

**UNITED STATES NUCLEAR REGULATORY COMMISSION  
BEFORE THE EXECUTIVE DIRECTOR FOR OPERATIONS**

*In the Matter of:*

**DATE: 11 MAR 2014**

**THOMAS SAPORITO**

**Petitioner,**

**v.**

**FLORIDA POWER & LIGHT COMPANY,**

**Licensee.**

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**PETITION UNDER 10 C.F.R. §2.206 SEEKING ENFORCEMENT  
ACTION AGAINST THE FLORIDA POWER & LIGHT COMPANY**

NOW COMES, Thomas Saporito, a citizen of the United States of America, (hereinafter "Petitioner") and submits a "*Petition Under 10 C.F.R. §2.206 Seeking Enforcement Action Against the Florida Power & Light Company ("FPL")*" (Petition). For the reasons stated below, the U.S. Nuclear Regulatory Commission ("NRC") should grant the Petition as a matter of law:

**NRC HAS JURISDICTION AND AUTHORITY TO GRANT PETITION**

The NRC is the government agency charged by the United States Congress to protect public health and safety and the environment related to operation of civilian commercial nuclear reactors in the United States of America ("USA"). Congress charged the NRC with this grave responsibility in creation of the agency through passing the Energy Reorganization Act of 1974 (ERA). In the instant action, the above-captioned entity(s) is/are collectively and singularly a "licensee" of the NRC and subject to NRC regulations and authority under 10 C.F.R. §50 and under other NRC regulations and authority in the operation of one or more nuclear reactors in the great State of Florida. Thus, through Congressional action in creation of the agency; and the fact that the named-actionable party identified above by the Petitioner is collectively and singularly a licensee of the NRC, the agency has jurisdiction and authority to grant the Petition.

## STANDARD OF REVIEW

### A. Criteria for Reviewing Petitions Under 10 C.F.R. §2.206

The staff will review a petition under the requirements of 10 C.F.R. §2.206 if the request meets all of the following criteria:

- The petition contains a request for enforcement-related action such as issuing an order modifying, suspending, or revoking a license, issuing a notice of violation, with or without a proposed civil penalty, etc.
- The facts that constitute the basis for taking the particular action are specified. The petitioner must provide some element of support beyond the bare assertion. The supporting facts must be credible and sufficient to warrant further inquiry.
- There is no NRC proceeding available in which the petitioner is or could be a party and through which petitioner's concerns could be addressed. If there is a proceeding available, for example, if a petitioner raises an issue that he or she has raised or could raise in an ongoing licensing proceeding, the staff will inform the petitioner of the ongoing proceeding and will not treat the request under 10 C.F.R. §2.206.

### B. Criteria for Rejecting Petitions Under 10 C.F.R. §2.206

- The incoming correspondence does not ask for an enforcement-related action or fails to provide sufficient facts to support the petition but simply alleges wrongdoing, violations of NRC regulations, or existence of safety concerns. The request cannot be simply a general statement of opposition to nuclear power or a general assertion without supporting facts (e.g., the quality assurance at the facility is inadequate). These assertions will be treated as routine correspondence or as allegations that will be referred for appropriate action in accordance with MD 8.8, "Management of Allegations".
- The petitioner raises issues that have already been the subject of NRC staff review and evaluation either on that facility, other similar facilities, or on a generic basis, for which a resolution has been achieved, the issues have been resolved, and the resolution is applicable to the facility in question. This would include requests to reconsider or reopen a previous enforcement action (including a decision not to initiate an enforcement action) or a director's decision. These requests will not be treated as a 2.206 petition unless they present significant new information.
- The request is to deny a license application or amendment. This type of request should initially be addressed in the context of the relevant licensing action, not under 10 C.F.R. 2.206.
- The request addresses deficiencies within existing NRC rules. This type of request should

be addressed as a petition for rulemaking.

See, *Volume 8*, Licensee Oversight Programs, Review Process for 10 C.F.R. Petitions, Handbook 8.11 Part III.

