

167

RECORD #167

TITLE: Reports of Personnel Exposure Upon Termination of
Employment or Work

FICHE: 68812-106



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

March 11, 1987

MEMORANDUM FOR: Those on Attached List

FROM: LeMoine J. Cunningham, Chief
Section 2
Operating Reactor Programs Branch
Division of Inspection Programs
Office of Inspection and Enforcement

SUBJECT: REPORTS OF PERSONNEL EXPOSURE UPON TERMINATION
OF EMPLOYMENT OR WORK (10 CFR 20.408)

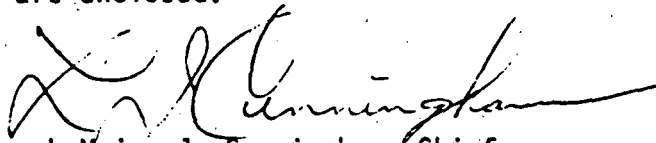
In our review of documents to be summarized in the Health Physics Positions database, we found documents that gave conflicting positions regarding termination reports required by 10 CFR 20.408. The two positions were as follows:

1. Termination reports, in accordance with 10 CFR 20.408, are required for all individuals for whom personnel monitoring or bioassay was provided, except for those individuals for whom personnel monitoring was provided but for whom the licensee has made and documented a prospective determination that personnel monitoring is not required by 10 CFR 20.202(a) and those individuals for whom bioassay was provided but not required by 10 CFR 20.108. (Letter from A. Giambusso, NRR, to Byron Lee, Jr., Commonwealth Edison, July 17, 1975.)
2. Termination reports, in accordance with 10 CFR 20.408, are required only for individuals for whom personnel monitoring or bioassay was required under 10 CFR 20.202(a) and 10 CFR 20.108. (IE Manual Interpretive Guide, "Reports of Personnel Exposure Upon Termination of Employment or Work," 10/1/79.)

After several rounds of correspondence, OGC has advised that either position could be supported. Since the regulations can be read several ways, OGC deferred to our policy judgment in this matter.

In being the case, IE hereby adopts and reaffirms the position stated in referenced IE Manual Interpretive Guide (Position No. 2 above).

Copies of all pertinent documents are enclosed.


LeMoine J. Cunningham, Chief
Section 2
Operating Reactor Programs Branch
Division of Inspection Programs
Office of Inspection and Enforcement

Enclosures:
See next page

Enclosures:

1. Letter from J. S. Abel, CEC, to
B. C. Rusche, NRR, dtd. 5/23/75
2. Memorandum from J. M. Allan, RIII,
to L. B. Higginbotham, IE, dtd. 6/2/75
3. Letter from A. Giambusso, NRR, to
B. Lee, Jr., CEC, dtd. 7/17/75
4. IE Manual Interpretive Guide, "Reports
of Personnel Exposure Upon Termination
of Employment or Work" dtd. 10/1/79
5. Memorandum from P. F. McKee, IE, to
J. Lieberman, OGC, dtd. 10/2/86
6. Memorandum from J. Lieberman, OGC, to
P. F. McKee, IE, dtd. 10/23/86
7. Memorandum from P. F. McKee, IE, to
J. Lieberman, OGC, dtd. 12/8/86
8. Memorandum from T. F. Dorian, OGC, to
P. F. McKee, IE, dtd. 2/24/87

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OFC	: IE:ORPB	: IE:ORPB	:	:	:	:
NAME	: RCPaulus:esp:LJCunningham:	:	:	:	:	:
DATE	: 3// /87	: 3// /87	:	:	:	:

Addressees for Memorandum dated: March 11, 1987

Ronald R. Bellamy, Chief
Emergency Preparedness & Radiological Protection Branch
Region I

James H. Joyner, Chief
Nuclear Materials Safety and Safeguards Branch
Region I

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Emergency Preparedness & Radiological Protection Branch
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Emergency Preparedness & Radiological Protection Branch
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Region III

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Region V

James L. Montgomery, Chief
Nuclear Materials Safety and Safeguards Branch
Region V

INTERPRETIVE GUIDE

SUBJECT: REPORTS OF PERSONNEL EXPOSURE UPON TERMINATION OF EMPLOYMENT
OR WORK

A. PURPOSE AND BACKGROUND

To provide guidance for inspecting the reporting requirements of 20.408 and 20.409 with respect to termination of employment or temporary assignment for nonemployees.

B. APPLICABILITY

This guidance applies to those four categories of licensees set forth in 20.408(a).

C. EXPLANATION

1. An individual is considered to have terminated employment when he has resigned, retired, been fired, laid off, or discharged. A leave of absence or a sabbatical leave is not considered a termination. A temporary layoff due, for example, to a decrease in workload, is considered a termination. Individuals who are rehired within the time that a report would have been required are not considered to have terminated. However, reports of personnel exposure would be required for all periods of employment during the period for which reports would be required. Reports for individuals who terminate more than once from the same licensee need include only the exposure information compiled since the previous termination report.
2. Section 20.408, through reference to 20.401(a) and 20.108 requires termination reports of radiation exposures only for those individuals for whom monitoring or bioassay was required under 20.202(a) and 20.108. Also 20.409 requires that the individuals who terminate be provided with a record of their exposure, both external and internal (see Item 4, below).
3. A report of an individual's exposure to radioactive material is required only when there is a specific condition in the license requiring a bioassay program pursuant to 20.108, or when the licensee has described a bioassay program in his application and the application has been incorporated as a condition of the license.

