



NRC NEWS

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Office of Public Affairs Telephone: 301/415-8200

Washington, DC 20555-0001 E-mail: opa@nrc.gov

Web Site: <http://www.nrc.gov/OPA>

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NRC PROPOSES \$9,600 FINE AGAINST VIRGINIA FIRM IN WHISTLEBLOWER CASE

The Nuclear Regulatory Commission staff has proposed a \$9,600 civil penalty against a Manassas, Va., firm for firing a dispatcher it believed had reported safety concerns to the NRC.

The dispatcher was fired by Soil Consultants, Inc. (SCI), in August 2003, several days after NRC conducted an inspection of the company's facilities. The dispatcher indicated that company managers believed that he had notified the NRC about possible violations of NRC regulations. SCI contended that there were legitimate non-discriminatory reasons for terminating the dispatcher.

Based on evidence gathered during the NRC's investigation and information provided during a predecisional enforcement conference in August 2004, the NRC determined the company's belief that the employee had notified the agency of safety concerns was a contributing factor in its decision to terminate the dispatcher. Under the agency's enforcement policy, a base civil penalty of \$4,800 is assessed for this type of violation. However, the NRC staff is proposing an escalated fine because the violation was identified by the NRC rather than self-reported by the licensee, and because the company's corrective action was focused too narrowly and did not address management's understanding of NRC regulations on employee protection.

"It is apparent that SCI was concerned with who may have called the NRC about safety concerns," Frank J. Congel, director of NRC's Office of Enforcement, wrote in a letter to SCI regarding the enforcement action. The escalated fine, Congel wrote, will "emphasize the importance of prompt identification and correction of violations and a safety conscious work environment that is free of any chilling effect so that employees can bring forward nuclear and radiological safety concerns without fear."

The company is required to provide the NRC a written reply to the charges within 30 days.

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