

United States Nuclear Regulatory Commission
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NRC STAFF PROPOSES \$80,000 CIVIL PENALTY AGAINST TVA
FOR ALLEGED DISCRIMINATION AT BROWNS FERRY

The Nuclear Regulatory Commission staff has proposed an \$80,000 civil penalty against the Tennessee Valley Authority for alleged discrimination against a former ironworker foreman at the Browns Ferry nuclear power plant, located near Athens, Alabama.

In a Notice of Violation sent to TVA on February 14, 1996, the NRC said the fine was based on a ruling by the U.S. Secretary of Labor to the effect that a TVA contractor discriminated against a contractor employee by demoting him and transferring him to an outside work crew because he raised concerns related to firewatch requirements to other workers. The Department of Labor ruled that the employee was engaging in a protected activity when he expressed the concerns.

The NRC said the violation was a Severity Level II, its second most serious citation, and was of concern because it involved discrimination against an employee by a contract manager substantially above a first line supervisor. The agency said licensees are required to maintain an environment where licensee and contractor employees feel free to raise safety concerns without fear of retaliation.

In related actions, the NRC also proposed a Severity Level II violation, with no civil penalty, against the contractor, Stone & Webster Engineering Company and sent a letter to the contractor manager involved which informed him of agency actions against TVA and Stone & Webster and of NRC prohibitions against discrimination against persons engaged in protected activities.

NRC officials said TVA has already adequately addressed the reason for the violation and the corrective actions taken.

The NRC also said the agency is aware that the contractor is appealing the Secretary of Labor's decision and, in the event it is reversed, reconsideration of the NRC enforcement action would be appropriate.

TVA has 30 days from receipt of the Notice of Violation to either pay the fine or to protest its imposition.

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