

National Litigation Consultants
Specialists

Nuclear Whistleblower

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March 17, 1998

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

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

Dear Chairman Jackson:

On February 26 and 27 and March 06 and 15th, 1998, the undersigned and National Litigation Consultants ("NLC"), (hereinafter "Petitioners") filed petitions under 10 C.F.R. 2.206 seeking that certain and specific actions be taken by the U.S. Nuclear Regulatory Commission ("NRC") with respect to its licensee Florida Power & Light Company ("FPL"). Petitioners provided the NRC with sufficient basis to take the requested action in those petitions. NLC now desires to again supplement the basis documented in those petitions with the information provided in this filing. Additionally, NLC seeks further action by the NRC as delineated below:

In accordance with NRC regulations¹ found at Title 10 of the Code of Federal Regulations, Petitioners submit this second supplemental request for action by the NRC with respect to its licensee, FPL operators of the St. Lucie nuclear station Units 1 and 2 and the Turkey Point nuclear station Units 3 and 4 as fully described below:

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

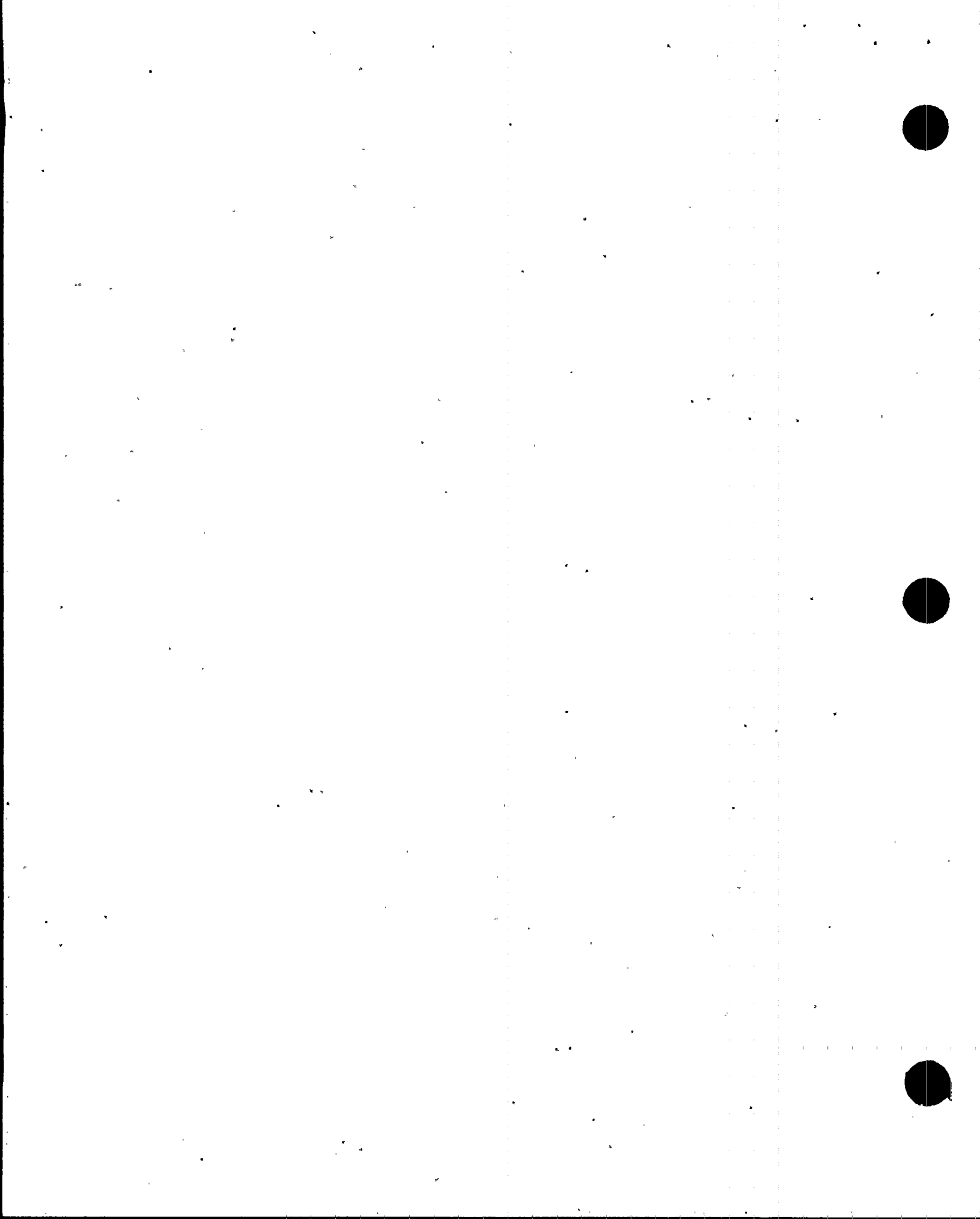
Specific Request

- new 1. that the NRC issue an ORDER requiring FPL to immediately inform Mr. James Murphy in writing that FPL encourages him to raise safety concerns directly to the NRC and that FPL will not take any reprisals against him for such conduct; and
- new 2. that the NRC issue initiate actions to provide all NRC licensee employees nationwide with a means to CONFIDENTIALLY identify safety concerns via the Internet through email to a NRC web site established for that specific purpose; and that the NRC's web site send an email confirmation and allegation tracking reference number via email back to the source; and
- new 3. that the NRC construct policy requiring that its licensees provide a means for their employees to gain access to the Internet at the licensee's nuclear facilities to enable all employees the ability to identify safety concerns to the NRC CONFIDENTIALLY via the Internet; and
- new 4. that the NRC modify its NRC Form-3 to include clear and distinct instructions to all licensee employees about how to access the Internet for the purpose of reporting safety concerns to the NRC CONFIDENTIALLY.

Basis and Justification for Request

Pursuant to Section 103, 161(i), 161(o) and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 C.F.R. 2.204 and 10 C.F.R. Part 50, the NRC has authority to take the actions requested above.

