

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Carolina Power and Light Company (EA-04-028)  
Docket Nos. 050-325, 050-324 ,050-261, 050-400

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$88,000 will be issued on or about April 7, 2004, to Carolina Power and Light Company (CP&L). This action is based on a Department of Labor (DOL) Administrative Review Board (ARB) Final Decision and Order of Remand, dated September 30, 2003, which found that protected activity was a contributing factor when CP&L terminated the employment of its former Superintendent of Site Access Authorization in April 1999. The NRC's review of the ARB decision identified a violation of the Commission's requirements in 10 CFR 50.7, Employee Protection. Specifically, the NRC has determined that CP&L discriminated against its former employee by terminating his employment, in part, for engaging in protected activity. This matter was fully litigated during the DOL proceedings, and the NRC has adopted the ARB's Final Decision and Order of Remand. This violation has been categorized at Severity Level II in accordance with the NRC's Enforcement Policy. A base civil penalty in the amount of \$88,000 is considered for a Severity Level II violation. The NRC determined that no credit is warranted for *Identification*, because this violation was identified through the filing of a DOL complaint and not by the actions of CP&L. The NRC concluded that credit is warranted for *Corrective Action* based on CP&L's corrective actions enumerated in its letter to the NRC dated March 19, 2004. This is a Severity Level II violation with a base civil penalty of \$88,000.

The schedule of issuance and notification is:

Mailing of Notice	April 7, 2004
Telephone Notification of Licensee	April 7, 2004

The States of North Carolina and South Carolina will be notified.

Contacts: Doug Starkey, OE, 415-3456; Frank Congel, OE, 415-2741

Distribution

OWFN _____	OWFN _____	TWFN _____	Regional Offices
Chairman Diaz	EDO	OCFO	RI _____ RIV _____
Comm. McGaffigan	DEDR	OP CTR	RII _____
Comm. Merrifield	DEDMRS	NMSS	RIII _____
SECY	OE	OCIO	
OCA	OGC	OIG	<b>MAIL</b>
PA	NRR	RES	<b>PUBLIC</b>
IP	NSIR	ACRS	
	OI		
	STP		

ML

OE:ES

D. Starkey

04/02/04

G:\OECASES\ENs\2004 ENs\EN-04-020.CP&L.drs.wpd

OE:D

F. Congel

04/02/04

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL  
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**