**REQUEST FOR ENFORCEMENT-RELATED ACTION TO MODIFY,  
SUSPEND, OR REVOKE A LICENSE AND ISSUE A NOTICE OF  
VIOLATION WITH A PROPOSED CIVIL PENALTY**

**A. Request for Enforcement-Related Action**

Petitioner respectfully requests that the NRC: (1) take escalated enforcement action against the above-captioned licensee(s) and suspend, or revoke the NRC license(s) granted to the licensee(s) for operation of St. Lucie Nuclear Unit-2; (2) that the NRC issue a notice of violation with a proposed civil penalty against the licensee(s) in the total amount of \$10,000,000 (Ten-Million) dollars; and (3) that the NRC issue a Confirmatory Order to the licensee(s) requiring the licensee(s) to maintain St. Lucie Nuclear Unit-2 in a “cold-shutdown” mode of operation until such time as:

1. The licensee completes an ***“independent”*** assessment to fully understand and correct the potential and/or realized damage to the Unit-2 steam generators and the modifications made to the Unit-2 steam generators; and
2. The licensee completes a comprehensive evaluation of all nuclear safety related plant equipment and components which may have been otherwise modified and/or affected as a direct or indirect result of modifications made to the Unit-2 steam generators; and
3. The licensee completes, identifies and removes any and all damaged and/or unauthorized nuclear safety related plant equipment and/or components; and
4. The licensee completes an ***“independent”*** safety-assessment through a 3<sup>rd</sup> party contractor to review of all plant nuclear safety related equipment and/or components – to ensure that such nuclear safety related systems and/or components will properly function to protect public health and safety under all NRC regulations and requirements under 10 CFR Part 50 and under other NRC regulations and requirements.

**B. Facts That Constitute the Basis for Taking the Requested Enforcement-Related Action Requested by Petitioner**

In 2007, FPL replaced the Unit 2 Combustion Engineering (CE) Steam Generators (SGs) with SGs manufactured by AREVA. The licensee failed to seek a license amendment, but rather claimed to be exempt from filing a license amendment application under 10 C.F.R. § 50.59. However, the St. Lucie Nuclear Unit-2 replacement SGs employed significant design changes.

- First, the replacement SGs no longer contained the stay cylinders that were part of the original SG design discussed in the Final Safety Analysis Report (FSAR) as structural support for the reactor coolant system.
- Second, documents related to subsequent inspections of the St. Lucie Unit 2 steam generators also show that AREVA added 588 new tubes to the original 8,411 tubes, now totaling 8,999 tubes.
- Third, inspection-related documents refer to “Seven (7) Trefoil Broached Plates” in the replacement SGs, despite the fact that “plates” were specifically excluded from the original steam generator design.
- Finally, in order to accommodate the 588 new tubes, it is reasonable to conclude that the region of the tubesheet that had been directly above the stay cylinder was now perforated with 588 new holes. Notably, the purpose of the stay cylinder was to prevent tubesheet flexing. The replacement SGs in St. Lucie Unit-2 have a tubesheet with more holes in its center precisely where more flexing is more likely to occur. The failure of the licensee to address this weakened tubesheet raises concerns about the safety and integrity of Unit 2’s pressure boundary in the event of a steam line break accident. Moreover, the substitution of broached plates for egg crate tube supports creates potential for greater vibration of tubes.

**C. There Is No NRC Proceeding Available in Which the Petitioner is or Could be a Party and Through Which Petitioner's Concerns Could be Addressed**

Petitioner avers here that there is no NRC proceeding available in which the Petitioner is or could be a party and through which Petitioner's concerns could be addressed.

## CONCLUSION

FOR ALL THE ABOVE STATED REASONS, and because Petitioner has amply satisfied all the requirements under 10 C.F.R. §2.206 for consideration of the Petition by the NRC Petition Review Board (PRB), the NRC should grant Petitioner's requests made in the instant Petition as a matter of law.

Respectfully submitted,



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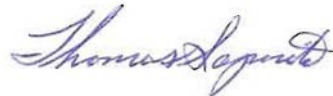
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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 11th day of March 2014, a copy of foregoing document was provided to those identified below by means shown below:

Executive Director for Operations  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
{Sent via electronic mail}

Local and National Media Sources



By: \_\_\_\_\_

Thomas Saporito  
Senior Consultant