



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

November 1, 2013

Mr. Thomas King
7548 S Hwy 1 #144
Port Saint Lucie, FL 34952

Dear Mr. King:

On April 23, 2012, you emailed the U.S. Nuclear Regulatory Commission's (NRC's) senior resident inspector at the St. Lucie Plant. In this email, you requested that the NRC take enforcement action against the St. Lucie Plant, Units 1 and 2, and the Turkey Point Nuclear Generating Unit Nos. 3 and 4. The NRC staff treated this request as a petition according to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, "Agency Rules of Practice and Procedure," Section 2.206, "Requests for action under this subpart," (10 CFR 2.206). The NRC's proposed director's decision on your petition is enclosed.

The NRC held a teleconference with you on July 9, 2012, during which you were provided the opportunity to supplement your original request with additional information. By letter dated August 29, 2012, the NRC accepted your request for review. The agency held your petition in abeyance pending the outcome of an examination of the additional concerns in your email by the NRC Region II office. The NRC has since provided the examination outcome to you.

NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," states that two of the objectives of the 10 CFR 2.206 process are to (1) provide appropriate participation for a petitioner in the NRC's decisionmaking activities and (2) provide appropriate participation and observation for the public in the NRC's decision-making activities. By email dated July 29, 2013, the NRC staff informed you that it was preparing a proposed director's decision (PDD) and asked if you had any objections to the NRC publicly releasing the redacted versions of your petition email and the July 9, 2012, teleconference transcripts. By email dated July 31, 2013, you stated that you had objections to the NRC publicly releasing the redacted versions of your email and the teleconference transcripts associated with this petition.

The NRC considered your objection to publicly releasing the redacted versions of your email and the transcripts of the public teleconference associated with this petition. Numerous media outlets, special interest organizations, and federal, State, and local government officials were copied on the email you sent to the NRC on April 23, 2012. This action was inconsistent with protecting your identity. Furthermore, during the teleconference on July 9, 2012, which was open to the public, the NRC staff informed you that the 10 CFR 2.206 process is a public process and that the transcripts of the teleconference would be made publicly available. The NRC evaluation of your concern is complete. In order to describe the basis for the enforcement action you requested and to describe the NRC's resolution of the petition in an open and transparent manner to the public, including those to whom you sent your email, information from your email and the transcripts is referenced in the proposed director's decision. Therefore, the NRC publicly released redacted versions of your email and the transcripts. The information that was redacted meets the NRC's criteria for being exempt from disclosure, which can be viewed on the NRC Web site at: <http://www.nrc.gov/reading-rm/foia/foia-request.html#overviewcat>.

T. King

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I request that you provide comments to me within 30 calendar days of the date of this letter on any part of the decision that you believe is in error, or any issues in the petition that, in your opinion, have not been adequately addressed. The NRC staff is making a similar request of the licensee. The NRC staff will then review any comments provided by you and the licensee and consider them in the final version of the director's decision with no further opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Michele G. Evans". The signature is fluid and cursive, with the first name "Michele" and last name "Evans" clearly legible.

Michele G. Evans, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-355, 50-389,
50-250 and 50-251

Enclosure:
Proposed Director's Decision

cc with encl: Listserv

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION

Eric J. Leeds, Director

In the Matter of)	Docket Nos. 50-335, 50-389,
)	50-250, 50-251
Florida Power & Light Company)	
)	License Nos. DPR-67, NPF-16,
St. Lucie Plant)	DPR-31, DPR-41
Units 1 and 2)	
)	
Turkey Point Nuclear Generating)	
Units 3 and 4)	

PROPOSED DIRECTOR'S DECISION UNDER TITLE 10 OF *THE CODE OF FEDERAL REGULATIONS*, SECTION 2.206, "REQUESTS FOR ACTION UNDER THIS SUBPART"

I. Introduction

On April 23, 2012, Mr. Thomas King emailed (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13295A021) the U.S. Nuclear Regulatory Commission (NRC, or the Commission). Mr. King (the petitioner) requested the NRC take enforcement action against the St. Lucie Plant, Units 1 and 2, and the Turkey Point Nuclear Generating Unit Nos. 3 and 4 (St. Lucie and Turkey Point plants). Florida Power & Light Company is the licensee for these plants. The NRC staff treated the request for enforcement action as a petition according to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206, "Requests for action under this subpart."

Actions Requested

The petitioner requested that the NRC take immediate enforcement action in the form of shutting down or prohibiting the restart of the St. Lucie and Turkey Point plants until a criminal investigation of the AMES Group, LLC (AMES, a contractor that performed work for the licensee at the St. Lucie and Turkey Point plants) is complete and everything has been verified safe. As the basis for the request, the petitioner stated the licensee was in violation of its policies and procedures on contractor trustworthiness and that work on safety-related equipment may have been done by unqualified contractor employees. The petitioner specifically requested that the NRC prevent the St. Lucie and Turkey Point plants from starting up until the licensee's contractor is cleared, all documents and work performed on safety-related equipment at both plants is independently verified, and all critical work and motor-operated valve testing is redone.

