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## MANUAL CHAPTER 1007

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### INTERFACING ACTIVITIES BETWEEN REGIONAL OFFICES OF NRC AND OSHA

#### 1007-01 PURPOSE

This manual chapter implements the two Memoranda of Understanding (MOUs), dated October 21, 1988, and July 26, 1996, between the U.S. Nuclear Regulatory Commission (NRC) and the Occupational Safety and Health Administration (OSHA).

#### 1007-02 OBJECTIVES

02.01 To ensure that information concerning events, unsafe conditions, and other matters dealing with occupational safety and health are referred to facility management and to the proper agency.

02.02 To provide policy and interface guidelines for the exchange of information at NRC Program and Regional Office levels of NRC and OSHA.

02.03 To provide for inspector involvement, during inspections of fuel and materials facilities and operating/non-operating reactors, in the identification and disposition of safety concerns in the area of OSHA responsibility.

#### 1007-03 BACKGROUND

There are four categories of hazards that may be associated with NRC-regulated nuclear facilities:

- Radiation risk produced by radioactive materials.
- Chemical risk produced by radioactive materials.
- Plant conditions that affect the safety of radioactive materials and thus present an increased radiation risk to workers. For example, such a condition might produce a fire or an explosion, and thereby cause a release of radioactive materials or an unsafe facility environment.

- Plant conditions that result in an occupational risk, but do not affect the safety of licensed radioactive materials. For example, there might be exposure to toxic non-radioactive materials and other industrial hazards in the workplace.

Generally, NRC has jurisdiction over the first three categories listed above and OSHA has jurisdiction over the fourth hazard. Although OSHA has authority and responsibilities regarding the last listed category, NRC supports them by reporting any such conditions it learns about to the licensee, NRC, and OSHA so appropriate action(s) can be initiated. Likewise, OSHA will inform the appropriate NRC Regional Office of matters under NRC cognizance when they come to the attention of OSHA through complaints or its inspections. This will help eliminate gaps in worker protection in the area of safety and health, and help eliminate duplication of efforts.

## 1007-04 RESPONSIBILITIES AND AUTHORITIES

04.01 The Deputy Executive Director for Regulatory Programs. Coordinates the development and resolution of policy issues concerning Agency jurisdiction and operational relations with the OSHA Director of Policy for NRC reactor, fuel cycle, materials licensees, and certificate holders.

04.02 Director, Office of Enforcement. Coordinates the development and resolution of issues concerning enforcement activities involving both NRC and OSHA jurisdiction, at NRC-regulated facilities, with the OSHA Directorate of Compliance Programs.

### 04.03 NRC Regional Administrators

- a. Designate at least one staff member to serve as an NRC Regional Office OSHA Liaison Officer.
- b. Inform the Director, Office of Enforcement, and Director, Nuclear Reactor Regulation (NRR), or Director, Nuclear Material Safety and Safeguards (NMSS), as appropriate, of any issues that raise questions concerning inspection or enforcement activities involving either NRC or OSHA jurisdiction at NRC-regulated facilities.
- c. Use the information provided by OSHA inspection insights, as appropriate; this may include evaluation and analysis of the information and onsite follow-up.

### 04.04 NRC Regional Office OSHA Liaison Officer

- a. Serves as the principal point of contact between the NRC Regional Office and the appropriate OSHA Area and/or Regional Office.
- b. Provides advice and guidance to resident inspectors and to NRC Regional Office staff on potential non-radiological hazards observed during an inspection.

- c. Determines whether events and conditions having industrial safety significance, at NRC-regulated facilities, are to be reported to the appropriate OSHA Area and/or Regional Office.
- d. Ensures that events or conditions, having industrial or chemical safety significance at NRC-regulated material or fuel cycle facilities, which are reported to OSHA by NRC and/or licensee, are also reported to the NMSS OSHA Liaison Officer.
- e. Receives information on non-radiological hazards from the inspection staff as documented on the "NON-RADIOLOGICAL HAZARDS DATA SHEET" (App. A) and ensures records are maintained of that information and the interface activities with OSHA Area and/or Regional Offices.

#### 04.05 NMSS OSHA Liaison Officer

- a. Serves as the principal point of contact between NMSS and the appropriate NRC Regional Office for chemical safety issues identified at fuel cycle licensees.
- b. Provides advice and guidance to resident inspectors, NRC Regional Office Staff, and NMSS staff on potential chemical safety hazards observed during an inspection.
- c. Determines whether events and conditions having chemical safety significance, at fuel cycle licensees, are to be reported to OSHA Area and /or Regional Office through the NRC Regional OSHA Liaison Officer.
- d. Ensures that events or conditions, having chemical safety significance at NRC-regulated fuel cycle facilities, which are reported to OSHA by NRC and/or licensee, are also reported to the appropriate NRC Regional Office OSHA Liaison Officer.

#### 04.06 Inspectors

- a. Region-based and NRR Headquarters (HQ) Inspectors. Notify licensee management and, as appropriate, the NRC Regional Office OSHA Liaison Officer of non-radiological hazards brought to their attention by licensee employees, or personally observed during an inspection.
- b. NMSS HQ-based Inspectors. Notify licensee management and, as appropriate, NMSS OSHA Liaison Officer, of non-radiological hazards brought to their attention by licensee employees, or personally observed during an inspection.
- c. Both Region and HQ-based Inspectors. Non-radiological hazards which have been brought to the NRC inspection staff's attention should be documented on the "NON-RADIOLOGICAL HAZARDS DATA SHEET" (App. A).

## 1007-05 REQUIREMENTS - GENERAL

05.01 Coordination of interface activities is to be handled at the Regional Office level, or Program Office level for fuel cycle facilities, of NRC and the appropriate area and/or Regional OSHA. If it is a materials of fuel cycle facility related issue, then the NRC Regional Office OSHA Liaison Officer shall also notify the NMSS OSHA Liaison Officer.

05.02 When non-radiological safety concerns are not known to the licensee and are observed during an inspection, the inspector is to orally inform licensee management of such concerns and document the observation on the attached data sheet. (See Appendix A.) For all licensees, it is intended that NRC Region-based inspectors need not make a special followup inspection solely on the basis of an OSHA issue, unless it affects radiological health and safety.

05.03 If a licensee employee provides information to an inspector regarding non-radiological safety hazards, which are not being addressed by the licensee, the inspector shall inform licensee management of the employee's concern, withholding the employee's identity from licensee management, and shall document the information on the data sheet in Appendix A.

05.04 If significant safety concerns are identified or if the licensee demonstrates a pattern of unresponsiveness to identified concerns, the NRC Regional Office OSHA Liaison Officer will inform the appropriate OSHA Area and/or Regional Office.

05.05 For nuclear power plants, when OSHA informs the NRC Regional Office OSHA Liaison Officer of matters that are in NRC's purview, the NRC Regional Office OSHA Liaison Officer shall notify the appropriate Division Director (Division of Reactor Projects, Division of Reactor Safety, or Division of Nuclear Materials Safety) who shall arrange for prompt evaluation of the matter, such as Regional or Resident Inspectors performing onsite follow-up, as appropriate, to verify the information or the licensee's corrective action. The inspectors should report significant findings in an inspection report.

05.06 To enhance the ability of NRC and OSHA personnel to identify safety matters under each other's purview, OSHA will provide NRC Regional personnel with basic chemical and industrial safety training, while NRC will provide training in basic radiation safety to OSHA personnel. For details of the mutual training arrangement, contact the Technical Training Center.

## 1007-06 ADDITIONAL REQUIREMENTS - NUCLEAR POWER PLANTS

OSHA may provide the NRC Regional Office with information about a nuclear power plant or site where increased licensee management attention to worker safety is needed. Such information is normally based on reports of injury or complaints at the particular location. The NRC Regional or Resident Inspector will inform licensee management of the information.

## 1007-07 GUIDANCE

07.01 A copy of the NRC - OSHA MOU dated October 21, 1988, is attached as Appendix B. A copy of the NRC - OSHA MOU regarding gaseous diffusion plants dated July 26, 1996, is attached as Appendix C.

07.02 Except for certain NRC-regulated fuel and materials facilities described in 1007-07 and delineated in Inspection Manual Chapter (IMC) -2600 and IMC-2800, no changes are required in inspection practices. Although NRC does not conduct inspections of industrial safety in the course of inspections of radiological and nuclear safety, NRC personnel may identify safety concerns within the area of OSHA responsibility or may receive complaints from an employee about OSHA-covered working conditions.

