

CATEGORY 1

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 FACIL: 50-410 Nine Mile Point Nuclear Station, Unit 2, Niagara Moha 05000410
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 LIEBERMAN, J. Ofc of Enforcement (Post 870413)
 RECIP. NAME RECIPIENT AFFILIATION

SUBJECT: EN-96-050: on 960724, notice of proposed imposition of civil penalty in amount of \$80,000 issued to licensee. Action based on Severity Level II violation of 10CFR50.7, "Employee Protection."

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OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Niagara Mohawk Power Corporation (EA 96-116)
(Nine Mile 2)
Docket No. 50-410

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$80,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$80,000 will be issued on or about July 24, 1996, to Niagara Mohawk Power Corporation. The action is based on a Severity Level II violation of 10 CFR 50.7, "Employee Protection." As determined in the DOL Administrative Law Judge's (ALJ) Recommended Decision and Order in case 95-ERA-005, dated March 15, 1996, the licensee terminated the employment of one of its nuclear engineers in February 1994 for raising safety concerns to his employer beginning in 1991. 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 violation. Based on its review, the staff determined that the licensee should be given credit for its corrective actions in the case. This results in a proposed civil penalty at the base amount of \$80,000.

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 July 24, 1996
Telephone Notification of Licensee July 24, 1996

The State of New York will be notified.

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

Contacts: Michael Stein, OE, 415-3055

J. Lieberman, OE, 415-2741

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



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