



NEPC

NATIONAL ENVIRONMENTAL PROTECTION CENTER

November 16th, 2002

Hon. Jennifer Gee
Administrative Law Judge
U.S. Department of Labor
Office of Administrative Law Judge
50 Fremont Street - Suite 2100
San Francisco, CA 94105
415-744-6577 (Phone)
415-744-6569 (FAX)

RE: THOMAS SAPORITO v. GE M
CASE NOS. 2003CAA0001/01

Dear Judge Gee:

Enclosed herewith please find Plaintiff's Opposition to Respondents' Joint Request for Discovery Conference. The complainant's motion serves to supplement his letter to the court this date regarding his communications with attorneys representing GE Medical Systems and attorneys representing Adecco Technical.

Sincerely,

Thomas Saporito

C: Sean A. Scullen
David T. Barton
Dudley C. Rochelle
Charlotte McClusky

Paul
Please return
this DEC
it is my
original
Shun

UNITED STATES DEPARTMENT OF LABOR
BEFORE THE OFFICE OF ADMINISTRATIVE LAW JUDGES

DATE: November 16th, 2002

CASE NOS. 2003CAA00001/00002

In the Matter of

THOMAS SAPORITO

Complainant,

v.

GE MEDICAL SYSTEMS,
and,
ADECCO TECHNICAL,

Respondents.

**COMPLAINANT'S OPPOSITION TO RESPONDENTS'
JOINT REQUEST FOR DISCOVERY CONFERENCE**

COMES NOW, the undersigned complainant, pro se, and hereby submits his motion in opposition to respondents' joint request for discovery conference dated November 15th, 2002 as supplemented through a second filing of respondents' joint request for discovery conference.

On November 15th, 2002, respondent GE Medical Systems and respondent Adecco Technical filed a joint request for discovery conference ("JRDC"). The complainant was served a copy of JRDC via email as received at 09:19 am. See, enclosure one. As described in the email letter, the respondents' conveyed to the complainant that,

"...Respondents state that, pursuant to the Court's Order of November 13, 2002, they attempted to confer with Complainant to resolve the issues discussed below, but were unable to reach an agreement."

See, respondents JRDC at p.1. The complainant avers that the above statement made by respondents is simply **not** true. Indeed, upon receipt of respondents' email and JRDC, the complainant immediately attempted to call the respective attorneys regarding all the issues

stated in their JRDC. These calls were place at 2:27 pm, and 2:52 pm, and 3:29 pm. See, enclosure two. The complainant left voice mail messages with the respective attorneys. Thus, the respondents' did not attempt to confer with the complainant, nor did any of the attorneys actually speak with the complainant regarding any of the issues addressed in the respondents' JRDC. Indeed, it was the complainant who attempted to communicate with respondents after the complainant received the respondents JRDC via email attachment. Thus, respondents' statements to the contrary are misleading to this court.

The complainant points the court again to enclosure one at the **Subject:** of the email letter indicating, "Joint Request for Discovery Conference (final).DOC. Thus, it is clear that respondents' intended that their email attachment JRDC served on the complainant, was a final and complete document filed with the court.

Respondents' state in their email letter to the complainant, in part, that:

"Attached please find a Joint Request for Discovery Conference. This request addresses several discovery issues to which Respondents seek your agreement. Please contact me no later than 2:00 p.m. EST. We would like to work out these issues without having to involve Judge Gee. Otherwise, we will submit the request to Judge Gee for her review."

The email letter was signed by attorney Charlotte McClusky and copied to attorney David T. Barton, and attorney Sean M. Scullen, and attorney Dudley Rochelle. In their JRDC, respondents state, in part relevant hereto, that:

"... Respondents will attempt to serve their respective answers to Complainant's discovery requests on or before November 19, 2002 but request that the Court not deem Respondents' respective responses and objections late unless served after November 22, 2002..." "...Respondents' request that the Court order Complainant to serve his responses to discovery requests by Federal Express, overnight delivery, for delivery on Saturday, November 16, 2002."

Thus, respondents' took it upon themselves to alter the discovery schedule in their favor and to the extent that they do not intend to serve responses to complainant's discovery request until November 22nd, 2002, and that they request the court to order that

the complainant respond to their discovery requests on November 16th, 2002. In support of their lateness request, respondents' argue that,

"...Respondents have not been provided a copy with the "exhibits" attached to Mr. Saporito's Complaint..."

However, such is not the case at all. Notably, on September 18th, 2002 both GE Medical Systems and Adecco Technical were provided a copy of the complainant's complaint along with other information from OSHA Supervisory Investigator Dennis D. Russell. See, enclosure three. Thus, respondents were clearly put on notice as early as September 13th, 2002 that the complainant had filed a complaint. Moreover, the respondents were furnished a copy of the complaint by OSHA. Even assuming that OSHA did not provide the respondents the exhibits to the complaint, respondents knew, or should have known, to seek those exhibits from OSHA in September 2002. The exhibits were clearly referenced in the complaint and it is incumbent on the respective attorneys to seek that information in September 2002 from OSHA and not wait until 2-weeks before the scheduled hearing date to first seek that information. It is simply incredible that all four attorneys would seek to discover this information at this late date in the process and seek to discover this information from the complainant. It strains the mind to understand how the respective attorney's have conducted any credible investigation on behalf of their respective clients in the instant action? Nonetheless, the complainant strenuously objects to providing such discovery responses which seek information that is as readily available to respondents from public sources as is available to the complainant. The complainant further objects to any requirement that he be required to produce any response to respondents' discovery requests prior to any requirement that respondents' provide the complainant their respective responses to the complainant's discovery requests. Such an arrangement would be wholly unfair and prejudicial to the complainant. Thus the complainant strenuously objects to the respondents' altered discovery schedule.

However, in light of respondents' **unilateral** actions, in direct conflict with the court's discovery order, the complainant now intends to serve his responses to respondents' discovery on November 19th, 2002 to insure that the complainant will not be at a disadvantage in this proceeding. Thus, the complainant requests that the court's order the parties to **simultaneously** serve their **initial discovery responses** on each other on or before November 19th, 2002. To the extent that respondents' are required to provide the complainant with **additional** responses on November 22nd, 2002, the complainant requests the court affirm its Order to the respondents to that effect.

Respondents next challenge the court's Order with respect to the Complainant's witness list stating in relevant part that,

"... The Court further ordered Complainant to communicate the identity of those witnesses to Respondents "immediately," so that the Respondents will have an opportunity to prepare objections. The Court's Order appears to require Complainant to take these actions "In his prehearing statement . . . Respondents request that the Court order Complainant to identify and provide the required information regarding witnesses no later than November 18, 2002. As demonstrated by Complainant's Witness List (served via e-mail November 15, 2002) . . ."

See, respondents' JRDC at p.3. However, respondents' appear to be **misleading** the court insofar as the complainant did, in fact, send the respective respondents his witness list, in accordance with the court's order to do so, identifying 23 witnesses and sent on November 14th, 2002 via email and **not** later as claimed by respondents. **See**, enclosure four.

Moreover, the complainant is well aware of the court's further requirement that he provide the court with a basis for each witness that he requests at the hearing, and that complainant provide such information to the court and to the parties in his prehearing statement. Thus, the complainant **strenuously** objects to any request by respondents to alter this process at this late stage of this proceeding. Clearly it would be wholly **unfair** and prejudicial to the complainant to be required otherwise.

If all the above were not enough, respondents further challenge the court's order and the court's authority to require the appearance of witnesses at hearing as requested by the complainant. Respondents state in relevant part that,

"... only the potential witnesses "under the control of a party" are current employees of Respondents. Respondents wish to draw to the Court's attention that some individuals identified in Complainant's request for subpoenas are not current employees. In particular, Greg Bradley, is no longer an employee of Adecco Technical and is in the process of relocating. Likewise, Tim Rawls (and perhaps others) is not longer an employee of GE Medical Systems. . ."

