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 FACIL: 50-335 St. Lucie Plant, Unit 1, Florida Power & Light Co. 05000335
 AUTH. NAME AUTHOR AFFILIATION
 GOLDBERG, J.R. Deputy Assistant General Counsel for Enforcement
 RECIPIENT NAME RECIPIENT AFFILIATION
 RUSSELL, W.T.

SUBJECT: Forwards TJ Saporito 960612 petition on behalf of himself & Natl Litigation Consultants (Petitioners), draft ltr to Petitioners & draft FRN. Petition requests NRC to issue confirmatory order requiring util not to operate plant.

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

June 20, 1996

OFFICE OF THE
GENERAL COUNSEL

MEMORANDUM TO: William T. Russell, Director
Office of Nuclear Reactor Regulation

FROM:  Jack R. Goldberg
Deputy Assistant General Counsel
for Enforcement

SUBJECT: SECTION 2.206 PETITION OF THOMAS J. SAPORITO, JR. AND
THE NATIONAL LITIGATION CONSULTANTS REGARDING THE
ST. LUCIE NUCLEAR STATION

Attached is a copy of a letter dated June 12, 1996 (Petition), by Thomas J. Saporito, Jr., on behalf of himself and the National Litigation Consultants (Petitioners).

The Petition requests the Commission (1) to issue a confirmatory order requiring that the Florida Power and Light Company (Licensee) not operate the St. Lucie Nuclear Station, Unit 1 above 50% of its power level capacity, (2) to require the Licensee to specifically identify the "root cause" for the premature failure of the steam generator tubing, and (3) to require the Licensee to specifically state what corrective measures will be implemented to prevent recurrence of steam generator tube failures in all the steam generators in Unit 1 and Unit 2.

The Petition seeks relief based on assertions that (1) the Licensee's Unit 1 steam generator tubes have degraded to the extent that over 2,500 of the tubes have been plugged, (2) the Licensee has not identified the root cause for the premature failure of the steam generator tubing, (3) the Licensee will most likely experience similar tube ruptures on other steam generators at the station, and (4) the Licensee's "FSAR's and the NRC's CFR'S require that the integrity of the primary systems on Unit-1 and Unit-2 not be breached."

I have attached drafts of a letter of acknowledgement to the Petitioners and a Notice of Receipt of the Petition for publication in the *Federal Register*.

If you want the Licensee to respond to this matter, we will assist your staff in soliciting such additional information from the Licensee pursuant to 10 C.F.R. 50.54 and 10 C.F.R. 2.204.

Contact: Jay McGurren
415-1695

Attachments: 1. Copy of Petition
2. Draft of Letter to Petitioners
3. Draft *Federal Register* Notice

cc w/atts: M. Malsch, OGC
S. Burns, OGC
L. Chandler, OGC
S. Ebnetter, RII
C. Evans, RII

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PDR ADOCK 05000335
G PDR



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Thomas J. Saporito, Jr.
National Litigation Consultants
6230 W. Indiantown Rd. #7-355
Jupiter, FL 33458

Dear Mr. Saporito:

On June 12, 1996, you filed a letter with the Nuclear Regulatory Commission (Commission) for yourself and on behalf of the National Litigation Consultants (Petitioners) requesting action by the Commission under 10 C.F.R. 2.206. This letter acknowledges the Commission staff's receipt of your petition.

You request the Commission (1) to issue a confirmatory order requiring that Florida Power and Light Company (Licensee) not operate St. Lucie Nuclear Station, Unit 1 above 50% of its power level capacity, (2) to require the Licensee to specifically identify the "root cause" for the premature failure of the steam generator tubing, and (3) to require the Licensee to specifically state what corrective measures will be implemented to prevent recurrence of steam generator tube failures in all the steam generators in Unit 1 and Unit 2.

You seek relief based on assertions that (1) the Licensee's Unit 1 steam generator tubes have degraded to the extent that over 2,500 of the tubes have been plugged, (2) the Licensee has not identified the root cause for the premature failure of the steam generator tubing, (3) the Licensee will most likely experience similar tube ruptures on other steam generators at the station, and (4) the Licensee's "FSAR's and the NRC's CFR's require that the integrity of the primary systems on Unit-1 and Unit-2 not be breached."

