



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 29, 2011

Mr. Thomas Saporito
Senior Consulting Associate
Saprodani Associates
Post Office Box 8413
Jupiter, Florida 33468

Dear Mr. Saporito:

Your petition dated April 3, 2011, received by the U.S. Nuclear Regulatory Commission (NRC) on May 12, 2011, and addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, has been referred to the Office of Nuclear Reactor Regulation pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206) of the NRC's regulations. You request that the NRC:

1. suspend or revoke the NRC licenses granted to the licensee for operation of the St. Lucie Plant, Units 1 and 2;
2. issue a notice of violation with a proposed civil penalty against the licensee; and
3. order the immediate shutdown of St. Lucie Plant, Units 1 and 2.

As the basis for your request, you assert that based on enforcement action EA-09-321, dated April 19, 2010:

1. The licensee admits that the facility was not required to design the nonsafety-related systems to account for single failure.
2. The component cooling water (CCW) system is safety-related.
3. The CCW system was not designed to perform its function while taking into account a single failure.

On May 25, 2011, the petition manager contacted you to discuss the 10 CFR 2.206 process and to offer you an opportunity to address the NRC's petition review board (PRB) prior to making its initial recommendation. On May 25, 2011, you accepted the opportunity to address the PRB via a teleconference.

On July 7, 2011, you addressed the PRB by teleconference to provide additional information in support of your petition request. On August 2, 2011, the PRB met internally to discuss the initial recommendation. In accordance with Management Directive (MD) 8.11, which describes the 10 CFR 2.206 process, the PRB made an initial recommendation that your petition met the criteria for rejection on the basis that the issue raised has already been the subject of NRC staff review and evaluation, for which a resolution has been achieved, the issues have been resolved, and the resolution is applicable to the facility in question. On August 3, 2011, the

T. Saporito

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petition manager informed you of the PRB's initial recommendation and you requested a second opportunity to address the PRB via a teleconference.

On August 16, 2011, you addressed the PRB by teleconference to discuss the PRB's initial recommendation. The results of that discussion have been considered in the PRB's determination regarding your request for immediate action and whether or not the petition meets the criteria for consideration under 10 CFR 2.206. No new information was provided during the call that was not already previously considered by the NRC staff. Therefore, the PRB's final recommendation is that your petition meets the criteria for rejection under 10 CFR 2.206 because per MD 8.11, the issue raised has already been the subject of NRC staff review and evaluation, for which a resolution has been achieved, the issues have been resolved, and the resolution is applicable to the facility in question. You have not provided any significant new information to justify the NRC varying from its enforcement policy.

As discussed in EA-09-321, the NRC reviewed the requirements from the time St. Lucie Unit 1 was originally licensed, the Safety Evaluation Report issued by the NRC following the review of St. Lucie Unit 1 design, the Final Safety Analysis Report, and the single failure analysis associated with the CCW system. Based on that review, the NRC determined that the Unit 1 CCW system met the design requirements at the time of licensing and at the time of the October 2008 air intrusion event. As further explanation, portions of the CCW systems at St. Lucie, Units 1 and 2, are designated as safety-related while other portions are not. The equipment failures related to the CCW air intrusion at St. Lucie Unit 1 were in the nonsafety-related portion and have since been isolated from the rest of the system. The St. Lucie Unit 2 CCW system does not contain the same design as St. Lucie Unit 1 and, hence, does not require review for this issue.

Thank you for bringing these issues to the attention of the NRC.

Sincerely,



Samson S. Lee, Deputy Director
Division of Risk Assessment
Office of Nuclear Reactor Regulation

Docket Nos. 50-335 and 50-389

cc: Licensee (w/copy of incoming 2.206 request)
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/RA/

Samson S. Lee, Deputy Director
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