

# Withdrawn

NRC Administrative Letter 1999-04, "Availability of Revised NRC Form 3, 'Notice to Employees,'" dated September 10, 1999, has been withdrawn.

ADAMS Accession Number: ML031110112

See *Federal Register* notice 81 FR 31969, dated  
May 20, 2016

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF NUCLEAR REACTOR REGULATION  
WASHINGTON, D.C. 20555-0001

September 10, 1999

NRC ADMINISTRATIVE LETTER 99-04: AVAILABILITY OF REVISED NRC FORM 3,  
"NOTICE TO EMPLOYEES"

Addressees

All NRC licensees.

Purpose

The U.S. Nuclear Regulatory Commission (NRC) is issuing this administrative letter to notify all licensees that NRC Form 3, "Notice to Employees," has been revised and to transmit a copy of the new version. This administrative letter does not transmit or imply any new or changed requirements or staff positions. No specific action or written response is required.

Background

Section 19.11 of Title 10 of the Code of Federal Regulations (10 CFR 19.11) states that licensees shall post the current version of NRC Form 3 in a sufficient number of conspicuous places to permit individuals engaged in licensed activities to observe the postings on the way to and from any licensee location to which NRC Form 3 applies. NRC Form 3 outlines certain responsibilities and rights of employers and employees who work in companies regulated by NRC and can be found on the NRC Web site [www.nrc.gov/NRC/FORMS/form3.html](http://www.nrc.gov/NRC/FORMS/form3.html). Additional information may be found in "Reporting Safety Concerns to the NRC," NUREG/BR-0240, Revision 1, dated September 1998. This NUREG is available from the NRC's Office of Public Affairs and is on the NRC Web site. NRC Form 3 was last revised in September 1998.

Discussion

On July 8, 1999, the Occupational Safety and Health Administration (OSHA) agreed that this revised notice provides the information contained in OSHA's 29 CFR 24 notice and is an acceptable substitute. The incorporation of this information in NRC's Form 3 supersedes the existing practice in which interested parties copied the 29 CFR 24 notice from OSHA's Internet Web site.

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Updated on 9/29/99

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This administrative letter requires no specific action or written response. If you have any questions about this letter, please contact the person listed below or the appropriate NRC regional office.



Donald A. Cool, Director  
Division of Industrial  
and Medical Nuclear Safety  
Office of Nuclear Material Safety  
and Safeguards



Ledyard B. Marsh, Chief  
Events Assessment, Generic Communications  
and Non-Power Reactors Branch  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Contact: Carl Mohrwinkel  
301-415-1293  
E-mail: [cam@nrc.gov](mailto:cam@nrc.gov)

Attachments:

1. NRC Form 3 (dated 8/1999)
2. List of Recently Issued NRC Administrative Letters



# NOTICE TO EMPLOYEES

STANDARDS FOR PROTECTION AGAINST RADIATION (PART 20); NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS (PART 19); EMPLOYEE PROTECTION

### WHAT IS THE NUCLEAR REGULATORY COMMISSION?

The Nuclear Regulatory Commission is an independent Federal regulatory agency responsible for licensing and inspecting nuclear power plants and other commercial uses of radioactive materials.

### WHAT DOES THE NRC DO?

The NRC's primary responsibility is to ensure that workers and the public are protected from unnecessary or excessive exposure to radiation and that nuclear facilities, including power plants, are constructed to high quality standards and operated in a safe manner. The NRC does this by establishing requirements in Title 10 of the Code of Federal Regulations (10 CFR) and in licenses issued to nuclear users.

### WHAT RESPONSIBILITY DOES MY EMPLOYER HAVE?

Any company that conducts activities licensed by the NRC must comply with the NRC's requirements. If a company violates NRC requirements, it can be fined or have its license modified, suspended or revoked.

Your employer must tell you which NRC radiation requirements apply to your work and must post NRC Notices of Violation involving radiological working conditions.

### WHAT IS MY RESPONSIBILITY?

For your own protection and the protection of your co-workers, you should know how NRC requirements relate to your work and should obey them. If you observe violations of the requirements or have a safety concern, you should report them.

