

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: TU Electric (EA 95-271)
Comanche Peak Steam Electric Station
Docket Nos. 50-445 and 50-446

Subject: PROPOSED EXERCISE OF ENFORCEMENT DISCRETION

This is to inform the Commission that the staff intends to exercise enforcement discretion per Section VII.B.6 of the Enforcement Policy and not issue a civil penalty or Notice of Violation for a potential Severity Level II violation. A letter on the subject will be issued on or about February 22, 1996 to TU Electric (Comanche Peak) and is based on an investigation conducted by Region IV OI Field Office concerning the alleged discrimination (by suspending the individual's unescorted access) against a former TU Electric worker who may have reported safety concerns to the NRC, a violation of 10 CFR 50.7. The OI investigation concluded that discrimination had occurred in this case. Based on the Enforcement Policy, this action would be classified at Severity Level II because of the management level (Acting Vice President for Operations) of one of the individuals involved in the case.

The exercise of enforcement discretion for the apparent Severity Level II violation is warranted because: 1) TU Electric identified the issue within 12 hours of its occurrence when one of the involved managers made his supervisor aware of the access suspension; 2) upon being informed of the suspension, the group vice president immediately reversed the suspension; 3) the individual's access was restored before he required access to the protected area; 4) the individual was not aware that his protected area access had been temporarily suspended; and 5) although not required, the licensee informed NRC of this matter the same day it was discovered.

Letters are also being issued to the involved managers.

The schedule of issuance and notification is:

Mailing of Letter	February 22, 1996
Telephone Notification of Licensee	February 22, 1996

The State of Texas will be notified.

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Distribution

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

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