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NRC STAFF PROPOSES TO FINE NIAGARA MOHAWK POWER CORP.
\$80,000 FOR DISCRIMINATING AGAINST FORMER WORKER

The Nuclear Regulatory Commission staff has cited Niagara Mohawk Power Corporation (NMPC) for alleged discrimination against a former employee at its Nine Mile Point Nuclear Station near Oswego, N.Y. The staff has proposed a fine of \$80,000.

The NRC staff proposed the fine after a Department of Labor administrative law judge determined last March that a former employee was discriminated against for raising safety concerns. The former worker's concerns about the adequacy of the plant's alternate shutdown cooling procedure, are still being evaluated by NRC staff.

According to the administrative law judge, NMPC discriminated against the worker by terminating his employment at the Nine Mile Point site in 1994, after he raised safety concerns. Federal law protects workers who raise safety concerns with management or with NRC staff about possible violations of NRC rules and regulations. In a letter to NMPC officials, NRC Region I Administrator Thomas T. Martin said the licensee's acts of discrimination "are significant, because they could have a chilling effect on other licensee or contractor personnel and 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 NRC staff proposed a \$80,000 fine against the licensee, the base civil penalty for a Severity Level II violation. Since the civil penalty is based on a recommended decision and order of the administrative law judge, NMPC may delay payment until 30 days after the final decision of the Secretary of Labor. However, the licensee is required, within 30 days, to document the specific actions it has taken and additional actions it plans to take to prevent recurrence and counter the perceived "chilling effect" of the discriminatory action.
