



10 CFR 50.4
L-2008-038

FEB 28 2008

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, DC 20555-0001

Re: Florida Power and Light Company
Turkey Point Units 3 and 4
Docket Nos. 50-250 and 50-251
Response to Apparent Violation EA-07-138

Reference: NRC Letter to Florida Power and Light Company dated October 30, 2007

On October 30, 2007, the NRC's Region II Office issued a letter to Florida Power and Light Company (FPL), the licensee for the Turkey Point Nuclear Plant, Units 3 and 4, alleging that there have been several instances where security officers had been inattentive between 2004 and 2006. In the letter, the NRC requested that FPL provide a written response to the apparent violation. FPL hereby responds to the apparent violation discussed in the NRC's October 30, 2007 letter.¹

Based on the limited information provided by the NRC in the above-referenced letter, FPL cannot substantiate whether all of the incidents alleged therein occurred. In Enclosure 1 of the reference letter, the NRC provided a summary of Office of Investigations Report No. 2-2006-013 (the OI Report). Except for the April 6, 2006 alleged inattentiveness of a security officer, the factual summary offers no specifics as to when these instances occurred or what duties were being performed at the time of each occurrence. Without specific information regarding each instance of alleged inattentiveness, FPL cannot ascertain whether a violation of NRC requirements has occurred.

With respect to the allegation that a security officer was inattentive on April 6, 2006, FPL's own investigation, as documented in FPL Condition Report 2006-10588, could not verify that the security officer had been inattentive. Therefore, FPL respectfully disagrees that a violation occurred regarding the April 6, 2006 incident.

FPL reserves the right to revise its position on the apparent violation based on any future opportunity to review the OI Report.

¹ On February 11, 2008, the Turkey Point Licensing Manager and Mr. Joel Munday of the NRC Region II Office agreed, via telephone, that FPL's response would be filed on February 29, 2008.

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As you are aware, FPL has made significant changes to enhance the overall Turkey Point Security Program. Additionally, in its response to NRC Bulletin 2007-01, "Security Officer Attentiveness," FPL provided the NRC information about the many measures it has in place to ensure the attentiveness of the Turkey Point security force.

If there are any questions regarding this letter, please contact Mr. Paul Infanger, Turkey Point Licensing Manager, at 305-246-6632.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. A. Stall", enclosed within a large, loopy oval shape.

J. A. Stall
Senior Vice President, Nuclear and
Chief Nuclear Officer

cc: Regional Administrator, USNRC, Region II
Senior Resident Inspector, USNRC, Turkey Point