See, respondents' JRDC at p.4. The complainant is gravely concerned that, only now at this very late stage of these proceedings, does the respondents notice this court and the complainant that the Greg Bradley, the "decision maker" in firing the complainant, is no longer employed at Adecco Technical. The complainant seeks the assistance of this court and requests that the court issue an Order compelling respondent Adecco Technical to produce Greg Bradley at the hearing. In addition, the complainant requests that both respondents be compelled and Ordered to produce any and all witnesses that the complainant requests and as otherwise authorized by this court. Further, the complainant requests that the court order each respondent to provide the court and the complainant a detailed explanation of the events surrounding Greg Bradley's departure from employment at Adecco Technical. The complainant requests that this court compel the respondents to state in writing all the circumstances which lead up to Mr. Bradley's departure from Adecco Technical including but not limited to:

- The date that Mr. Bradley was no longer employed at Adecco Technical;
- The reason that Mr. Bradley left his employment at Adecco Technical;
- Whether Mr. Bradley was offered a monetary severance package on the condition that he resign from his employment at Adecco Technical; and if so, provide the amount of the severance package along with the details of that package;
- State if Mr. Bradley was fired and, if so, state the exact reason that Mr. Bradley was fired.

The complainant stresses here to the court that it is imperative that Mr. Bradley be compelled to testify at the hearing in order that the complainant can establish his *prima facie* case-in-chief through a showing of retaliatory conduct in firing the complainant and in

blacklisting on the part of Mr. Bradley; and to impeach the testimony of Mr. Bradley in proving such illegal retaliation on the part of Adecco Technical; and to draw Mr. Bradley's testimony regarding illegal retaliatory actions on the part of GE Medical Systems. In addition, the complainant seeks the court's assistance in bringing the ends of justice in this matter to the extent that one or more of the attorneys for each respondent knew or should have known about the status of Mr. Bradley's departure from employment at Adecco Technical; and when those attorneys learned or should have known that Mr. Bradley's employment at Adecco Technical ended.¹ See, Thomas Saporito v. Arizona Public Service Company and The Atlantic Group, ALJ Case No. 92-ERA-30. In that case, the complainant made a showing at the hearing that two respondent witnesses lied under oath and that respondent attorneys acted to suborn the perjured witness testimony; and that respondent attorneys altered record evidence in an attempt to fabricate a defense for their client. The ALJ in that case assisted the complainant in bringing the ends of justice when the ALJ made a referral of the issues of wrongdoing in that case to the Arizona State Attorney General who subsequently prosecuted the matter.

The complainant avers here that it would be extremely prejudicial and wholly unfair to the complainant if the court fails to compel respondent Adecco Technical to produce Mr. Bradley at the hearing.

It would likewise be extremely prejudicial and wholly unfair to the complainant if the court fails to compel respondent GE Medical Systems to produce witnesses at the hearing requested by the complainant.

If the above-stated revelations were not enough, respondents' further state that,

"... Mr. Julia Arrieta, CEO of Adecco USA, and Mr. Jeff Immelt, CEO of General Electric Co., have no personal knowledge regarding this matter should not be required to appear as witnesses. . . ."

¹ To this extent, the complainant reserves his right to continue his investigation into the matter of the attorney's conduct regarding Mr. Bradley, outside the jurisdiction of this court and with federal and state government agencies and with the local bar associations where the respective attorneys are licensed to practice law.

See, respondents' JRDC at p.4. The complainant states here that nothing could be further from the truth in this matter, and that the respondents' assertions that neither Mr. Arrieta or Mr. Immelt have "no personal knowledge regarding this matter" are simply not true. Indeed, on October 17th, 2002 this court issued a "Notice of Hearing and Pre-Hearing Schedule" and a copy of that document was served on Mr. Immelt and on Mr. Arrieta. On September 26, 2002, the complainant constructed a complaint to the Secretary of the U.S. Food and Drug Administration regarding the circumstances surrounding the instant action. Mr. Immelt was provided a copy of that document. See, enclosure five. On September 28th, 2002, the complainant constructed a letter to Mr. Immelt in which the complainant advised Mr. Immelt of the circumstances surrounding the instant action and specifically requested that Mr. Immelt,

"... take immediate actions to cause an internal GE company investigation of the circumstances surrounding the discharge of the undersigned and an investigation into the significant environmental safety and health concerns he raised to GE management regarding "GEMEX FSAR", GEMEX gas shipments, and Laser DYE disposal and handling at the Jupiter, Florida facility. . . "

See, enclosure six. On October 1st, 2002, the complainant constructed a Public Petition to NRC Under 10 C.F.R. 2.206 to William D. Travers, Executive Director for Operations, U.S. Nuclear Regulatory Commission ("NRC") requesting that the NRC take certain and specific actions against the General Electric Company. Mr. Immelt was provided a copy of that letter. See, enclosure seven. Attorneys representing GE Medical Systems and attorneys representing Adecco Technical subsequently participated in a telephonic conference call with the NRC in November 2002 regarding the complainant's petition to the NRC.

On September 28th, 2002, the complainant constructed a letter to Mr. Arrieta regarding the circumstances surrounding the instant actions and specifically requested that Mr. Arrieta,

"... take immediate actions to cause an internal Adecco company investigation of the circumstances surrounding the discharge of the undersigned and an investigation into the significant environmental safety and health concerns he raised to GE management regarding "GEMEX FSAR",

GEMEX gas shipments, and Laser DYE disposal and handling at the Jupiter, Florida facility. . ."

See, enclosure eight. On October 1st, 2002 the complainant constructed a letter to William D. Travers, EDO for the NRC and requested that the NRC take certain and specific actions against Adecco Technical under 10 C.F.R. 2.206. Mr. Arrieta was provided a copy of the complainant's petition to the NRC. See, enclosure nine. Attorneys for Adecco Technical and attorneys for GE Medical Systems subsequently participated at a telephonic conference call with the NRC regarding the complainant's petition.

To be sure, both Mr. Immelt and Mr. Arrieta are fully aware and have personal knowledge about the circumstances surrounding events in the instant action. Moreover, the complainant made specific requests upon both Mr. Immelt and Mr. Arrieta to investigate this matter of his discharge from employment at the GE facility in Jupiter, Florida, and to investigate the complainant's environmental safety concerns. Notably, both Mr. Immelt and Mr. Arrieta hold fast their respective company policies and procedures which prohibits the discrimination of employees engaged in protected activities at their respective companies. Thus, the complainant seeks the assistance of the court in compelling respondents to produce these two important witnesses at the hearing. The failure of the court to require the appearance of these two witnesses at the would seriously jeopardize the complainant's ability to present his *prima facie* case-in-chief at the hearing.

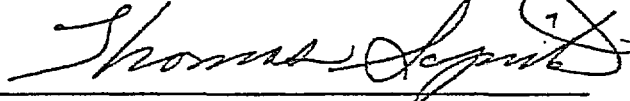
Subsequent to receiving respondents' JRDC, the complainant served the court and the respondents a letter to the court delineating the complainant's strenuous objections to respondents requests upon the court in the instant actions. See, enclosure ten. In his letter, the complainant put respondents on notice that respondents' statements in their JRDC "may have mislead this court". The complainant served his letter on respondents by email.

As incredible as it seems, and if all the above is not enough, the respondents' served the complainant a "second" respondents' joint request for discovery conference again on November 15th, and late in the day. In their second filing, the respondents removed pages 3 and 4 from the original filing.

Because the undersigned complainant is proceeding pro se in the instant action, the complainant seeks the assistance of this court in addressing all of the above issues so that he may be afforded his right to "due process" in this proceeding and his right to a fair and equitable hearing in this important public policy matter.

DATED this 16th day of November 2002.

NATIONAL ENVIRONMENTAL PROTECTION CENTER

A handwritten signature in black ink, appearing to read "Thomas Saporito", with a circled number "1" next to it.

Thomas Saporito, Complainant pro se
Post Office Box 1021, Tonopah, Arizona 85354
623-386-6863 (PHONE) 309-294-1305 (FAX)
NEPC@THEPOSTMASTER.NET (EMAIL)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was provided to those Individuals named below by means indicated, on this 16th day of November 2002.

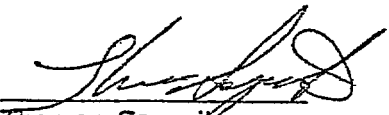
SENT VIA EMAIL

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Sean M. Scullen, Esq.
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Atlanta, Georgia 30326-1008
404-233-0330 Phone
404-233-2361 FAX

By:


Thomas Saporito

ENCLOSURE ONE

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Thank you for your attention to this matter. I may be reached via reply e-mail.

