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# NRC NEWS

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## **NRC STAFF ISSUES CONFIRMATORY ORDERS ON EMPLOYMENT DISCRIMINATION BY FOOD SERVICE CONTRACTOR AT DAVIS-BESSE NUCLEAR POWER PLANT**

The Nuclear Regulatory Commission has issued Confirmatory Orders to FirstEnergy Nuclear Operating Co. and to a food service contractor at the Davis-Besse Nuclear Power Plant as a result of employment discrimination against three food service workers in 2002. The Davis-Besse plant, operated by FirstEnergy, is located near Oak Harbor, Ohio.

Investigations last year by the NRC Office of Investigations found that AVI Food Systems, Inc., of Warren, Ohio, threatened three employees with termination when they reported concerns about the fitness for work by a fellow food service employee. The workers reported they were concerned that the individual's performance was affected by a prescription drug taken by the individual.

NRC regulations prohibit discrimination against employees at nuclear facilities who raise safety issues, including the fitness for duty of workers.

The investigation findings were the subject of the NRC's alternative dispute resolution process which provides, at the request of the parties involved, an opportunity to resolve issues before a neutral mediator. Representatives of the NRC staff, FirstEnergy, and AVI Food Systems met May 11 with a professional mediator, arranged through Cornell University's Institute on Conflict Resolution.

That discussion led to the agreement by FirstEnergy to upgrade the training of its contractor personnel to include a discussion of NRC employee protection requirements and maintaining a safety conscious work environment where safety issues may be raised without concern for discrimination. The utility will also include contractor personnel in its annual surveys of nuclear plant workers to evaluate the work environment and willingness to raise safety issues.

Similarly, AVI Food Systems agreed to provide training to all its workers at NRC-licensed facilities covering NRC employee protection requirements and provisions for maintaining a safety conscious work environment.

The commitments by FirstEnergy and AVI Food Systems are documented in the Confirmatory Orders. The FirstEnergy Order applies to all three of its nuclear facilities - Davis-Besse and Perry in Ohio, and Beaver Valley in Pennsylvania. The AVI Food Systems order applies to any of its operations at nuclear facilities licensed by the NRC.

Copies of the Confirmatory Orders are available from the NRC Region III Office of Public Affairs and will be posted on the NRC web site at:

<http://www.nrc.gov/what-we-do/regulatory/enforcement/current.html>.

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