

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.