07.03 It is important that all NRC personnel recognize and understand that they are not to make enforcement decisions regarding activities under the purview of OSHA. Thus, in discussing non-radiological safety concerns with the licensee, inspectors are cautioned not to judge whether a given condition is a violation of OSHA rules or regulations, but are to point out concerns of apparently unsafe conditions, to heighten licensee awareness.

07.04 For accidents involving a fatality or multiple hospitalizations, the MOUs do not require NRC to report such matters to OSHA. But in keeping with established practices, if the licensee refuses to report these events to OSHA, the NRC Regional Office OSHA Liaison Officer will inform the OSHA Area and/or Regional Office.

07.05 Communication with OSHA Area and/or Regional Offices usually done by telephone, unless OSHA requests a written notification in a particular case.

07.06 Time spent on meeting the requirements of this instruction should be charged to IP 93001, "OSHA Interface Activities." |

## 1007-08 REPORTING REQUIREMENTS

08.01 The NRC inspector is to inform licensee management orally of: |

- a. Identified safety concerns.
- b. Employee complaints of OSHA-covered working conditions.
- c. Report required to be submitted to OSHA, of accidents resulting in fatalities or multiple hospitalizations.

08.02 The NRC inspector will generate a written Non-Radiological Hazards Data Sheet (App. A) for the inspection file, and provide a copy to the respective NRC Office OSHA Liaison Officer for the following occurrences: |

- a. For all occurrences of 08.01 a., b., or c. above. |

- b. For significant recurring unsafe conditions, or patterns of unresponsiveness to previously identified concerns.

08.03 The NMSS OSHA Liaison Officer shall forward all Non-Radiological Hazards Data Sheets to the NRC Regional Office OSHA Liaison Officer, also in turn shall contact the appropriate OSHA Area and/or Regional Office orally or in writing regarding all items that are identified by inspectors and that have generated a Non-Radiological Hazards Data Sheet.

08.04 The NRC Regional Office OSHA Liaison Officer shall generate the following correspondence:

- a. Written notification to the OSHA Area and/or Regional Office if one is requested after initial oral notification.
- b. Copies of all written correspondence associated with OSHA-related issues, except the referral of allegations or other allegation documentation, should be sent to the Chief, Inspection Program Branch, NRR; to the Chief, Operations Branch, Industrial and Medical Nuclear Safety and/or Fuel Cycle Safety and Safeguards, NMSS; as appropriate; and to the NMSS OSHA Liaison Officer.

08.05 Allegations from licensee employees that fall within the purview of OSHA are to be handled in accordance with this section. Allegations from the public are to be handled in accordance with Management Directive 8.8, but are not to be entered in the Allegation Management System.

END

Enclosures:

Appendix A, "Non-Radiological Hazards Data Sheet"

Appendix B, "Memorandum of Understanding Between  
The U.S. Nuclear Regulatory Commission and  
The Occupational Safety and Health Administration,"  
October 21, 1988

Appendix C, "Memorandum of Understanding Between  
The U.S. Nuclear Regulatory Commission and  
The Occupational Safety and Health Administration with  
Respect to the Gaseous Diffusion Plants," July 26, 1996



APPENDIX B  
MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE U.S. NUCLEAR REGULATORY COMMISSION  
AND  
THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

PURPOSE AND BACKGROUND

1. The purpose of this Memorandum of Understanding between the U.S. Nuclear Regulatory Commission (NRC) and the Occupational Safety and Health Administration (OSHA) is to delineate the general areas of responsibility of each agency; to describe generally the efforts of the agencies to achieve worker protection at facilities licensed by NRC; and to provide guidelines for coordination of interface activities between the two agencies. If NRC licensees observe OSHA's standards and regulations, this will help minimize workplace hazards.
2. Both NRC and OSHA have jurisdiction over occupational safety and health at NRC-licensed facilities. Because it is not always practical to sharply identify boundaries between the nuclear and radiological safety NRC regulates and the industrial safety OSHA regulates, a coordinated interagency effort can ensure against gaps in the protection of workers and at the same time, avoid duplication of effort. This memorandum replaces an existing procedure for interagency activities, "General Guidelines for Interface Activities between the NRC Regional Offices and the OSHA."

