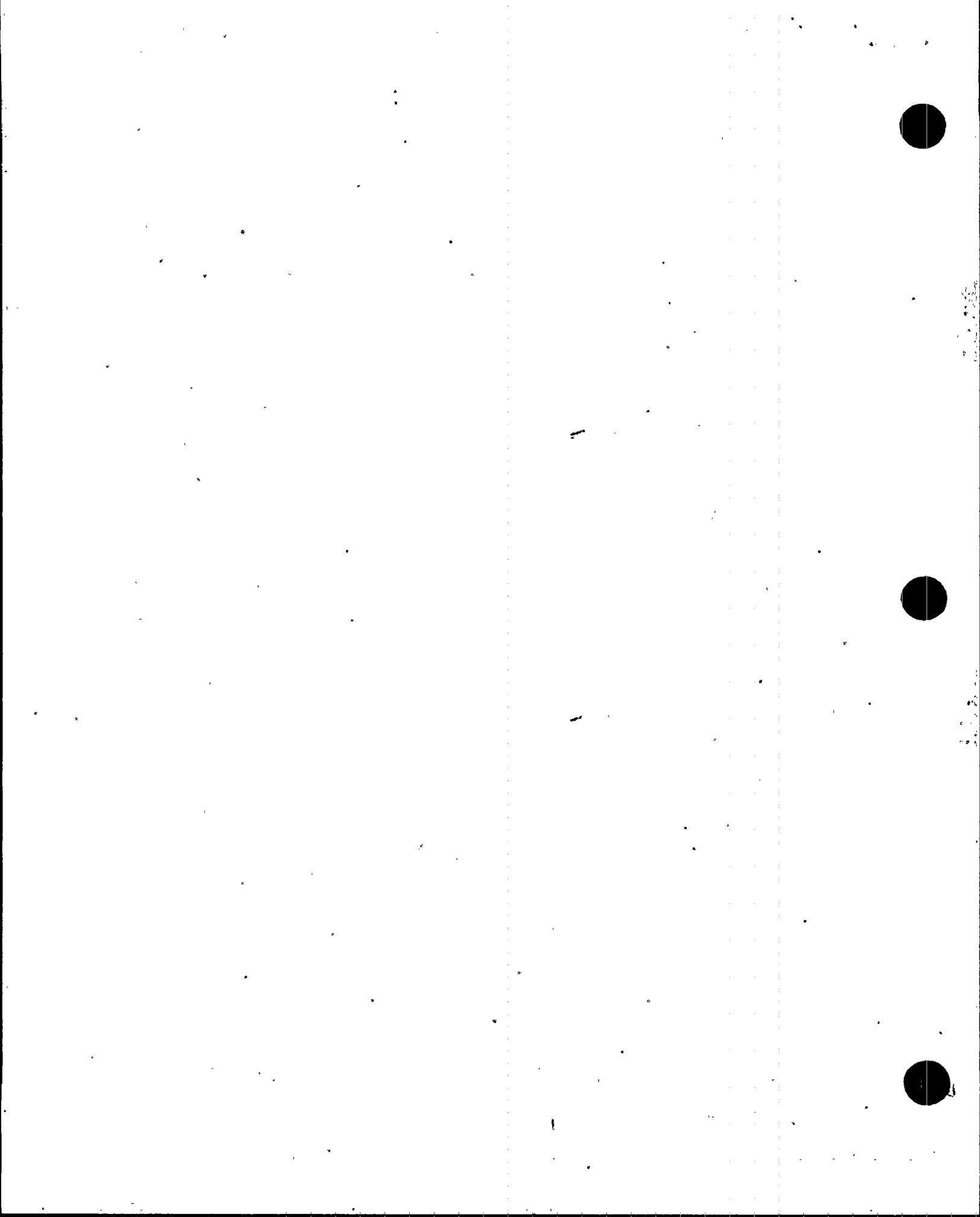
On February 26 and 27 and March 06, 1998, the undersigned and National Litigation Consultants ("NLC"), (hereinafter "Petitioners") filed petitions under 10 C.F.R. 2.206 seeking that certain and specific actions be taken by the U.S. Nuclear Regulatory Commission ("NRC") with respect to its licensee Florida Power & Light Company ("FPL"). Petitioners provided the NRC with sufficient basis to take the requested action in those petitions. NLC now desires to supplement the basis documented in those petitions with the information provided in this filing. Additionally, NLC seeks further action by the NRC as delineated below:

In accordance with NRC regulations<sup>1</sup> found at Title 10 of the Code of Federal Regulations, Petitioners submit this supplemental request for action by the NRC with respect to its licensee, FPL operators of the St. Lucie nuclear station Units 1 and 2 and the Turkey Point nuclear station Units 3 and 4 as fully described below:

<sup>1</sup>This provision is contained in Subpart B, Section 2.206 of the NRC's regulations.

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Specific Request

- ✓ 2/20
1. that the NRC take enforcement action to modify, suspend, or revoke FPL's operating licenses for all four nuclear reactors operated by the licensee until such time as the licensee can sufficiently demonstrate to the NRC and to the public through NLC that employees at the licensee's nuclear facilities are exposed to a non-hostile work environment which encourages employees to freely raise safety concerns directly to the NRC without fear of reprisal by the licensee;

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  2. that the NRC issue an ORDER requiring FPL to immediately inform all employees at its nuclear stations in writing that the employees are encouraged to raise safety concerns directly to the NRC without first identifying those safety concerns to FPL; and that FPL encourages such employee conduct; and that FPL will not take any reprisals against any employee for such conduct;

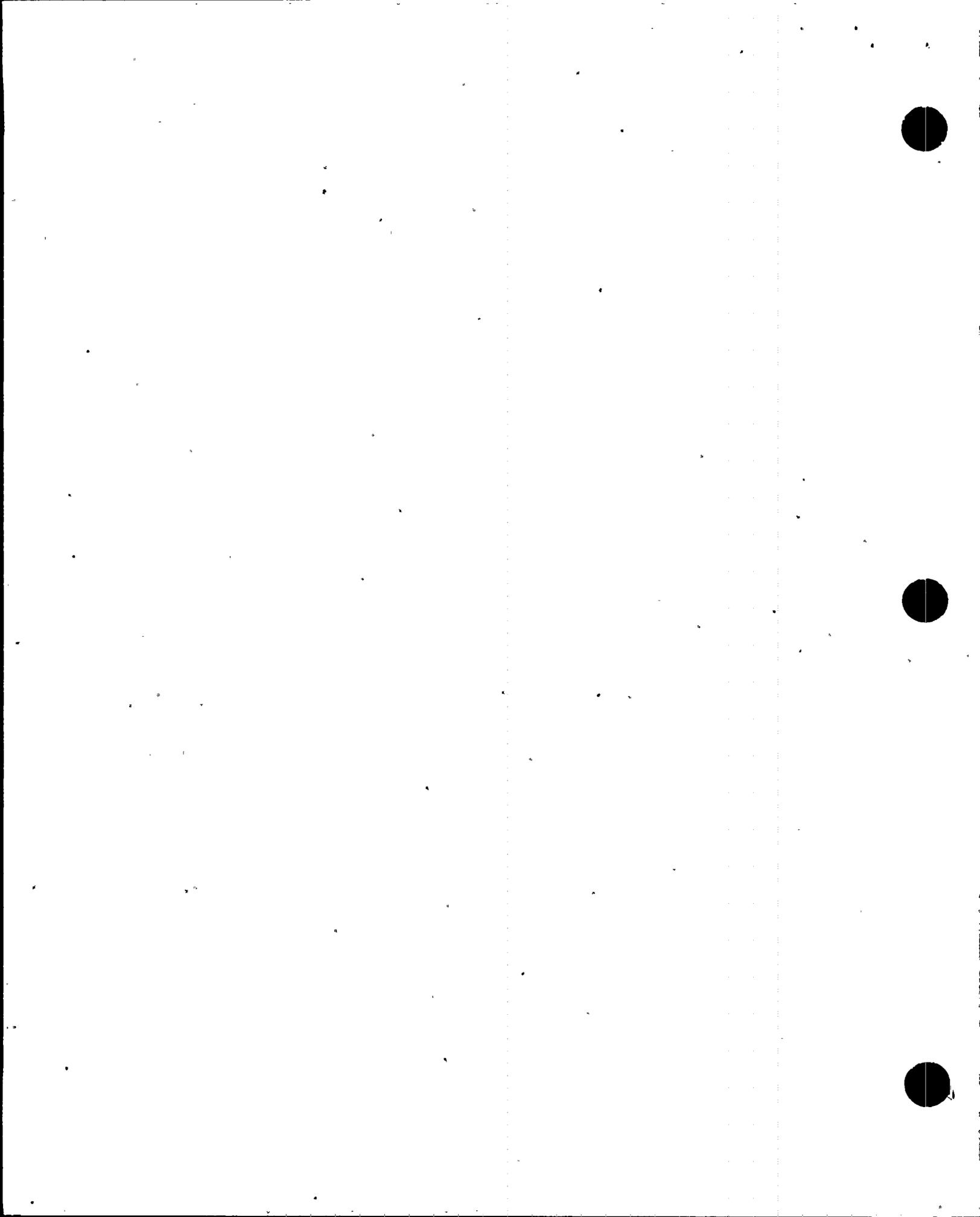
new

  3. that the NRC issue an ORDER requiring FPL to immediately implement in its general employee training program an extensive training module which clearly outlines the employee protection provisions under 42 U.S.C. 5851, Energy Reorganization Act ("ERA"); and require the licensee to inform employees through the training program about how to file a discrimination complaint with the U.S. Department of Labor ("DOL") and provide employees with a written description of what constitutes an act of discrimination under the ERA which may form the basis of a viable complaint for relief by the DOL.

new

  4. that the NRC issue an ORDER requiring FPL to immediately implement in its general employee training program an extensive training module which clearly outlines the litigation proceedings when a complaint is filed with the DOL by the employee including a time line of events from the filing of the initial complaint; the initial interview with the DOL investigator; the DOL determination letter; the employees' appeal rights; the DOL hearing process; the DOL administrative review process; the appeals process; the approximate cost to the employee engaged in such litigation; and a written list of attorneys or organizations that employees may contact for representation including NLC;

new



5. <sup>new</sup> that the NRC require the licensee to permit NLC to address its employees at the licensee' training facilities to advise all employees of their right to protection under the ERA and how to engage such protection and to fully describe what may constitute an act of reprisal by the licensee as a direct or indirect result of an employee having raised safety concerns to the NRC;
6. <sup>new</sup> that the NRC require the licensee to permit NLC to address its employees at the licensee' training facilities on a monthly basis to maintain a working relationship with the employees; to alleviate employee fears to bring safety concerns to the NRC; to assist employees in resolving any complaints of retaliation by the licensee; and to act as a conduit for the employees to provide the NRC with safety concerns CONFIDENTIALLY.

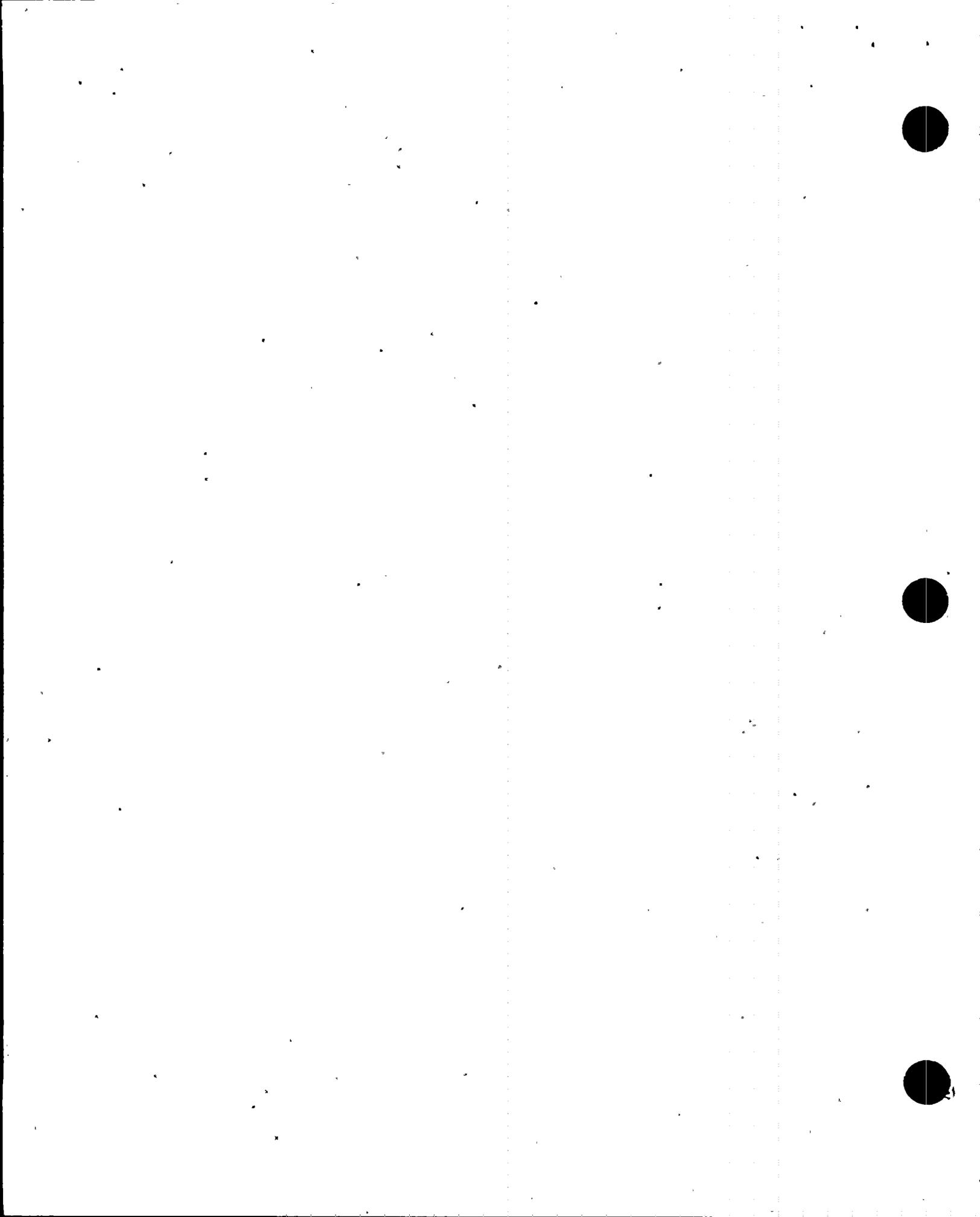
#### Basis and Justification for Request

Pursuant to Section 103, 161(i), 161(o) and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 C.F.R. 2.204 and 10 C.F.R. Part 50, the NRC has authority to take enforcement action against FPL and to issue the aforementioned ORDERS.

On or about March 12, 1998, Petitioners took receipt of a newspaper article which clearly documents that the licensee' employees fear retaliation by FPL if they raise safety concerns to the NRC, and that employees are no longer willing to bring safety concerns to the attention of the NRC for fear of reprisal. See, Newspaper Article by Andy Reid, attached hereto.

Indeed, the president of the local chapter of the International Brotherhood of Electrical Workers ("IBEW"), Mr. Rick Curtis, stated that "Our people are concerned about it. They don't want their names divulged because of fears of retaliation. . . Most won't say much now." This statement by Mr. Curtis is very significant as Mr. Curtis is very respected by the licensee' employees and by licensee management. Thus, Mr. Curtis' concerns that employees fear retaliation for raising safety concerns to the NRC can not be taken lightly and must be given due consideration by the NRC.

Petitioners have extensive experience in litigating matters arising under the employee protection provision of the ERA. Thus,



Petitioners can most adequately and professionally advise licensee employees of their rights under the ERA; how to engage those employee protection rights; what to expect from the DOL; how the litigation process works; how to contact a competent attorney; what costs will be entailed; what constitutes discrimination under the ERA; and how NLC can assist the employees in filing DOL complaints; and how NLC can act as a conduit to raise safety concerns to the NRC CONFIDENTIALLY.

