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FOR IMMEDIATE RELEASE  
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NRC STAFF WITHDRAWS \$80,000 PROPOSED CIVIL PENALTY  
AGAINST PUBLIC SERVICE CO. OF COLORADO

The Nuclear Regulatory Commission staff has mitigated in full an \$80,000 civil penalty proposed in October 1993 against Public Service Company of Colorado (PSC).

NRC had based the proposed fine on investigations by both the NRC and the Department of Labor into a complaint by a former employee who alleged discriminatory termination at the Fort St. Vrain Nuclear Generating Station north of Denver. The plant has ceased operation and is now being decommissioned.

The employee, who worked as a radiation protection technician for a contractor at Fort St. Vrain, originally filed the complaint with the Department of Labor's Wage and Hour Division office in Denver. He alleged that he was fired from his job in March 1991 because he reported radiological safety violations. PSC and the alleger eventually reached a settlement, which was approved by the secretary of labor in February 1992. NRC informed PSC in March 1993 that an NRC investigation had concluded that discrimination had occurred in the case, in violation of NRC regulations.

After being informed last October that NRC intended to impose a fine in the case, PSC protested the action, denying that a violation had occurred and asking that the civil penalty be reconsidered.

After reviewing the utility's response, NRC has decided to withdraw the fine, but does not agree that no violation occurred, and thus has not rescinded the formal Notice of Violation that was issued to PSC. The agency has taken this action in light of a recent NRC decision to use its enforcement policy in a way that encourages licensees to settle complaints filed with the Department of Labor before an evidentiary hearing is held, as was done in this instance.

NRC's reconsideration also took into account the fact that PSC, once it learned of the employee's formal complaint, re-emphasized to employees their right and responsibility to raise

safety concerns. NRC further has noted that PSC's record shows that this complaint is the only one of its type since Fort St. Vrain began decommissioning work (in which radiation protection is particularly important) after the plant ceased operations in August 1989.

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