



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW, SUITE 23T85
ATLANTA, GEORGIA 30303-8931

October 6, 2005

Mr. Kenneth Bowers

[] *nc*
SUBJECT: ALLEGATION REPORT NUMBERS RII-2005-A-0056 and RII-2005-A-0115

Dear Mr. Bowers:

This letter refers to your telephone conversation of September 12, 2005, with Mr. Joel Munday, Chief, Reactor Projects Branch 3, Nuclear Regulatory Commission Region II concerning the response we sent you for allegation RII-2005-A-0056. You stated to Mr. Munday that our response to your concern was not adequate. You contend that your original concerns about issues you reported to FPL regarding the spent fuel pool and spent fuel pool building were accurate. You also stated that there was a conspiracy to fire you due to your knowledge that the spent fuel pool level had been inadvertently lowered.

With respect to your original concern of being terminated for raising safety concerns, Concern 1 of allegation RII-2005-A-0056, this issue was submitted for resolution by Cornell University's Institute on Conflict Resolution under the NRC's Alternative Dispute Resolution pilot program. As you were informed, Florida Power and Light was not willing to participate in the ADR process. As a result, the NRC Office of Investigations (OI) will investigate this matter. In addition, the information you provided during your telephone conversation of September 12, 2005, with Mr. Joel Munday regarding a conspiracy to fire you due to your knowledge of the spent fuel pool level being low will be reviewed by NRC OI.

Without additional new information for NRC to review, the technical concerns we addressed in our letter of August 15, 2005, Concern 2 of allegation RII-2005-A-0056 will not be reviewed further.

In our earlier letter to you dated May 17, 2005, pertaining to your allegation regarding the spent fuel pool, you were provided an NRC brochure titled, "Reporting Safety Concerns to the NRC." It includes information on the allegation process, identity protection, and the processing of claims for discrimination against workers, handled by the Department of Labor. Should you need another copy, please contact me.

Certified Mail No. *L* *] nc*
RETURN RECEIPT REQUESTED

C/S

Mr. K. Bowers

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RII-2005-A-0056 and
RII-2005-A-0115

Thank you for notifying us of your additional concern. Should you have any questions or comments during the interim regarding this matter, please call me toll-free at 1-800-577-8510, extension 24512. Should you want to respond in writing, our mailing address is P.O. Box 845, Atlanta, GA 30301.

Sincerely,

A handwritten signature in cursive script that reads "Steven Rudisail".

Steven Rudisail
Allegation Coordinator
Enforcement and Investigation
Coordination Staff