

United States Nuclear Regulatory Commission
Office of Public Affairs
Washington, DC 20555
Phone 301-415-8200 Fax 301-415-2234
Internet: opa@nrc.gov

No. 96-34

FOR IMMEDIATE RELEASE
(Monday, February 12, 1996)

**NRC STAFF PROPOSES \$100,000 FINE AGAINST PP&L
FOR ALLEGED DISCRIMINATION AGAINST AN EMPLOYEE AT SUSQUEHANNA**

The Nuclear Regulatory Commission staff has cited Pennsylvania Power & Light Company for an alleged violation of NRC requirements involving discrimination against an employee at its Susquehanna Steam Electric Station, near Berwick PA. The staff has proposed a fine of \$100,000.

The NRC staff proposed the fine after determining that a Senior Security Officer suffered discrimination after questioning whether NRC rules and regulations were violated in 1992, when a PP&L Security Shift Supervisor proctoring a recertification exam improperly provided assistance to members of his shift. In May 1995, NRC cited PP&L for violating a requirement that security staffs be periodically recertified through written exams and information submitted by licensees to the NRC be complete and accurate. No civil penalty was proposed for the violation because of the licensee's good enforcement history.

In October 1995, the Secretary of Labor indicated the evidence showed that (1) after the individual (a Senior Security Officer (SSO) at the facility) raised his concerns to the NRC, he received from his Security Shift Supervisor, lower fractional ratings than the other two SSOs on his shift on his 1992 and 1993 performance appraisal in March 1993 and March 1994, respectively (although the overall ratings were the same); (2) the lower ratings led to a lower salary increase and the then Manager of Security indicated that the lower fractional ratings could affect the SSO's job retention if the company were faced with a reduction in force; and (3) the normal everyday interaction between PP&L security staff and the affected SSO changed after he identified his concerns to the NRC.

Protected activities include raising safety concerns to higher levels of plant and corporate management, providing the NRC information about possible violations of requirements imposed under either the Atomic Energy Act or the Energy Reorganization Act, requesting the NRC to institute enforcement action against an employer for the administration or enforcement of these requirements, or testifying in any Commission proceeding.

In a letter to PP&L officials, NRC Region I Administrator Thomas T. Martin said the licensee's discrimination "could have a chilling effect on other licensee or contractor personnel in

that it might deter them from identifying and/or raising safety concerns."

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 for a Severity III violation was doubled.

The licensee has 30 days to either pay the proposed fine or to request in writing that part or all of it be withdrawn. It must also document the specific actions it has taken and additional actions it plans to prevent recurrence and counter the perceived "chilling effect" of the discriminatory actions.

The Commonwealth of Pennsylvania has been informed of this enforcement action.

####