The staff will review your petition in accordance with 10 C.F.R. 2.206. A final decision with regard to your petition will be issued within a reasonable time. Enclosed is a copy of the notice that is being filed for publication with the Office of the Federal Register.

Sincerely,

William T. Russell, Director
Office of Nuclear Reactor Regulation

Enclosure: As stated

cc: Florida Power and Light Company

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Distribution- 2.206 Petition (Ltr to Thomas J. Saporito, Jr.)

Docket File (50-335) w/original incoming letter)

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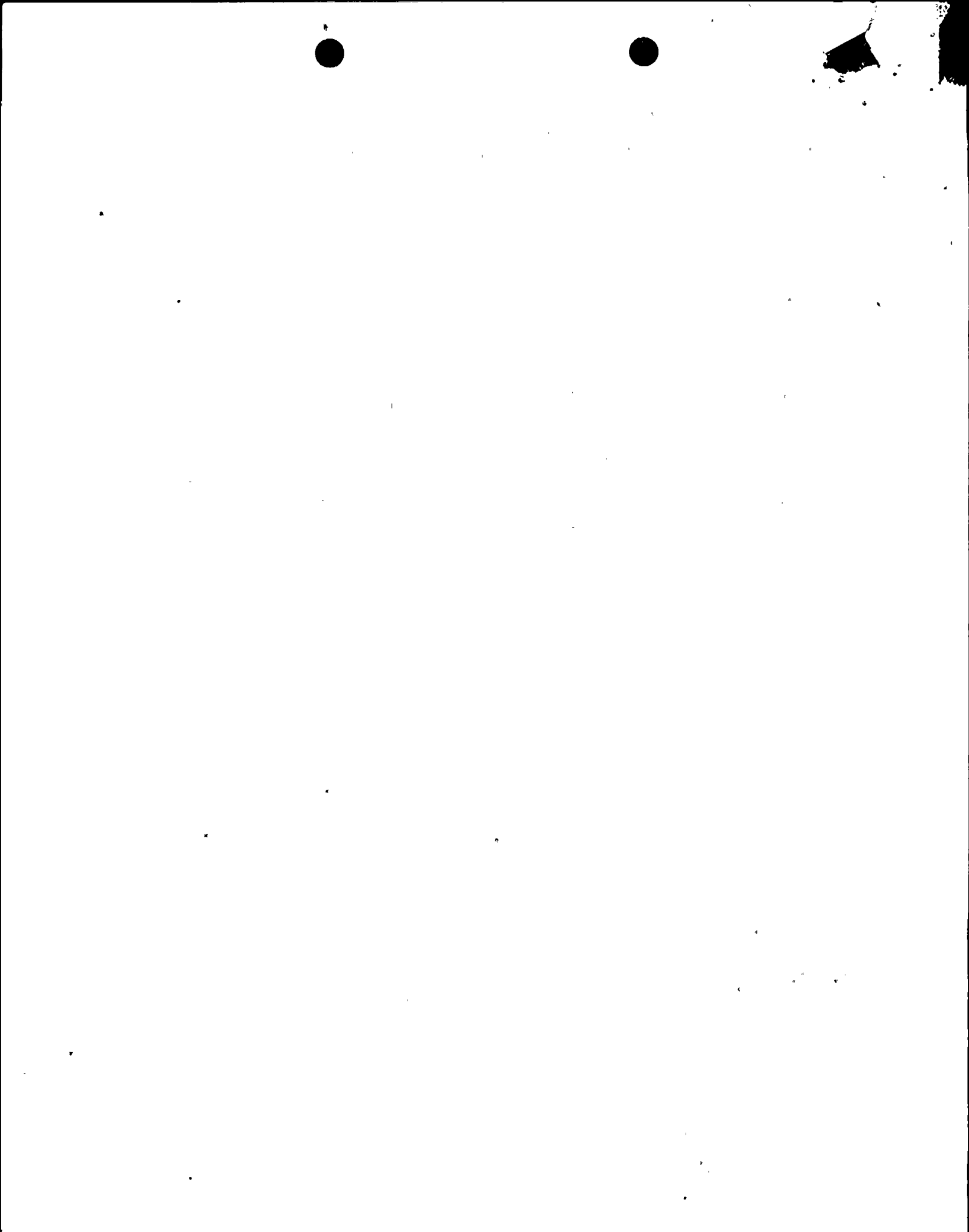
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100147



