

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Department of Veterans Administration, Philadelphia (EA 00-086)
Docket No. 030-14526

Subject: ORDER IMPOSING CIVIL PENALTY - \$5,500

By EN 00-11, dated July 14, 2000, the staff informed the Commission of its intent to issue a Notice of Violation and proposed Imposition of Civil Penalties in the amount of \$5,500 to the Philadelphia Veterans Administration Medical Center (PVAMC) in connection with a violation of the NRC's employee protection regulation (10 CFR 50.7). The Notice of Violation was issued on July 20, 2000.

A U.S. Merit Systems Protection Board (MSPB) decision issued on April 16, 1999, in part substantiated that PVMAC retaliated against a former research nurse for whistle blowing activity both when the individual was subjected to intolerable working conditions and when it terminated the nurses appointment. After evaluation of the associated Office of Investigation (OI) report, and after conducting a pre-decisional enforcement conference with the licensee, the staff adopted the MSPB finding that the nurse was subjected to intolerable working conditions, and that this environment was created as a result of her raising safety issues. The staff concluded that these conditions constituted a hostile work environment.

The licensee responded to the Notice in a letter dated August 29, 2000. The licensee denied that they retaliated against the employee because of protected activities. After careful consideration of the licensee's response, the staff has concluded that the violation did occur as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty.

Accordingly, an Order Imposing Civil Monetary Penalty in the amount of \$5,500 has been issued today. Under the terms of the Order, the licensee may within 30 days of the date of the Order, pay the civil penalty or request a hearing.

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VERIFICATION THAT LICENSEE HAS RECEIVED ACTION