HAZARDS ASSOCIATED WITH NUCLEAR FACILITIES

3. There are four kinds of hazards that may be associated with NRC-licensed nuclear facilities:
  - a. Radiation risk produced by radioactive materials;
  - b. Chemical risk produced by radioactive materials;
  - c. Plant conditions which affect the safety of radioactive materials and thus present an increased radiation risk to workers. For example, these might produce a fire or an explosion, and thereby cause a release of radioactive materials or an unsafe reactor condition; and,
  - d. Plant conditions which result in an occupational risk, but do not affect the safety of licensed radioactive materials. For example, there might be exposure to toxic nonradioactive materials and other industrial hazards in the workplace.

Generally, NRC covers the first three hazards listed in paragraph 3 (a, b, and c), and OSHA covers the fourth hazard described in paragraph 3 (d). NRC and OSHA responsibilities and actions are described more fully in paragraphs 4 and 5 below.

## NRC RESPONSIBILITIES

4. NRC is responsible for licensing and regulating nuclear facilities and materials and for conducting research in support of the licensing and regulatory process, as mandated by the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and the Nuclear Nonproliferation Act of 1978; and in accordance with the National Environmental Policy Act of 1969, as amended, and other applicable statutes. These NRC responsibilities cover the first three nuclear facility hazards identified in paragraph 3 (a, b, and c). NRC does not have statutory authority for the fourth hazard described in paragraph 3 (d).

NRC responsibilities include protecting public health and safety; protecting the environment; protecting and safeguarding materials and plants in the interest of national security; and assuring conformity with antitrust laws for certain types of facilities, (e.g., nuclear power reactors). Agency functions are performed through: standards-setting and rulemaking; technical reviews and studies; conduct of public hearings; issuance of authorizations, permits and licenses; inspection, investigation and enforcement; evaluation of operating experience; and confirmatory research.

## OSHA RESPONSIBILITIES

5. OSHA is responsible for administering the requirements established under the Occupational Safety and Health Act (OSH Act) (29 U.S.C. 651 et seq.), which was enacted in 1970. OSHA's authority to engage in the kinds of activities described below does not apply to those workplace safety and health conditions for which other Federal agencies exercise statutory authority to prescribe and enforce standards, rules, or regulations.

Under the OSH Act, every employer has a general duty to furnish each employee with a place of employment that is free from recognized hazards that can cause death or serious physical harm and to comply with all OSHA standards, rules, and regulations.

OSHA standards contain requirements designed to protect employees against workplace hazards. In general, safety standards are intended to protect against traumatic injury, while health standards are designed to address potential overexposure to toxic substances and harmful physical agents, and protect against illnesses which do not manifest themselves for many years after initial exposure.

OSHA standards cover employee exposures from all radiation sources not regulated by NRC. Examples include x-ray equipment, accelerators, accelerator-produced materials, electron microscopes and betatrons, and naturally occurring radioactive materials such as radium.

It is estimated that the Act covers nearly 6 million workplaces employing more than 80 million workers. Federal OSHA covers approximately three-fifths, or four million, of these workplaces. States which operate OSHA-approved job safety and health programs, or "Plans," cover the remainder.

OSHA State Plan States are encouraged, but not required, to delineate their authority for occupational safety and health at NRC-licensed facilities in the same manner as Federal OSHA.

The OSHA areas of responsibility described in this memorandum are subject to all applicable requirements and authorities of the OSH Act. However, the industrial safety record at NRC-licensed nuclear power plants is such that OSHA inspections at these facilities are conducted normally as a result of accidents, fatalities, referrals, or worker complaints.

#### INTERFACE PROCEDURES:

6. In recognition of the agencies' authorities and responsibilities enumerated above, the following procedures will be followed:

Although NRC does not conduct inspections of industrial safety, in the course of inspections of radiological and nuclear safety, NRC personnel may identify safety concerns within the area of OSHA responsibility or may receive complaints from an employee about OSHA-covered working conditions. In such instances, NRC will bring the matter to the attention of licensee management. NRC inspectors are not to perform the role of OSHA inspectors; however, they are to elevate OSHA safety issues to the attention of NRC Regional management when appropriate. If significant safety concerns are identified or if the licensee demonstrates a pattern of unresponsiveness to identified concerns, the NRC Regional Office will inform the appropriate OSHA Regional Office. In the case of complaints, NRC will withhold, from the licensee, the identity of the employee. In addition, when known to NRC, NRC will encourage licensees to report to OSHA accidents resulting in a fatality or multiple hospitalizations.

When such instances occur within OSHA State Plan States' jurisdiction, the OSHA Regional Office will refer the matter to the State for appropriate action.