Charlotte McClusky
Attorney for Adecco Technical

<<Joint Request for Discovery Conference (final).DOC>>

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U.S. DEPARTMENT OF LABOR

THOMAS SAPORITO,

Complainant,

v.

GE MEDICAL SYSTEMS,

and

ADECCO TECHNICAL,

Respondents.

CASE NOS. 2003CAA00001
2003CAA00002

RESPONDENTS' JOINT REQUEST FOR DISCOVERY CONFERENCE

Respondents, GE Medical Systems and Adecco Technical, hereby request that the Court schedule a conference to address the below-listed discovery issues. Respondents state that, pursuant to the Court's Order of November 13, 2002, they attempted to confer with Complainant to resolve the issues discussed below, but were unable to reach an agreement.

1. Respondents' Answers to Complainant's Discovery Requests

Pursuant to the Court's Order of November 8, 2002, Respondents' answers to Complainant's discovery requests are due to be served on or before Friday, November 15, 2002. By order of November 13, 2002, the Court has allowed Complainant additional discovery requests and Respondents' answers to those requests are due no later than November 22, 2002. Given the large number of requests made by Complainant to both GE Medical Systems and Adecco, and given that Respondents have not yet completed their investigations of Complainant's claims and/or their reviews for documents responsive to Complainant's requests, Respondents request additional time within which to answer Complainant's discovery requests.

Respondents state that they continue to endeavor in good faith to provide full and complete responses to Complainant's discovery requests, but simply are unable to do so in the time currently allowed.¹ Accordingly, Respondents will attempt to serve their respective answers to Complainant's discovery requests on or before November 19, 2002 but request that the Court not deem Respondents' respective responses and objections late unless served after November 22, 2002.

2. Complainant's Answers to Respondents' Discovery Requests

Respondents request that the Court order Complainant to serve his responses to discovery requests by Federal Express, overnight delivery, for delivery on Saturday, November 16, 2002. Respondents agree that they will bear the expense of such method of service and will provide Complainant a Federal Express account number for that limited purpose. Respondents make this request because it is critical that they be provided with Complainant's discovery responses, and specifically, the documents alleged to support Complainant's claims prior to service of their discovery responses. Respondents have not been provided a copy with the "exhibits" attached to Mr. Saporito's Complaint. Nor do Respondents possess many of the e-mail communications referenced in Mr. Saporito's Complaint. For these reasons, Respondents have been unable to fully and completely investigate Complainant's claims and, as result, will not be able to respond to Complainant's claims and discovery requests until after Claimant responds to the discovery

¹ It is worth noting that, under the Federal Rules of Civil Procedure, parties typically have no less than thirty (30) days to respond to discovery requests. *See, e.g.*, Fed. R. Civ. P. 33 and 34. In the present case, Complainant served his original discovery requests on or about November 1, 2002. During a telephonic conference held on November 4, 2002, Respondents objected to the number of Complainant's requests and the Court ordered that Complainant limit the number of his requests. In that conference, the Court also ordered Complainant to serve Respondents with notice of those discovery requests to which Respondents were required to respond. (A written summary of this Order was issued on November 8, 2002.) Respondents received notice of Complainant's revised discovery requests on November 5, 2002.

served by Respondents.

3. **Identification of Witnesses**

In the Court's Clarification of Subpoena Requirements, the Court ordered Complainant to identify any employees of Respondents whom he wishes to call as a witness and to provide a brief summary of the expected testimony. The Court further ordered Complainant to communicate the identity of those witnesses to Respondents "immediately," so that the Respondents will have an opportunity to prepare objections. The Court's Order appears to require Complainant to take these actions "in his prehearing statement." The prehearing statement is due on November 26, 2002. The hearing is scheduled to commence on December 2, 2002.

Respondents request that the Court order Complainant to identify and provide the required information regarding witnesses no later than November 18, 2002. As demonstrated by Complainant's Witness List (served via e-mail November 15, 2002), Complainant appears to be prepared to identify his proposed witnesses and provide an explanation of expected testimony.² Respondents make their request so that they will have adequate time to locate witnesses and provide for their travel.³ Given the time of year and the location of the hearing, travel on short notice is especially difficult (and expensive) to coordinate. By requiring Complainant to identify promptly his proposed witnesses, the Court will have sufficient time to rule in his requests and

Thus, since the service of Complainant's requests, Respondents have had only ten (10) days to investigate Complainant's claims and prepare discovery responses.

² It is unclear whether the Court's Order of November 13, 2002 ruled on Complainant's requests for subpoenas. It is also unclear whether Complainant's Witness List will be supplemented with a description of the expected testimony as required by the Court's Order.

³ It is without dispute that none of the employees proposed as witnesses by Complainant do not live or work in the Phoenix, Arizona area.

evaluate any motions to quash or motions for protective order submitted by Respondents.⁴

4. Witnesses Not Current Employees of Respondents

The Court's Clarification of Subpoena Requirements states that, under 29 CFR § 18.29(a)(3) the Court has the authority to order the appearance at the hearing of any witness within the control of a party. Accordingly, the only potential witnesses "under the control of a party" are current employees of Respondents. Respondents wish to draw to the Court's attention that some individuals identified in Complainant's request for subpoenas are not current employees. In particular, Greg Bradley, is no longer an employee of Adecco Technical and is in the process of relocating. Likewise, Tim Rawls (and perhaps others) is no longer an employee of GE Medical Systems. (GE Medical Systems' investigation regarding this issue is on going.) If Complainant is interested in having former employees of Respondents as witnesses, the Court should address this matter so that Respondents have an opportunity to determine whether the witness will cooperate.

Additionally, Respondents state that Mr. Julio Arrieta, CEO of Adecco USA, and Mr. Jeff Immelt, CEO of General Electric Co., have no personal knowledge regarding this matter should not be required to appear as witnesses. *Baine v. General Motors Corp.*, 141 F.R.D. 332 (M.D. Ala. 1991) (holding that high-ranking official of General Motors should not be deposed because it would be oppressive, inconvenient, and burdensome where it was not established that information could not be had from other sources). Respondents state that they will vigorously oppose any request that Mr. Arrieta or Mr. Immelt appear as witnesses in this matter.

⁴ Respondents suggest that the Court follow the scheme provided for subpoenas and/or depositions as provided by the Federal Rules of Civil Procedure. Specifically, Complainant should submit his request to the Court, the Court should determine whether to issue an order requiring appearance of a witness, and

Conclusion

Respondents are available for a telephone conference at the Court's convenience to discuss these, and any other, issues.

Dated November 15, 2002.

Dudley C. Rochelle
Charlotte K. McClusky

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Adecco Technical

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602.229.5690 (facsimile)

Attorneys for Respondent
GE Medical Systems

the Respondents should have the opportunity to file a motion to quash or motion for protective order. *See* Fed. R. Civ. P. 30 and 45.

U.S. DEPARTMENT OF LABOR

THOMAS SAPORITO,

Complainant,

v.

GE MEDICAL SYSTEMS,

and

ADECCO TECHNICAL,

Respondents.

CIVIL ACTION NO. 2003CAA00001
2003CAA00002

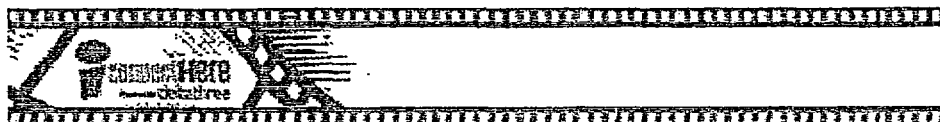
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Joint Request for Discovery Conference* in the above-referenced matter has been served upon the following as addressed as follows:

Thomas Saporito
P.O. Box 1021
Tonopah, AZ 85354
NEPC@THEPOSTMASTER.NET

Counsel for Adecco Technical

ENCLOSURE TWO



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ENCLOSURE THREE

**U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

Atlanta Federal Center
61 Forsyth St. 6T50
Atlanta, GA 30303
Telephone: (404) 562-2262
FAX: (404) 562-2295



September 18, 2002

Thomas Saporito
P. O. Box 1234
Buckeye, AR 85326-

Re: Adecco Technical/Saporito/4-1050-02-055

Dear Mr./Ms. Saporito:


This will acknowledge receipt of your complaint against Adecco Technical alleging a violation of Section 322(a)(1-3) of the Clean Air Act, 42 U.S.C 7622 and Section 23(a)(1-3) of the Toxic Substances Control Act, 15 U.S.C 2622. Your complaint was received in this office on 9/4/2002. In accordance with the Secretary's Order 3-2000, the Occupational Safety and Health Administration has been delegated authority in this matter.

