



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

January 14, 2014

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

Dear Mr. King:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your petition dated April 23, 2012, which you e-mailed to the NRC's senior resident inspector at the St. Lucie Plant. In this e-mail, 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 (St. Lucie and Turkey Point plants). The NRC staff treated this request as a petition according to Title 10 of the *Code of Federal Regulations*, Part 2, "Agency Rules of Practice and Procedure," Section 2.206, "Requests for action under this subpart" (10 CFR 2.206).

In your petition (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13295A021), you 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, you stated that 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. You 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 evaluated your request for immediate action. By e-mail dated June 13, 2012 (ADAMS Accession No. ML13301A455), the NRC informed you 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.

The NRC held a public and recorded teleconference with you on July 9, 2012, during which you were provided the opportunity to supplement your original request with additional information. The transcripts for the telephone conference are available in ADAMS at Accession No. ML13296A710.

T. King

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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 evaluation—by the NRC Region II office—of the additional concerns in your e-mail. The NRC has since provided the evaluation outcome to you.

Following the staff's evaluation of your concerns, the NRC issued the proposed Director's Decision for comment to both you and the licensee on November 1, 2013 (ADAMS Accession No. ML13198A110). The NRC did not receive any comments.

As explained in the enclosed final Director's Decision, the NRC is denying the petition because the NRC staff found no basis for taking enforcement action against the licensee based on your concerns. The NRC did not substantiate your concern that AMES sought to misrepresent the capabilities of its technicians to NRC-licensed facilities. The NRC did not substantiate that the contractor willfully submitted falsified training and qualification documents for any AMES employee for consideration by the licensee.

The NRC will file a copy of the enclosed director's decision (DD-14-01) with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c). As a provision of 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. The director's decision is available online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html> by searching for ADAMS Accession No. ML13329A091. The documents cited in the enclosed decision are also available in ADAMS for inspection at the NRC's Public Document Room located at One White Flint North, Room O1-F21, 11555 Rockville Pike, Rockville, MD 20852.

I have also enclosed a copy of the "Notice of Issuance of Director's Decision under 10 CFR 2.206" that has been filed with the Office of the Federal Register for publication.

T. King

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Please feel free to contact Audrey Klett by telephone at (301) 415-0489 or by e-mail to Audrey.Klett@nrc.gov to discuss any questions you may have concerning this petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric J. Leeds", written over a horizontal line.

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

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

Enclosures:

1. Final director's decision
2. *Federal Register* notice

cc: Mr. Mano Nazar
Executive Vice President and Chief Nuclear Officer
Florida Power & Light Company
P.O. Box 14000
Juno Beach, FL 33408-0420

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)	

FINAL 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 (the petitioner) e-mailed (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13295A021) the U.S. Nuclear Regulatory Commission (NRC, or the Commission). 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 e-mail 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 e-mail 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 14 day of Jan 2014.

FOR THE NUCLEAR REGULATORY COMMISSION.

A handwritten signature in black ink, appearing to read "E. J. Leeds", is written over a horizontal line.

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

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-335, 50-389, 50-250, and 50-251; NRC-20XX-XXXX]

License Nos. DPR-67, NPF-16, DPR-31, and DPR-41

Florida Power & Light Company,

St. Lucie Plant, Units 1 and 2,

Turkey Point Nuclear Generating Unit Nos. 3 and 4

Director's Decision

AGENCY: Nuclear Regulatory Commission.

ACTION: Director's decision; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) is giving notice that the Director of the Office of Nuclear Reactor Regulation (NRR) has issued a director's decision with regard to a petition dated April 23, 2012, filed by Mr. Thomas King (the petitioner).

ADDRESSES: Please refer to Docket ID <NRC-20YY-XXXX> when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, using the following methods:

- **Federal rulemaking Web site:** Go to <http://www.regulations.gov> and search for Docket ID <NRC-20YY-XXXX>. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; e-mail: Carol.Gallagher@nrc.gov.

- **NRC's Agencywide Documents Access and Management System (ADAMS):**

You may access publicly available documents online in the NRC Library at

<http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

SUPPLEMENTARY INFORMATION:

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission (NRC) has issued a Director's Decision on a petition filed by Mr. Thomas King (hereafter referred to as "the petitioner"). The petition, dated April 23, 2012 (NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML13295A021), concerns the operation of 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), which are operated by Florida Power & Light Company (the licensee).

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.

The petitioner 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. As the basis for the request, the petitioner stated that 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 NRC sent a copy of the proposed director's decision to the petitioner and the licensee for comment on November 1, 2013 (ADAMS Accession No. ML13198A110). The NRC requested that the petitioner and the licensee provide comments within 30 days on any part of the proposed director's decision which they considered to be erroneous or on any issues in the petition that were not addressed. The NRC did not receive comments.

The Director of the Office of Nuclear Reactor Regulation denied the petitioner's request to shut down or prevent restart of the St. Lucie and Turkey Point plants. The NRC staff found no basis for taking enforcement action against the licensee based on the petitioner's concerns. The NRC did not substantiate the petitioner's concern that AMES had sought to misrepresent the capabilities of its technicians to NRC licensed facilities. The NRC did not substantiate that the contractor willfully submitted falsified training and qualification documents for any AMES employee for consideration by the licensee. The director's decision (DD-14-01) under § 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Requests for Action under This Subpart," explains the reasons for this decision. The complete text of the Director's Decision is available online in the NRC Library at <http://www.nrc.gov/reading-rm.html> by searching for ADAMS Accession No. ML13329A091. It is also available for inspection at the NRC's Public Document Room located at One White Flint North, Room O1-F21, 11555 Rockville Pike, Rockville, Maryland 20852.

The NRC will file a copy of the Director's Decision with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206. As provided for by this regulation, the Director's 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 Director's Decision in that time.

Dated at Rockville, Maryland, this 14 day of Jan. 2014.

For the Nuclear Regulatory Commission.

A handwritten signature in black ink, appearing to read "Eric J. Leeds", written in a cursive style.

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

T. King

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Please feel free to contact Audrey Klett by telephone at (301) 415-0489 or by e-mail to Audrey.Klett@nrc.gov to discuss any questions you may have concerning this petition.

Sincerely,

/RA/

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

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

Enclosures:

1. Final director's decision
2. *Federal Register* notice

cc: Mr. Mano Nazar
Executive Vice President and Chief Nuclear Officer
Florida Power & Light Company
P.O. Box 14000
Juno Beach, FL 33408-0420

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ADAMS Accession Nos.:

PKG: ML13198A110

Final Director's Decision: ML13329A091

Federal Register Notice: ML13329A085

Incoming (Petition of April 23, 2012): ML13295A021

Transmittal Letter: ML13329A081

***Concurrence via email**

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