7. OSHA Regional Offices will inform the appropriate NRC Regional Office of matters which are in the purview of NRC, when these come to their attention during Federal or State safety and health inspections or through complaints. The following are examples of matters that would be reported to NRC:
  - a. Lax security control or work practices that would affect nuclear or radiological health and safety.
  - b. Improper posting of radiation areas.
  - c. Licensee employee allegations of NRC license or regulation violations.
8. NRC and OSHA need not normally conduct joint inspections at NRC-licensed facilities. However, under certain conditions, such as investigations or inspections following accidents, or resulting from reported activities, as discussed in items 6 and 7 above, it may be mutually agreed on a case-by-case basis that joint investigations are in the public interest.

9. The chemical processing of nuclear materials at some NRC-licensed fuel and materials facilities presents chemical and nuclear operational safety hazards which can best be evaluated by joint NRC-OSHA team assessments. Each agency will make its best efforts to support such assessments at about 20 facilities once every five years. Of these facilities, about one-third are in the OSHA Plan States. OSHA will also assist in promoting such participation by State personnel in OSHA Plan States.
10. Based upon reports of injury or complaints at nuclear power plant sites, OSHA will provide NRC with information on those sites where increased management attention to worker safety is needed. NRC will bring such information indicating significant breakdown in worker safety to the attention of licensee management and monitor corrective actions. This will not interfere with OSHA authority and responsibility to investigate industrial accidents and worker complaints.
11. Power reactor sites are inspected by NRC Region-based and Resident Inspectors. Personnel from NRC Regional Offices routinely conduct inspections at most fuel and materials licensed facilities. In order to enhance the ability of NRC personnel to identify safety matters under OSHA purview during nuclear and radiological safety inspections, OSHA will provide NRC Regional personnel with basic chemical and industrial safety training and indoctrination in OSHA safety standards, consistent with ongoing OSHA training programs. To enhance the ability of OSHA and State Plan personnel to effectively participate in the Operational Safety Team Assessments, NRC will provide training in basic radiation safety requirements, consistent with ongoing NRC training programs. Details of such training will be as mutually agreed on by the NRC Technical Training Center and the OSHA National Training Institute.
12. Resolution of policy issues concerning agency jurisdiction and operational relations will be coordinated by the NRC Deputy Executive Director for Operations, and by the OSHA Director of Policy. Appropriate Headquarters points of contact will be established.
13. Resolution of issues concerning inspection and enforcement activities involving both NRC and OSHA jurisdiction at NRC-licensed facilities will be handled between NRC's Office of Enforcement and OSHA's Directorate of Compliance Programs. Each NRC and OSHA Regional Office will designate points of contact for carrying out interface activities.

FOR THE NUCLEAR REGULATORY COMMISSION

FOR THE OCCUPATIONAL  
SAFETY AND HEALTH  
ADMINISTRATION

(Original signed by)  
Victor Stello, Jr.  
Executive Director for Operations

(Original signed by)  
John A. Pendergrass  
Assistant Secretary

October 21, 1988

APPENDIX C  
MEMORANDUM OF UNDERSTANDING BETWEEN  
THE NUCLEAR REGULATORY COMMISSION AND  
THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
WITH RESPECT TO THE GASEOUS DIFFUSION PLANTS

I. LEGISLATION AND AUTHORITIES

The Atomic Energy Act of 1954, as amended by the Energy Policy Act of 1992 (the Act), created the United States Enrichment Corporation (USEC), a government corporation, to manage and operate the two uranium gaseous diffusion plants (GDPs) in Paducah, Kentucky, and Piketon, Ohio, owned and previously operated by the U.S. Department of Energy (DOE). Pursuant to the Act, on July 1, 1993, USEC began leasing from DOE substantial operating portions of the two GDPs. Section 1312 of the Act requires USEC to be subject to and comply with the Occupational Safety and Health Act (OSH Act) in the same manner, and to the same extent, as an employer is subject to the OSH Act, notwithstanding sections 3(5), 4(b)(1), and 19, of the OSH Act.

In addition, the Act requires the U.S. Nuclear Regulatory Commission (NRC) to promulgate standards applicable to the GDPs, to protect the public health and safety from radiological hazards, and to provide for the common defense and security. NRC must establish an annual certification process for compliance with these standards. NRC publishes its final standards, 10 CFR Part 76, "Certification of Gaseous Diffusion Plants," on September 23, 1994 (59 FR 48944). NRC will assume regulatory oversight responsibility with respect to USEC's compliance with the Part 76 standards after NRC completes the first compliance certification process.