The Act requires the Secretary of Labor to notify the party named in the complaint about the filing of the complaint and to conduct an investigation into the alleged violations. I am providing the named party with a copy of your complaint and information concerning the Occupational Safety and Health Administration's responsibilities under the law. I have enclosed a copy of the pertinent section of the Act and a copy of the regulations, 29 CFR Part 24, for your information.

This case has been assigned to the investigator noted below, and you are requested to direct all communications and materials associated with this matter to the investigator. The investigator will be in touch with you in the very near future. Your cooperation in this matter is greatly appreciated.

Clarence Kugler, Regional Investigator
US-DOL/OSHA - Ft. Lauderdale Area Office
8040 Peters Rd. - Building H-100
Fort Lauderdale, FL 33324-4029
(954) 424-0242 x15 FAX (954) 424-3073

Sincerely,


Dennis D. Russell
Supervisory Investigator

Enclosure

ENCLOSURE FOUR



NEPC

NATIONAL ENVIRONMENTAL PROTECTION CENTER

November 14, 2002

Sean M. Scullen
David T. Bartow
Dudley C. Rochelle

SENT VIA EMAIL

RE: Order of the Court dated November 13th, 2002

Dear Gentlemen and Ms. Rochelle:

In accordance with the Court's November 13th, Order, please take notice that the complainant intends to seek the appearance of the following witnesses at the hearing:

1. Dan Beatty - GE Supervisor
2. Greg R. Overbeck - Senior Vice President Nuclear - Arizona Public Service Co.
3. James Levine - Vice President Nuclear Generation - Arizona Public Service Co.
4. Julio Arrieta - CEO - Adecco
5. Greg Bradley - Branch Manager - Adecco
6. Dudley C. Rochelle - Attorney for Adecco
7. Rhonda Johnson - Recruiter - Adecco
8. Jeff Immelt - CEO - GE
9. Davide Burrage - EHS Leader GE
10. Michael Triana - GE Manager
11. Karen Zaborowski - GE Director - National Laser Team
12. Paul Harris - GE Clinical Modality Leader
13. Able Sierra - GE Engineer
14. Pat Mulloy - GE Training Coordinator
15. John Lundy - GE Technician
16. Alan Blockhouse - GE Technician
17. Lee Waters - GE Technician
18. Tim Trent - GE Safety Team Member
19. Felix Ramirez - GE Manager - Warehouse
20. Steve Hirschberg - GE Chairman - Safety Committee
21. Paul Presti - GE Laser Field Engineer
22. Tim Bridges - GE Laser Field Engineer
23. Graylon Rector - GE Laser Field Engineer

Best regards,

Thomas Saporito

National Environmental Protection Center

From: National Environmental Protection Center [NEPC@THEPOSTMASTER.NET]

Sent: Thursday, November 14, 2002 10:35 PM

To: Dudley C. Rochelle Esq.; Sean Scullen; David T. Barton

Subject: COMPLAINANT'S WITNESS LIST

PLEASE FIND COMPLAINANT'S WITNESS LIST ATTACHED

Thomas Saporito, Executive Director
NATIONAL ENVIRONMENTAL PROTECTION CENTER
POST OFFICE BOX 1021, TONOPAH, ARIZONA 85354
PHONE: 623-368-6863 FAX: 309-294-1305
EMAIL: NEPC@THEPOSTMASTER.NET

11/15/2002

ENCLOSURE FIVE



SEPT. 20, 2002

NATIONAL ENVIRONMENTAL PROTECTION CENTER

Secretary
Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20852-9787

RE: GE Medical Systems/Saporito/4-1050-02-054; and
Adecco Technical/Saporito/4-1050-02-055

Dear Secretary:

On August 28, 2002, the undersigned provided the Food and Drug Administration ("FDA") a copy of a "Complaint for Injunction" filed by the undersigned with the Hon. John Ashcroft, U.S. Attorney General for the U.S. Department of Justice ("DOJ"). That complaint was filed on the basis of a participation of the undersigned in the fact gathering stages of an Occupational Safety and Health Administration ("OSHA") investigation of violations of environmental laws and regulations at the General Electric Company, GE Medical Systems ("GE") facility located at 100 Marquette Drive, Jupiter, Florida 33458. The undersigned was subsequently discharged from employment at GE and filed a timely employment discrimination complaint with OSHA as captioned above. In the Complaint for Injunction filed with the DOJ, the undersigned requests that the DOJ:

- I. Preliminarily and permanently act to enjoin GE a corporation, and Michael R. Triana, an individual, and each and all of their directors, officers, agents, representatives, employees, successors or assigns, attorneys, and any and all persons in active concert or participation with them or any of them, from directly or indirectly doing or causing the introduction or delivery for introduction into interstate commerce of any medical equipment ("GEMEX") which has been constructed, received, prepared, packed, or held at the defendants' facility.
- II. Order GE to recondition or destroy all GEMEX equipment under their control, and render their warehouse facility suitable for medical equipment repair, in the manner and to the extent FDA deems necessary.
- III. Grant plaintiff, ("DOJ") its costs and such other further relief as the Court deems just and proper.

Please be advised that the undersigned has acted to create a public organization called the "National Environmental Protection Center" ("NEPC"), and continues research to develop NEPC in to a nonprofit educational organization advocating the enforcement of environmental laws and regulations under the U.S. Environmental Protection Agency ("EPA"), the enforcement of nuclear safety under the U.S. Nuclear Regulatory Commission ("NRC"), and the enforcement of "whistleblower" employee protection provisions promulgated under 29 C.F.R. Part 24 and implemented under the Clean Air Act ("CAA"), 42 U.S.C. 7622 (1988); the Toxic Substances Control Act ("TSCA"), 15 U.S.C. 2622 (1988); the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. 300j-

9(l) (1988); the Safe Drinking Water Act ("SWDA"), 42 U.S.C. 6971 (1988); the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. 6971 (1988); and the Energy Reorganization Act ("ERA"), 42 U.S.C. 5851 (1974) as amended. In general, these provisions prohibit employers from retaliating against employees who "blow the whistle" or otherwise engage in certain actions in furtherance of the enforcement of environmental statutes. Now, NEPC by and through its undersigned Executive Director, requests that the FDA act to enforce GE compliance to FDA laws and regulations at their GE Medical Systems facility and as delineated below:

CHAPTER II - DEFINITIONS'

SEC. 201. [321] For the purposes of this chapter -

(a)(1) The term "State", except as used in the last sentence of section 372(a) of this title, means any State or Territory of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(2) The term "Territory" means any Territory or possession of the United States, including the District of Columbia, and excluding the Commonwealth of Puerto Rico and the Canal Zone.

(b) The term "interstate commerce" means (1) commerce between any State or Territory and any place outside thereof, and (2) commerce within the District of Columbia or within any other Territory not organized with a legislative body.

(c) The term "Department" means Department of Health and Human Services.

(d) The term "Secretary" means the Secretary of Health and Human Services

(e) The term "person" includes individual, partnership, corporation, and association.

(f) The term "food" means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.

(g)(1) The term "drug" means

(A) articles recognized in the official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and

(B) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and

(C) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and

(D) articles intended for use as a component of any article specified in clause (A), (B), or (C). A food or dietary supplement for which a claim, subject to sections 403(r)(1)(B) and 403(r)(3) of this title or sections 403(r)(1)(B) and 403(r)(5)(D) of this title, is made in accordance with the requirements of section 403(r) of this title is not a drug solely because the label or the labeling contains such a claim. A food, dietary ingredient, or dietary supplement for which a truthful and not misleading statement is made in accordance with section 403(r)(6) of this title is not a drug under clause (C) solely because the label or the labeling contains such a statement.

(2) The term "counterfeit drugs" means a drug which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a drug manufacturer, processor, packer, or distributor other than the person or persons who in fact manufactured, processed, packed, or distributed such drug and which thereby falsely purports or is represented to be the product of, or to have been packed or distributed by, such other drug manufacturer, processor, packer, or distributor.

(h) The term "device" (except when used in paragraph (n) of this section and in sections 301(i), 403(f), 502(c), and 602(c)) means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, which is -

- (1) recognized in the official National Formulary, or the United States Pharmacopeia, or any supplement to them,
- (2) intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in man or other animals, or
- (3) intended to affect the structure or any function of the body of man or other animals, and which does not achieve its primary intended purposes through chemical action within or on the body of man or other animals and which is not dependent upon being metabolized for the achievement of its primary intended purposes.

REGISTRATION OF PRODUCERS OF DRUGS AND DEVICES¹

SEC. 510. [360] (a) As used in this section -

- (1) the term "manufacture, preparation, propagation, compounding, or processing" shall include repackaging or otherwise changing the container, wrapper, or labeling of any drug package or device package in furtherance of the distribution of the drug or device from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer or user; and
- (2) the term "name" shall include in the case of a partnership the name of each partner and, in the case of a corporation, the name of each corporate officer and director, and the State of incorporation

(b) On or before December 31 of each year every person who owns or operates any establishment in any State engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs or a device or devices shall register with the Secretary his name, places of business, and all such establishments.

(c) Every person upon first engaging in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs or a device or devices in any establishment which he owns or operates in any State shall immediately register with the Secretary his name, place of business, and such establishment

(d) Every person duly registered in accordance with the foregoing subsections of this section shall immediately register with the Secretary any additional establishment which he owns or operates in any State and in which he begins the manufacture, preparation, propagation, compounding, or processing of a drug or drugs or a device or devices.

(e) The Secretary may assign a registration number to any person or any establishment registered in accordance with this section. The Secretary may also assign a listing number to each drug or class of drugs listed under subsection (j). Any number assigned pursuant to the preceding sentence shall be the same as that assigned pursuant to the National Drug Code. The Secretary may by regulation prescribe a uniform system for the identification of devices intended for human use and may require that persons who are required to list such devices pursuant to subsection (j) shall list such devices in accordance with such system.

(f) The Secretary shall make available for inspection, to any person so requesting, any registration filed pursuant to this section; except that any list submitted pursuant to paragraph (3) of subsection (j) and the information accompanying any list or notice filed under paragraph (1) or (2) of that subsection shall be exempt from such inspection unless the Secretary finds that such an exemption would be inconsistent with protection of the public health.

(g) The foregoing subsections of this section shall not apply to -

- (1) pharmacies which maintain establishments in conformance with any applicable local laws regulating the practice of pharmacy and medicine and which are regularly engaged in dispensing prescription drugs or devices, upon prescriptions of practitioners licensed to

administer such drugs or devices to patients under the care of such practitioners in the course of their professional practice, and which do not manufacture, prepare, propagate, compound, or process drugs or devices for sale other than in the regular course of their business of dispensing or selling drugs or devices at retail;

(2) practitioners licensed by law to prescribe or administer drugs or devices and who manufacture, prepare, propagate, compound, or process drugs or devices solely for use in the course of their professional practice;

(3) persons who manufacture, prepare, propagate, compound, or process drugs or devices solely for use in research, teaching, or chemical analysis and not for sale;

(4) any distributor who acts as a wholesale distributor of devices, and who does not manufacture, repackage, process, or relabel a device; or

(5) such other classes of persons as the Secretary may by regulation exempt from the application of this section upon a finding that registration by such classes of persons in accordance with this section is not necessary for the protection of the public health.

In this subsection, the term "wholesale distributor" means any person (other than the manufacturer or the initial importer) who distributes a device from the original place of manufacture to the person who makes the final delivery or sale of the device to the ultimate consumer or user.

(h) Every establishment in any State registered with the Secretary pursuant to this section shall be subject to inspection pursuant to section 704 and every such establishment engaged in the manufacture, propagation, compounding, or processing of a drug or drugs or of a device or devices classified in class II or III shall be so inspected by one or more officers or employees duly designated by the Secretary at least once in the two-year period beginning with the date of registration of such establishment pursuant to this section and at least once in every successive two-year period thereafter.

(i)(I) Any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or a device that is imported or offered for import into the United States shall register with the Secretary the name and place of business of the establishment and the name of the United States agent for the establishment.

(2) The establishment shall also provide the information required by subsection (j).

(3) The Secretary is authorized to enter into cooperative arrangements with officials of foreign countries to ensure that adequate and effective means are available for purposes of determining, from time to time, whether drugs or devices manufactured, prepared, propagated, compounded, or processed by an establishment described in paragraph (1), if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 801(a).

(j)(1) Every person who registers with the Secretary under subsection (b), (c), or (d) shall, at the time of registration under any such subsection, file with the Secretary a list of all drugs and a list of all devices and a brief statement of the basis for believing that each device included in the list is a device rather than a drug (with each drug and device in each list listed by its established name (as defined in section 502(e)) and by any proprietary name) which are being manufactured, prepared, propagated, compounded, or processed by him for commercial distribution and which he has not included in any list of drugs or devices filed by him with the Secretary under this paragraph or paragraph (2) before such time of registration.

Such list shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by —

(A) in the case of a drug contained in the applicable list and subject to section 505 or 512, or a device intended for human use contained in the applicable list with respect to which a performance standard has been established under section 514 or which is subject to section 515, a reference to the authority for the marketing of such drug or device and a copy of all labeling for such drug or device;

(B) in the case of any other drug or device contained in an applicable list —

(i) which drug is subject to section 503(b)(1), or which device is a restricted device, a copy of all labeling for such drug or device, a representative sampling of advertisements for such drug or device, and, upon request made by the Secretary for good cause, a copy of all

advertisements for a particular drug product or device, or
(ii) which drug is not subject to section 503(b)(1) or which device is not a restricted device, the label and package insert for such drug or device and a representative sampling of any other labeling for such drug or device;

(C) In the case of any drug contained in an applicable list which is described in subparagraph (B), a quantitative listing of its active ingredient or ingredients, except that with respect to a particular drug product the Secretary may require the submission of a quantitative listing of all ingredients if he finds that such submission is necessary to carry out the purposes of this Act; and

(D) If the registrant filing a list has determined that a particular drug product or device contained in such list is not subject to section 505 or 512, or the particular device contained in such list is not subject to a performance standard established under section 514 or to section 515 or is not a restricted device a brief statement of the basis upon which the registrant made such determination if the Secretary requests such a statement with respect to that particular drug product or device.

(2) Each person who registers with the Secretary under this section shall report to the Secretary once during the month of June of each year and once during the month of December of each year the following information:

(A) A list of each drug or device introduced by the registrant for commercial distribution which has not been included in any list previously filed by him with the Secretary under this subparagraph or paragraph (1) of this subsection. A list under this subparagraph shall list a drug or device by its established name (as defined in section 502(e)), and by any proprietary name it may have and shall be accompanied by the other information required by paragraph (1).

(B) If since the date the registrant last made a report under this paragraph (or if he has not made a report under this paragraph, since the effective date of this subsection*) he has discontinued the manufacture, preparation, propagation, compounding, or processing for commercial distribution of a drug or device included in a list filed by him under subparagraph (A) or paragraph (1); notice of such discontinuance, the date of such discontinuance, and the identity (by established name (as defined in section 502(e)) and by any proprietary name) of such drug or device.

(C) If since the date the registrant reported pursuant to subparagraph (B) a notice of discontinuance he has resumed the manufacture, preparation, propagation, compounding, or processing for commercial distribution of the drug or device with respect to which such notice of discontinuance was reported; notice of such resumption, the date of such resumption, the identity of such drug or device (each by established name (as defined in section 502(e)) and by any proprietary name), and the other information required by paragraph (1), unless the registrant has previously reported such resumption to the Secretary pursuant to this subparagraph.

(D) Any material change in any information previously submitted pursuant to this paragraph or paragraph (1).

(3) The Secretary may also require each registrant under this section to submit a list of each drug product which (A) the registrant is manufacturing, preparing, propagating, compounding, or processing for commercial distribution, and (B) contains a particular ingredient. The Secretary may not require the

submission of such a list unless he has made a finding that the submission of such a list is necessary to carry out the purposes of this Act.

(k) Each person who is required to register under this section and who proposes to begin the introduction or delivery for introduction into interstate commerce for commercial distribution of a device intended for human use shall, at least ninety days before making such introduction or delivery, report to the Secretary (in such form and manner as the Secretary shall by regulation prescribe) –

(1) the class in which the device is classified under section 513 or if such person determines that the device is not classified under such section, a statement of that determination and the basis for such person's determination that the device is or is not so classified, and

(2) action taken by such person to comply with requirements under section 514 or 515 which are applicable to the device.

(1) A report under subsection (k) is not required for a device intended for human use that is exempted from the requirements of this subsection under subsection (m) or is within a type that has been classified into class I under section 513. The exception established in the preceding sentence does not apply to any class I device that is intended for a use which is of substantial importance in preventing impairment of human health, or to any class I device that presents a potential unreasonable risk of illness or injury.

(m)(l) Not later than 60 days after the date of enactment of the Food and Drug Administration Modernization Act of 1997, the Secretary shall publish in the Federal Register a list of each type of class II device that does not require a report under subsection (k) to provide reasonable assurance of safety and effectiveness. Each type of class II device identified by the Secretary as not requiring the report shall be exempt from the requirement to provide a report under subsection (k) as of the date of the publication of the list in the Federal Register.

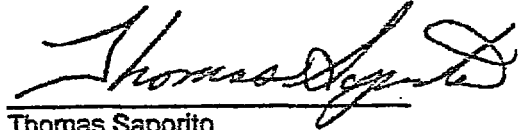
(2) Beginning on the date that is 1 day after the date of the publication of a list under this subsection, the Secretary may exempt a class II device from the requirement to submit a report subsection (k), upon the Secretary's own initiative or a petition of an interested person, if the Secretary determines that such report is not necessary to assure the safety and effectiveness of the device. The Secretary shall publish in the Federal Register notice of the intent of the Secretary to exempt the device, or of the petition, and provide a 30-day period for public comment. Within 120 days after the issuance of the notice in the Federal Register, the Secretary shall publish an order in the Federal Register that sets forth the final determination of the Secretary regarding the exemption of the device that was the subject of the notice. If the Secretary fails to respond to a petition within 180 days of receiving it, the petition shall be deemed to be granted.

(n) The Secretary shall review the report required in subsection (k) and make a determination under section 513(f)(l) not later than 90 days after receiving the report.

As detailed in the Complaint for Injunction filed with the DOJ, GE Medical Systems appears to have violated FDA laws and regulations at their facility in illegally manufacturing "GEMEX" and in illegally transporting GEMEX and GEMEX gases in and around the continental United States of America and by operating the GEMEX in public hospitals and medical facilities without FDA approval or certification or knowledge and by improperly identifying and storing "Good Stock" and "Faulty Stock" medical equipment parts. Thus, it is imperative that FDA acts in a timely manner to insure for public safety and health.

Please feel free to contact the undersigned, or the U.S. Attorney General, or Dennis D. Russell – OSHA Supervisory Investigator should you need additional information.

Best regards,



Thomas Saporito
Executive Director, NEPC

Hon. John Ashcroft
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Dennis D. Russell
Supervisory Investigator
U.S. Department of Labor
Occupational Safety and Health Adm.
Atlanta Federal Center
61 Forsyth Street, 6T50
Atlanta, Georgia 30303

Jeff Immelt
Chief Executive Officer
General Electric Company
3135 Easton Turnpike
Fairfield, CT 06828-0001

ENCLOSURE SIX

September 28, 2002

Jeff Immelt
Chief Executive Officer
General Electric Company
3135 Easton Turnpike
Fairfield CT 06828-0001
Phone: (203) 373-2211
Fax: (203) 373-3131

CERTIFIED MAIL:
7002 0510 0000 3407 3789

FAX: 203-373-3131

Dear Mr. Immelt:

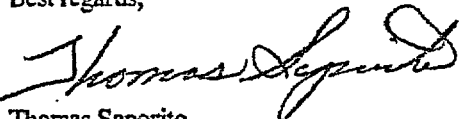
This serves to advise you that the undersigned was discharged on August 2nd, 2002 from employment as an Electronics Technician at the General Electric Company, GE Medical Systems ("GE") facility located in Jupiter, Florida.

As you are certainly aware by this date, the undersigned filed a complaint on August 26th, 2002 with the U.S. Department of Labor ("DOL") with jurisdiction through the Occupational Safety and Health Administration ("OSHA") requesting OSHA to conduct an investigation of his discharge insofar as the undersigned raised substantial environmental safety and health concerns to GE management at the Jupiter, Florida facility prior to his untimely discharge.

In the furtherance for the enforcement of environmental laws and statutes which "you" have committed GE to fully comply with, the undersigned requests that you take immediate actions to cause an internal GE company investigation of the circumstances surrounding the discharge of the undersigned and an investigation into the significant environmental safety and health concerns he raised to GE management regarding "GEMEX FSAR", GEMEX gas shipments, and Laser DYE disposal and handling at the Jupiter, Florida facility.

Your cooperation in timely complying with this written request is anticipated and appreciated. I look forward to your written response within 15-days of receipt hereof.

Best regards,



Thomas Saporito
P.O. Box 1234
Buckeye, Arizona 85326
Phone: 623-386-3909

Cc: Dennis D. Russell
Supervisory Investigator
U.S. Department of Labor
Occupational Safety and Health Administration
Atlanta Federal Center
61 Forsyth Street 6T50
Atlanta, Georgia 30303

NEPC-0809

ENCLOSURE SEVEN



NATIONAL ENVIRONMENTAL PROTECTION CENTER

October 1, 2002

William D. Travers
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

RE: PUBLIC PETITION TO NRC UNDER 10 C.F.R. 2.206
GE Medical Systems/Saporito/4-1050-02-054; and
Adecco Technical/Saporito/4-1050-02-055

Dear Executive Director Travers:

The National Environmental Protection Center ("NEPC") by and through its undersigned Executive Director submit this public petition to the U.S. Nuclear Regulatory Commission ("NRC") under 10 C.F.R. 2.206 requesting certain and specific actions by the NRC as delineated below:

Please be advised that the undersigned has acted to create a public organization called the "National Environmental Protection Center" ("NEPC"), and continues research to develop NEPC in to a nonprofit educational organization advocating the enforcement of environmental laws and regulations under the U.S. Environmental Protection Agency ("EPA"), the enforcement of nuclear safety under the U.S. Nuclear Regulatory Commission ("NRC"), and the enforcement of "whistleblower" employee protection provisions promulgated under 29 C.F.R. Part 24 and implemented under the Clean Air Act ("CAA"), 42 U.S.C. 7622 (1988); the Toxic Substances Control Act ("TSCA"), 15 U.S.C. 2622 (1988); the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. 300j-9(i) (1988); the Safe Drinking Water Act ("SDWA"), 42 U.S.C. 6971 (1988); the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. 6971 (1988); and the Energy Reorganization Act ("ERA"), 42 U.S.C. 5851 (1974) as amended. In general, these provisions prohibit employers from retaliating against employees who "blow the whistle" or otherwise engage in certain actions in furtherance of the enforcement of environmental statutes. Thus, a central function of NEPC is to represent whistleblowers in U.S. Department of Labor ("DOL") administrative proceedings under 29 C.F.R. Part 24, and to provide such representation on a contingency fee basis with the intent to recovery costs and fees through successful litigation of whistleblower complaints as provided under the applicable statutes.

REQUESTS FOR NRC ACTION UNDER 10 C.F.R. 2.206

REQUEST #1

NEPC requests that NRC provide permanent public notice of NEPC contact information on the NRC Internet site.

BASIS FOR REQUEST #1

To insure public awareness of employee whistleblower protections and recourse and in furtherance of environmental laws and regulations for which the NRC is mandated and authorized under law to enforce as a matter of public policy. Indeed, the primary goal of NEPC is to ensure whistleblower disclosure of business operation in violation of environmental laws. Thus, NEPC's request to NRC for Internet posting of contact information is both proper and necessary on the part of NRC as a matter of public policy.

