



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

May 2, 1990

The Honorable Chalmers P. Wylie
Member, United States
House of Representatives
200 North High Street
Columbus, Ohio 43215

Dear Congressman Wylie:

I am responding to your letter of April 6, 1990, in which you enclosed a letter from one of your constituents, Mr. W. Gordon Dick, concerning "abuses and narrow (mis) applications" of U.S. Nuclear Regulatory Commission (NRC) regulations.

Our review of the records indicate that Mr. Dick initially brought his concerns to the attention of our regional office in Pennsylvania in January 1985. Our staff met with him, inspected the installations of Gould electrical equipment about which he had expressed concern and advised him by letter dated July 9, 1985, that the allegations were not substantiated. We had previously advised Mr. Dick that many of the issues he expressed to us related not to safety matters but to business practices that fell under the domain of the New York State Public Service Commission. We had also informed Mr. Dick that issues relating to dismissal and harassment of employees under the provisions of Section 210 must be brought to the attention of the Department of Labor (DOL) within 30 days of the violation. In response to Mr. Dick's letter of September 26, 1986, which expressed dissatisfaction with the manner in which we addressed his concerns, we requested by letter dated October 22, 1986, that he provide us with specific information supporting his position. By letter dated November 3, 1986, Mr. Dick expressed dissatisfaction with our request. Our letter to Mr. Dick, dated January 20, 1987, expressed regret that he was not satisfied with our responses, but stated that we planned no further action because he declined to provide us with specific supporting information.

As you may know, Section 210 of the Energy Reorganization Act of 1974, as amended, prohibits any employer, including a nuclear power plant licensee, applicant, or the contractor or subcontractor of a licensee or applicant, from discriminating against any employee with respect to his or her compensation, terms, conditions, or privileges of employment for engaging in certain protected activities. Protected activities are defined in Section 210 to include the commencing of, or causing to be commenced, a proceeding under the Energy Reorganization Act or the Atomic Energy Act; testifying in such a proceeding; or any other action to carry out the purposes of the Energy Reorganization Act or the Atomic Energy Act. We note that Mr. Dick requests redress for "personal, professional and monetary damages" that he alleges that he has sustained. In Section 210 of the Energy Reorganization Act, Congress has explicitly given to DOL the authority and responsibility to provide the traditional, labor-related remedies such as compensation for individual losses while reserving to the NRC its authority under the Atomic Energy Act to take enforcement action against its licensees for violations of NRC requirements. This statutory system has been implemented through a Memorandum of Understanding between the two agencies.

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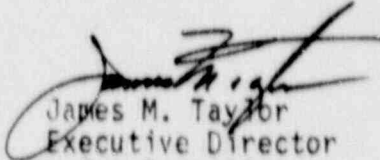
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Although issues of alleged discrimination must be reported to DOL within 30 days of occurrence or within 30 days of the time an employee becomes aware of the alleged discrimination, the NRC examines issues of alleged discrimination for raising safety concerns without regard to the time of occurrence. Furthermore, if the NRC determines that prohibited activities have occurred at a licensee's facility, the NRC will take action within our authority to ensure that corrective actions are undertaken by the licensee, and we may initiate enforcement actions against the licensee as deemed appropriate. Item 10 of the Factual Summary attached to Mr. Dick's letter indicates a misunderstanding of this issue. We hope this letter provides clarification.

In February 1985, Mr. Dick filed a complaint with DOL. The DOL issued an Order to Show Cause in May 1985 because the complainant failed to attend a hearing on the complaint. As a result, on June 19, 1985, DOL dismissed the complaint. The NRC also concluded that no additional action was warranted on this issue.

Let me again assure you that the NRC conducts a thorough review of each issue concerning violations of its regulations for nuclear power plants and coordinates its efforts with other agencies as appropriate. We will continue to ensure that appropriate corrective action is taken and enforcement action implemented, when warranted.

Sincerely,


James M. Taylor
Executive Director
for Operations