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 AUTH. NAME AUTHOR AFFILIATION
 PLUNKETT, T.F. Florida Power & Light Co.
 RECIP. NAME RECIPIENT AFFILIATION
 Document Control Branch (Document Control Desk)

SUBJECT: Responds to NRC 960325 ltr re violation noted in DOL Case
 92-ERA-10. Predecisional enforcement conference requested at
 which util will offer info demonstrating that Secretary of
 Labor decision incorrect & that no violation occurred.

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Florida Power & Light Company, P.O. Box 14000, Juno Beach, FL 33408-0420

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L-96-104

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555

Subject: Turkey Point Plant Units 3 and 4
Docket Nos. 50-250 and 50-251
Response to an Apparent Violation in
Department of Labor Case No. 92-ERA-10

This is in response to the Commission's letter of March 25, 1996, regarding the subject apparent violation. Florida Power and Light Company (FPL) requests a predecisional enforcement conference at which the Company will offer information demonstrating that the Secretary of Labor's decision is incorrect and that no violation of 10 CFR § 50.7 has occurred in this case. We believe that it would help to expedite the conference and assure the development of a full record before the NRC, for FPL to be informed in advance of the conference of those questions and issues of concern to the Commission in reaching its decision on this matter.

The employment action involved in this matter was taken without regard to any protected activity of the affected employee and pursuant to NRC regulations (10 CFR Part 26). Because no violation has occurred, corrective action is not required.

FPL's longstanding policy has been to encourage its employees and those of its contractors to raise nuclear safety concerns without fear of retaliation of any type. The Company takes steps to ensure that this policy is understood and consistently implemented. Our letter L-96-103 dated April 24, 1996, describes a number of recent measures, including extensive training, to improve and update our successful employee concerns program and maintain an atmosphere in which our employees feel free to express concerns.

In addition, we believe that any enforcement action would be harmful to both NRC and Industry efforts to administer an effective fitness-for-duty program, since it could create a chilling effect on management.

Sincerely,

T. F. Plunkett
President, Nuclear Division

TFP/msd

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PDR ADOCK 05000250
Q PDR

cc: S. D. Ebnetter, Regional Administrator, USNRC, Region II
T. P. Johnson, Senior Resident Inspector, USNRC, Turkey Point Plant

*Adol
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