RESPECTFULLY SUBMITTED, this 15th day of March, 1998

NATIONAL LITIGATION CONSULTANTS



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Executive Director

cc:

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United States of America  
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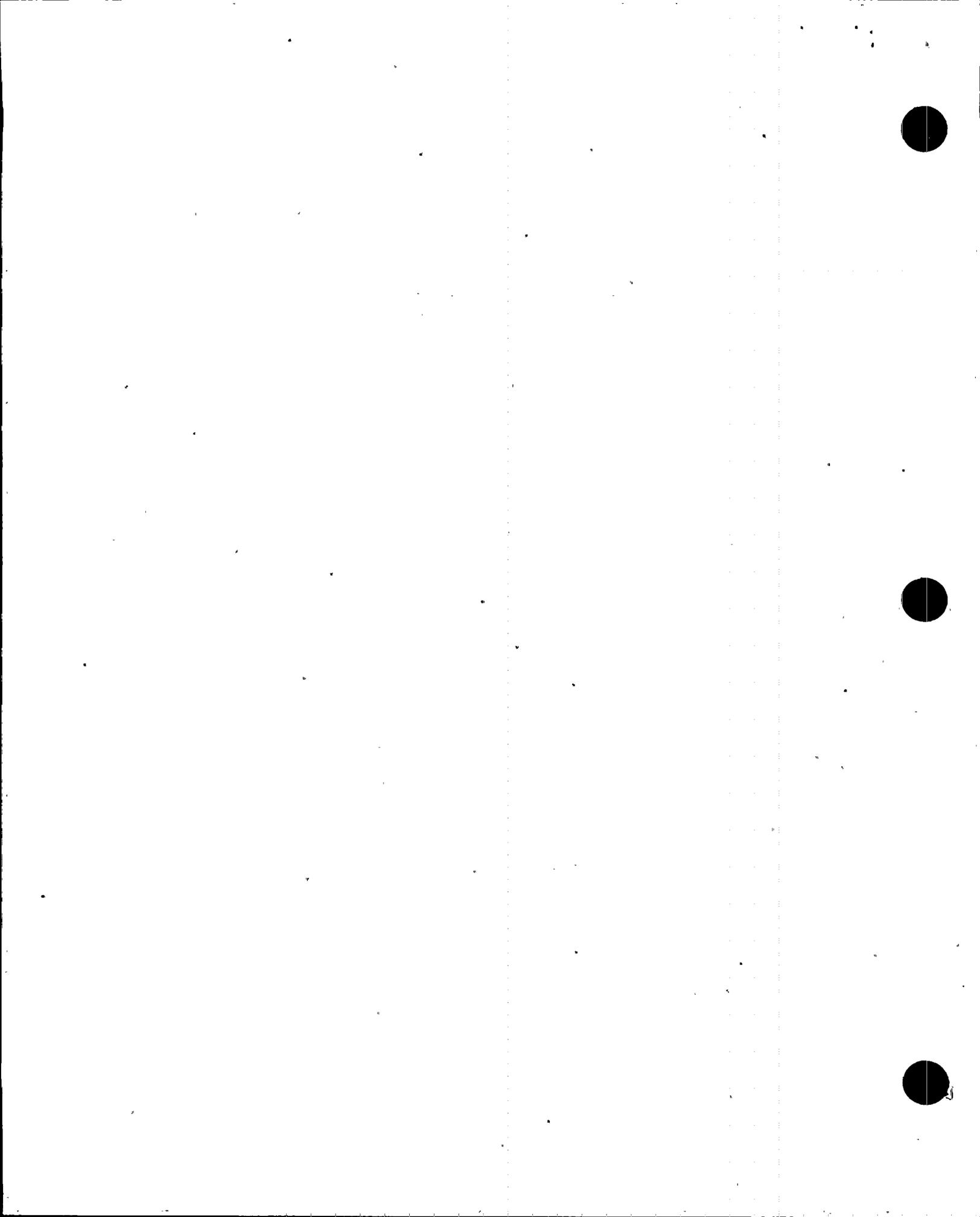
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General Media Distribution



# Release of names chills FPL accusers

By Andy Reid  
of the News staff

ST. LUCIE COUNTY -- Because nuclear regulators inadvertently released the names of some employees who filed confidential reports of safety concerns about the St. Lucie Nuclear Plant, employees say they are afraid to file more complaints.

