



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

July 23, 2014

Mr. Thomas Saporito  
Post Office Box 8413  
Jupiter, FL 33468-8413

Dear Mr. Saporito:

On March 11, 2014, you submitted to the Nuclear Regulatory Commission (NRC) a petition pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206, "Requests for action under this subpart," asking that the NRC take enforcement action against Florida Power & Light Company (FPL). You requested that the NRC (1) suspend or revoke the license for St. Lucie Unit 2, (2) issue a violation with a civil penalty of 10 million dollars, and (3) issue a 'Confirmatory Order' that St. Lucie Unit 2 stay shutdown and cooled down until the licensee:

- completes an independent assessment on steam generators (SGs) wear;
- completes a comprehensive evaluation of systems, structures, and components (SSCs) modified or affected by SG modifications;
- identifies and removes any damaged or unauthorized SSCs, and
- completes an independent assessment through a third party to review all SSCs to ensure safety and NRC regulations met.

As the basis for these requests, the petition stated that FPL incorrectly used the 10 CFR 50.59 process, and that the 2007 SG replacement at St. Lucie Unit 2 should have been subject to a license amendment. The petition also questioned the structural integrity of the SG tubes, stating that excessive SG tube-wear indications are an unresolved safety concern.

The Petition Review Board (PRB) met on March 21, 2014, and denied your request for immediate suspension of the St. Lucie Plant Unit 2, operating license. The PRB determined that there was no immediate safety concern at St. Lucie Unit 2 or to the health and safety of the public to warrant the immediate enforcement action requested in your petition. On March 31, 2014, you were informed of the PRB's decision on the immediate action. Prior to this, on March 22, you requested to address the PRB prior to its initial meeting to provide supplemental information for the PRB's consideration.

On April 17, 2014, you addressed the PRB during a telephone conference call, in which you provided further explanation and support for your petition. A transcript of that conference call, which supplements your petition, is publicly available at Agencywide Documents Access and Management System (ADAMS) Accession No. ML14114A293. Additionally, you submitted petition Attachments 1 – 7 as part of your presentation; those are also available to the public in ADAMS (Attachments 1 – 6 available under Accession No. ML14112A098; Attachment 7 available under Accession No. ML14108A142).

As part of your presentation, you repeated your request that the licensee remain in a cold shutdown mode of operation until it provides the results of the latest SG inspections, the cause of the tube wear, and corrective actions, in addition to evidence, testing results, and expert opinion affirming that the St. Lucie SGs are safe to operate. The PRB met on April 23, 2014, to make a determination on the need for immediate actions based on its review of the additional information provided. The PRB decided that the supplemental information did not provide new or additional information to cause the PRB to question its original determination that there is no immediate safety concern at St. Lucie Unit 2.

Additionally, on April 23, 2014, the PRB discussed your petition and considered its initial recommendation whether to accept or reject the petition in accordance with the criteria provided in Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions" (ADAMS Accession No. ML041770328). The PRB's initial recommendation was to not accept the petition for review pursuant to 10 CFR 2.206 because the petition requests met the criteria for rejection, as discussed below.

The PRB found that your petition meets the criteria for rejection per MD 8.11, Part III, C.2, "Criteria for Rejecting Petitions Under 10 CFR 2.206," because the petition 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." Concerning your assertion that the licensee incorrectly used the 10 CFR 50.59 process (Changes, tests, and experiments) and should have submitted a license amendment, you raise an issue that has already been the subject of NRC staff review and evaluation, and for which a resolution has been achieved.

Specifically, qualified NRC Inspectors reviewed the 2007 Unit 2 SG replacement project, including the 10 CFR 50.59 evaluations used by FPL to decide if the changes to the plant required a license amendment. During the inspection, NRC Inspectors reviewed licensee documents stating that the pressure boundary components of the replacement SGs were designed in accordance with the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section III, as required by 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," thus ensuring their structural integrity. The NRC Inspectors identified no findings of significance in the February 1, 2008, Inspection Report (located in ADAMS under Accession No. ML080350408). Thus, the licensee correctly used the 10 CFR 50.59 process and no license amendment was required. Further, there have been three license amendments related to the replacement SGs at St. Lucie.

- Amendment No. 147 issued on May 29, 2007 (Accession No. ML071490483)
- Amendment No. 159 issued on December 28, 2010 (Accession No. ML103440495)
- Amendment No. 163 issued on September 24, 2012 (Accession No. ML12235A463)

The extended power uprate amendment request, No. 163, provided evaluations of the SG replacements with respect to thermal-hydraulics, structural integrity, and tube wear. The NRC staff reviewed the amendment request, including the effects on the replacement SGs, and approved the amendment.

Concerning your assertion that excessive SG tube-wear indications are an unresolved safety concern, you raise an issue that has already been the subject of NRC staff review and evaluation, and for which a resolution has been achieved.

Specifically, the Reactor Oversight Process verifies that St. Lucie Unit 2 is operated in accordance with the technical specifications. The technical specifications require implementation of a Steam Generator Program to ensure tube integrity is maintained. The SG Program requires the licensee to perform inspections to evaluate tube safety margins for all tubes against regulatory requirements to confirm that the SGs continue to be operated safely. These inspections are also used to determine what tubes need to be removed from service and what other actions may be needed to ensure continued safe operation of St. Lucie Unit 2 until the next scheduled inspection. Resident inspectors are on-site to verify compliance with the inservice inspection (ISI) program (the SG Program inspections are part of the licensee's ISI).

The licensee's SG tube inspections were completed on March 21, 2014, and the NRC staff completed its oversight of the licensee's ISI program in April. The Inspection Report was issued on May 2, 2014 (found in ADAMS under Accession No. ML14122A091) with no findings of significance.

Further, the plant has been operating acceptably for 7 years since the SGs were replaced in 2007. There have been no findings of significance in the past four NRC inspections conducted to provide oversight of the licensee's shutdown SG tube inspections. Only a very small percentage of tubes have needed to be plugged (i.e., less than half of 1 percent). There is no measurable primary to secondary side leakage at St. Lucie Unit 2 (indicating a crack or fissure in a SG tube).

Therefore, this specific criterion for rejection is met because you raise issues that have already been subject of NRC staff review and evaluation, and for which a resolution has been achieved.

The petition manager informed you of the PRB's initial recommendation on May 19, 2014, and offered you a second opportunity to address the PRB, which you accepted. On June 14, 2014, you sent an email to the Petition Manager stating that you no longer wish to present to the PRB and will not engage the NRC further on this matter. You made several allegations of NRC wrongdoing, and those were referred to the Office of the Inspector General on June 16, 2014.

T. Saporito

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In conclusion, and in accordance with the criteria in MD 8.11, the PRB's final determination is to reject your petition for review pursuant to 10 CFR 2.206 because the petition raises issues that have already been the subject of NRC staff review and evaluation, and for which resolution has been achieved.

Sincerely,



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

Docket No. 50-389

cc: Distribution via Listserv

T. Saporito

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In conclusion, and in accordance with the criteria in MD 8.11, the PRB's final determination is to reject your petition for review pursuant to 10 CFR 2.206 because the petition raises issues that have already been the subject of NRC staff review and evaluation, and for which resolution has been achieved.

Sincerely,

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

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**Package: ML14071A025**

**Incoming: ML14071A021 (March 11, 2014)**

**Transcripts: ML14114A293 (April 17, 2014)**

**Supplements: ML14112A098 and ML14108A142 (April 17, 2014)**

**Response: ML14189A013**

**\*Concurrence via email**

OFFICE	LPL2-2/BC	LPL2-2/LA	DPR/PM*	ESGB/BC*
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