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NRC STAFF PROPOSES \$50,000 FINE AGAINST NORTHERN STATES POWER
COMPANY

FOR IMPROPER DISCHARGE OF EMPLOYEE BY SECURITY CONTRACTOR AT
PRAIRIE ISLAND

The Nuclear Regulatory Commission staff has proposed a \$50,000 fine against Northern States Power Company for the improper discharge of a security guard by a security contractor at the Prairie Island Nuclear Power Station. The plant is located near Red Wing, Minnesota.

The NRC holds the utility licensed to operate the plant responsible for the actions of its contractors. NRC regulations and federal statutes prohibit the discrimination against an employee for questioning security and safety practices at facilities licensed by the NRC.

Burns International Security Service, Inc., of Parsippany, New Jersey, provides security services at the Prairie Island station.

The NRC staff also issued a Notice of Violation to Burns and required it to inform the NRC of its steps to assure that Burns management personnel fully understand their responsibilities regarding the right of employees to raise safety concerns without fear of retaliation.

On September 3, 1992, Burns terminated the employment of a security guard. The employee subsequently filed a complaint with the U. S. Department of Labor, which is the agency designated to consider such employment discrimination cases. The employee alleged that she had been improperly terminated because she raised questions about certain security practices at Prairie Island.

A Department of Labor Administrative Law Judge, following a hearing, concluded that Burns had wrongfully discharged the employee in retaliation for her having raised questions about security matters with Burns management and with NRC inspectors. These matters included questions about the posting of a guard at

an entry point in the plant and leaving a security station unattended.

The Administrative Law Judge also found that the Burns action was partly due to pressure applied by a Northern States Power Company manager. Burns was ordered to reinstate the guard with back pay and other compensation.

The NRC action is based on the decision of the Administrative Law Judge. This decision is still being reviewed by the Secretary of Labor, and Northern States Power may delay payment of the proposed fine until the final decision of the Secretary of Labor.

In addition to the proposed fine, the NRC staff directed Northern States Power to inform it of the steps taken to ensure that utility and Burns security personnel will perform their duties in compliance with NRC requirements and that they understand their responsibilities regarding the right of individuals to raise safety concerns without fear or retaliation or discrimination.

Northern States Power and Burns have until February 25, 1994, to respond to the NRC with the required information on the steps taken to ensure compliance with NRC requirements. Within 30 days of the final decision by the Secretary of Labor, Northern States Power must pay the proposed fine or submit a protest. If the fine is protested and subsequently imposed by the NRC staff, the utility may request a hearing.

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