



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET SW SUITE 23T85
ATLANTA, GEORGIA 30303-8931**

August 15, 2003

Florida Power and Light Company
ATTN: Mr. J. A. Stall, Senior Vice President
Nuclear and Chief Nuclear Officer
P. O. Box 14000
Juno Beach, FL 33408-0420

**SUBJECT: DEPARTMENT OF LABOR (DOL) CASE NO. 4-1050-03-037 -
JAMES D. TOTTON v. FLORIDA POWER AND LIGHT COMPANY**

Dear Mr. Stall:

On January 29, 2003, the NRC's Office of Investigation (OI) initiated an investigation to determine if Mr. James Totton, an employee of Florida Power and Light Company's St. Lucie Nuclear Plant, was subject to discriminated against for engaging in protected activity. The OI investigation, documented in OI Report No. 2-2003-003, was completed on June 30, 2003. OI concluded that there was not sufficient evidence developed during the investigation to substantiate discrimination.

On May 12, 2003, the U.S. Department of Labor's (DOL) OSHA Division in Atlanta, Georgia, received a complaint on a similar matter filed by Mr. Totton. The NRC will continue to monitor DOL activities.

We are providing the parties involved in the DOL hearing the results of the OI investigation. A copy of the synopsis of the OI report is enclosed. You should note that final NRC documents, including the final OI report, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information pursuant to the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Requests for Records.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document

Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Should you have any questions regarding this letter, please feel free to contact me at 404-562-4414.

Sincerely,

/RA/

Carolyn F. Evans ,
Regional Counsel/Enforcement Officer
Enforcement and Investigations
Coordination Staff

Enclosure: Investigative Synopsis,
OI Case No. 2-2003-003

cc w/encl: James D. Totton

SYNOPSIS

The U.S. Nuclear Regulatory Commission, Office of Investigations, Region II, initiated this investigation on January 29, 2003, to determine if a nuclear plant supervisor at the Florida Power & Light Company Saint Lucie Nuclear Plant, was discriminated against by senior management for raising a safety concern.

Based on evidence, testimony, and documentation developed during this investigation, the allegation that the plant supervisor was the subject of employment discrimination for raising a safety concern was not substantiated.

Approved for release on August 6, 2003 - SES

Enclosure

~~NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF
FIELD OFFICE DIRECTOR, OFFICE OF INVESTIGATIONS, REGION II~~