

U.S. NUCLEAR REGULATORY COMMISSIONFLORIDA POWER & LIGHT CO.ST. LUCIE PLANT, UNITS 1 AND 2TURKEY POINT PLANT, UNITS 3 AND 4DOCKET NOS. 50-335, 50-389, 50-250, AND 50-251ISSUANCE OF DIRECTOR'S DECISION UNDER 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has taken action with regard to a Petition dated February 26, and 27 and March 6, 1998, (as supplemented March 15 and 17, 1998) and March 29, and 30, and April 4, 1998, filed by Thomas J. Saporito, Jr., on behalf of himself and the National Litigation Consultants (NLC) (Petitioners), pursuant to Section 2.206 of Title 10 of the CODE OF FEDERAL REGULATIONS (10 CFR 2.206). The Petitioners requested that the U.S. Nuclear Regulatory Commission (Commission or NRC) take action with regard to operations at the Florida Power & Light's (FPL's or licensee's) St. Lucie Plant, Units 1 and 2, and Turkey Point Plant, Units 3 and 4.

The Petitioners requested that the Commission take numerous actions, including certain immediate actions, with regard to FPL's St. Lucie and Turkey Point Plants. The Petition requested 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 that encourages employees to raise safety concerns directly to the NRC, and issuing civil penalties for violations of the NRC's requirements; (2) permit the Petitioners 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 FPL's employees in understanding and exercising their rights under these regulations; (3) conduct investigations and require FPL to obtain appraisals and

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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 directly to the NRC. As grounds for these requests, the Petitioners 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, the Petition requested that the NRC immediately investigate concerns that contamination occurred and remains uncorrected because of the flow of water from radiologically controlled area at St. Lucie into an unlined pond, that FPL is improperly grouping work orders in order to reduce the number of open orders, that an excessive number of outside contract laborers remains on site, and that because NRC Resident Inspectors are only assigned to the day shift, many employees do not have access to the Resident Inspectors and they cannot monitor safety-related work functions outside the day shift. As grounds for this request, the Petitioners 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.

As described in the Director's Decision, the NRC has already undertaken certain of the actions that the Petitioners have requested. Specifically, the NRC has conducted numerous inspections evaluating the circumstances of many of the issues that the Petitioners have raised, and has reviewed the settlement agreement referred to by the Petitioners in order to determine whether it contains any restrictive provisions that may "chill" the workforce. Thus, to the extent that Petitioners have requested that the NRC investigate these issues and review the settlement

agreement, the Director of the Office of Nuclear Reactor Regulation has granted the Petition. In all other respects, the Petition is denied. The reasons for this denial are explained in the "Director's Decision Pursuant to 10 CFR 2.206" (DD-98-10 ), the complete text of which follows this notice and is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. A copy of the Decision will be filed with the Secretary of the Commission for the Commission and will be reviewed in accordance with 10 CFR 2.206(c) of the Commission's regulations. As provided for by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance of this Decision unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Rockville, Maryland, this 21st day of October 1998.

FOR THE NUCLEAR REGULATORY COMMISSION

  
Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation