



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

AUG 19 1994

Docket No. 50-302  
License No. DPR-72  
EA 93-226

Florida Power Corporation  
Mr. P. M. Beard, Jr. (NA2I)  
Senior Vice President,  
Nuclear Operations  
ATTN: Manager, Nuclear Licensing  
15760 West Power Line Street  
Crystal River, FL 34428-6708

Gentlemen:

SUBJECT: U.S. DEPARTMENT OF LABOR CASE NO. 88-ERA-29

Thank you for your response of March 18, 1994 to our Notice of Violation (NOV) issued on February 16, 1994 concerning the results of an administrative proceeding conducted by the U.S. Department of Labor (DOL). The DOL proceeding involved a complaint of employee discrimination filed by a former employee of Fluor Constructors International, Inc. (Fluor), at your Crystal River facility. We will examine the implementation of your corrective actions during future inspections.

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. Although you were not a party to the DOL case, licensees are responsible for violations committed by their contractors and may be held responsible when the Department of Labor hears the case and the Secretary of Labor concludes that discrimination occurred. Therefore, the violation will not be withdrawn. We acknowledge that Fluor has stated that they will appeal the Secretary of Labor's decision in this case. We note that an appeal filed with the U. S. Court of Appeals for the 11th Circuit was dismissed on January 25, 1994 due to lack of jurisdiction. In the

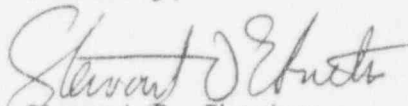
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event the case is successfully appealed at a later date and the Secretary of Labor's decision is reversed, you may request that the NRC reconsider the enforcement decision.

Sincerely,

  
Stewart D. Ebnetter  
Regional Administrator

cc:

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