

EDO Principal Correspondence Control

FROM: DUE: 04/21/04

EDO CONTROL: G20040182
DOC DT: 01/25/04
FINAL REPLY:

Thomas Saporito
National Environmental Protection Center

TO:

Travers, EDO

FOR SIGNATURE OF :

** GRN **

CRC NO:

Dyer, NRR

DESC:

ROUTING:

2.206 - Florida Power & Light Company

Travers
Norry
Paperiello
Kane
Collins
Dean
Burns
Miller, RI
Cyr, OGC
Skay, NRR
Goldberg, OGC

DATE: 03/17/04

ASSIGNED TO:

CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

Template: EDO-001

E-RIDS: EDO-01



NEPC

NATIONAL ENVIRONMENTAL PROTECTION CENTER

"My life belongs to the whole community, and as long as I live, it is my privilege to do for it whatsoever I can. I want to be thoroughly used up when I die, for the harder I work, the more I live. I rejoice in life for its own sake. Life is no "brief candle" to me. It is a sort of splendid torch which I have got hold of for the moment, and I want to make it burn as brightly as possible before handing it on to future generations."

- George Bernard Shaw, 1907 -

January 25, 2004

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

RE: Request for Enforcement Action Under 10 C.F.R. 2.206
Docket No. 50-335

The National Environmental Protection Center ("NEPC") hereby submits its petition under Title 10 of the Code of Federal Regulations at Section 2.206 requesting that the U.S. Nuclear Regulatory Commission ("NRC") take enforcement action against its licensee the Florida Power & Light Company ("FPL") as requested below and on the basis provided below:

A. Request for Enforcement Action

NEPC hereby requests that the NRC take immediate action to cause the cold shutdown of the licensee's St. Lucie nuclear power station Unit-1 currently operating under NRC license #DPR-67.

NEPC hereby requests that the Executive Director for Operations at the NRC request the NRC Office of the Inspector General investigate circumstances of the events described below as far as the role in which the NRC took part and the licensee's interaction therein.

B. Basis for Request for Enforcement Action

As posted in Federal Register notice dated January 2, 2004 (Volume 69, Number 1), the licensee is required under 10 C.F.R. 50, Appendix R, Section III.G.2.d to provide for a separation of cables and equipment and associated nonsafety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards as one means of providing adequate fire protection for redundant trains of safe-shutdown equipment located inside noninerted containments.

Subsequent to a February 21st, 1985 NRC authorized exemption from Appendix R allowing the licensee to operate redundant trains in Unit-1 containment with less than 20 feet of horizontal separation, the NRC on March 5th, 1987 approved a revision to its earlier exemption to allow minimal intermittent combustibles between the redundant trains. The staff approved the exemptions based, in part, on the redundant trains being separated by more than 7 feet horizontally and 25 feet vertically; however, the licensee subsequently determined that the **assumption** of 25 feet vertical separation was incorrect.

Post Office Box 1173, Jupiter, Florida 33458
Phone: (561) 625-9197 Facsimile: (561) 625-9197
E-mail: nepcusa@wmconnect.com

EDO --G20040182

NATIONAL ENVIRONMENTAL PROTECTION CENTER

The NRC nonetheless authorized an exemption for the licensee from requirements stated under Appendix R above on December 24th, 2003.

The licensee's request to amend its operating license for Unit-1 is in all purposes a "material" change to its operating license which requires that the public be given an opportunity to intervene at a public hearing in opposition to the NRC granting such a request. The NRC apparently failed to provide the public with an opportunity to intervene at a hearing in this matter as required by its own regulations under Title 10.

In addition, it is quite obvious from the licensee's own admissions about the discrepancy of the separation space between critical trains on Unit-1 that the NRC was misled by the licensee in 1985. Why should the licensee be credible on this point now. Where is the NRC's safety evaluation? Did the NRC take any physical measurements? Did the NRC rely on the licensee's model or did the NRC rely on an independent model when the agency authorized either exemption?

These are serious nuclear safety issues which must be resolved at a public hearing. Moreover, the licensee apparently cannot be trusted in providing critical nuclear safety information about operations of its nuclear power stations to enable the NRC to act in the interest of public of safety and health and that of the overall environment.

C. Conclusion

For all the foregoing reasons, NEPC herein requests that the NRC **GRANT** its petition and issue an order to its licensee, Florida Power & Light Company to bring the St. Lucie nuclear power station Unit-1 to an immediate cold shut-down. In addition, NEPC requests that the Executive Director for Operations at the NRC request a formal investigation of the NRC staff and the licensee with respect to any apparent misleading and/or false material information that the licensee apparently provide to the NRC and that the NRC acted on without due concern for the public's health and safety and that of the environment overall. Finally, NEPC requests that the NRC provide the public an opportunity to intervene at a public hearing to challenge its authorization of exemptions to Appendix R for the licensee's St. Lucie nuclear power station Unit-1.

Respectfully submitted,



Thomas Saporito
Executive Director