



# Florida Energy Consultants, Inc.

1620 North U.S. Hwy. 1, Suite 6, Jupiter, Florida 33469-3241

Telephone and Facsimile: (407) 745-1186

*Toll Free Hot-Line for Safety Concerns and Assistance: (800) 328-3222*

August 13, 1994

FREEDOM OF INFORMATION  
ACT REQUEST

Executive Director for Operations  
U.S. Nuclear Regulatory Commission  
White Flint Building  
Washington, D.C. 20500

FOIA-94-373  
Rec'd 8-18-94

Re: Freedom of Information Act Request

Dear Sir:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. Part 552, et seq., Florida Energy Consultants, Inc. ("FEC") by and through the undersigned, hereby request copies of any and all U.S. Nuclear Regulatory Commission ("NRC") records and information regarding NRC licensee, Florida Power & Light Company ("FPL"), Docket Nos. 50-335; 50-389; 50-250; and 50-251 and directly or indirectly related to the NRC's response and/or notification to the licensee of actions sought by individuals and/or organizations from the NRC against the licensee.

Specifically, FEC requests a copy of the following:

1. All NRC responses and/or director's decisions regarding petitions filed under 10 C.F.R. 2.206 seeking action by the NRC against FPL during the time period of January, 1988, until and including August, 1994;
2. All NRC responses, determinations, and/or rulings regarding NRC Atomic Safety and Licensing Board decisions, rulings, and/or determinations concerning FPL during the time period of January, 1988, until and including August, 1994;

9503070263 940813  
PDR FOIA  
SAPORIT94-373 PDR

Executive Director for Operations  
U.S. Nuclear Regulatory Commission  
August 13, 1994  
Page No. 2

3. All NRC responses, determinations, decisions, and/or rulings concerning any action sought by any individual and/or organization from the NRC regarding FPL during the time period of January, 1988, until and including August, 1994.

This FOIA request seeks information as described above and includes but is not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, procedures, instructions, engineering analyses, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data, notebooks, books, telephone messages, computations, interim and/or final reports, status reports, and any and all other records relevant to and/or generated in connection with the three enumerated paragraphs above.

#### FEE WAIVER REQUEST

In accordance with 10 C.F.R. 9.41(a)(2) and (b), FEC hereby requests that all fees be waived because:

#### Purpose:

1. The information sought will contribute significantly to the public's understanding of the operations of the government and/or is primarily in the public interest. This FOIA request seeks information relevant to a Department of Labor ("DOL") discrimination complaint filed under the Energy Reorganization Act of 1974 as amended 42 U.S.C. 5851 ("ERA") concerning the undersigned and FPL. The Secretary of Labor has determined that cases under 29 C.F.R. Part 24 involve the litigation of "health and safety hazards to the public" not merely "private harms." See, Polizzi v. Gibbs & Hill, Inc., Case No. 87-ERA-38, slip op. of SOL at pp.2-3 (July 18, 1989).

#### Extent:

2. FEC will diligently extract and analyze the substantive content of the agency record.

Nature & Qualifications:

3. FEC's activity and research will support and provide a basis for litigation under the ERA as described above. The undersigned is an experienced worker in the nuclear industry with over 10-years of knowledge about the agency's regulations and the DOL process. Moreover, the undersigned won a favorable decision in ERA Case No. 92-ERA-30 as a pro se litigant. There in that case as here in Saporito v. FPL et. al., similar procedures are followed in presenting a *prima facie* case.

Likely Impact on the Public's Understanding of the Subject:

4. The information and subsequent actions by FEC will be widely disseminated to the public through press releases and through grassroots environmental organizations and through FEC. Thus, the public's awareness and understanding of the agency's behavior and performance and that of the DOL and NRC's licensee as well as the adverse consequences born by whistleblowers like the undersigned will be greatly enhanced.

Size and Nature of the Public:

5. Nationwide distribution of materials across the continental United States of America.

Means of Distribution:

6. Via the media; news releases; FEC publications; public school lectures; television and radio programs; etc.

Public Access to Information:

7. Public access to information will be provided free of charge.

Executive Director for Operations  
U.S. Nuclear Regulatory Commission  
August 13, 1994  
Page No. 4

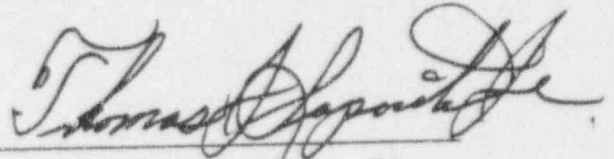
Requester's Commercial or Private Interest:

8. The requester has no commercial or private interest.

For any documents or portions of documents that you deny due to a specific FOIA exemption, please provide an index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of the document withheld. This index is required under Vaughn v. Rosen (I), 484 F.2d 820 (D.C. Cir. 1973). Cert. denied, 415 U.S. 977 (1974).

I look forward to your timely response to this FOIA request within 10-days as the law provides.

Very truly yours,



Thomas J. Saporito, Jr.  
President and CEO

cc: file