With respect to the instant proceedings captioned above regarding GE Medical Systems and Adecco Technical, please take official notice that NEPC has been duly authorized by the undersigned, to represent the Complainant, in this case on a pro se basis, but nonetheless acting as the Executive Director of NEPC. These proceedings are currently before the Occupational Safety and Health Administration ("OSHA") and are being actively investigated under 29 C.F.R. Part 24 by the OSHA Fort Lauderdale, Florida Area Office, Regional Investigator Clarence Kugler. NEPC is actively participating in that investigation and has acted to engage in pre-hearing discovery through the request of admissions, request of interrogatories, request of production of documents, and notices of depositions. These proceedings center around the undersigned's discharge from employment from the General Electric Company, GE Medical Systems facility located at 100 Marquette Drive, Jupiter, Florida 33458. The discharge occurred almost immediately after the undersigned noticed GE management about significant environmental safety and health concerns which violated Environmental Protection Agency ("EPA") laws and regulations. As stated above, these proceedings were brought under environmental statutes other than the ERA; however the ERA was noted insofar as it prohibits retaliation by NRC licensees with respect to a hostile work environment.

REQUEST #2

NEPC requests that NRC require the General Electric Company ("GE") to affirm under oath that it maintains non-hostile work environments in compliance with 10 C.F.R. 50.7 at all of its operations and facilities regulated and/or licensed by NRC.

REQUEST #3

NEPC requests that NRC issue directives to all NRC Regional Administrators requiring NRC inspection activities at all NRC licensed facilities owned, operated, contracted, or managed by GE or GE affiliates to determine if a hostile work environment exists in violation of NRC requirements, NRC regulations, and/or 10 C.F.R. 50.7.

REQUEST #4

NEPC requests that NRC require GE to provide written documentation detailing employee concerns programs in effect at all GE facilities licensed by NRC; and that NRC analyze and evaluate GE's employee concerns programs to ensure that they provide a confidential means for employees to raise safety and health concerns to GE management and/or NRC.

REQUEST #5

If GE does not incorporate any or some employee concerns programs responsive to REQUEST #4 above, NEPC requests that NRC require GE to implement such a program at all of its operations and facilities licensed by NRC.

BASIS FOR REQUESTS #2, #3, #4, AND #5

The NRC places a high value on nuclear industry employee's freedom to raise potential safety concerns both to licensee management and to the NRC without fear of reprisal or actual harassment and intimidation. Section 211 of the Energy Reorganization Act (ERA), as amended and 10 CFR 19.20, 30.7, 40.7, 50.7, 60.9, 61.9, 70.7, 72.10, and 76.7 provide that no employer may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee engaged in certain protected activities. These protected activities include notifying an employer of an alleged violation of the Atomic Energy Act or the ERA, refusing to engage in any practice made unlawful by those acts, testifying before Congress or in a Federal or State proceeding regarding any provision of these acts, or commencing, testifying, assisting, or participating in

any manner in a proceeding under these acts. Licensees and contractors are responsible for ensuring that they do not discriminate against their employees for engaging in such protected activities. Licensees and contractors that discriminate against their employees who engage in protected activities are subject to sanctions by the NRC. These sanctions include notices of violation (NOVs) and civil penalties (CPs). In addition, under the Deliberate Misconduct Rule (see 10 CFR 30.10 and 10 CFR 50.5) licensee and contractor employees, including senior managers, are subject to sanctions by the NRC for discrimination against other employees who engage in protected activities. These sanctions include orders barring individuals from NRC licensed activities.

GE does not facilitate any employee concerns program at its GE Medical Systems facility, which would provide employees and contract workers the ability to "confidentially" raise environmental safety and health concerns to GE management. Therefore it is reasonable to surmise that GE does not have any employee concerns programs in effect at any of its operations or facilities licensed by NRC. If GE does not maintain effective employee concerns programs at its operations and/or facilities licensed by NRC, a hostile work environment similar to that described in the above-styled OSHA complaints may exist in violation of NRC regulations and in violation of any NRC license held by GE. Such a situation would be a significant safety and health concern and a matter of public policy requiring NRC to act. Moreover, in the above described OSHA proceedings, GE management actually engaged in the retaliation of Complainant and failed to take any actions to abate that conduct even after the Complainant put GE management on notice complaining of a hostile work environment. Notably a senior Environmental Health and Safety ("EHS") manager at GE was directly involved and actually took part in the retaliation against the Complainant. Indeed, the culture at GE Medical Systems prohibits employees from raising environmental safety and health concerns outside the GE "chain-of-command" and subject employees to discipline and discharge for doing so. Therefore, it is more likely than not, that GE management at its NRC licensed operations and/or facilities maintain similar cultures and similar requirements on the workforce prohibiting and dissuading employees from raising environmental and nuclear safety and health concerns for fear of retaliation and discharge. Such a culture condoned by GE management would violate NRC regulations and requirements described above.

WHEREFORE, NEPC requests that NRC act on its 10 C.F.R. 2.206 Petition in a timely manner in the interest for the environment, the general public, and GE employees and GE contract workers.

Respectfully submitted,



Thomas Saporito
Executive Director, NEPC

CC: Jeff Immelt
Chief Executive Officer
General Electric Company
3135 Easton Turnpike
Fairfield, CT 06828-0001

Dennis D. Russell
Supervisory Investigator
U.S. Department of Labor
Occupational Safety and Health Administration
Atlanta Federal Building
61 Forsyth Street, 6T50
Atlanta, Georgia 30303

ENCLOSURE EIGHT

September 28, 2002

Julio Arrieta
Chief Executive Officer
Adecco, Inc.
175 Broad Hollow Road
Melville, NY 11747
Telephone: +1 631 844 7800

Dear Mr. Arieta

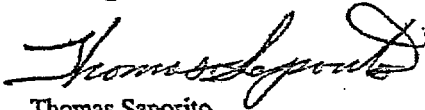
This serves to advise you that the undersigned was discharged on August 2nd, 2002 from employment as an Electronics Technician at the General Electric Company, GE Medical Systems ("GE") facility located in Jupiter, Florida.

As you are certainly aware by this date, the undersigned filed a complaint on August 26th, 2002 with the U.S. Department of Labor ("DOL") with jurisdiction through the Occupational Safety and Health Administration ("OSHA") requesting OSHA to conduct an investigation of his discharge insofar as the undersigned raised substantial environmental safety and health concerns to GE management at the Jupiter, Florida facility prior to his untimely discharge.

In the furtherance for the enforcement of environmental laws and statues which "you" have committed Adecco to fully comply with, the undersigned requests that you take immediate actions to cause an internal Adecco company investigation of the circumstances surrounding the discharge of the undersigned and an investigation into the significant environmental safety and health concerns he raised to GE management regarding "GEMEX FSAR", GEMEX gas shipments, and Laser DYE disposal and handling at the Jupiter, Florida facility.

Your cooperation in timely complying with this written request is anticipated and appreciated. I look forward to your written response within 15-days of receipt hereof.

Best regards,



Thomas Saporito
P.O. Box 1234
Buckeye, Arizona 85326
Phone: 623-386-3909

Cc: Dennis D. Russell
Supervisory Investigator
U.S. Department of Labor
Occupational Safety and Health Administration
Atlanta Federal Center
61 Forsyth Street 6T50
Atlanta, Georgia 30303

ENCLOSURE NINE



NATIONAL ENVIRONMENTAL PROTECTION CENTER

October 1, 2002

William D. Travers
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

RE: **PUBLIC PETITION TO NRC UNDER 10 C.F.R. 2.206**
GE Medical Systems/Saporito/4-1050-02-054; and
Adecco Technical/Saporito/4-1050-02-055

Dear Executive Director Travers:

The National Environmental Protection Center ("NEPC") by and through its undersigned Executive Director submit this public petition to the U.S. Nuclear Regulatory Commission ("NRC") under 10 C.F.R. 2.206 requesting certain and specific actions by the NRC as delineated below:

REQUESTS FOR NRC ACTION UNDER 10 C.F.R. 2.206

REQUEST #1

NEPC requests that NRC require Adecco, Inc. ("Adecco") inclusive of all Adecco affiliates and subdivisions including Adecco Technical to affirm under oath that it maintains non-hostile work environments in compliance with 10 C.F.R. 50.7 at all of its operations and facilities regulated and/or licensed by NRC.

