



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

February 28, 2013

Mr. Thomas Saporito  
6701 Mallards Cove Rd. Apt 28H  
Jupiter, FL 33458

Dear Mr. Saporito:

Your petition dated October 1, 2012, and addressed to the Secretary of the Commission was referred to the Office of Nuclear Reactor Regulation pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR) 2.206 of the U.S. Nuclear Regulatory Commission's (NRC's) regulations. In your petition, you requested: (1) that the NRC take escalated enforcement action against the licensees and suspend or revoke the NRC licenses granted to the licensees for operation of any nuclear reactor or facility; (2) that the NRC issue a notice of violation with a proposed civil penalty against the licensees in the total amount of 1 million dollars; and (3) that the NRC issue a Confirmatory Order to the licensees requiring the licensees to take their nuclear facilities to cold shutdown until specific actions described fully in the petition have been completed, including completing a number of independent assessments and comprehensive evaluations.

As the basis for your request, you stated that a former Florida Power & Light Company (FPL) operations manager was allegedly fired from his position at the St. Lucie Nuclear Plant for refusing to continue the restart of the reactor after noticing that a safety valve associated with the reactor coolant system was leaking. You also stated that this is not the first instance where the licensee has fired or retaliated against an employee or contractor after reporting perceived safety concerns to FPL management, and that the firing of this manager creates a chilling effect that jeopardizes public health and safety. The petition also references a September 20, 2012, WPEC-TV CBS12 local news interview with the former FPL operations manager.

On November 5, 2012, the NRC Petition Review Board (PRB) met internally to discuss your request for the NRC to issue a confirmatory order to the licensees requiring them to take their nuclear facilities to a cold shutdown, until specific actions described in your petition were completed. Although you did not characterize this as a request for immediate action, the PRB treated it as such. The PRB denied the request for immediate action on the basis that you did not provide any information regarding the existence of a safety problem at the plant site which would justify a shutdown order from the NRC.

On November 28, 2012, Mr. Tracy Orf, petition manager, contacted you to discuss the 10 CFR 2.206 process and to inform you of the PRB's decision to deny the request for immediate action. Mr. Orf also offered you an opportunity to address the PRB prior to making its initial recommendation to accept or reject the petition for review in accordance with Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions." You accepted the opportunity and on December 11, 2012, you addressed the PRB during a recorded teleconference. The meeting transcript from this teleconference is available in the Agencywide Documents Access and Management System (ADAMS) at Accession No. ML12353A497.

On December 19, 2012, the PRB met internally to discuss your petition, as supplemented on December 11, 2012, and made an initial recommendation that the petition did not meet the criteria for review because you did not provide sufficient facts regarding the existence of a chilled work environment at the plant site to justify taking enforcement action against the licensee.

On December 27, 2012, Mr. Orf informed you of the PRB's initial recommendation and offered you a second opportunity to address the PRB to provide additional, relevant information in support of your petition request.

You accepted this opportunity and on January 14, 2013, you addressed the PRB during a recorded teleconference. The information you provided during the January 14, 2013, teleconference was previously considered in the PRB's determination of the request for immediate action and the initial recommendation. The meeting transcript from this teleconference is available in ADAMS at Accession No. ML13044A123.

During this teleconference, you quoted from an NRC Blog entry on chilled work environments that, unfortunately, contained misstatements. Those statements were corrected the week following publication and before our January 14, 2013, teleconference with you. The NRC staff wants to take this opportunity to inform you directly of those changes. Specifically, licensees are encouraged by the NRC to foster a safety conscious work environment, but there is no explicit regulatory requirement. Furthermore, NRC receipt of an allegation, in and of itself, is not a "major red flag" (as misstated in the NRC Blog entry you referenced) indicating a chilled work environment. In addition to the perspective gained from evaluating the number and nature of allegations submitted to the NRC, the staff gathers information from multiple inputs that provide insight into the willingness of licensee employees to raise safety concerns. Other such inputs include NRC inspector observations related to the licensee's ability to find and fix problems, observations based on interviews with licensee employees during NRC inspection activities, and the results of assessments conducted by and/or for the licensee with the intent of determining the state of the safety conscious work environment.

In conclusion, the PRB's final determination is that the petition does not meet the criteria for review in accordance with MD 8.11, because you did not provide sufficient facts regarding the existence of a chilled work environment at the plant site to justify taking enforcement action against the licensee. With regard to the former FPL operations manager's firing, allegedly for refusing to continue the restart of the reactor for safety reasons, the NRC staff had been contacted previously and is addressing it in a separate agency process.

T. Saporito

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Thank you for bringing these issues to the attention of the NRC. Please contact Mr. Tracy Orf at (301) 415-2788 or [tracy.orf@nrc.gov](mailto:tracy.orf@nrc.gov) if you have additional questions.

Sincerely,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Mr. Ho Nieh, Director  
Division of Inspection & Regional Support  
Office of Nuclear Reactor Regulation

Docket Nos. 50-335 and 50-389

cc: FPL (w/copy of incoming 2.206 Request)  
Additional Distribution via Listserv

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- 3 -

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/RA/

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