

October 4, 1996  
EN 96-076

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Centerior Service Company (EA 96-253)  
(Perry Nuclear Power Plant)  
Docket No. 50-440

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$160,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$160,000 will be issued on or about October 9, 1996, to Centerior Service Company. The action is based on a Severity Level II problem involving two violations of 10 CFR 50.7, "Employee Protection." As determined in the DOL Administrative Law Judge's (ALJ) Recommended Decision and Order in case 96-ERA-6, dated June 11, 1996, the licensee instructed its contractor to terminate one insulator from his employment at the Perry Nuclear Power Plant and banned him and five additional insulators from working at any Centerior facility in retaliation for the insulators filing a civil complaint under the Atomic Energy Act. The violation is categorized at Severity Level II because it appears from the ALJ's decision that management above first line supervision was involved in the discrimination.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$80,000 is considered for a Severity Level II problem. Based on its review, the staff determined that the licensee should not be given credit for identification and its corrective actions. This results in a proposed civil penalty of \$160,000 (twice the base amount).

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice	October 9, 1996
Telephone Notification of Licensee	October 9, 1996

The State of Ohio will be notified.

The licensee will be permitted to defer its response on the proposed civil penalty until 30 days after the DOL Administrative Review Board's decision in this case. Following NRC evaluation of the response, the civil penalty may be remitted, mitigated, or imposed by Order.

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PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL  
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION

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PDR I&E  
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