The USEC Privatization Act, signed into law on April 26, 1996, provides for establishment for a private corporation to succeed USEC. The USEC Privatization Act specifies that the private corporation will be subject to the OSH Act, but the exceptions to sections 3(5), 4(b)(1), and 19 were removed with respect to the private successor. Furthermore, the USEC Privatization Act requires NRC and Occupational Safety and Health Administration (OSHA) to enter into a memorandum of agreement, within 90 days of enactment of the Privatization Act, to govern the exercise of their authority over occupational safety and health at the GDPs.

II. BACKGROUND AND PURPOSE

A. Both NRC and OSHA have responsibilities concerning occupational safety and health at GDPs. Because it is not always practical to sharply identify boundaries between the nuclear and radiological safety regulated by NRC and the industrial safety regulated by OSHA, the two agencies have agreed to coordinate their regulatory programs to assure worker safety, avoid regulatory gaps in the protection of workers, and avoid duplicative regulation.

B. The purpose of this Memorandum of Understanding (MOU) between NRC and OSHA is to delineate the general areas of responsibility of each agency; to

describe generally the efforts of the agencies to achieve worker protection; and to provide guidelines for coordination of interface activities between the two agencies at the GDPs. The MOU applies both to USEC and any private successor corporation.

C. DOE remains the owner of the GDP sites and facilities, and continues to conduct and regulate activities at the sites that are outside NRC jurisdiction. This MOU does not apply to DOE facilities that are not leased, and does not affect jurisdictional issues between OSHA and DOE.

### III. HAZARDS ASSOCIATED WITH GDPS

Working conditions at the GDPs involve both radiological and non-radiological occupational hazards. Frequently, conditions involve a combination of these hazards. Examples are: (1) radioactive materials and other chemicals, in the same work area, that present potential radiological and chemical hazards; (2) hazardous chemicals that could adversely affect radiological safety or could be released from the processing of radioactive materials; and (3) a fire or explosion hazard that could cause a release of radioactive material and other hazardous chemicals.

In general, NRC will apply its standards to working conditions involving radiological hazards, OSHA will apply its standards to working conditions involving non-radiological hazards, and both agencies will apply their standards to conditions involving a combination of hazards. NRC and OSHA will coordinate their efforts, as specified in this memorandum.

### IV. NRC RESPONSIBILITIES

NRC is responsible for certifying two leased GDPs, as mandated by the Act and other applicable statutes. NRC will conduct compliance certification in accordance with 10 CFR Part 76. This will include regulation of radiological hazards and any other hazards that may affect radiological safety of the facilities.

NRC's responsibilities include protecting public health and safety, including workers, and protecting and safeguarding materials and plants in the interest of national security. Agency functions are performed through: standards-setting and rule-making; technical reviews and studies; conduct of public hearings; issuance of compliance certificates; inspection, investigation and enforcement; and evaluation of operating experience.

### V. OSHA RESPONSIBILITIES

OSHA is responsible for administering the requirements established under the OSH Act and OSHA standards. Under the OSH Act, employers have a general duty to furnish each employee with a place of employment that is free from recognized hazards that can cause death or serious physical harm and to comply with all OSHA standards, rules, and regulations. OSHA standards contain requirements designed to protect employees against workplace hazards. Under the OSH Act, OSHA is authorized among other things to conduct workplace health and safety inspections, including

inspections in response to employee complaints, and to issue citations and conduct enforcement actions.

Section 1312 of the Energy Policy Act contains certain exceptions to the OSH Act as applied to USEC. The USEC Privatization Act deleted these exceptions with respect to application of the OSH Act to a private corporation which succeeds USEC.

## VI. IMPLEMENTATION

In recognition of the agencies' authorities and responsibilities enumerated above, the following procedures will be followed:

A. NRC will apply its standards in inspection and enforcement of working conditions involving radiological hazards or combined hazards, as described in Paragraph III. OSHA will apply its standards in inspection and enforcement of working conditions involving non-radiological hazards or combined hazards, as described in Paragraph III. OSHA will not normally conduct enforcement actions with regard to GDP working conditions that involve radiological hazards.

