



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION V

1450 MARIA LANE, SUITE 210
WALNUT CREEK, CALIFORNIA 94596-6368

SEP 25 1990

Docket No. 50-344
EA No. 88-251
Allegation File No. RV-88-A-0027

Portland General Electric Co.
121 S.W. Salmon St., TB-17
Portland, Oregon 97204

Attn: Mr. James E. Cross
Vice President, Nuclear

SUBJECT: DEPT. OF LABOR COMPLAINT OF JAMES H. DAILY, JR.

Dear Sir:


This refers to your letters of October 19, 1988 and February 15, 1990 in response to our letters of September 19, 1988 and January 16, 1990, respectively, concerning the alleged discrimination against an employee for having engaged in protected activities. Briefly, Mr. James Daily, a PGE contractor employæ, alleged that his employment was terminated because he had raised safety concerns to PGE management and to the NRC. However, the complaint was settled. After reviewing the information provided and because of the circumstances of this case, we have determined that NRC enforcement action is not appropriate at this time.

As you know, discrimination is prohibited against employees, contractors, or applicants for employment where that discrimination is based on their voicing of safety concerns to licensee management or to the NRC. It is obviously in the public interest, and the interest of NRC licensees, that licensee personnel feel free to voice safety concerns. The absence of an atmosphere encouraging such communications courts silence and thus an ignorance of problems that could have significant safety consequences.

In this case, however, the NRC did not substantiate the safety concerns, and PGE appears to have acted aggressively in investigating the events surrounding Mr. Daily's dismissal, and in improving contractor awareness of employee rights under section 210 of the Energy Reorganization Act.

No response to this letter is required. In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be placed in the NRC Public Document Room.

Sincerely,


For John B. Martin
Regional Administrator

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SEP 25 1990

cc:

Mr. Scott Bauer, Branch Manager

B. Robinson, General Manager

L. A. Girard, Vice President and General Counsel

D. Stewart-Smith, Administrator, DOE

SEP 25 1990

bcc:
 J. Lieberman, OE S. RICHARDS
 J. Goldberg, OGC P. MORRILL
 J. Partlow, NRR R. BAAR
 G. Cook
 R. Marsh
 Allegation File

REGION V/dot
 MBlume

9/14/90 *mb*

ad
 AJohnson
 9/24/90

RPZ
 RZimmerman
 9/19/90

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 JMartin
 9/25/90

REQUEST COPY]	REQUEST COPY]	REQUEST COPY]	REQUEST COPY]
YES / NO]	YES / NO]	YES / NO]	YES / NO]

SEND TO PDR]
YES / NO]