



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

June 5, 2012

Mr. Thomas Saporito, Senior Consultant
Saprodani Associates
177 US HWY 1N, Unit 212
Tequesta, Florida 33469

Dear Mr. Saporito:

Your petition request dated April 16, 2012, and addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission (NRC or the Commission), was referred to the Office of Nuclear Reactor Regulation pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206 of the Commission's regulations. You requested that the NRC: (1) take escalated enforcement action against the Florida Power & Light Company (the licensee) and suspend, or revoke the NRC license(s) granted to the licensee for operation of the Turkey Point Nuclear Plant; (2) issue a notice of violation with a proposed civil penalty against the licensee in the total amount of One-Million dollars; and (3) issue a Confirmatory Order requiring the licensee to take Turkey Point to a "cold-shutdown" mode of operation until a number of requested actions specified in the petition take place. As the basis for this request, you referenced the April 10, 2012, NRC public news release that notified the public of a violation to properly maintain the Turkey Point emergency response facility [Technical Support Center] in accordance with NRC requirements.

In addition, you state, in part, that the licensee:

1. Failed to properly determine the root cause of the regulatory violations;
2. Appears to have intentionally and willfully engaged in wrongdoing;
3. Admitted that at least two nuclear workers at Turkey Point falsified a legal document;
4. Apparently condones, promotes, and authorizes nuclear workers at Turkey Point to intentionally falsify legal documents during licensed operations;
5. Appears to have intentionally and willfully mislead the NRC; and
6. Appears to have manufactured false statements and allegations during the February 21, 2012, NRC Enforcement Conference.

Lastly, you conclude that due to the multiple violations associated with the Turkey Point Technical Support Center (TSC), the licensee's multiple failures to report to the NRC the violations, and the licensee denying that any violation of the NRC regulations occurred, the NRC can no longer have any measure of reasonable assurance that the licensee has the knowledge, skills, and training required to engage in NRC licensed operations, recognize the occurrence of a violation of NRC regulations, and timely report violations of NRC regulations.

The NRC staff reviewed your request and in accordance with Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," the staff has concluded that your request does not meet the criteria for review under 10 CFR 2.206. Per MD 8.11, the NRC will not review a request where the petitioner raises issues that have already been the subject of an NRC staff review and evaluation on that facility, for which a resolution has been achieved. This includes requests to reconsider or reopen a previous enforcement action. These requests will not be

T. Saporito

- 2 -

treated as a 2.206 petition unless they present significant new information. The NRC staff completed its evaluation of the inspection findings related to the TSC violation, and rendered its regulatory decision in its January 26, 2012, letter. The NRC staff has thoroughly considered all available information provided by the licensee during and after the February 21, 2012, Regulatory Conference and concluded that the finding was correctly characterized. The NRC staff issued the final significance determination on April 9, 2012 (EA-12-001). By letter dated May 9, 2012, the licensee provided its required response to EA-12-001 notifying the NRC that Turkey Point is in full compliance associated with the TSC and reportability violations, and the licensee implemented corrective actions to prevent recurrence. As a result of the violation, the NRC will complete a supplemental inspection at Turkey Point in the near future. In addition, the staff reviewed your assertions of wrongdoing in a separate NRC process and the staff provided the conclusions of its review to you by letter dated May 3, 2012. Your request did not identify any significant new information that was not already considered by the staff in making its regulatory decisions. For this reason, your request does not meet the criteria for acceptance.

Thank you for bringing this matter to the attention of the NRC. Please contact Jason Paige, Project Manager for Turkey Point, if you have any questions regarding this action at 301-415-5888.

Sincerely,

A handwritten signature in black ink, appearing to read "Sher Bahadur", with a large, stylized flourish at the end.

Sher Bahadur, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

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T. Saporito

- 2 -

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Thank you for bringing this matter to the attention of the NRC. Please contact Jason Paige, Project Manager for Turkey Point, if you have any questions regarding this action at 301-415-5888.

Sincerely,

/RA/

Sher Bahadur, Deputy Director
 Division of Policy and Rulemaking
 Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

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