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FOR IMMEDIATE RELEASE

NRC STAFF WITHDRAWS PROPOSED FINE AGAINST
VA MEDICAL CENTER IN PHILADELPHIA

The Nuclear Regulatory Commission staff has withdrawn a fine proposed September 18, 1996, against the Department of Veterans Affairs Medical Center in Philadelphia for an alleged violation of NRC requirements.

An \$8,000 civil penalty was proposed based on a finding by the Department of Labor that the Radiation Safety Officer was discriminated against after she raised safety concerns to the NRC.

In its response to the NRC, VA-Philadelphia admitted the violation, but requested that the NRC reconsider the determination that a supervisor's censure of the radiation safety officer constituted a violation warranting a civil penalty.

In support of that request, the VA said the supervisor chastised the employee, not just for telephoning the NRC, but for failing to notify him of certain information of which she was aware. The VA also contended that the chastisement was an isolated occurrence, that other employees were not "chilled" by this event from raising safety concerns, and that the violation did not involve a high potential for impact on the public.

After reviewing the VA response, the NRC staff conducted an investigation which did not substantiate that the radiation safety officer had suffered continued discrimination because of her contact with the NRC in November 1995. NRC also has determined that the chastisement of the employee did not substantially affect conditions of her employment, that she received an apology from the VA, and that she remains the radiation safety officer. The agency has further been advised that the VA has met terms and conditions of remedies outlined by the Labor Department when it issued its finding.

After considering all available information, the NRC has now concluded that the civil penalty should be withdrawn.

In the letter to the VA Medical Center, James Lieberman, Director of the NRC's Office of Enforcement, said "We note that recent NRC inspections have found problems that collectively indicate communication issues and poor working relationships may exist at your facility. The NRC continues to be concerned that these problems could adversely impact radiological safety at your facility. The NRC is presently reviewing the results of these inspections and will continue to closely monitor activities conducted under your license."

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