On or about March 17, 1998, Petitioners took receipt of a two page letter dated March 6, 1998 authored by NRC employee Ms. Anne T. Boland and addressed to Mr. James Murphy informing Mr. Murphy that the NRC inadvertently released his identity with respect to safety concerns that he CONFIDENTIALLY provided to the NRC in 1996 related to operations at FPL's St. Lucie Nuclear Station. Mr. Murphy contacted the undersigned and conveyed that a "hostile work environment" exists at the St. Lucie Nuclear Station and that he fears retaliation by FPL as a direct result of the NRC's actions in releasing his identity with respect to safety concerns that he provided to the NRC. Mr. Murphy was assured by the NRC that his identity would be kept confidential and it was not. Now Mr. Murphy is very scared and concerned about

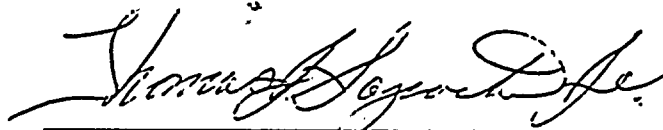


his future employment with FPL. Mr. Murphy stated that the atmosphere at the St. Lucie Nuclear Station has "completely changed" and he fears retaliation by FPL.

The NRC has a duty under 10 C.F.R. 50 mandated by the United States Congress to insure public health and safety by keeping channels of communication open to allow employees like Mr. Murphy to freely and CONFIDENTIALLY contact the agency with safety concerns without fear of retaliation by the licensee. In keeping with its duty, the NRC is required to provide Mr. Murphy and his coworkers with protection from retaliation for his engagement in protected activity.

RESPECTFULLY SUBMITTED, this 17th day of March, 1998

NATIONAL LITIGATION CONSULTANTS



Thomas J. Saporito, Jr.
Executive Director

cc:

Hon. Bill Clinton, President
United States of America
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Washington, DC 20500

Inspector General
Nuclear Regulatory Commission
Washington, D.C. 20500

Hon. Bob Graham
United States Senator
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Florida Power & Light Co.
700 Universe Blvd
Juno Beach, FL 33408

James Murphy
861 SE Manth Lane
Port St. Lucie, FL 34983

General Media Dist.



ACTION

COPY

EDO Pr

FROM:

DUE: 05/07/98

EDO CONTROL: G980203

DOC DT: 03/29/98

FINAL REPLY:

Thomas J. Saporito, Jr.
National Litigation Consultants

TO:

Chairman Jackson

FOR SIGNATURE OF :

** GRN **

CRC NO: 98-0282

Collins, NRR

DESC:

ROUTING:

06 -- FLORIDA POWER AND LIGHT COMPANY,
LUCIE AND TURKEY POINT

Callan
Thadani
Thompson
Norry
Blaha
Burns
Reyes, RII.
Lieberman, OE
Cyr, OGC
Goldberg, OGC
Gleaves, NRR

DATE: 04/07/98

ASSIGNED TO:

CONTACT:

NRR

Collins

SPECIAL INSTRUCTIONS OR REMARKS:

NRR ACTION: DRPE:Zwolinski
NRR RECEIVED: April 7, 1998

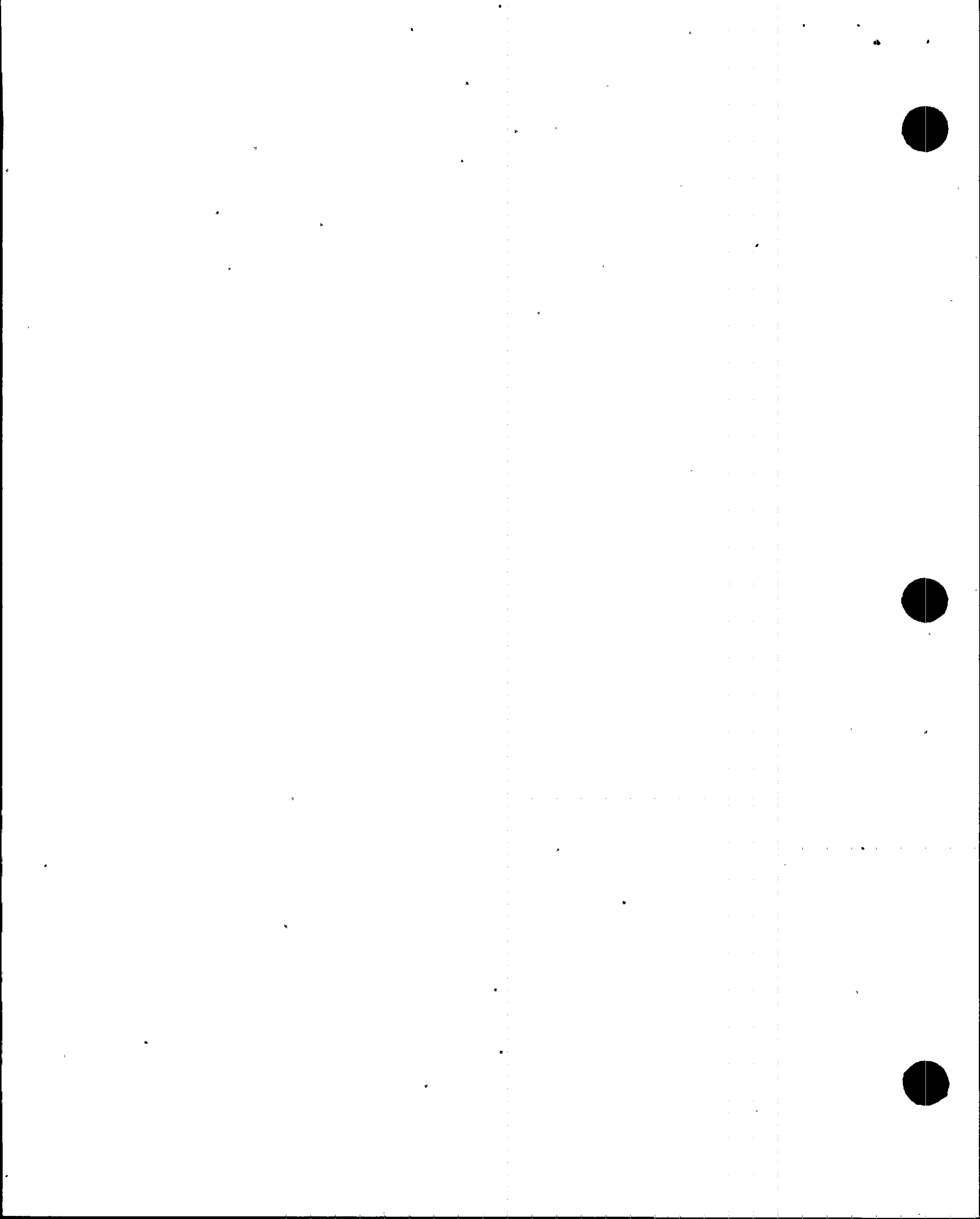
NRR ROUTING: Collins/Miraglia
Boger
Sheron
Travers
Roe
Zwolinski
NRR Mailroom

ACTION

DUE TO NRR DIRECTOR'S OFFICE

BY

5/4/98



OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-98-0282

LOGGING DATE: Apr 2 98

ACTION OFFICE: EDO

AUTHOR: THOMAS SAPORITO
AFFILIATION: FLORIDA

ADDRESSEE: CHAIRMAN JACKSON

LETTER DATE: Mar 29 98 FILE CODE:

SUBJECT: PETITION UNDER 10 CFR 2.206---FLORIDA POWER AND
LIGHT

ACTION: Appropriate

DISTRIBUTION: CHAIRMAN

SPECIAL HANDLING: 2.206 PETITION

CONSTITUENT:

NOTES:

DATE DUE:

SIGNATURE:
AFFILIATION:

DATE SIGNED:

