

September 5, 1996

Mr. Herman R. Potter
Safety Representative
Oil, Chemical & Atomic Workers
International Union
Piketon Local No. 3-689
P. O. Box 467
Piketon, OH 45661

Dear Mr. Potter:

This is a reply to your letter dated August 21, 1996, regarding the recent Memorandum of Understanding (MOU) between the Nuclear Regulatory Commission and the Occupational Safety and Health Administration (OSHA), pertaining to the gaseous diffusion plants in Ohio and Kentucky. You asked several questions about implementation of the MOU. We have provided the answers in the enclosure.

If you have further questions, please contact me or Ms. Yen-Ju Chen at (301) 415-7192.

Sincerely,

Original Signed By

John W. N. Hickey, Chief
Enrichment Branch
Division of Fuel Cycle Safety
and Safeguards

Enclosure: As stated

cc: G. Watchman, OSHA

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**NRC STAFF RESPONSES TO OCAW QUESTIONS ON OSHA/NRC MOU
WITH RESPECT TO GASEOUS DIFFUSION PLANTS**

NRC Staff Contact: Ms. Yen-Ju Chen - (301) 415-7192

1. Question: The MOU stated that conflicting jurisdictional issues will be worked out between the NRC and OSHA. What mechanism will be utilized to make this determination? What involvement will employee representatives have, if any?

NRC Response: Conflicts may be identified by NRC, OSHA, USEC management, or employee representatives. Any identified conflicts will be reviewed by the NRC Headquarters and Regional staff, in coordination with OSHA, and an appropriate resolution will be developed. The resolution will be communicated in writing to USEC. If a conflict is reported to NRC by an employee representative, the conflict will be reviewed by NRC in coordination with OSHA, and the resolution will be communicated in writing to USEC and to the employee who identified the conflict.

2. Question: The MOU stated NRC's commitment to notify OSHA of hazards and unresponsive actions towards employee health and safety complaints. What mechanism will be utilized to perform this function? Will workers or employee representatives be involved in this process?

NRC Response: NRC has an established procedure for referring OSHA-related safety matters to OSHA. Referrals are documented in writing, and correspondence related to such matters will be available to workers and the public in the NRC Public Document Rooms as specified in the MOU. In addition, workers and employee representatives are welcome to discuss worker safety matters and OSHA referrals with NRC resident inspectors or other NRC staff at any time.

3. Question: Is there an NRC obligation to notify an appropriate regulatory agency when a legacy compliance violation has been discovered by an NRC inspection (i.e., violation of an DOE Order)?

NRC Response: NRC does not in all cases have a statutory obligation to refer to other agencies safety violations which fall outside NRC jurisdiction. However, it is NRC practice to make such referrals to DOE or other appropriate agencies, so that they can address the violations directly.

4. Question: The NRC and OSHA have committed to share training courses. Since the GDP's and NRC's relationship is in its infancy, would there be any benefit in employee representatives attending NRC training in basic radiation safety requirements?

NRC Response: NRC provides training to its own staff and other cooperating government-regulatory agencies. It does not offer radiation safety training to employees of regulated organizations, such as USEC or its contractors. NRC considers employee radiation safety training to be the responsibility of USEC management. However, employees are welcome to discuss radiation safety matters with resident inspectors or other NRC staff at any time.

ENCLOSURE