



UNITED STATES
NUCLEAR REGULATORY COMMISSION

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

October 30, 2007

EA-07-138

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: NRC OFFICE OF INVESTIGATIONS REPORT NO. 2-2006-013 - TURKEY POINT
NUCLEAR PLANT

Dear Mr. Stall:

This refers to an investigation completed by the NRC's Office of Investigations (OI) on December 13, 2006. The purpose of the investigation was to determine if security officers employed with The Wackenhut Corporation (Wackenhut) at the Turkey Point Nuclear Plant (Turkey Point) were willfully inattentive to duty (sleeping) during 2004 – 2006. Enclosure 1 contains a factual summary of the OI investigation.

Based on the results of the OI investigation, apparent violations of NRC requirements were identified and are being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The apparent violations involve the actions of multiple security officers employed by Wackenhut Corporation at Florida Power and Light Company's Turkey Point Nuclear Plant in 2004-2006. In this case, the investigation substantiated that security officers were willfully inattentive to duty, or served as lookouts such that other security officers could be inattentive while on duty. These actions caused Florida Power and Light to be in apparent violation of 10 CFR 73.55(f)(1) because the security officers were not capable of maintaining continuous communication with an individual in each continuously manned alarm station.

Before the NRC makes its enforcement decision, we are providing you an opportunity to either: (1) respond to the apparent violations within 30 days of the date of this letter or (2) request a predecisional enforcement conference. If a conference is held, it will be closed to public observation in accordance with the NRC Enforcement Policy because the findings are based on an NRC Office of Investigations report that has not been publicly disclosed. Please contact Mr. Joel T. Munday, Chief, Plant Support Branch 2, Division of Reactor Safety, at (404) 562-4560, within 10 days of the date of this letter to notify the NRC of your intended response.

If you choose to request a predecisional enforcement conference, please be prepared to discuss the corrective actions you have taken to correct these inattentiveness issues and prevent recurrence.

If you choose to provide a written response, it should clearly be marked as a "Response to Apparent Violation EA-07-138" and should include: (1) the reason for the apparent violations, or, if contested, the basis for disputing the apparent violations; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken to avoid further violations; and (4) the date when full compliance will be achieved. In presenting your corrective actions, you should be aware that the promptness and comprehensiveness of your corrective actions will be considered in assessing any civil penalty for the apparent violations. Your response should be submitted under oath or affirmation and it may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision.

In lieu of a predecisional enforcement conference, you may also request Alternative Dispute Resolution (ADR) with the NRC in an attempt to resolve this issue. Alternative Dispute Resolution is a general term encompassing various techniques for resolving conflicts outside of court using a neutral third party. The technique that the NRC has decided to employ is mediation. Additional information concerning the NRC's program is described in the enclosed brochure (NUREG/BR-0317) and can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>. The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as a neutral third party. Please contact ICR at 877-733-9415 within 10 days of the date of this letter if you are interested in pursuing resolution of this issue through ADR.

Since the NRC has not made a final determination in this matter, no Notice of Violation is being issued for the investigative findings at this time. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and enclosures, and your response, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at www.nrc.gov/reading-rm/pdr.html www.nrc.gov/reading-rm/adams.html. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In addition, please be advised that the number and characterization of the apparent violations described in this letter may change as a result of further NRC review. If Safeguards Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.