

Withdrawn

NRC Administrative Letter 1998-08, "Availability of Revised NRC Form 3, 'Notice to Employees' and Closure of NRC Walnut Creek Field Office," dated October 9, 1998, has been withdrawn.

ADAMS Accession Number: ML031110130

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

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION

October 9, 1998

NRC ADMINISTRATIVE LETTER 98-08 AVAILABILITY OF REVISED NRC FORM 3,
"NOTICE TO EMPLOYEES" AND CLOSURE OF
NRC WALNUT CREEK FIELD OFFICE

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

The Code of Federal Regulations, Title 10, Section 19.11 (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. Form 3 outlines certain responsibilities and rights of employers and employees who work in companies regulated by NRC. 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 in the future will be on the NRC web site. The previous NRC Form 3 was revised in August 1997.

Discussion

Effective February 3, 1997, the Department of Labor transferred the responsibility for investigating complaints of discrimination filed under Section 211 of the Energy Reorganization Act of 1974, as modified, from the Wage and Hour Division to the Occupational Safety and Health Administration (OSHA). NRC Form 3 reflects this change and describes how complaints should be filed.

In addition, the map on NRC Form 3 was revised to indicate that NRC Region III will oversee the Paducah Gaseous Diffusion Plant located in Kentucky. Also, the Walnut Creek Field Office, Walnut Creek, California was abolished effective October 1, 1998, and information concerning

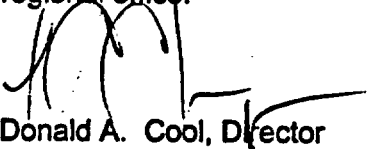
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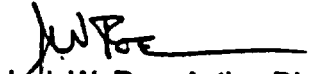
IDAR-5-Admin. LTR

the office has been removed from the map. Individuals who previously contacted that office should now contact the NRC Region IV office in Arlington, Texas.

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



Jack W. Roe, Acting Director
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

Contact: Carl Mohrwinkel
301-415-1293
E-Mail: cam@nrc.gov

Attachments:

1. NRC Form 3 (dated 9/1998)
2. List of Recently Issued NRC Information Notices



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, or 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 discourage you from engaging in protected activities. Violations of Section 211 of the Energy Reorganization Act (ERA) of 1974 (42 U.S.C. 5851) include the harassment and intimidation by employers 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 for 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 U.S. Department of Labor (DOL) pursuant to Section 211 of the ERA. Your complaint must describe the firing or discrimination and must be filed within 180 days of the occurrence. 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?

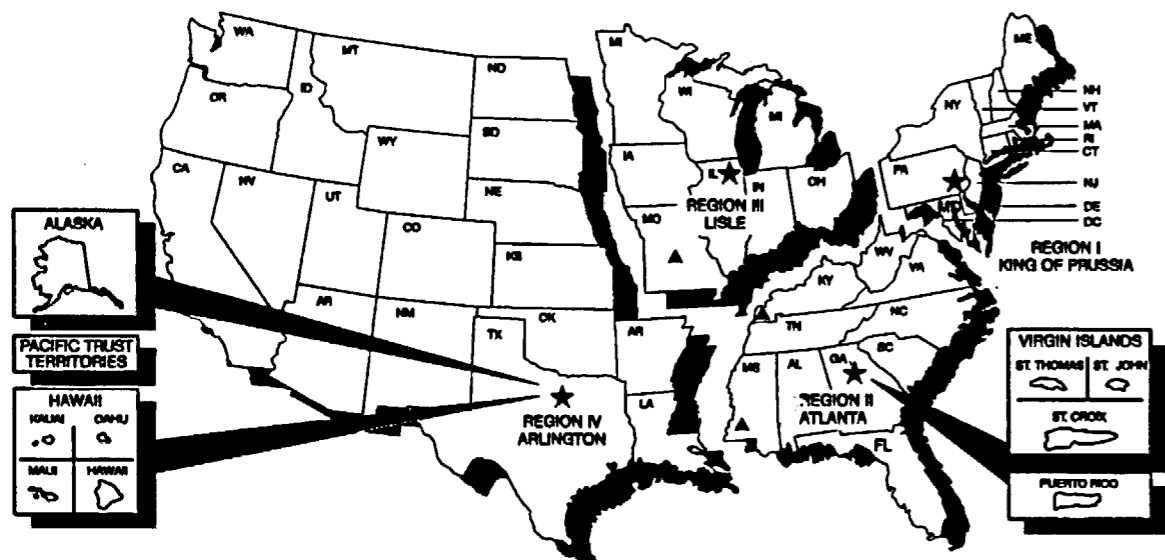
If your complaint involves a violation of Section 211 of the ERA by your employer, it is the DOL, NOT THE NRC, that provides the process for obtaining a personal remedy. The DOL will notify your employer that a complaint has been filed and will investigate your complaint.

