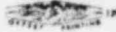


# Oil, Chemical and Atomic Workers International Union

NOLAN W. HANCOCK, DIRECTOR  
CITIZENSHIP-LEGISLATIVE  
DEPARTMENT

STEVEN WODKA  
INTERNATIONAL REPRESENTATIVE



1126 - 16TH STREET, N.W.  
WASHINGTON, D.C. 20036  
PHONE: (202) 223-6770

PROPOSED RULE PR-19, 30, 40, 50, 70, 71, 150 (45 FR 15184) (18) May 6, 1980



Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Attn: Docketing and Service Branch

Re: Proposed Rulemaking: Protection of Employees  
Who Provide Information

Dear Sir:

The Oil, Chemical and Atomic Workers International Union supports, with certain qualifications, the proposed NRC rulemaking on protection of employees who provide information that was published in the Federal Register on March 10, 1980.

Members of our union have suffered from the inability of the NRC in the past to effectively protect workers who provided the agency with complaints of health and safety hazards. Specifically, in 1975 we filed a discrimination complaint with the NRC over the retaliatory action taken by Kerr-McGee Nuclear Corporation against two workers, Jerry Brewer and Jack Tice, who accompanied Karen Silkwood to AEC headquarters in Washington D. C. in September, 1974. These workers met with AEC officials to complain about plutonium contamination at the Kerr-McGee plant in Crescent, Oklahoma. By January 1975, Kerr-McGee had fired Brewer and demoted Tice. The NRC referred our discrimination complaint to the FBI. Our complaint was never adequately investigated by the FBI and the workers never received any protection from the Federal government.

The proposed rulemaking, however, could be clarified and strengthened in several ways.

- 1) Paragraph (a) seems to place most of the protected activities in terms of providing information to the Commission. Paragraph (a) should be expanded to explicitly protect the taking of certain actions ("assisted or participated or is about to assist or participate in any manner").

8005220721

5/9/80 mdu

- 2) The Occupational Safety and Health Administration (OSHA) in the U.S. Department of Labor has found that the denial of wages to an employee who walks around with an inspector is discrimination. OSHA's statutory provisions for protection against discrimination are almost identical to the NRC's. Therefore, the NRC should explicitly provide for walkaround pay in this regulation (see 29 CFR Part 1977.21)
- 3) The rulemaking should identify the agency within the Department of Labor to which discrimination complaints must be filed. This would avoid needless confusion and delay in processing complaints.
- 4) The Department of Labor's regulations implementing this provision (42 U.S.C. 5851) should be appended to the final NRC rulemaking. This would be of great assistance to workers and would enable them to better understand the process that their complaint will follow.

Sincerely yours,



Steven Wodka  
International Representative

cc: Nolan Hancock, Leg. Dir.  
A. Mazzocchi, Health & Safety Dir.  
E. Rousselle, V.P.