REQUEST #2

NEPC requests that NRC issue directives to all NRC Regional Administrators requiring NRC inspection activities at all NRC licensed facilities owned, operated, contracted, or managed by Adecco or Adecco affiliates to determine if a hostile work environment exists in violation of NRC requirements, NRC regulations, and/or 10 C.F.R. 50.7.

REQUEST #3

NEPC requests that NRC require Adecco to provide written documentation detailing employee concerns programs in effect at all Adecco facilities licensed by NRC; and that NRC analyze and evaluate Adecco's employee concerns programs to ensure that they provide a confidential means for employees to raise safety and health concerns to Adecco management and/or NRC.

REQUEST #5

If Adecco does not incorporate any or some employee concerns programs responsive to REQUEST #4 above, NEPC requests that NRC require Adecco to implement such a program at all of its operations and facilities licensed by NRC.

BASIS FOR REQUESTS #2, #3, #4, AND #5

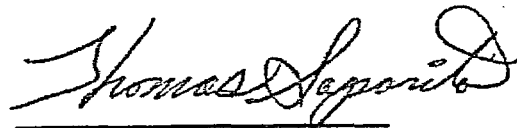
The NRC places a high value on nuclear industry employee's freedom to raise potential safety concerns both to licensee management and to the NRC without fear of reprisal or actual harassment and intimidation. Section 211 of the Energy Reorganization Act (ERA), as amended and 10 CFR 19.20, 30.7, 40.7, 50.7, 60.9, 61.9, 70.7, 72.10, and 76.7 provide that no employer may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee engaged in certain protected activities. These protected activities include notifying an employer of an alleged violation of the Atomic Energy Act or the ERA, refusing to engage in any practice made unlawful by those acts, testifying before Congress or in a Federal or State proceeding regarding any provision of these acts, or commencing, testifying, assisting, or participating in any manner in a proceeding under these acts. Licensees and contractors are responsible for ensuring that they do not discriminate against their employees for engaging in such protected activities. Licensees and contractors that discriminate against their employees who engage in protected activities are subject to sanctions by the NRC. These sanctions include notices of violation (NOVs) and civil penalties (CPs). In addition, under the Deliberate Misconduct Rule (see 10 CFR 30.10 and 10 CFR 50.5) licensee and contractor employees, including senior managers, are subject to sanctions by the NRC for discrimination against other employees who engage in protected activities. These sanctions include orders barring individuals from NRC licensed activities.

Adecco does not facilitate any employee concerns program for its contract workforce at the GE Medical Systems, Jupiter, Florida facility, which would provide its employees the ability to "confidentially" raise environmental safety and health concerns to Adecco and/or GE management. Therefore it is reasonable to surmise that Adecco does not have any employee concerns programs in effect at any of its operations or facilities licensed by NRC. If Adecco does not maintain effective employee concerns programs at its operations and/or facilities licensed by NRC, a hostile work environment similar to that described in the above-styled OSHA complaints may exist in violation of NRC regulations and in violation of any NRC license held by Adecco. Such a situation would be a significant safety and health concern and a matter of public policy requiring NRC to act. Moreover, in the above described OSHA proceedings, Adecco management actually engaged in the retaliation of Complainant and failed to take any actions to abate that conduct even after the Complainant put GE management on notice complaining of a hostile work environment. Notably, Greg Bradley a manager at Adecco was directly involved and actually took part in the retaliation against the Complainant. Indeed, the culture at Adecco prohibits employees from raising environmental safety and health concerns outside the Adecco "chain-of-command" and subject employees to discipline and discharge for doing so. Therefore, it is more likely than not, that Adecco management at its NRC licensed operations and/or facilities maintain similar cultures and similar requirements on the workforce prohibiting and dissuading employees from raising environmental and nuclear safety and health concerns for fear of retaliation and discharge. Such a culture condoned by Adecco management would violate NRC regulations and requirements described above.

Enclosed herewith is Internet job postings on the Adecco Internet job site. One of these jobs postings seek to recruit a Field Service Engineer-Nuclear, and a second job posting seeks to recruit a Quality Engineer/Nuclear Contain. Notably, the latter job posting seeks to recruit a Quality Engineer for a Nuclear Container oversight project under NRC requirements at 10 C.F.R. 71. Even more concerning is the fact that the latter job posting seeks to fill a vacancy at a General Electric Company facility at the GE Nuclear Onsite office. Indeed, GE is also identified in the above-captioned OSHA employment discrimination complaints and GE is also the subject of a prior NEPC 10 C.F.R. 2.206 NRC Petition for agency action.

WHEREFORE, NEPC requests that NRC act on its 10 C.F.R. 2.206 Petition in a timely manner in the interest for the environment, the general public, and Adecco employees and Adecco contract workers.

Respectfully submitted,



Thomas Saporito
Executive Director, NEPC

CC: Julio Arrieta
Chief Executive Officer
Adecco, Inc.
175 Broad Hollow Road
Melville, NY 11747

Dennis D. Russell
Supervisory Investigator
U.S. Department of Labor
Occupational Safety and Health Administration
Atlanta Federal Building
61 Forsyth Street, 6T50
Atlanta, Georgia 30303

ENCLOSURE TEN



NEPC

NATIONAL ENVIRONMENTAL PROTECTION CENTER

November 15, 2002

Hon. Jennifer Gee
Administrative Law Judge
U.S. Department of Labor
Office of Administrative Law Judges
50 Fremont Street - Suite 2100
San Francisco, CA 94105
415-744-6577 (Phone)
415-744-6569 (FAX)

SENT BY FAX AND U.S. MAIL

RE: THOMAS SAPORITO v. GE MEDICAL SYSTEMS and ADECCO TECHNICAL
CASE NOS. 2003CAA0001/0002

Dear Judge Gee:

This serves to advise the court that attorneys representing Adecco Technical and attorneys representing GE Medical Systems have communicated to the complainant via email, letter and by an attachment "Respondent's Joint Request for Discovery Conference" dated November 15th, 2002. The complainant fully intends to provide the court a written response to the respondents' joint motion and to the extent that the motion seeks a telephonic conference call, the complainant does not object. To the extent that respondents' joint motion seeks an order of this court to require the complainant to provide discovery responses on or before November 15th, as currently ordered by the court, but also allow the respondents' until and including November 19th, to provide their discovery responses to the complainant, the complainant strenuously objects.

To the extent that respondents' have taken it upon themselves to disobey the current order of this court to provide the complainant with their discovery responses, the complainant asks this court to sanction respondents' accordingly. To the extent that this court directed the complainant and directed the respondents' to resolve issues regarding discovery in the above-styled proceeding, the complainant will provide respondents' his response to their discovery requests on November 19th, 2002 as this is the date that respondents' require to be allowed to provide the complainant with their responses to his discovery requests.

To the extent that respondents made erroneous statements in their joint motion and may have mislead this court regarding certain aspects in this case which lead to their filing of their joint, motion, the complainant will serve on this court and on the parties his reply to the Respondents' Joint Request for Discovery Conference.

By copy of this letter to the respondents, they are advised accordingly.

Cc: **SENT BY EMAIL AND U.S. MAIL**

Sean M. Scullen
Davie T. Barton
Dudley C. Rochelle
Charlotte McClusky

Sincerely,



Thomas Saporito
Executive Director



NEPC

NATIONAL ENVIRONMENTAL PROTECTION CENTER

FACSIMILE COVER SHEET

Date: November 15th, 2002

To: Hon. Jennifer Gee

Company: U.S. Department of Labor

FAX #: 415-744-6569

Phone #:

From: Thomas Saporito

Number of Pages Including Cover Sheet: 3

Message: If you fail to receive the entire FAX, please contact Thomas Saporito at 623-386-6863 or send an email message to NEPC@THEPOSTMASTER.NET

Disk and original petition is also being sent by U.S. Mail.

NOTE:

The information contained in this FAX document is intended for those individuals named above and is to be considered confidential in use of the receiver(s) identified above. If the individual receiving this FAX document is not the intended receiver or an agent of the intended receiver responsible for delivering it to the intended receiver(s), you are hereby notified that you have received this FAX document in error and any use of this document is strictly prohibited and you should notify the sender immediately. Thank you for your cooperation.