B. It is not intended that either agency will in any way be restricted from regulating safety within their respective jurisdictions. If NRC or OSHA identifies, or is notified by the operator of, a conflict between NRC and OSHA requirements, both agencies will work together to resolve the concern promptly.

C. NRC has established a permanent site office and assigned full-time inspectors at each GDP, and plans to continue this arrangement for the foreseeable future. The results of NRC inspections will be provided to OSHA on request, subject to applicable procedures to protect classified and proprietary information. The information will also be available in NRC local public document rooms, and available to GDP workers on request, except for any portions containing classified, proprietary, private, or other information withheld from the public in accordance with applicable laws and regulations. NRC resident inspectors will also be available to discuss working conditions with workers.

D. Although NRC does not conduct inspections exclusively focused on non-radiological safety, in the course of inspections related to radiological hazards or combined hazards, NRC personnel may identify non-radiological worker safety concerns. NRC will bring the identified matters to the attention of GDP management. Significant worker safety concerns will be documented in writing and made available as specified in Paragraph VI. C. In addition, OSHA will be informed as follows:

### 1. Referral to OSHA of Hazards Identified by NRC

If non-radiological worker safety concerns are identified by NRC, or if USEC demonstrates a pattern of unresponsiveness to non-radiological worker safety concerns identified by others, NRC will inform the appropriate OSHA Regional Office.

### 2. Referral to OSHA of Worker Safety and Health Complaints

NRC will refer worker safety or health complaints, related to non-radiological or combined hazards, to the appropriate OSHA Regional Office in accordance with existing NRC procedures. These procedures provide for protection of the identity of the complainant and are coordinated with NRC.

E. To the extent practicable, OSHA inspectors will inform the site office, on arrival on site, of OSHA inspections in areas where combined radiological and non-radiological hazards are present, as described in Paragraph III. Findings from such inspections will be shared and coordinated with NRC.

F. OSHA Regional Offices will inform the NRC Regional III Office or site office of matters related to radiological hazards or combined hazards, when such matters come to their attention during inspections or through complaints. Workers' complaints falling within NRC jurisdiction will be handled by NRC in accordance with existing procedures.

G. Worker representatives may accompany NRC inspectors on inspections of working conditions as provided in 10 CFR Part 19. Worker representatives may accompany OSHA inspectors as provided in 29 CFR Part 1903.

H. The employee protection provisions in Section 211 of the Energy Reorganization Act of 1974, as amended, 10 CFR Part 76.7, and Section 11(c) of the OSH Act, are applicable to employees of USEC and contractors at its administered facilities.

I. In recognition of the fact that both NRC and OSHA will conduct inspections in areas where combined hazards are present, OSHA will provide NRC personnel with basic chemical and industrial safety training in OSHA safety standards, consistent with ongoing OSHA training programs and resource constraints. Also, NRC will provide OSHA personnel with training in basic radiation safety requirements, consistent with ongoing NRC training programs and resource constraints. Details of such training will be as mutually agreed to by the NRC Technical Training Center and the OSHA National Training Institute.

## VII. ENFORCEMENT

A. Each agency will conduct an inspection and enforcement program within its responsibilities, as warranted.

B. Each agency will take enforcement actions as it deems appropriate within the limits of its authorities. Upon completion of any NRC and/or OSHA inspections/investigations associated with the same set of facts or the same incidents for which either agency intends to take enforcement action, NRC and OSHA will consult with each other on the results of their respective inspections and will jointly define the scope of enforcement action to minimize duplicative enforcement actions and preclude duplicative civil penalties.

## VIII. CONTACTS

NRC and OSHA will designate appropriate contacts for implementation of this memorandum. A list of OSHA contacts will be provided to the Director, Office of Nuclear Material Safety and Safeguards, NRC. A list of NRC contacts will be provided to the Director of Policy, OSHA.

## IX. EFFECTIVE DATE, REVISION, AND TERMINATION

This memorandum shall be effective upon signature by authorized representatives of the respective agencies, and shall continue in effect until revised by mutual agreement, unless terminated by either party upon 120 days notice in writing.

For the Nuclear Regulatory Commission.

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(Original signed by)  
James M. Taylor  
Executive Director for Operations  
Dated: July 26, 1996

For the Occupational Safety and Health Administration.

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(Original signed by)  
Joseph A. Dear  
Assistant Secretary for Occupational Safety and Health  
Dated: July 26, 1996