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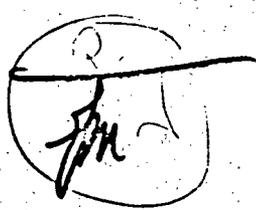
TITLE: Reporting Requirement Under 10 CFR 20.408 For Employees
Changing Assignment Under The Same License

FICHE: 38275-257

0108/77

E. Tolgen

AUG 12 1977



ROUTE

Mr. C. M. Stallings
Vice President-Power Supply and
Productions Operations
Virginia Electric and Power Company
Richmond, Virginia 23261

Dear Mr. Stallings:

Your letter of July 19, 1977 to Mr. Case, Acting Director, Office of Nuclear Reactor Regulation, requesting a written interpretation of section 20.408 of the Commission's regulations relating to "Reports of personnel exposures on termination of employment or work" has been referred to me for reply. The following guidance is provided to assist you in determining when the reports required by 10 CFR § 20.408 are to be furnished. If you have additional questions or need further clarification, please do not hesitate to let me know.

10 CFR § 20.408 provides:

When an individual terminates employment with a licensee subject to § 20.407, or an individual assigned to work in such a licensee's facility, but not employed by the licensee, completes his work assignment in the licensee's facility, the licensee shall furnish to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, a report of the individual's exposure to radiation and radioactive material, incurred during the period of employment or work assignment in the licensee's facility, containing information recorded by the licensee pursuant to §§ 20.401(a) and 20.108. Such report shall be furnished within 30 days after the exposure of the individual has been determined by the licensee or 90 days after the date of termination of employment or work assignment, whichever is earlier.

Section 20.408 requires each licensee subject to 10 CFR § 20.407 to furnish the U.S. Nuclear Regulatory Commission with reports on the occupational exposure to radiation and radioactive material incurred by certain individuals. The requirement to furnish reports on an individual's exposure extends to two classes of individuals: (1) employees of the licensee, and (2) individuals assigned to work in a licensee's facility but not employed by the licensee.

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In the case of individuals who are employees of the licensee, the licensee's obligation pursuant to § 20.408 to furnish a personnel exposure report on a particular individual arises only at the time the individual's employment with the licensee is terminated. This report shows the cumulative occupational radiation exposure received by the individual during the period of his employment with the licensee. Section 20.408 does not require the licensee to furnish a personnel exposure report each time an employee changes his work assignment, including a change in assignment from one facility of the licensee to another. Changes in employee work assignments do not alter the licensee's control over or responsibility for the licensed facilities nor his control over or responsibility for his employees.

In the case of individuals who are assigned to work in the licensee's facility but who are not employed by the licensee (including contractor employees and so-called "transient workers"), the licensee's obligation to furnish the required personnel exposure report for a particular individual arises at the time the individual completes his work assignment in the licensee's facility. The report for such an individual shows the cumulative occupational radiation exposure received by that individual during that particular work assignment. This difference in treatment between employees and non-employees reflects the fact that the licensee's control over the latter ends with the conclusion of the work assignment. It also reflects the fact that there is no assurance that the next work assignment undertaken by the non-employee will be at a facility which is licensed to the same licensee.

While there is a difference in the point of time at which the licensee becomes obligated to furnish personnel exposure reports for employees and non-employees (upon termination of employment for the former and upon completion of a discrete work assignment in the licensee's facility for the latter), once the obligation to furnish a report has arisen, there is no difference between the two classes of individuals as to when the report must be furnished. For individuals in each class, the report must be furnished on the earliest of the following alternative dates: (1) within thirty days after the exposure of the individual has been determined by the licensee; or (2) ninety days after the date of termination of employment in the case of an employee, or ninety days after the date of termination of the work assignment in the case of a non-employee.

In accordance with the requirements of 10 CFR § 20.409(b), licensees are required to notify individuals of personnel exposure reports at the same time those reports are transmitted to the Commission.

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The reporting requirements of 10 CFR § 20.408 are not exclusive. For example, § 20.408 does not preclude individuals employed by licensees from obtaining information on occupational exposures to radiation prior to termination of their employment. Pursuant to 10 CFR §§ 20.409(a) and 19.13(b), each licensee is required to advise any worker annually, at his request, of the individual's exposure to radiation or radioactive material as shown in records maintained by the licensee pursuant to 10 CFR § 20.401(a) and (c). (The term "worker" as defined in 10 CFR § 19.3(c) "means an individual engaged in activities licensed by the Commission and controlled by a licensee, but does not include the licensee." Both employees and non-employees may be "workers" within the meaning of this definition.)

In addition to the § 20.408 report to which a worker is entitled, a worker formerly engaged in licensed activities controlled by the licensee is also authorized by 10 CFR §§ 20.409(a) and 19.13(c) to obtain from the licensee, upon request and for the period of time requested, a report of the worker's exposure to radiation or radioactive material. This report must cover, for the period of time specified in the request, each calendar quarter in which the worker's activities involved exposure to radiation from radioactive materials licensed by the Commission and must include the dates and locations of the licensed activities in which the worker participated.

Sincerely,

Howard K. Shapar
Executive Legal Director

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VIRGINIA ELECTRIC AND POWER COMPANY
RICHMOND, VIRGINIA 23261

July 19, 1977

Mr. Edson G. Case, Acting Director
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Serial No. 291
PO&M/JTB:das

Attn: Mr. Peter L. Strauss
General Counsel

Dear Sir:

Pursuant to the provisions of Title 10 of the Code of Federal Regulations, Paragraph 20.6, this letter requests a written interpretation of the regulations contained in Part 20. The specific regulations requiring interpretation are those contained in Part 20 pertaining to reporting of radiation exposure to an individual, including Section 20.408.

Section 20.408 states:

"Reports of personal exposure on termination of employment or work.-- When an individual terminates employment with a licensee subject to Sec. 20.407, or an individual assigned to work in such a licensee's facility, but not employed by the licensee, completes his work assignment in the licensee's facility, the licensee shall furnish to the Director of Inspection and Enforcement, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, a report of the individual's exposure to radiation and radioactive material, incurred during the period of employment or work assignment in the licensee's facility, containing information recorded by the licensee pursuant to Secs. 20.401(a) and 20.108. Such report shall be furnished within 30 days after the exposure of the individual has been determined by the licensee or 90 days after the date of termination of employment or work assignment, whichever is earlier."

It is our interpretation of Section 20.408 that the regulation is making a distinction between termination of employment with a company and termination of a work assignment at a particular facility. This interpretation is supported by 10 CFR 19.3 and 10 CFR 20.3 which states that the "licensee" means the holder of a license. A nuclear power station does not "hold" a license, it is the "facility" that is licensed. Vepco, the corporation, is the holder. For example, when a Vepco employee goes from one Vepco nuclear power station to another Vepco nuclear power station, Section 20.408 does not require that he be given a history of his exposure.

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Please provide the NRC's interpretation of the cited regulation.

If you require additional information on this matter please advise.

Very truly yours,



C. M. Stallings
Vice President-Power Supply
and Productions Operations

cc: Mr. Norman C. Moseley