Issue date: 10/1/79

4. The licensee is required to furnish to the employee under 20.409 and to the NRC only that information relevant to the estimation of the individual's actual exposure (that is, his dose, dose commitment or his incremental body burden) as measured by film badges, TLDS and required bioassay programs.

For example, if a licensee is required to make exposure estimates based only on a urinalysis program, but also performs whole body counting and analysis of fecal samples, the licensee is required to provide only exposure information which results from the urinalysis program. If the license condition does not specify that exposure estimates be developed with respect to the bioassay program, the licensee is not required to provide such information to the employee and the NRC.

A licensee should not be cited for noncompliance with 20.409 if he makes a reasonable effort to provide individuals with the required reports but has not succeeded. Mailing a copy of the report to an individual's last known address is considered to be a reasonable effort.

Individuals formerly employed or assigned to work in a licensee's facility will not be contacted as part of routine inspections to verify a licensee's statements that reports were furnished to such individuals.

5. For terminated and expired licenses, when licenses described in 20.408(a) expire or are terminated, reports are required under 20.408(b) and 20.409 for the individuals associated with the programs, unless these individuals continue to work under another license for the same licensee which falls within the scope of 20.408.
6. If a license is superseded by or consolidated into another license which is subject to 20.408, no termination report is required. If the new or amended license is one that is not subject to 20.408, termination reports are required for superseded licenses.
7. When a licensed operation is transferred to another firm through sale, acquisition, merger, etc., and the transfer results in a continuing program, it is not necessary that termination reports be made. The need to submit reports becomes an obligation of the surviving licensee.

20.408

Issue date 10/1/79

- 3 -

D. COORDINATION

This guidance has the concurrence of OSD (W. Cool).

E. REFERENCES

20.408, 20.409

F. SUPERSESSION

10 CFR - 20.408, Reports of Personnel Exposure on Termination of Employment or Work, dated 8/18/69.

G. CONTACT

FFMSI contact; J. R. Metzger



Leo B. Higginbotham
Assistant Director
Division of Fuel Facility and
Materials Safety Inspection
Office of Inspection and Enforcement

Date: 10/1/79



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

February 24, 1987

MEMORANDUM FOR: Phillip F. McKee
Office of Inspection and Enforcement

FROM: Thomas F. Dorian
Office of the General Counsel

SUBJECT: INTERPRETATION OF REGULATIONS ON REPORTS OF
PERSONNEL EXPOSURE UPON TERMINATION OF
EMPLOYMENT OR WORK

Though James Allan's position in his note of June 2, 1975, to Leo Higginbotham, Leo Higginbotham's position in his return note of July 24, 1975, to James Allan, and A. Giambusso's position in his letter of July 17, 1975, to Byron Lee at Commonwealth Edison (all three enclosed) are reasonable, tenable and not necessarily inconsistent with the regulations, the position in IE's Inspection and Enforcement Manual Interpretative Guide of October 1, 1979, James Lieberman's interpretations in his memorandum of October 23, 1986, to you and your interpretations in your memorandum of December 8, 1986, in response to him (all three enclosed) are also sound and in keeping with the regulations. In other words, the regulations can be read several ways. Therefore, per my conversation with you and Jay Cunningham, we defer to your policy judgment in this matter.

cc. L. J. Cunningham



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

December 8, 1986

MEMORANDUM FOR:

James Lieberman
Assistant General Counsel for Enforcement
Office of the General Counsel

FROM:

Phillip F. McKee, Chief
Operating Reactor Programs Branch
Division of Inspection Programs
Office of Inspection and Enforcement

SUBJECT:

INTERPRETATION OF REGULATIONS ADDRESSING REPORTS OF
PERSONNEL EXPOSURE UPON TERMINATION OF EMPLOYMENT
OR WORK

By memorandum dated October 23, 1986, subject as above, you responded to our request of October 2, 1986 for a legal interpretation of 10 CFR 20.408 termination reporting requirements. The purpose of this memorandum is to clarify a couple of points.

It is our understanding that the requirements of 10 CFR 19.13, 20.202, 20.408 and 20.409 do not require licensees to report to the individual or the NRC exposure data for individuals who terminate employment or work for applicable licensees when these individuals were not required to be monitored according to K20.202(a). We note that entry into a high radiation area requires monitoring and reporting, and that reporting would be required if the terminating individual receives exposures greater than the criteria of K20.202(a).

Further, it is our understanding that the requirements of K20.201 and 20.401 do not require licensees to document (record) decisions or conclusions, such as the decision of whether or not an individual is required to be monitored according to K20.202(a). However, the requirements of K20.401(b) in conjunction with the definition provided in K20.201(a) require licensees to record and maintain results of measurements of levels of radiation or concentrations of radioactive material that are obtained to evaluate the radiation hazard under a specific set of conditions. For example, general area or building radiation levels, that are used in the process of determining whether an individual is required to be monitored, are required to be recorded and maintained.