Thomas J. Saporito, Jr.
National Litigation Consultants
6230 W. Indiantown Rd. #7-355
Jupiter, FL 33458

Dear Mr. Saporito:

On June 12, 1996, you filed a letter with the Nuclear Regulatory Commission (Commission) for yourself and on behalf of the National Litigation Consultants (Petitioners) requesting action by the Commission under 10 CFR 2.206. This letter acknowledges the Commission staff's receipt of your petition.

You ask the Commission to (1) issue a confirmatory order requiring that Florida Power and Light Company (licensee) not operate St. Lucie Plant, Unit No. 1, above 50 percent of its power level capacity, (2) require the licensee to specifically identify the "root cause" for the premature failure of the steam generator tubing, and (3) require the licensee to specifically state the corrective measures it will implement to prevent recurrence of steam generator tube failures in all the steam generators in Unit 1 and Unit 2.

You seek relief based on assertions that (1) the licensee's Unit 1 steam generator tubes have degraded to the extent that more than 2,500 of the tubes have been plugged, (2) the licensee has not identified the root cause for the premature failure of the steam generator tubing, (3) the licensee will most likely experience similar tube ruptures on other steam generators at the station, and (4) the licensee's "FSAR's [Final Safety Analysis Report's] and the NRC's CFR's [Code of Federal Regulations] require that the integrity of the primary systems on Unit 1 and Unit 2 not be breached." X

The staff will review your petition in accordance with 10 CFR 2.206. A final decision with regard to your petition will be issued within a reasonable time. Enclosed is a copy of the notice that is being filed for publication with the Office of the Federal Register.

Sincerely,

William T. Russell, Director
Office of Nuclear Reactor Regulation

Enclosure:
Federal Register Notice

cc w/enclosure: See next page

DOCUMENT NAME: G:\STLUCIE\STLUCI.220.ste previous concurrence

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UNITED STATES NUCLEAR REGULATORY COMMISSION

FLORIDA POWER AND LIGHT COMPANY

ST. LUCIE NUCLEAR STATION

DOCKET No. _____

RECEIPT OF PETITION FOR DIRECTOR'S DECISION
UNDER 10 C.F.R. § 2.206

Notice is hereby given that by letter dated June 12, 1996, Thomas J. Saporito, Jr., for himself and on behalf of the National Litigation Consultants (Petitioners) requested that the Nuclear Regulatory Commission (Commission) take action with regard to operations at the Florida Power and Light Company's (Licensee) St. Lucie Nuclear Station pursuant to 10 C.F.R. § 2.206.

The Petitioners request the Commission (1) to issue a confirmatory order requiring that Florida Power and Light Company (Licensee) not operate St. Lucie Nuclear Station, Unit 1 above 50% of its power level capacity, (2) to require the Licensee to specifically identify the "root cause" for the premature failure of the steam generator tubing, and (3) to require the Licensee to specifically state what corrective measures will be implemented to prevent recurrence of steam generator tube failures in all the steam generators in Unit 1 and Unit 2.

As basis for the requests, it is asserted that (1) the Licensee's Unit 1 steam generator tubes have degraded to the extent that over 2,500 of the tubes have been plugged (2) the Licensee has not identified the root cause for the premature failure of the steam generator tubing, (3) the Licensee will most likely experience similar tube ruptures on other steam generators at the station, and (4) the Licensee's "FSAR's and the NRC's CFR's require that the integrity of the primary systems on Unit-1 and Unit-2 not be breached."



The Petition is being treated pursuant to 10 C.F.R. § 2.206 of the Commission's regulations. The Petition has been referred to the Director of Nuclear Reactor Regulation. As provided by Section 2.206, appropriate action will be taken on this request within a reasonable time.

A Copy of the Petition is available for inspection at the Commission's Public Document Room, 2120 L Street, N. W., Washington D.C. 20555.

FOR THE NUCLEAR REGULATORY COMMISSION

William T. Russell, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland

this _____ day of _____ 1996.

10-20-42



10-20-42