On May 22, 2012, the NRC's Office of Nuclear Reactor Regulation Petition Review Board (PRB) evaluated the petitioner's request for immediate action. By email dated June 13, 2012 (ADAMS Accession No. ML13301A455), the NRC informed the petitioner that the agency denied the request for immediate action because the NRC did not have sufficient information to support taking immediate actions to support a shutdown or to prohibit the restart of the St. Lucie and Turkey Point plants. The NRC had not identified immediate safety concerns at the St. Lucie or Turkey Point plants, and the NRC did not find that the continued operation of the plants would adversely affect the health and safety of the public. On July 9, 2012, the petitioner was provided an opportunity to address the PRB to provide additional information concerning his request during a public and recorded telephone conference. The petitioner reiterated the basis for his concerns. The transcripts for the telephone conference are located at ADAMS Accession No. ML13296A710.

By letter dated August 29, 2012 (ADAMS Accession No. ML12233A627), the NRC accepted the petition for review and informed the petitioner that the NRC Region II office was evaluating the remaining issues in the petitioner's email under a separate process. The acknowledgement letter also stated that once the NRC Region II office completed its evaluation, the NRC's Office of Enforcement and Office of Nuclear Reactor Regulation would review the conclusion. If the NRC identified impacts to safety-related equipment at the St. Lucie or Turkey Point plants, it would take appropriate action.

II. Discussion

The NRC Region II Office completed its evaluation and informed the petitioner of the results of its evaluation. The NRC did not substantiate the petitioner's concern that AMES had sought to misrepresent the capabilities of its technicians to NRC licensed facilities. As discussed in the letter to the licensee dated May 23, 2013 (ADAMS Accession No. ML13205A243), based on the evidence obtained, the NRC did not substantiate that the contractor willfully submitted falsified training and qualification documents for any AMES employee for consideration by the licensee. Therefore, the NRC found no basis for expanding its current level of regulatory oversight or otherwise taking enforcement action against the licensee based on the petitioner's concerns.

III. Conclusion

In conclusion, the NRC found no basis for taking enforcement action against the licensee based on the petitioner's concerns. The NRC did not find that the continued operation of the plants would adversely affect the health and safety of the public. Therefore, the NRC is denying the petitioner's requested enforcement actions against the St. Lucie and Turkey Point plants. No further action is required.

As provided in 10 CFR 2.206(c), the NRC will file a copy of this director's decision with the Secretary of the Commission for the Commission to review. As provided for by this regulation, the decision will constitute the final action of the Commission 25 days after the date of the decision unless the Commission, on its own motion, institutes a review of the decision within that time.

Dated at Rockville, Maryland, this day of 2013.

FOR THE NUCLEAR REGULATORY COMMISSION.

Eric J. Leeds, Director,
Office of Nuclear Reactor Regulation.

T. King

- 2 -

I request that you provide comments to me within 30 calendar days of the date of this letter on any part of the decision that you believe is in error, or any issues in the petition that, in your opinion, have not been adequately addressed. The NRC staff is making a similar request of the licensee. The NRC staff will then review any comments provided by you and the licensee and consider them in the final version of the director's decision with no further opportunity to comment.

Sincerely,

/RA/

Michele G. Evans, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-355, 50-389,
50-250 and 50-251

Enclosure:
Proposed Director's Decision

cc with encl: Listserv

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PUBLIC
LPL2-2 Reading
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RidsOpaMail Resource
MBanic, NRR
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RidsNrrMailCenter Resource
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RidsNrrPMTurkeyPoint Resource
RidsNrrDraResource
RidsNrrDprResource

ADAMS Accession Nos. PKG ML13198A110; LTR ML13198A099; PDD ML13198A100 *Via E-mail

OFFICE	DORL/LPL2-2	DORL/LPL2-2/PM	DORL/LPL2-2/LA	Tech Editor*	DPR/PGCB*	Region 2/DRP/PE*
NAME	AKlett	FSaba	BClayton	JDougherty	MBanic	SSandal
DATE	10/22/13	10/22/13	10/22/13	10/21/13	10/24/13	10/23/13
OFFICE	Region 2/OAC*	Region 2/OI*	OI/D*	Region 2/BC*	LPL2-2/BC (A)	NRR/DRA/D
NAME	ODemiranda	BRzepka	CMcCrary	DRich	DBroadus	SLee
DATE	10/23/13	10/22/13	10/28/13	10/24/13	10/24/13	10/28/13
OFFICE	OGC (NLO)	NRR/DORL/D	NRR/D	NRR/DORL/D		
NAME	PJehle	MEvans	ELeeds	MEvans		
DATE	10/28/13	10/29/13	10/31/13	11/01/13		

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