The U.S. Nuclear Regulatory Commission in February sent letters to employees whose names and safety concerns the agency "inadvertently released" to FPL officials this year.

Last week, the NRC sent another round of letters to some plant employees saying that in 1996 and 1997 the agency released other "inappropriate allegation information" that might have been obtained by FPL.

Some plant employees Wednesday said they no longer trust the NRC and don't know where to take their safety complaints.

"Our people are concerned about it," said Rick Curtis, plant employee and president of the plant's International Brotherhood of Electrical Workers local. "They don't want their names divulged because of fears of retaliation. . . . Most won't say much now."

NRC spokesman Roger Hannah said the agency is investigating how it released confidential information regarding about 20 complaints from St. Lucie plant employees.

"We want to identify any potential weaknesses in the procedure. The agency wants to ensure we identify why it happened and try to ensure it doesn't happen in the future," Hannah said.

In February, the NRC began an investigation into how it handles safety complaints after the *The Stuart News/Port St. Lucie News* used the federal Freedom of Information Act to request copies of complaints filed with the NRC in 1997.

The NRC sent the *News* 1,200 pages of documents, including employee names that were supposed to remain confidential.

The *News* did not include the names in sto-

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—Rick Curtis  
plant union leader

ries published Feb. 22 about safety complaints at the plant, but did use the names to contact several employees about their safety concerns.

After the *News*' request for information, the NRC placed copies of some documents in its public rooms in Washington and the Indian River Community College Library in Fort Pierce.

FPL obtained some of the documents, which didn't include names but did have enough information so that "knowledgeable individuals at the St. Lucie site" would be able to determine the employees' identities, the NRC stated.

After learning of the error, the NRC's Inspector General Office, as well as a task force of agency officials, began a review of how the commission handles complaint information.

During the review, agency officials learned they also released employee information after receiving Freedom of Information Act requests in 1996 and early 1997.

NRC officials said they think one of the information requests the agency responded to was made by a third party on behalf of FPL, according to a March 6 letter from Anne Boland, the NRC's director of enforcement and investigation.

"We from time to time get FOIA requests from lawyers and attorneys (for nuclear plants)," Hannah said. "Any member of the public can make a request. . . . We don't endeavor to find out why an individual makes a request."

NRC Regional Administrator Luis Reyes on Feb. 27 sent a letter to FPL concerning the "inappropriate release of allegation informa-

tion" and encouraged the utility to "maintain an environment where allegers are not subject to retaliatory discrimination for raising safety concerns," Boland's letter states.

"We take very seriously any attempt by a licensee to discriminate or intimidate an employee for raising concerns to the NRC," Hannah said. "We want to make sure people don't hesitate to raise concerns."

St. Lucie plant employees had more complaints substantiated by federal investigators last year than any of the nation's 65 nuclear plants, according to records obtained by the *News*.

One plant employee, who asked to remain anonymous, said he won't make any more safety complaints to the NRC.

