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DOE Cites Safety and Ecology Corp. for Violating Nuclear Safety Rules

WASHINGTON, D.C. -- The Department of Energy (DOE) today notified Safety and Ecology Corporation, the contractor responsible for radiological safety at the Portsmouth Gaseous Diffusion Project in Portsmouth, Ohio, that it will fine the company \$55,000 for violating the department's regulations prohibiting retaliation against employees who raise nuclear safety concerns.

“We take safety very seriously at the Department of Energy,” said Assistant Secretary for Environment, Safety and Health John Shaw. “Today’s action illustrates the department’s commitment to ensuring that any and all valid safety concerns can be raised by our workers without retaliation.”

The Preliminary Notice of Violation (PNOV) issued today follows a decision by DOE’s Office of Hearings and Appeals that an employee was fired after raising nuclear safety concerns at the Portsmouth site. This is the first enforcement action involving “whistleblowers” covered under nuclear safety rules. A finding of contractor retaliation by the DOE Office of Hearings and Appeals or the U.S. Department of Labor is automatically considered a nuclear safety violation.

The decision by the Office of Hearings and Appeals was affirmed by the U.S. District Court for the District of Columbia. As a result of the finding, the employee was reinstated to her position, provided back pay and reimbursed all costs associated with her case. The penalty announced today will be above and beyond the actions required by the Office of Hearings and Appeals decision.

The Price-Anderson Act of 1988 authorizes the Energy Department to undertake enforcement actions against contractors for violations of its nuclear safety requirements.

Safety and Ecology Corporation will have 30 days to respond to DOE's concerns and identify corrective actions it has taken. Unless the contractor denies the violations with sufficient justification, the PNOV will become final and the contractor will have to pay the \$55,000 fine.

Additional details on this and other enforcement actions are available on the Internet at <http://www.eh.doe.gov/enforce>.

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