

NOTICE OF VIOLATION

McEnany Roofing, Inc.
Tampa, Florida

Docket No. 9999
EA 96-336

As a result of review of a U.S. Department of Labor (DOL) Administrative Law Judge (ALJ) Recommended Decision and Order, dated August 22, 1996, and an investigation by the NRC's Office of Investigations (OI) completed on September 24, 1996, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 50.7 prohibits, in part, discrimination by a contractor of a Commission licensee against an employee for engaging in certain protected activities. Discrimination includes discharge or other actions relating to the compensation, terms, conditions, and privileges of employment. The activities which are protected include, but are not limited to, reporting of safety concerns by an employee to her employer.

Contrary to the above, McEnany Roofing, Inc., formerly known as Pritts McEnany Roofing, Inc., a contractor employed by Florida Power Corporation at the Crystal River Nuclear Plant, discriminated against Ms. Tracy A. James, a former security escort and firewatch. Specifically, as found by the DOL ALJ in Case No. 96-ERA-5 (August 22, 1996) and by OI in Case No. 2-95-027 (September 24, 1996), on October 11, 1995, Pritts McEnany Roofing, Inc., terminated the employment of Ms. James as a result of her reporting a violation of security escort requirements imposed at Florida Power Corporation's Crystal River Nuclear Plant pursuant to the Atomic Energy Act. (01011)

This is a Severity Level II violation (Supplement VII).

Pursuant to the provisions of 10 CFR 2.201, McEnany Roofing, Inc., is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region II, and a copy to the NRC Resident Inspector at Crystal River, within 30 days of the date of the letter transmitting this Notice of Violation. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an Order or a Demand for Information may be issued. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Enclosure

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at Atlanta, Georgia
this 5th day of December 1996