

THOMAS J. SAPORITO, JR.

7881 PIPER LANE
LAKE WORTH, FL 33463
407-641-3190

January 19, 1993

Mr. K. E. Perkins, Jr., Director
Division of Reactor Safety & Projects
U.S. Nuclear Regulatory Commission
1450 Maria Lane
Walnut Creek, CA 94596-5368

Re: NRC 01/08/93 Letter Regarding the Palo Verde Nuclear Station

Dear Mr. Perkins:

This serves to acknowledge receipt of your 01/08/93 letter concerning matters relevant to the Arizona Public Service Company (APS) Palo Verde Nuclear Station and to make a written request for: (1) further action by the Nuclear Regulatory Commission (NRC); and (2) further documentation from the NRC.

In your letter, you stated that "The NRC agrees that employment discrimination is a serious issue, as indicated by our September 1992 Notice of Violation and Proposed Imposition of Civil Penalties (Notice) to Palo Verde on the subject (enclosed)." You enclosed a copy of the NRC Notice of Violation and Proposed Imposition of Civil Penalties - \$130,000 (U.S. Department of Labor Case Nos. 89-ERA-19 and 91-ERA-9).

I am concerned that the above described NRC enforcement action failed has to dissuade APS from continuing in a pattern and practice of discrimination and retaliation against employees who raise safety concerns at the Palo Verde Nuclear Station. In deed, the NRC is aware that I was discriminated against for raising safety concerns to APS management and NRC officials concerning the Palo Verde Nuclear Station and that I am being subjected to a continuing violation in the refusal to rehire me at the station. Therefore, pursuant to 10 C.F.R. §2.206, I request that the NRC initiate actions to cause escalated enforcement action pursuant to 10 C.F.R. Part 2 against APS relevant to the NRC September 30, 1992 Notice of Violation and Proposed Imposition of Civil Penalties - \$130,000 (U.S. Department of Labor Case Nos. 89-ERA-19 and 91-ERA-9).

In your letter, you stated that "...you quote a paragraph from the NRC's 1990 Diagnostic Evaluation Team report of Palo Verde to show that the licensee has failed to address certain longstanding problems. However, you did not include the subsequent paragraph of the report that noted that the APS activities then underway had begun to show progress in resolving the management issues."

Based on your comments, I am gravely concerned that you (Mr. Perkins) and the NRC Region V Staff have failed to fully appreciate the breath and scope of the NRC 1990 diagnostic report. Indeed, I refer you PP 2, 1 of the report which states, in part, that:

"Overall the team concluded that APS had a good understanding of the major performance problems affecting Palo Verde and that the recent management changes

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combined with the numerous initiatives underway were beginning to show some progress in resolving known management issues. Many of these initiatives, however, had not been in place long enough to achieve the desired results. In addition, the rate at which major issues were being resolved was being limited by a number of factors. These included: (1) insufficient top level improvement program integration, (2) a lack of systematic/complete programs, plans and implementing strategies for all issues, (3) insufficient management oversight of improvement efforts, and (4) organizational instability, uncertainty, and insecurity. Further, additional management attention is needed to resolve Engineering and Maintenance programmatic issues which continue to adversely affect adequate root cause analysis and timely corrective actions for problems...". (Emphasis Added).

Moreover, you state in your letter that: "Our assessments indicate that licensee performance has been improving, and we will continue to monitor performance to encourage a continuation of this trend. Our performance evaluations are documented in Systematic Assessment of Licensee Performance (SALP) reports; the last two Palo Verde SALP reports are enclosed..."

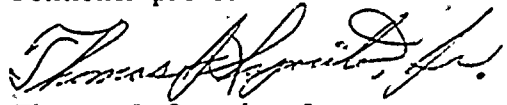
Pursuant to the provisions bounded by the Freedom of Information Act (FOIA) I respectfully request that the NRC provide me with copies of the NRC (DRAFT) SALP reports relevant to the Palo Verde Nuclear Station for the time periods of December 1, 1990, through February 29, 1992; and November 1, 1989 through November 30, 1990. I request that all fees be waived for this request and that the NRC respond to this request within (10) days as the law requires.

I am concerned that the Commission is failing to address performance issues relevant to the NRC Region V Staff concerning performance issues and apparent violations of NRC requirements at the Palo Verde Nuclear Station. Therefore, I am forwarding a copy of this document to the NRC Inspector General's Office for review and/or action.

Should you or your staff have any questions regarding the foregoing, please don't hesitate to contact me.

For the Environment,

Petitioner pro se


Thomas J. Saporito, Jr.

TJS/ts

cc: The Honorable Ivan Selin, NRC Chairman
The Honorable John Dingell, U.S. Congressman
Harold Fosstee, NRC Inspector General's Office
Oscar DeMiranda, NRC RII SAC
John Martin, NRC RV Administrator
Philip V. Joukoff, NRC RV Senior Investigator
David K. Colapinto, Esq., National Whistleblower Center

