

National Litigation Consultants

Nuclear Whistleblower Specialists

6230 West Indiantown Road, Suite 7-355, Jupiter, Florida 33458
Voice: (561) 622-1667 Facsimile: (561) 622-1241 or (561) 744-6615
Internet E-Mail Received at TS4574@BELLSOUTH.NET

May 17, 1997

Hon. Shirley Jackson, Chairman
U.S. Nuclear Regulatory Commission
White Flint Building
Washington, D.C. 2055

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

Dear Chairman Jackson:

On May 11, 1997, National Litigation Consultants and Thomas J. Saporito, Jr., (hereinafter "Petitioners") submitted a supplemental petition under 10 C.F.R. 2.206 seeking action by the U.S. Nuclear Regulatory Commission ("NRC") in further support of and in connection with Petitioners' filing of an April 23, 1997 petition under 10 C.F.R. 2.206. Petitioners now submit their second supplemental petition under 10 C.F.R. 2.206 seeking additional agency action on the part of the NRC against Florida Power & Light Company ("licensee") and their employees, agents and representatives as stated below:

Specific Request

1. that the agency take enforcement action against the licensee's employee Dan Tomaszewski by imposition of a monetary civil penalty in the amount of \$100,000 (One Hundred Thousand Dollars) and restrict this employee from license activities and revoke his unescorted access to any nuclear facility under the agency's jurisdiction; and
2. that the agency take enforcement action against the licensee's employee Gerald Harley by imposition of a monetary civil penalty in the amount of \$100,000 (One Hundred Thousand Dollars) and restrict this employee from license activities and revoke his unescorted access to any nuclear facility under the agency's jurisdiction; and

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3. that the agency take enforcement action against the licensee's employee Robert Boger by imposition of a monetary civil penalty in the amount of \$100,000 (One Hundred Thousand Dollars) and restrict this employee from license activities and revoke his unescorted access to any nuclear facility under the agency's jurisdiction; and
4. that the agency take enforcement action against the licensee's employee Bruce Koran by imposition of a monetary civil penalty in the amount of \$100,000 (One Hundred Thousand Dollars) and restrict this employee from license activities and revoke his unescorted access to any nuclear facility under the agency's jurisdiction; and
5. that the agency take enforcement action against the licensee's employee Mike Willis by imposition of a monetary civil penalty in the amount of \$100,000 (One Hundred Thousand Dollars) and restrict this employee from license activities and revoke his unescorted access to any nuclear facility under the agency's jurisdiction; and
6. that the agency take enforcement action against the licensee's employee Richard Boyle by imposition of a monetary civil penalty in the amount of \$100,000 (One Hundred Thousand Dollars) and restrict this employee from license activities and revoke his unescorted access to any nuclear facility under the agency's jurisdiction; and
7. that the agency take enforcement action against the licensee's union the International Brotherhood of Electrical Workers ("IBEW") by imposition of a monetary civil penalty in the amount of \$100,000 (One Hundred Thousand Dollars) and require the IBEW to inform its members in writing that they have an absolute right to raise safety concerns directly to the NRC without fear of retribution and that the IBEW encourages and supports such action by its members at the discretion of its members; and

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8. that the agency take enforcement action against the licensee's agent or representative James Bramnick by imposition of a monetary civil penalty in the amount of \$100,000 (One Hundred Thousand Dollars); and
9. that the agency take enforcement action against the licensee's agent or representative Paul Heidmann, Esq. by imposition of a monetary civil penalty in the amount of \$100,000 (One Hundred Thousand Dollars); and
10. that the agency cause an investigation into the willful and intentional falsification of a company business record in an act of conspiracy between the licensee and the IBEW to mislead the United States Government through fraud and deceptive business practices in an effort to avoid liability for violation of the ERA and for violation of NRC requirements in the operation of the Turkey Point nuclear plant; and
11. that the agency cause an investigation into the exact cause of transcript records found missing in Case Nos. 89-ERA-07 and 89-ERA-17; and
12. that the agency refer the subject matter and discriminatory conduct of all the above individuals and entities to the U.S. Department of Justice ("DOJ") for consideration of invoking criminal proceedings under the criminal penal code for violation of federal discrimination laws; and
13. that the agency conduct an interview with Petitioners regarding the substance of their 2.206 petition as twice supplemented.

Basis and Justification for Request

As stated above, Petitioners filed their original request for agency action under 10 C.F.R. 2.206 on April 23, 1997 and supplemented that request on May 11, 1997. In those petitions, the petitioners set out a clear basis and justification for their requests for agency action. In particular, petitioners provided the agency with a copy of complainant's post-hearing brief on remand and a copy of complainant's demand and itemization for damages filed in a matter under the Energy Reorganization Act ("ERA") 42 U.S.C. 5851 and docketed as Case Nos. 89-ERA-07 and

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89-ERA-17 (consolidated). Petitioners through this reference hereby incorporate those ERA pleadings into this second supplemental petition as a basis and justification for requesting agency action.

The ERA pleadings identified above clearly establish the fact that licensee employees and union members and representatives played a part or role in discriminating and retaliating against Mr. Saporito for raising safety concerns at the Turkey Point nuclear plant in 1988. The specific retaliatory acts by each individual named above is identified in the ERA pleadings and need not be repeated here. Furthermore, a transcript record of the original ERA hearing held in 1989 as well as a transcript record of the remand hearing held in 1997 are available by request from the U.S. Department of Labor. Those transcript records provide further evidence through direct testimony under oath by each of the above named individuals as to their individual participation in the retaliatory acts taken against Mr. Saporito which formed that basis for his ERA claim.

On January 28, 1997, the complainant in ERA Case Nos. 89-ERA-07 and 89-ERA-17 (consolidated) filed a motion for remand and for sanctions ("Motion") against the licensee and its attorneys. That Motion clearly sets out a chronology of events surrounding missing record transcripts and the falsification of a licensee company business record. Therefore, those specific events need not be repeated here because Petitioners have attached a copy of that Motion in support of their second supplemental petition under 10 C.F.R. 2.206.

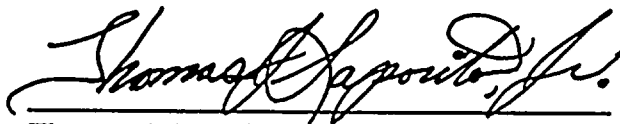
Petitioners point out here that although the document evidence which has already been provided to the agency in this matter is voluminous, there exists additional evidence that requires detailed and specific explanation by Petitioners for the agency to properly ascertain the scope and nature of this additional evidence. The agency will therefore be required to interview Petitioners at length to recover said evidence.

WHEREFORE, Petitioners have established a basis for requesting agency action and hereby request that the NRC grant their requests delineated in their April 23, 1997 petition filed under 10 C.F.R. 2.206 as supplemented on May 11, 1997 and on May 17, 1997.

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RESPECTFULLY SUBMITTED, this 17th, day of May, 1997.

NATIONAL LITIGATION CONSULTANTS



Thomas J. Saporito, Jr.
Executive Director

cc: w/o attachment

Hon. Bill Clinton, President
United States of America
The White House
1600 Pennsylvania Ave., NW
Washington, D.C. 20500

Oscar DeMiranda, SAC
U.S.N.R.C. Region II
101 Marietta St., NW, Suite 2900
Atlanta, GA 30323

Louis Reyes, Administrator
U.S.N.R.C. Region II
101 Marietta St., NW, Suite 2900
Atlanta, GA 30323

cc: attachment
Carolyn Evans, Esq.
U.S.N.R.C. Region II
101 Marietta St., NW, Suite 2900
Atlanta, GA 30323

cc: April 23, 1997 petition as
on May 11, 1997 and on
May 17, 1997

Hon. Janet Reno, Attorney General
United States of America
U.S. Department of Justice
Washington, D.C. 20500

ACTION

Eaton
(Kick)

M. 98689
M 98690

EDO Principal Correspondence Control

FROM: DUE: 05/27/97

EDO CONTROL: G970311
DOC DT: 04/23/97
FINAL REPLY:

Thomas J. Saporito, Jr.
National Litigation Consultants

TO:

Chairman Jackson

FOR SIGNATURE OF :

** GRN **

CRC NO: 97-0383

DESC:

ROUTING:

PETITION UNDER 10 CFR 2.206 REQUEST FOR AGENCY
ACTION - FLORIDA POWER & LIGHT COMPANY, ST. LUCIE,
UNITS 1&2, TURKEY POINT, UNITS 3&4

Callan
Jordan
Thompson
Norry
Blaha
Burns
Cyr, OGC
Goldberg, OGC
Kennedy, NRR
Lieberman, OE

DATE: 04/29/97

ASSIGNED TO:

CONTACT:

NRR

Collins

SPECIAL INSTRUCTIONS OR REMARKS:

NRR RECEIVED:
NRR ACTION:

APRIL 30, 1997
DRPE:VARGA

NRR ROUTING:

COLLINS
MIRAGLIA
MARTINI
ZIMMERMAN
SLOSSON
TRAVERS
BOHRER
JKennedy

<p style="text-align: center;">ACTION</p> <p>DUE TO NRR DIRECTOR'S OFFICE</p> <p>BY <u><i>[Signature]</i> 21, 1997</u></p>
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27

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER:

CRC-97-0383

LOGGING DATE: Apr 24 97

ACTION OFFICE:

EDO

AUTHOR:

THOMAS SAPORITO

AFFILIATION:

FLORIDA

ADDRESSEE:

CHAIRMAN JACKSON

LETTER DATE:

Apr 23 97

FILE CODE:

SUBJECT:

PETITION UNDER 10 C.F.R. 2.2.06 REQUEST FOR AGENCY
ACTION

ACTION:

Appropriate

DISTRIBUTION:

CHRM, COMRS, OGC, SECY/RAS

SPECIAL HANDLING: NONE

CONSTITUENT:

NOTES:

DATE DUE:

SIGNATURE:

AFFILIATION:

DATE SIGNED:

