

July 29, 1999
EN 99-029

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: North Atlantic Energy Service Corporation (EA 98-165)
Seabrook Station
Docket No. 50-443

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL
PENALTY
\$55,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$55,000 will be issued on or about August 3, 1999 to North Atlantic Energy Service Corporation. The action is based on a Severity Level III violation involving a licensee contractor that discriminated against a contractor electrician due to the electrician's involvement in protected activity. Specifically, the contractor electrician was selected for a layoff on January 16, 1998, due, at least in part, to the fact that he had raised a concern to the licensee's Quality Control Inspector on January 7, 1998, regarding a wiring discrepancy in the control panel of the control building air conditioning (CBA) system, a safety-related system.

Given that the violation was caused by an individual who was acting as a first line supervisor, it is categorized at Severity Level III in accordance with the NRC Enforcement Policy. The action of the acting first line supervisor resulted in a significant violation of the electrician's protection standards set forth in 10 CFR 50.7. A base civil penalty in the amount of \$55,000 is proposed for this Severity III violation.

The NRC considered whether credit was warranted for Identification and Corrective Action in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy since the violation was willful. The NRC staff determined that the licensee did not warrant credit for identification. The licensee took prompt action to review the circumstances of the electrician's layoff, and promptly had the electrician reinstated after recognizing the potential chilling effect that could result. However, the licensee's investigation of the layoff did not recognize that discrimination had occurred. The staff determined from a review of the corrective actions taken by the licensee that credit for the corrective actions was warranted.

Notices of Violation without civil penalty are also being issued to William Power Corporation, the licensee's contractor (EA 98-338), and the individual (IA 99-003).

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

Mailing of Notices	August 3, 1999
Telephone Notification of Licensee	August 3, 1999

Due to earlier interest in this matter, Representative Edward J. Markey will be notified.

The State of New Hampshire will be notified.

9908240121 990729
PDR I&E
EN-99-029 PDR

1533
0/11

Other References: OI Report # 1-1998-005

Contacts: J. Canady, OE, 415-2747

R. W. Borchardt, OE, 415-2741

EN 99-029
July 29, 1999

Distribution

OWFN _____ Chairman Dicus	OWFN _____ EDO	TWFN _____ OC	Regional Offices RI _____	RIV _____
Comm. Diaz	DEDE	ACRS	RII _____	
Comm. McGaffigan	OE	OP CTR	RIII _____	
Comm. Merrifield	OGC	NMSS		
OCA	NRR	IRM	<u>MAIL</u>	
PA	OI	OIG	NUDOCS	
IP	SP	RES	PUBLIC	
SECY	CIO			

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