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# NRC NEWS

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## **NRC PROPOSES \$55,000 FINE FOR DISCRIMINATION AGAINST PERRY**

The Nuclear Regulatory Commission staff has proposed a \$55,000 fine against FirstEnergy Nuclear Operating Company for a violation of employee protection requirements at the Perry Nuclear Power Plant, located at Perry, Ohio.

The fine stems from a 2000 incident involving three painters employed by Williams Power Corporation, a contractor at the plant, and their management. The workers contacted a Perry maintenance supervisor and ombudsman with concerns about the directions they received from their supervisor that would violate a plant procedure for painting in the Fuel Handling Building. Immediately afterwards, the site superintendent for Williams Power threatened the painters with termination if they did not volunteer for a layoff. As a result, two painters were laid off and the third was forced to resign.

An investigation by the NRC Office of Investigations concluded that raising this issue with FirstEnergy was a contributing factor in the layoff of the three painters by the contractor. The NRC's regulations protect the right of workers at nuclear power plants to voice safety concerns without fear of reprisal.

NRC Regional Administrator James Caldwell, in notifying the utility of the proposed fine, said this action by the NRC should "emphasize the need for prompt identification of violations" and "the importance of a workforce that is free of employment discrimination."

In a separate action by the NRC, the Williams Power supervisor has been barred from NRC-licensed activities for three years for deliberately providing false information during the NRC's investigation associated with the discrimination against the three workers. The NRC's Office of Investigations referred the case to the U.S. Department of Justice; the supervisor was subsequently charged with providing false information to the NRC and pleaded guilty to the felony charge in July 2004.

A Notice of Violation has also been issued to Williams Power Corporation for discrimination against the three workers and for deliberately providing false information during the NRC's investigation. It requires the company to provide written statements addressing the reasons for these violations, steps taken to correct the problems and the results achieved; corrective steps that will be taken to avoid further violations; and the date when full compliance will be achieved.

FirstEnergy has taken corrective actions including a site survey of the safety conscious work environment; revising bid specifications and contracts to include added references to employee protection and safety conscious work environment; including safety conscious work environment into ongoing supervisor training; and establishing a special department to provide oversight of the employee concerns program. Additionally Williams Power Corporation established a written policy statement that it would not tolerate employment discrimination.

The notices to the utility and Williams Power Corp. on the enforcement actions will be available online at <http://www.nrc.gov/what-we-do/regulatory/enforcement/current.html> and from the NRC Region III Office of Public Affairs.

The utility has until March 28 to pay the fine or to protest it. If the fine is protested and subsequently imposed by the NRC staff, the utility may request a hearing.

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