



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET SW SUITE 23T85
ATLANTA, GEORGIA 30303-8931

March 21, 2000

Florida Power and Light Company
ATTN: Mr. T. F. Plunkett
President - Nuclear Division
P. O. Box 14000
Juno Beach, FL 33408-0420

SUBJECT: DEPARTMENT OF LABOR CASE (DONALD DUPREY VS. FLORIDA POWER
AND LIGHT COMPANY) AND NRC OFFICE OF INVESTIGATIONS REPORT
NO. 2-1999-008

Dear Mr. Plunkett:

On February 12, 1999, the NRC's Office of Investigations (OI) initiated an investigation to determine whether Florida Power and Light Company (FPL) discriminated against a Turkey Point Nuclear Plant employee for raising a safety concern regarding FPL's sick leave policy which allegedly caused workers to report for work when they were sick. The OI investigation (OI Report No. 2-1999-008) was completed on January 25, 2000. OI did not substantiate that discrimination was a factor in the actions comprising the complaint.

The U.S. Department of Labor's (DOL) Occupational Safety and Health Administration (OSHA) Regional office in Atlanta, Georgia received a complaint dated July 16, 1999, regarding this matter which was by filed legal counsel on behalf of the employee. On December 13, 1999, the OSHA Regional Supervisory Investigator determined that the complainant's discrimination complaint could not be substantiated. Subsequently, the employee appealed the decision to the DOL Office of Administrative Law Judges (ALJ), and a decision has not yet been issued in this case. Accordingly, the NRC will hold its judgement on whether or not enforcement action is warranted and will continue to monitor DOL activities in this matter until after a final decision by DOL.

We are providing the parties involved in the DOL complaint 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, Request 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 made publically available.

Should you have any questions regarding this case, you may contact me at 404-562-4422.

Sincerely,



Anne T. Boland, Enforcement Officer
Enforcement and Investigations
Coordination Staff

Enclosure: Synopsis of OI Report No. 2-99-008

SYNOPSIS

The Office of Investigations (OI), U.S. Nuclear Regulatory Commission, Region II, initiated this investigation on February 12, 1999, to determine whether Florida Power and Light Company discriminated against a Turkey Point Nuclear Plant auxiliary unit operator for reporting safety concerns.

Separate OI and Department of Labor investigations did not substantiate that discrimination was a factor in the actions comprising the operator's complaint.

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

Case No. 2-1999-008

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Approved for Release
March 13, 2000

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