



NRC NEWS
U. S. NUCLEAR REGULATORY COMMISSION

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NRC STAFF PROPOSES \$100,000 FINE AGAINST NORTHEAST NUCLEAR ENERGY
CO. FOR ALLEGED DISCRIMINATION AGAINST FORMER CONTRACTOR EMPLOYEE

The Nuclear Regulatory Commission staff has cited Northeast Nuclear Energy Co. (NU) for alleged discrimination against a former contractor employee at its Millstone Nuclear Power Station in Waterford, Connecticut. The staff has proposed a fine of \$100,000.

The NRC staff proposed the fine after determining that a senior health physics technician of Bartlett Nuclear, Inc., an NU contractor, was discriminated against for raising safety concerns. The NRC also issued a Notice of Violation to Bartlett, citing the company for discriminating against an employee engaged in a protected activity.

In December 1995, a Department of Labor Administrative Law Judge ruled that NU had discriminated against the individual by laying him off at the Millstone site in December 1994, after the worker filed a complaint with DOL and an NRC inspection of concerns raised by the individual. The worker was subsequently rehired at the facility in March 1996.

Federal law protects workers who raise safety concerns with management or with NRC staff about possible violations of NRC rules and regulations. In a letter to NU officials, NRC Region I Administrator Thomas T. Martin said NU's acts of discrimination "are significant because they could have a chilling effect on other licensee or contractor personnel and deter them from identifying and/or raising safety concerns. The violation takes on even more significance because the NRC has issued two civil penalties to you since May 1993 for violations involving discrimination against employees who raised safety concerns."

The licensee was fined \$100,000 in May 1993 for harassment and intimidation of a former NU employee, and \$100,000 in July 1994 for harassment and intimidation of an NU engineer.

To emphasize the importance of maintaining a work environment in which employees are free to engage in protected activities without fear of retaliation, the base civil penalty of \$50,000 was doubled because the violation was not identified by the licensee and many of the corrective actions were still in the planning phase.

Since the civil penalty is based on the recommended decision and order of the DOL Administrative Law Judge, which is still being reviewed by the Secretary of Labor, NU may delay payment of

the civil penalty until 30 days after the final decision of the Secretary of Labor. However, the licensee is required, within 30 days, to document the specific actions it has taken and additional actions it plans to take to prevent recurrence and counter the perceived "chilling effect" of the discriminatory actions.

NOTE TO EDITORS: The NRC's Inspector General has made public a report on an investigation into the NRC staff's decision to withhold Northeast Utilities' internal task force reports on plant performance at Millstone Station from the Public Document Room. A copy of the executive summary is available through the Region I office.