

U.S. NUCLEAR REGULATORY COMMISSION
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NEWS ANNOUNCEMENT: RIII-96-62
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October 11, 1996

NRC STAFF PROPOSES \$160,000 FINE AGAINST CENTERIOR SERVICE CORP.
FOR EMPLOYMENT DISCRIMINATION VIOLATIONS AT PERRY NUCLEAR PLANT

The Nuclear Regulatory Commission staff has proposed a \$160,000 fine against Centerior Service Company, operator of the Perry Nuclear Power Station, for discriminating against six workers who were seeking employment at the nuclear plant

The six, who were employed as insulators, filed a complaint with the U. S. Department of Labor, claiming that they were denied access to the Perry plant because they were involved in litigation against Centerior regarding an exposure to a small amount of radioactive material while working at the Davis-Besse Nuclear Power Station. Perry is located at Perry, Ohio, and Davis-Besse is at Oak Harbor.

Because the six were denied access to the Perry facility, five were not hired by Fischbach Power Services, Inc., a contractor at Perry, and the sixth, already employed, was terminated.

A Department of Labor Administrative Law Judge, following a hearing, issued a Recommended Decision and Order finding that the actions of Centerior were in deliberate retaliation for the filing of the civil litigation by the six workers. The decision was appealed by the utility and is pending before the Department of Labor Administrative Review Board.

NRC regulations prohibit an NRC licensee from discriminating against an employee for engaging in certain protected activities, including raising safety issues. Based on a review of the Department of Labor decision, the NRC staff has determined that the action of the utility constituted discrimination.

"Such violations are very significant because they could have a chilling effect on other licensee or contractor personnel and deter them from identifying and/or raising safety concerns," said NRC Regional Administrator A. Bill Beach in notifying the utility of the proposed fine.

The utility has until November 10 to respond to the Notice of Violation, providing information on its corrective actions. Since the Department of Labor case is still pending before the Administrative Review Board, the utility may delay its full response to the Notice of Violation, including payment of the proposed fine, until after the Department of Labor decision is

issued. The utility may protest the fine, and, if it is subsequently imposed by the NRC staff, the utility may request a hearing.

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