



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
101 MARIETTA STREET, N.W., SUITE 2900  
ATLANTA, GEORGIA 30323-0199

AUG 19 1994

Docket No. 50-250, 50-251  
License No. DPR-31, DPR-41  
EA 93-199

Florida Power & Light Company  
ATTN: Mr. J. H. Goldberg  
President - Nuclear Division  
Post Office Box 14000  
Juno Beach, Florida 33408-0420

Gentlemen:


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

Thank you for your response of March 4, 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 Bechtel Construction Company (Bechtel), at your Turkey Point facility. We have reviewed your current employee concerns program and found that the program contains provisions that appear to be designed to ensure that employees, including contractor employees, are free to raise safety concerns and that discrimination will not occur at your 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 Therefore, the violation will not be withdrawn.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 Bechtel has 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 Bechtel 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,

  
Stewart D. Ebner  
Regional Administrator

cc: (See page 2)

9408290222 940819  
PDR ADOCK 05000250  
Q PDR

JEH/10

cc:

H. N. Paduano, Manager  
Licensing & Special Programs  
Florida Power and Light Company  
P. O. Box 14000  
Juno Beach, FL 33408-0420

L. W. Pearce  
Plant General Manager  
Turkey Point Nuclear Plant  
P. O. Box 029100  
Miami, FL 33102

T. F. Plunkett  
Site Vice President  
Turkey Point Nuclear Plant  
P. O. Box 029100  
Miami, FL 33102

T. V. Abbatiello  
Site Quality Manager  
Turkey Point Nuclear Plant  
P. O. Box 029100  
Miami, FL 33102

E. J. Weinkam  
Licensing Manager  
Turkey Point Nuclear Plant  
P. O. Box 4332  
Miami, FL 33032-4332

Harold F. Reis, Esq.  
Newman and Holtzinger, P. C.  
1615 L Street, NW  
Washington, D. C. 20036

John T. Butler, Esq.  
Steel, Hector and Davis  
4000 Southeast Financial Center  
Miami, FL 33131-2398

Attorney General  
Department of Legal Affairs  
The Capitol  
Tallahassee, FL 32304

Bill Passeti  
Office of Radiation Control  
Department of Health and  
Rehabilitative Services  
1317 Winewood Boulevard  
Tallahassee, FL 32399-0700

Jack Shreve  
Public Counsel  
Office of the Public Counsel  
c/o The Florida Legislature  
111 West Madison Avenue, Room 812  
Tallahassee, FL 32399-1400

Joaquin Avino  
County Manager of Metropolitan  
Dade County  
111 NW 1st Street, 29th Floor  
Miami, FL 33128

Joe Myers, Director  
Division of Emergency Preparedness  
Department of Community Affairs  
2740 Centerview Drive  
Tallahassee, FL 32399-2100

AUG 19 1994

bcc:

PDR

SECY

OGC

CA

JTaylor, EDO

JMilhoan, DEDR

SEbnetter, RII

JLieberman, OE

JGoldberg, OGC

RZimmerman, NRR

WRussell, NRR

Enforcement Coordinators

RI, RIII, RIV, WCFO

BHayes, OI

EJordan, AEOD

DWilliams, OIG

RRosano, OE

EA File

DCS

RCroteau, NRR

AGibson, RII

KClark, RII

BUryc, RII

DVerrelli, RII

KLandis, RII

RSchin, RII

Document Control Desk

Senior Resident Inspector

U.S. Nuclear Regulatory Commission

P. O. Box 1448

Homestead, FL 33090