

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

GPU NUCLEAR CORPORATION
Three Mile Island,
Unit 2

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

The NRC's Office of Investigations (OI) conducted nine investigations into allegations dealing with various items involving management integrity at the Three Mile Island Nuclear Station. The NRC staff subsequently reviewed the reports and other pertinent materials and documented its review in Supplement 5 to the Safety Evaluation Report (SER) on TMI-1 Restart (NUREG 0680, Supplement 5). As a result of the review, an apparent violation of NRC requirements was identified. 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 violations, the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended ("Act"), 42 U.S.C. 2282, PL 96-295, and 10 CFR 2.205. The particular violation, and the associated civil penalty, are set forth below:

10 CFR 50.7 prohibits discrimination by a Commission licensee, or a contractor or subcontractor of a licensee, against an employee for engaging in certain protected activities. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, and privileges of employment. The activities protected include but are not limited to providing the NRC information about possible violations of NRC requirements and requests to the NRC to take action against an employer for enforcement of NRC requirements.

Contrary to the above, Richard D. Parks, a Bechtel employee, was discriminated against for engaging in protected activities in reporting safety problems to his management, requesting assistance from the NRC, and commencing a proceeding with the Department of Labor. Parks reported safety concerns to his management on February 13, 1983. Parks contacted the TMI on-site office of the NRC on February 18, 1983 and on March 10, 1983, complaining first that his management was threatening to have him transferred and then that GPU Nuclear management was trying to implicate him in a conflict-of-interests charge because he had reported safety concerns. He also initiated a proceeding pursuant to Section 210(b)(1) of the Energy Reorganization Act of 1974, 42 U.S.C. 5851, PL 93-438, on March 23, 1983. At least partly due to these activities, Mr. Parks, during the period between February 23, 1983 and March 24, 1983 was (1) removed as Alternate Startup and Test Supervisor, (2) subjected to improper and intimidating interrogation, (3) removed as the primary Site Operations Department representative for the Test Working Group, and (4) ultimately placed on leave of absence. These acts of discrimination were described in a U.S. Department of Labor

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investigation (DOL Case 83-ERA-8) which was reviewed during an NRC OI investigation (OI Report H-83-002), and discussed in Section 10 of NUREG-0680, Supplement 5.

This is a Severity Level II violation (Supplement VII).
(Civil Penalty - \$64,000).

Pursuant to the provisions of 10 CFR 2.201, GPU Nuclear Corporation is hereby required to submit to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, within 30 days each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation, if admitted, (3) the corrective steps which have been taken and the results achieved, (4) the corrective steps which will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, the Director, Office of Inspection and Enforcement, may issue an order to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, GPU Nuclear Corporation may pay the civil penalty by letter addressed to the Director, Office of Inspection and Enforcement, with a check, draft, or money order payable to the Treasurer of the United States in the cumulative amount of Sixty-Four Thousand Dollars (\$64,000) or may protest imposition of the civil penalty in whole or in part by a written answer addressed to the Director, Office of Inspection and Enforcement. Should GPU Nuclear Corporation fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an order imposing the civil penalty in the amount proposed above. Should GPU Nuclear Corporation elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, such answer may: (1) deny the violation listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

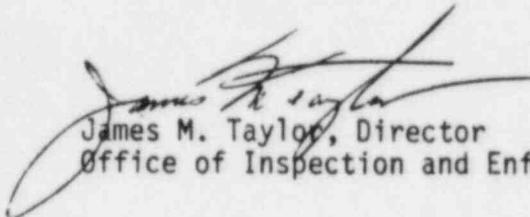
In requesting mitigation of the proposed penalty, the five factors addressed in Section V.B of 10 CFR Part 2, Appendix C should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate part of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. GPU Nuclear Corporation's attention is directed to the other provisions of 10 CFR 2.205 regarding the procedure for imposing a civil penalty.

Notice of Violation

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Upon failure to pay the penalty due which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION


James M. Taylor, Director
Office of Inspection and Enforcement

Dated at Bethesda, Maryland
this 12th day of August 1985

GPU Nuclear Corporation

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