### WHAT IF I CAUSE A VIOLATION?

If you engaged in deliberate misconduct that may cause a violation of the NRC requirements, or would have caused a violation if it had not been detected, or deliberately provided inaccurate or incomplete information to either the NRC or to your employer, you may be subject to enforcement action. If you report such a violation, the NRC will consider the circumstances surrounding your reporting in determining the appropriate enforcement action, if any.

### HOW DO I REPORT VIOLATIONS AND SAFETY CONCERNS?

If you believe that violations of NRC rules or the terms of the license have occurred, or if you have a safety concern, you should report them immediately to your supervisor. You may report violations or safety concerns directly to the NRC. However, the NRC encourages you to raise your concerns with the

licensee since it is the licensee who has the primary responsibility for, and is most able to ensure, safe operation of nuclear facilities. If you choose to report your concern directly to the NRC, you may report this to an NRC inspector or call or write to the NRC Regional Office serving your area. If you send your concern in writing, it will assist the NRC in protecting your identity if you clearly state in the beginning of your letter that you have a safety concern or that you are submitting an allegation. The NRC's toll-free SAFETY HOTLINE for reporting safety concerns is listed below. The addresses for the NRC Regional Offices and the toll-free telephone numbers are also listed below.

### WHAT IF I WORK WITH RADIOACTIVE MATERIAL OR IN THE VICINITY OF A RADIOACTIVE SOURCE?

If you work with radioactive materials or near a radiation source, the amount of radiation exposure that you are permitted to receive may be limited by NRC regulations. The limits on your exposure are contained in sections 20.1201, 20.1207, and 20.1208 of Title 10 of the Code of Federal Regulations (10 CFR 20) depending on the part of the regulations to which your employer is subject. While these are the maximum allowable limits, your employer should also keep your radiation exposure as far below those limits as "reasonably achievable."

### MAY I GET A RECORD OF MY RADIATION EXPOSURE?

Yes. Your employer is required to advise you of your dose annually if you are exposed to radiation for which monitoring was required by NRC. In addition, you may request a written report of your exposure when you leave your job.

### HOW ARE VIOLATIONS OF NRC REQUIREMENTS IDENTIFIED?

NRC conducts regular inspections at licensed facilities to assure compliance with NRC requirements. In addition, your employer and site contractors conduct their own inspections to assure compliance. All inspectors are protected by Federal law. Interference with them may result in criminal prosecution for a Federal offense.

### MAY I TALK WITH AN NRC INSPECTOR?

Yes. NRC inspectors want to talk to you if you are worried about radiation safety or have other safety concerns about licensed activities, such as the quality of construction or operations at your facility. Your employer may not prevent you from talking with an inspector. The NRC will make all reasonable efforts to protect your identity where appropriate and possible.

### MAY I REQUEST AN INSPECTION?

Yes. If you believe that your employer has not corrected violations involving radiological working conditions, you may request an inspection. Your request

should be addressed to the nearest NRC Regional Office and must describe the alleged violation in detail. It must be signed by you or your representative.

### HOW DO I CONTACT THE NRC?

Talk to an NRC inspector on-site or call or write to the nearest NRC Regional Office in your geographical area (see map below). If you call the NRC's toll-free SAFETY HOTLINE during normal business hours, your call will automatically be directed to the NRC Regional Office for your geographical area. If you call after normal business hours, your call will be directed to the NRC's Headquarters Operations Center, which is manned 24 hours a day.

### CAN I BE FIRED FOR RAISING A SAFETY CONCERN?

Federal law prohibits an employer from firing or otherwise discriminating against you for bringing safety concerns to the attention of your employer or the NRC. You may not be fired or discriminated against because you:

- ask the NRC to enforce its rules against your employer;
- refuse to engage in activities which violate NRC requirements;
- provide information or are about to provide information to the NRC or your employer about violations of requirements or safety concerns;
- are about to ask for, testify, help, or take part in an NRC, Congressional, or any Federal or State proceeding.

### WHAT FORMS OF DISCRIMINATION ARE PROHIBITED?

It is unlawful for an employer to fire you or discriminate against you with respect to pay, benefits, or working conditions because you help the NRC or raise a safety issue or otherwise engage in protected activities. Violations of Section 211 of the Energy Reorganization Act (ERA) of 1974 (42 U.S.C. 5851) include actions such as harassment, blacklisting, and intimidation by employees of (i) employees who bring safety concerns directly to their employers or to the NRC; (ii) employees who have refused to engage in an unlawful practice, provided that the employee has identified the illegality to the employer; (iii) employees who have testified or are about to testify before Congress or in any Federal or State proceeding regarding any provision (or proposed provision) of the ERA or the Atomic Energy Act (AEA) of 1954; (iv) employees who have commenced or caused to be commenced a proceeding by the administration or enforcement of any requirement imposed under the ERA or AEA or who have, or are about to, testify, assist, or participate in such a proceeding.

### HOW DO I FILE A DISCRIMINATION COMPLAINT?

If you believe that you have been discriminated against for bringing violations or safety concerns to the NRC or your employer, you may file a complaint with the NRC or the U.S. Department of Labor (DOL). If you desire a personal

remedy, you must file a complaint with the DOL pursuant to Section 211 of the ERA. Your complaint to the DOL must describe in detail the basis for your belief that the employer discriminated against you on the basis of your protected activity, and it must be filed in writing either in person or by mail within 180 days of the discriminatory occurrence. Additional information is available at the DOL web site at [www.osha.gov](http://www.osha.gov). Filing an allegation, complaint, or request for action with the NRC does not extend the requirement to file a complaint with the DOL within 180 days. You must file the complaint with the DOL. To do so, you may contact the Allegation Coordinator in the appropriate NRC Region, as listed below, who will provide you with the address and telephone number of the correct OSHA Regional office to receive your complaint. You may also check your local telephone directory under the U.S. Government listings for the address and telephone number of the appropriate OSHA Regional office.

### WHAT CAN THE DEPARTMENT OF LABOR DO?

If your complaint involves a violation of Section 211 of the ERA by your employer, it is the DOL, NOT THE NRC, that provides the process for obtaining personal remedy. The DOL will notify your employer that a complaint has been filed and will investigate your complaint.

If the DOL finds that your employer has unlawfully discriminated against you, it may order that you be reinstated, receive back pay, or be compensated for any injury suffered as a result of the discrimination and be paid attorney's fees and costs.

Retal will not be awarded to employees who engage in deliberate violations of the Energy Reorganization Act or the Atomic Energy Act.

### WHAT WILL THE NRC DO?

The NRC will evaluate each allegation of harassment, intimidation, or discrimination. Following this evaluation, an investigator from the NRC's Office of Investigations may interview you and review available documentation. Based on the evaluation, and, if applicable, the interview, the NRC will assign a priority and a decision will be made whether to pursue the matter further through an investigation. The assigned priority is based on the specifics of the case and its significance relative to other ongoing investigations. The NRC may not pursue an investigation to the point that a conclusion can be made whether the harassment, intimidation, or discrimination actually occurred. Even if NRC decides not to pursue an investigation, if you have filed a complaint with the DOL, the NRC will monitor the results of the DOL investigation.

If the NRC or the DOL finds that unlawful discrimination has occurred, the NRC may issue a Notice of Violation to your employer, impose a fine, or suspend, modify, or revoke your employer's NRC license.

## UNITED STATES NUCLEAR REGULATORY COMMISSION REGIONAL OFFICE LOCATIONS

A representative of the Nuclear Regulatory Commission can be contacted by employees who wish to register complaints or concerns about radiological working conditions or other matters regarding compliance with Commission rules and regulations at the following addresses and telephone numbers.

### REGIONAL OFFICES

REGION	ADDRESS	TELEPHONE
I	U.S. Nuclear Regulatory Commission, Region I 475 Allendale Road King of Prussia, PA 19406-1415	(800) 432-1156
II	U.S. Nuclear Regulatory Commission, Region II Atlanta Federal Center 61 Forsyth Street, S.W., Suite 23785 Atlanta, GA 30303-3415	(800) 577-8510
III	U.S. Nuclear Regulatory Commission, Region III 801 Warrenville Road Irvine, IL 60532-4351	(800) 522-3025
IV	U.S. Nuclear Regulatory Commission, Region IV 611 Ryan Plaza Drive, Suite 400 Arlington, TX 76011-8064	(800) 952-4677

To report safety concerns or violations of NRC requirements by your employer,

telephone:

**NRC SAFETY HOTLINE**

**1-800-695-7403**

To report incidents involving fraud, waste, or abuse by an NRC employee or NRC contractor,

telephone:

**OFFICE OF THE INSPECTOR GENERAL**

**HOTLINE**

**1-800-233-3497**



▲ - Callaway Plant Site in Missouri and Grand Gulf Plant Site in Mississippi are under the purview of Region IV. The Paducah Gaseous Diffusion Plant in Kentucky is under the purview of Region III.

**LIST OF RECENTLY ISSUED  
 NRC ADMINISTRATIVE LETTERS**

<b>Administrative Letter No.</b>	<b>Subject</b>	<b>Date of Issuance</b>	<b>Issued to</b>
99-03	Preparation and Scheduling of Operator Licensing Examinations	8/20/99	All holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel
95-05, Rev. 2	Revision to Staff Guidance for Implementing NRC Policy on Notices of Enforcement Discretion	7/27/99	All holders of operating licenses for nuclear power reactors
95-03, Rev. 2	Availability of the Reactor Vessel Integrity Database, Version 2	7/26/99	All holders of operating licenses for nuclear power reactors
99-02	Operating Reactor Licensing Action Estimates	6/3/99	All power reactor licensees
99-01	Reorganization of the Office of Nuclear Reactor Regulation	4/9/99	All holders of operating licenses or construction permits for reactor facilities
95-05, Rev. 1	Revisions to Staff Guidance for Implementing NRC Policy on Enforcement Discretion	2/19/99	All holders of operating licenses for nuclear reactors
98-10	Dispositioning of Technical Specifications That Are Insufficient To Assure Plant Safety	12/29/98	All holders of operating licenses
98-09	Priority for NRR Review of Risk-Informed Licensing Actions	10/30/98	All holders of operating licenses for nuclear power reactors

OL = Operating License  
 CP = Construction Permit

This administrative letter requires no specific action or written response. If you have any questions about this letter, please contact the person listed below or the appropriate NRC regional office.

Original /s/' by  
Josephine M. Piccone  
for Donald A. Cool, Director  
Division of Industrial  
and Medical Nuclear Safety  
Office of Nuclear Material Safety  
and Safeguards

Original /s/'d by  
Ledyard B. Marsh, Chief  
Events Assessment, Generic Communications  
and Non-Power Reactors Branch  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Contact: Carl Mohrwinkel  
301-415-1293  
E-mail: <cam@nrc.gov>

- Attachments:
1. NRC Form 3 (dated 8/1999)
  2. List of Recently Issued NRC Administrative Letters

\*See Previous concurrence

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OFFICE	OD/NRR	REXB	AAA	NMSS	C:REXB
NAME	CMohrwinkle*	CPetrone*	EBaker*	DCool*	LMarsh
DATE	08/4/99	08/12/99	8/499	08/26/99	09/02/99

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Donald A. Cool, Director  
 Division of Industrial  
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 Office of Nuclear Material Safety  
 and Safeguards

Ledyard B. Marsh, Chief  
 Events Assessment, Generic  
 Communications and Non-Power  
 Reactors Branch  
 Office of Nuclear Reactor Regulation

Contact: Carl Mohrwinkel  
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 E-mail: <cam@nrc.gov>

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OFFICE	OD/NRR	REXB <i>who</i>	AAA	NMSS	C:REXB	D:DRIP
NAME	CMohrwinkel*	CPetrone* <i>12/29/99</i>	EBaker*	DCool	LMarsh <i>LM</i>	DMatthews
DATE	08/4/99	08/12/99	8/4/99	<i>8/12/99</i>	<i>12/99</i>	<i>1/99</i>

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*See attached memo*

*LM*  
~~1~~ *9/2/99*

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NAME	CMohrwinkel	CPetrone	EBaker	DCool	LMarsh	DMatthews
DATE	8/14/99	8/14/99	8/14/99	1/199	1/199	1/199

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