

official
50-250/251

Docket No. 9999
EA 93-200

AUG 19 1994

Bechtel Construction Company
ATTN: Mr. B. L. Meyers
Senior Vice President
9801 Washingtonian Boulevard
Gaithersburg, Maryland 20878-5356

Gentlemen:

SUBJECT: U.S. DEPARTMENT OF LABOR CASE NOS. 87-ERA-35 AND 87-ERA-44

Thank you for your response of March 9, 1994 to our Notice of Violation (NOV) issued on February 11, 1994 concerning the results of two administrative proceedings conducted by the U.S. Department of Labor (DOL). The DOL proceedings involved two complaints of employee discrimination filed by former employees of your company at Florida Power & Light Company's (FP&L) Turkey Point facility. We have reviewed FP&L's current employee concerns program and found that the program contains provisions that appear to be designed to ensure that employees, including contract employees, are free to raise safety concerns and that discrimination will not occur during your activities at the Turkey Point facility.

With respect to your request that enforcement action be deferred until all court appeals have been exhausted, it is the NRC's policy to issue enforcement actions, where warranted, following an adjudicated decision that discrimination occurred while deferring the requirement for a full response until after the Secretary of Labor reaches a final decision. This policy was applied in this case.

We acknowledge your denial of the violation; however, you were provided an opportunity at the enforcement conference to present facts relevant to this enforcement action and you have not provided any additional information at the enforcement conference or in your response that was not available to the NRC at the time the violation was issued. Therefore, the violation will not be withdrawn. We acknowledge that you have appealed the Nichols case and the case is currently pending before the U. S. Court of Appeals for the 11th Circuit. We also acknowledge that you have indicated that you will appeal the Secretary of Labor's decisions in the Pillow case. In the event the U. S. Court of Appeals for the 11th Circuit reverses either of the Secretary of Labor's decisions, you may request that the NRC reconsider the enforcement decision.

Sincerely,
Original signed by
Stewart D. Ebnetter

Stewart D. Ebnetter
Regional Administrator

120029

cc: (See page 2)

email dated 8/19/94

SEND	OFC	OE <i>* 8/19/94</i>	RII:EIGS	RII:ORA	RII:DRP	RII:ORP
TO	NAME	<i>DR Gray</i> JLieberman	BUryca	CEvans	DVerrelli	LKeyes
PDR?	DATE	08/16/94	08/19/94	08/19/94	08/16/94	08/18/94
Yes	No	COPY? <input checked="" type="checkbox"/> Yes	No <input checked="" type="checkbox"/> Yes	No <input checked="" type="checkbox"/> Yes	No <input checked="" type="checkbox"/> Yes	No <input checked="" type="checkbox"/> Yes

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Bruno

Bechtel Construction Company

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AUG 19 1994

bcc:

PDR

SECY

OGC

CA

JTaylor, EDO

JMilhoan, DEDR

SEbnetter, RII

JLieberman, OE

JGoldberg, OGC

RZimmerman, NRR

WRussell, NRR

Enforcement Coordinators

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BHayes, OI

EJordan, AEOD

DWilliams, OIG

RRosano, OE

EA File

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RCroteau, NRR

AGibson, RII

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NUCLEAR REGULATORY COMMISSION
REGION II
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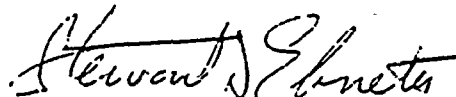
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Stewart D. Ebnetter
Regional Administrator

cc: (See page 2)

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- 2 -

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cc:
Florida Power & Light Company
ATTN: Mr. J. H. Goldberg
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