

Designated original



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

AUG 12 1985

Docket No. 50-320
License No. DPR-73
EA 84-137

GPU Nuclear Corporation
ATTN: Mr. P. R. Clark, President
100 Interpace Parkway
Parsippany, New Jersey 07054

Gentlemen:

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY
(NUREG 0680, SUPPLEMENT 5)

The NRC Office of Investigations (OI) conducted nine investigations into allegations of various matters involving General Public Utilities Nuclear Corporation (GPU Nuclear) management integrity. The NRC staff reviewed the reports of investigations and concluded that several violations of Commission regulations by GPU Nuclear had occurred. The NRC review and a list of the reports of the investigations are documented in Supplement 5 to the Safety Evaluation Report (SER) on TMI-1 Restart (NUREG-0680, Supplement 5). One of the violations is described in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice). The other violations will be dealt with in separate correspondence.

The violation in the enclosed Notice involves acts of discrimination against Richard D. Parks, a Bechtel employee, for raising safety concerns associated with the TMI-2 polar crane refurbishment. These safety concerns were related to various failures to follow GPU Nuclear approved procedures during refurbishment of the crane. GPU Nuclear was subsequently cited for failures to follow procedures in a Notice of Violation issued on February 3, 1984. Mr. Parks claimed that as a result of his exposing the safety concerns to his management and the NRC, he was (1) relieved of his duties as Alternate Startup and Test Supervisor at TMI-2, (2) subjected to improper and intimidating interrogation by his management, (3) removed as the primary Site Operations Department representative for the Test Working Group, and (4) ultimately placed on leave of absence.

The Department of Labor (DOL) conducted an investigation into the complaint filed by Mr. Parks. OI also investigated Mr. Park's allegations of discrimination. After reviewing the DOL and OI investigation reports, the NRC staff determined that a violation of the Commission's regulations occurred. Specifically, the four discriminatory acts against Mr. Parks are a violation of 10 CFR 50.7.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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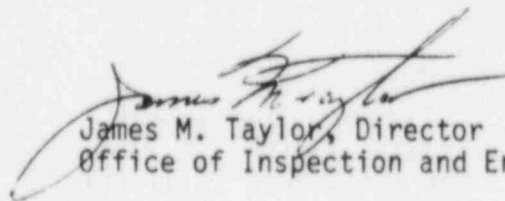
Acts of discrimination, whether committed directly or through contractor personnel, against an employee who raises safety concerns or who communicates with the NRC, will not be tolerated. To emphasize this, I have been authorized, after consultation with the Commission, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the amount of Sixty-Four Thousand Dollars (\$64,000) for the violation involving the acts of discrimination against Richard D. Parks. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, 47 FR 9989 (March 9, 1982), which was the policy in effect at the time of the violation, (Enforcement Policy) the violation has been categorized as a Severity Level II violation. A civil penalty of \$64,000, the base civil penalty for a Severity Level II violation at the time the discrimination occurred, is being proposed to make clear the significance which the Commission places on any violation involving employee discrimination. The escalation and mitigation factors in the Enforcement Policy were considered and no adjustment has been deemed appropriate.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including the corrective actions you have taken, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosure will be placed in the NRC's Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Sincerely,



James M. Taylor, Director
Office of Inspection and Enforcement

Enclosure:
Notice of Violation and
Proposed Imposition of Civil Penalty