## NRCExecSec Resource

**From:** Thomas Saporito <saprodani@gmail.com>
**Sent:** Friday, July 18, 2014 4:38 PM
**To:** NRCExecSec Resource
**Subject:** Florida Power & Light Co. Turkey Point Nuclear Plant - Units 3&4 (2.206 Enforcement Petition)
**Attachments:** 2014.07.18 2.206 Petition.pdf

**Follow Up Flag:** Follow up
**Flag Status:** Completed

Dear Ms Cook:

Attached please find a 2.206 Enforcement Petition seeking escalated enforcement actions be taken by the U.S. Nuclear Regulatory Commission (NRC) against its licensee, the Florida Power & Light Company (FPL) related to licensed operations at the Turkey Point Nuclear Plant Units-3 and 4.

Please ensure that this document is provided to the NRC Executive Director for immediate processing.

Kind regards,

--
*Thomas Saporito*

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

***In the Matter of:***

**DATE: 18 JUL 2014**

**THOMAS SAPORITO**

**and**

**SAPRODANI ASSOCIATES**

**Petitioner,**

**v.**

**FLORIDA POWER & LIGHT COMPANY,**

**and**

**TURKEY POINT NUCLEAR UNITS (3&4)**

**Licensee.**
_____/

## 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 Saprodani Associates (collectively "Petitioner") and hereby submit 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 Turkey Point Nuclear Units 3&4; (2) that the NRC issue a notice of violation with a proposed civil penalty against the licensee(s) in the total amount of $1,000,000 (One-Million) dollars; and (3) that the NRC issue a Confirmatory Order to the licensee(s) requiring the licensee(s) to maintain Turkey Point Nuclear Units 3&4 in a "cold-shutdown" mode of operation until such time as:

1. The licensee completes an ***"independent"*** via a contractor to assess and to fully understand and correct the "root-cause" for the rise in temperature of cooling water in the canals utilized by the licensee to cool the two nuclear reactors at the Turkey Point nuclear facility; and

2. The licensee completes a comprehensive evaluation of all nuclear safety related plant equipment and components which may have been otherwise affected as a direct or indirect result of the increase in the cooling water temperature in the canals; and

3. The licensee completes an ***"independent"*** safety-assessment through a 3rd 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 – in operating the two Turkey Point Nuclear Reactors with cooling water from the canals in excess of 100-degree (F).

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

The licensee has made know to the U.S. Nuclear Regulatory Commission that it desires to increase the allowable temperature of cooling water utilized for the Turkey Point nuclear facility above the temperature limits permitted within the NRC operating licenses for the nuclear facility.

Petitioner contends that such action on the part of the licensee will significantly jeopardize public health and safety and subject the public to a nuclear accident which would likely result in an unwarranted release of nuclear material and radioactive particles into the environment. Moreover, Petitioner contends that allowing the licensee to operate the two Turkey Point nuclear reactors with cooling water temperatures in excess of 100-degrees (F) would condone the licensee's operation the two nuclear reactors in an **"unsafe"** and **"unevaluated"** mode of operation which would likely result in the licensee's loss of control of the two nuclear reactors – and resulting in a nuclear accident similar to the ongoing Fukushima nuclear accident in Japan.

## 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,

Thomas Saporito
Stuart, Florida 33497
Email: saprodani@gmail.com
Telephone: (561) 972-8363

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY, that on this this 18th day of July 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