

State of Alaska
Department of Labor
Division of Labor Standards and Safety

DOSH Program Directive 90-2

Date: May 10, 1990

To: All LS&S/OSH Staff

From: Tom Stuart, Director

Subject: Memorandum of Understanding Between the Occupational Safety and Health Administration (OSHA) and the U.S. Nuclear Regulatory Commission (NRC)

A. Purpose. This DOSH Program Directive (PD) provides guidelines for the procedures to be used by the Alaska OSH program in implementing the Memorandum of Understanding (MOU) of October 21, 1988, between OSHA and NRC. (The MOU is attached as Appendix A of this PD.)

B. Background. The Alaska OSH program will follow the MOU signed between OSHA and NRC if it inspects NRC-licensed nuclear facilities. According to OSHA the hazards in these facilities have been divided into the following four types:

1. Radiation hazards produced by radioactive materials.
2. Chemical hazards produced by radioactive materials.
3. Plant conditions which affect the safety of radioactive materials and thus present an increased radiation hazard to workers. For example, conditions that could produce fire or an explosion, and thereby cause a release of radioactive materials of an unsafe reactor condition.
4. Plant conditions which result in occupational hazards, but do not affect the safety of the licensed radioactive materials. For example, exposures to toxic non-radioactive material and other industrial hazards in the workplace.

NOTE: Generally, NRC covers the first three hazards and OSHA covers the fourth hazard.

C. Guidelines. Section 6 through 13 of the MOU establish interface procedures. Within the framework of these guidelines, the following will be adhered to:

1. The Director or Deputy Director will contact the OSHA Region X Regional Administrator who is the point of contact with NRC in order to expedite answers to jurisdictional and other issues. A current list of NRC Regional Offices and personnel is included in Appendix B.
2. The Director will contact the Region X Regional Administration to establish staff contacts with NRC Regional Offices. Jurisdictional matters that cannot be decided at the local level shall be referred promptly by the Director to the Regional Administrator for assistance in resolution.
3. If a jurisdictional question arises which cannot be resolved at the Regional level because the issue, for example, has nationwide impact or requires further guidance, the Director will be so informed.
4. Fatality, catastrophe, and complaint inspections shall continue as before, in Alaska OSH jurisdictional areas as depicted in E.4., above. However, Alaska OSH personnel shall refer to NRC any observations relating to areas where increased management attention is required such as the following:
 - 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 on NRC license or regulation violations.
5. Alaska OSH will provide support, if requested by the Regional Administrator when an OSHA/NCR team is formed, per Section 9 of the MOU, to assess the chemical and nuclear occupational safety hazards at a NCR-licensed fuel and materials facility.

6. If Alaska OSH participates in this team assessment, its portion of the team assessments shall be treated as enforcement inspections and citations shall be issued to the inspected establishments as appropriate.
7. If the State determines that training is required for its employees to properly inspect NCR-licensed facilities, the Director will ask the Region X Regional Administrator to arrange for such training.
8. The Director shall ensure that Alaska OSH staff comply with the applicable ionizing radiation standards as set out in 04.0105 of the Occupational Health and Environmental Control Code (OHEC).