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Region III Office of Public Affairs
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NRC STAFF PROPOSES \$110,000 FINE AGAINST FIRSTENERGY
FOR DISCRIMINATION AGAINST PERRY EMPLOYEE

The Nuclear Regulatory Commission staff has proposed a \$110,000 fine against FirstEnergy Nuclear Operating Company for discriminating against an employee at the Perry Nuclear Power Station who testified in a Department of Labor hearing involving another employee.

The NRC prohibits utilities from discriminating against employees for raising safety issues or other "protected" activities like providing testimony to the Department of Labor.

An NRC investigation found that the Radiation Protection Manager at the Perry plant had discriminated against a supervisor in 1997 for testifying in a Department of Labor hearing involving possible discrimination against another employee.

The supervisor had told utility officials that his testimony would not be favorable to the utility. The investigation determined that the discrimination against the supervisor consisted of "verbal counseling" by the manager and placement of a memorandum in the supervisor's personnel file documenting that counseling.

In notifying the utility of the proposed fine, James E. Dyer, NRC Regional Administrator, said: "This violation is a very significant regulatory concern because it involved employee discrimination by the Radiation Protection Manager, a mid-level facility manager, against an employee for testifying in a Department of Labor proceeding."

He continued, "Discrimination committed at this level has the potential to create a chilling effect throughout the Radiation Protection Department and could influence individuals in other plant departments."

In responding earlier to the potential violation, the utility said that the manager was unfamiliar with the NRC's employee protection regulations and did not understand what activities were protected.

"It is disturbing to the NRC that a mid-level manager would not be familiar with the Commission's employee protection regulations," Mr. Dyer said.

The proposed fine could have been \$176,000, based on its severity and the lack of corrective action by the utility. The NRC enforcement policy, however, limits a fine to \$110,000 per day for any one violation.

FirstEnergy has until June 21 to pay the fine or to protest it. If the fine is protested and

subsequently imposed by the NRC staff, the utility may request a hearing.

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