



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

May 4, 1998

Mr. Thomas J. Saporito, Jr.
Executive Director
National Litigation Consultants
6230 W. Indiantown Road, Suite 7-355
Jupiter, FL 33458

Dear Mr. Saporito:

This letter acknowledges receipt of your Petitions dated February 26 and 27 and March 6, your supplemental Petitions of March 15 and 17, and your Petitions dated March 29 and 30 and April 4, 1998 (hereafter Petition), filed on behalf of yourself and National Litigation Consultants (NLC) (Petitioners) with Shirley Jackson, Chairman of the U.S. Nuclear Regulatory Commission (NRC). Your Petition requests that the NRC take numerous actions, including certain immediate actions, with regard to the Florida Power and Light (FPL) St. Lucie and Turkey Point facilities. These actions include that the NRC: (1) take escalated enforcement action, including modifying, suspending, or revoking FPL's operating licenses until it demonstrates that there is a work environment which encourages employees to raise safety concerns directly to the NRC, and issuing civil penalties for violations of the NRC's requirements; (2) permit you to intervene in a public hearing regarding whether FPL has violated the NRC's employee protection regulations and require FPL to allow NLC to assist its employees in understanding and exercising their rights under these regulations; (3) conduct investigations and require FPL to obtain appraisals and third-party oversight in order to determine whether its work environment encourages employees to freely raise nuclear safety concerns; (4) inform all employees of their rights under the Energy Reorganization Act and NRC's regulations to raise such concerns; and (5) establish a website on the Internet to allow employees to raise concerns to the NRC. As grounds for these requests, you assert that there is a widespread hostile work environment at FPL's facilities and that certain employees have been subjected to discrimination for raising nuclear safety concerns, and that the NRC's process for handling allegations and responding to concerns of discrimination has been ineffective. In addition, your Petition requests that the NRC immediately investigate concerns that contamination occurred and remains uncorrected because of the flow of water from a radioactive contaminated area at St. Lucie into an unlined pond, that FPL is improperly grouping work orders in order to reduce the number of open orders and that an excessive amount of outside contract labor remains onsite, and that, because NRC inspectors are only assigned to the day shift, many employees do not have access to the NRC onsite and the inspectors cannot monitor safety-related work functions outside the day shift. As grounds for this request, you assert that the storm drains from FPL's radioactive contaminated area flow into the pond and that FPL is aware of the problem but has failed to identify or correct this and directs its Health Physics personnel to survey the pond by sampling only surface water.

Certain of your requests do not meet the criteria for treatment under 10 CFR 2.206. In particular, your request that the NRC establish a website for the raising of nuclear safety

EXHIBIT

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concerns and your request to intervene in a public hearing will not be considered under Section 2.206. However, these requests will be addressed in separate correspondence.

Your Petition has been referred to me pursuant to 10 CFR 2.206 of the Commission's regulations. With regard to your requests that the NRC take immediate action, the NRC conducts multiple, periodic inspections of FPL's St. Lucie and Turkey Point plants on a continuing basis. The findings of the NRC in assessing the licensee's performance in addressing safety concerns raised by FPL employees contradicts many of your assertions. I note that the licensee has taken steps to promote an environment exists which is open to raising concerns via postings of the NRC Form 3 (Enclosure 1), conducting meetings with FPL employees and NRC, conducting sensitivity training for managers, and communicating to its staff via letters on the topic of freedom to raise safety concerns. Therefore, the NRC has determined that immediate action is not warranted based upon these requests.

With regard to the concerns expressed in your Petition regarding the flow of contaminated water into the pond, the NRC is aware that there was an incident regarding an inadvertent flow of water from the storm drains into a pond offsite. The NRC has reviewed this matter, and determined (see NRC Inspection Report 50-335/93-17, pages 13 and 14), however, that the incident, which occurred a number of years ago, did not result in a situation that would pose a threat to public health and safety such that it would warrant immediate action. With regard to your concern that FPL is improperly grouping work orders, the NRC has inspected FPL's use of work orders, as documented in NRC Inspection Report 98-03 (Enclosure 2). As noted in the Inspection Report, work activities were properly documented and resolved, and the NRC has no additional concerns regarding this matter. With regard to the lack of access to NRC inspectors and inability to monitor activities outside of the day shift, Resident Inspectors are expected to work a certain percentage of their time outside of the day shift. In fact, Region II guidelines provide that Resident Inspectors expend approximately 15 percent of their scheduled inspection hours on other shifts. In addition, NRC Form 3 provides relevant addresses and telephone numbers whereby a licensee employee may contact the NRC 24 hours a day when the Resident Inspectors are unavailable. Therefore NRC has concluded that no immediate action is warranted based upon this request.

As provided by 10 CFR 2.206, action will be taken on your requests within a reasonable time. Your assertion that NRC action has been inadequate has been referred to the Office of the Inspector General.

Please provide any remaining concerns that you may have regarding the matters raised in your Petition within 30 days of receipt of this letter. This will enable the NRC to address your concerns in a timely manner.



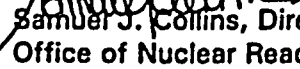
T. Saporito, Jr.

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I have enclosed a copy of the notice that is being filed with the Office of the Federal Register for publication and an NRC pamphlet entitled "Public Petition Process".

Sincerely,


Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Enclosures: 1. NRC Form 3
2. NRC Inspection Report 98-03
3. Federal Register Notice
4. NUREG/BR-0200, Rev. 1

cc w/enclosures: See next page



St. Lucie Units 1 and 2
Docket Nos. 50-335 and 50-389
L-98-188 Enclosure - Exhibit 12