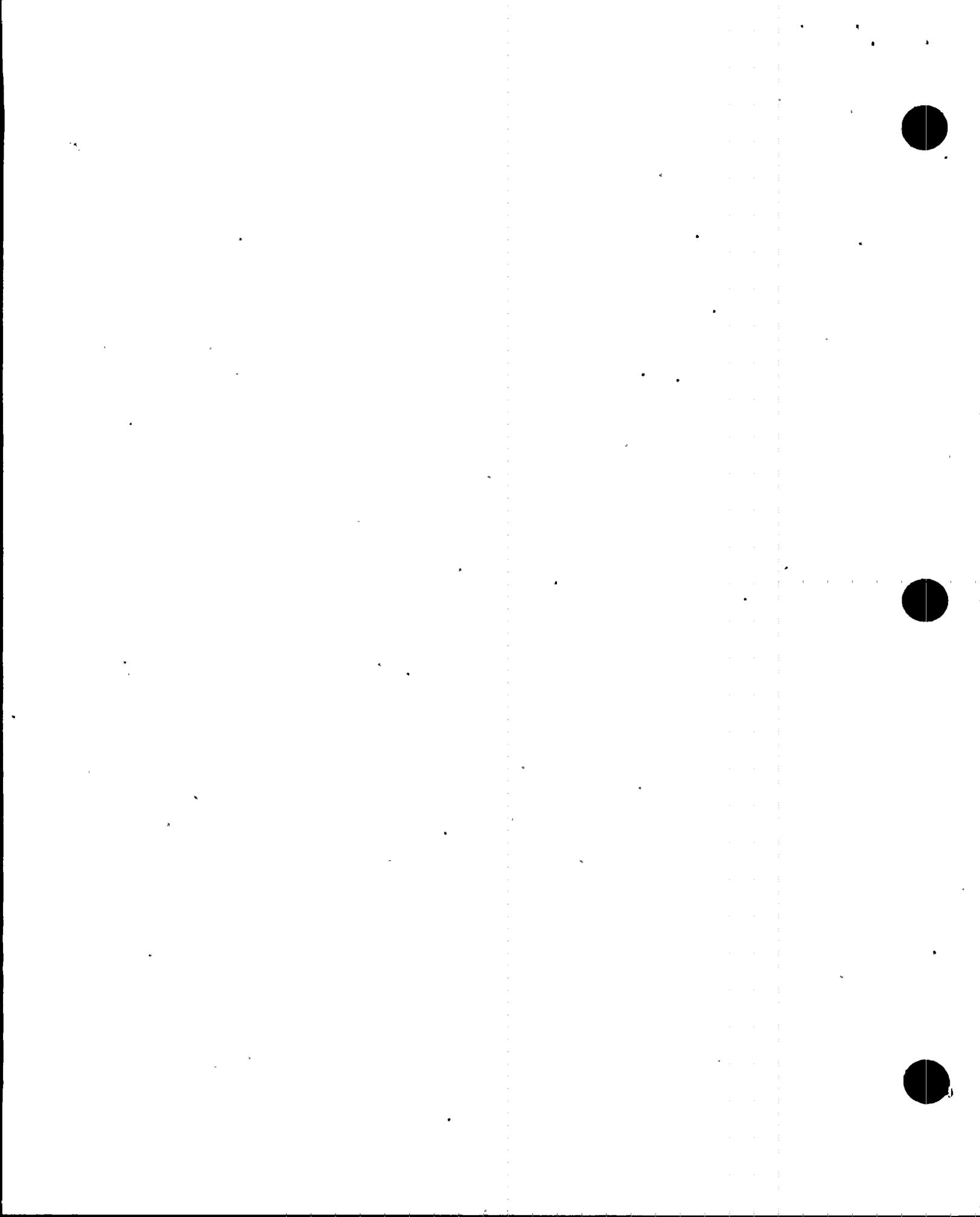
"People are afraid now their name's going to be released to the company," the employee said. "That's the whole point of having those (NRC) inspectors (here. . . . You didn't want to take it to the company. Now they've blown that."

FPL spokesman Dale Thomas said the company encourages employees to report safety problems and any fear of reprisal is "absurd."

"They're just expressing an unfounded concern," Thomas said. "We want them to report (safety concerns) through the confidential company program or report them to the NRC."

During the past week, Curtis said, he has met with FPL officials who assured him supervisors wouldn't punish employees who voice safety concerns.

"Words are one thing. Actions really are what you look for," Curtis said.



To: Collins, NRR  
Ref. G980124, G980125  
+ G980138

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PAPER NUMBER: CRC-98-0251  
ACTION OFFICE: EDO  
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LETTER DATE: Mar 17 98 FILE CODE: ID&R 5 ST. LUCIE

SUBJECT: SECOND SUPPLEMENTAL PETITION UNDER 10 C.F.R. 2.206  
REQUEST FOR AGENCY ACTION ---FLORIDA PWR..

ACTION: Appropriate

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SPECIAL HANDLING: 2.206

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