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.

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 DOL, the NRC will monitor the results of the DOL investigation.

If the NRC or 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 23T85 Atlanta, GA 30303-3415	(800) 577-8510
III	U.S. Nuclear Regulatory Commission, Region III 801 Warrenville Road Lisle, 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) 952-9677

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**

Administrative Letter No.	Subject	Date of Issuance	Issued to
98-07	Interim Suspension of the Systematic Assessment of Licensee Performance (SALP) Program	10/02/98	All holders of operating licenses for nuclear power reactors
98-06	Electronic Availability of 10 CFR Part 21 and 10 CFR 50.55(e) Notifications	10/02/98	All holders of licenses for nuclear power-reactor and vendors for nuclear power reactors
98-05	Availability of Summarize In Electronic Format of Technical Reports by the Office for Analysis and Evaluation of Operational Data	8/3/98	All holders of operating licenses for nuclear power reactors
98-04	Availability of Common-Cause Failure Database	7/30/98	All holders of operating licenses for nuclear power reactors, except those licensees who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel
96-05, Rev. 1	Compliance with the Rule "Timeliness in Decommissioning of Material Facilities"	7/14/98	All material and fuel cycle licensees
98-03	Operating Reactor Licensing Action Estimates	5/6/98	All power reactor licensees
98-02	Revision of Event Reporting Guidelines for Power Reactors	03/17/98	All holders of operating licenses for nuclear reactors
98-01	Maintenance Rule Information Available on the NRC Home Page	02/20/98	All holders of operating licenses for nuclear reactors.

OL = Operating License
 CP = Construction Permit

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Orig /s/'d by] F.C. Combs
 Donald A. Cool, Director
 Division of Industrial
 and Medical Nuclear Safety
 Office of Nuclear Material Safety
 and Safeguards

orig /s/'d by
 Jack W. Roe, Acting Director
 Division of Reactor Program Management
 Office of Nuclear Reactor Regulation

Contact: Carl Mohrwinkel
 301-415-1293
 E-Mail: cam@nrc.gov

Attachments:

1. NRC Form 3 (dated 9/1998)
2. List of Recently Issued NRC Information Notices

DOCUMENT NAME: P:\CMADMINLTR.WPD

*See previous concurrence

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OFFICE	A:NRR	A:NRR	PECB	PECB	C:PECB
NAME	CMohrwinkel*	EBaker*	JCarter*	Dennig*	JStolz
DATE	9/12/98	9/12/98	9/23/98	9/24/98	/ /98

OFFICE	NMSS	D:NMSS	(A)D:DRPM
NAME	ETenEyck*	DCool*	JWRoe
DATE	10/01/98	10/02/98	9/2/98

OFFICIAL RECORD COPY

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3. List of Recently Issued NRR Information Notices

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NAME	CMohrwinkel*	EBaker*	JOCarter	Dennig	JStolz
DATE	9/12/98	9/12/98	9/23/98	9/17/98	1 / 98

OFFICE	<i>FCSS/</i> NMSS	<i>IMNS/</i> D:NMSS	(A)D:DRPM
NAME	ETenEyck	DCool	JRoe
DATE	10/1/98	10/1/98	1 / 98

9/29/98 #1

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OFFICE	A:NRR	A:NRR	DRPM	(A)DRPM		
NAME	CMohrwinkel	EBaker	JCarter	JRoe		
DATE	9/21/98	9/21/98	9/1/98	9/1/98	1/98	

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