Finally, we understand that the July 17, 1975 letter from A. Giambusso, NRR to Byron Lee, Jr, Commonwealth Edison Company provided an incorrect position on the requirements of 10 CFR 20.202 and other reporting requirements.

Please inform us whether our understanding as discussed above is correct.

A handwritten signature in dark ink, appearing to read "Phillip F. McKee", is written over the typed name and title.

Phillip F. McKee, Chief
Operating Reactor Programs Branch
Division of Inspection Programs
Office of Inspection and Enforcement

Contact: L. J. Cunningham
X29664

Distribution:

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DI reading

J. D. Buchanan, IE

J. E. Wigginton, IE

~~1.~~ J. Cunningham, IE

P. F. McKee, IE

R. L. Spessard, IE

J. G. Partlow, IE

OFC	: IE: DI: ORPB	: IE: DI: ORPB	:	:	:	:
NAME	: LJCunningham: jj	: PFMckee	:	:	:	:
DATE	: 12/2/86	: 12/9/86	:	:	:	:



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

October 23, 1986

A handwritten signature, possibly "J. O.", is written in the top right corner of the page.

MEMORANDUM FOR: Phillip F. McKee, Chief
Operating Reactor Programs Branch
Division of Inspection Programs
Office of Inspection and Enforcement

FROM: James Lieberman, Assistant General Counsel
for Enforcement
Office of the General Counsel

SUBJECT: INTERPRETATION OF REGULATIONS ADDRESSING
REPORTS OF PERSONNEL EXPOSURE UPON
TERMINATION OF EMPLOYMENT OR WORK

This is in response to your October 2, 1986 memorandum requesting a legal interpretation of 10 C.F.R. § 20.408. Specifically, your memorandum raises the legal issue of whether, in order to satisfy the reporting requirements of sections 20.408 and 20.409, licensees are required to prerecord the conclusion that an individual who entered a restricted area did so under such circumstances that he was likely to receive a dose in any calendar quarter in excess of 25 percent of the applicable value specified in paragraph (a) of section 20.101.

Section 20.408 requires that when an individual terminates employment (as more fully described in section 20.408(b)), the licensee shall furnish to NRC a report of the individual's exposure to radiation "containing information recorded by the licensee pursuant to sections 20.401(a) and 20.108." (A discussion of the requirements of section 20.108 is not relevant to the issue under discussion.)

Section 20.409 refers to section 19.13, which states that when a licensee is required pursuant to section 20.405 or section 20.408 to report to the Commission any exposure of an individual to radiation, the licensee shall also provide the individual a report on his exposure data.

Section 20.401(a) requires licensees to maintain records showing the radiation exposures of all individuals for whom personnel monitoring is required under section 20.202.

Section 20.202(a) in relevant part provides as follows:

(a) Each licensee shall supply appropriate personnel monitoring equipment to, and shall require the use of such equipment by:

- (1) Each individual who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 25 percent of the applicable value specified in paragraph (a) of § 20.101.

In our view, the regulations discussed above, by themselves, do not require the recording or pre-recording of the conclusion, reached in accordance with 20.202(a)(1), that an individual is "likely to receive a dose" which exceeds the applicable value. There are, however, other regulations which bear on this issue. Section 20.201(b) requires surveys (as defined in section 20.201(a)) as

- (1) may be necessary for the licensee to comply with the regulations in this part, and (2) are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present.

We believe that the decision that must be made under section 20.202(a)(1) as to whether an individual is "likely to receive a dose" which exceeds the applicable value requires the licensee to make a survey as described in section 20.201. Moreover, section 20.401(b) requires the maintenance of records showing the results of surveys required by section 20.201(b) (and other sections not relevant here).

We conclude that a fair reading of the above regulations is that licensees are required to maintain a record of the surveys conducted to demonstrate compliance with section 20.202. Consequently, the reporting requirements of sections 20.408 and 20.409 require licensees to maintain records of the required surveys. We also conclude, however, that there is no regulatory requirement to pre-record the decision under section 20.202(a) that an individual is "likely to receive a dose" which exceeds the applicable value.

If you wish to discuss this further, please contact me.



James Lieberman, Assistant General Counsel
for Enforcement
Office of the General Counsel

cc: W. Olmstead



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

October 2, 1986

MEMORANDUM FOR: James Lieberman, Director
and Chief Counsel
Regional Operations and Enforcement Division
Office of the General Counsel

FROM: Phillip F. McKee, Chief
Operating Reactor Programs Branch
Division of Inspection Programs
Office of Inspection and Enforcement

SUBJECT: REPORTS OF PERSONNEL EXPOSURE UPON TERMINATION OF
EMPLOYMENT OR WORK (10 CFR 20.408)

Members of my Branch have been reviewing and compiling NRC documents that provide clarifications of, and interpretive guidance on, regulatory requirements for radiation protection. In the course of these reviews they have found the enclosed documents that give conflicting opinions with respect to requirements for reports of personnel monitoring upon termination of employment or work.

One position, in the enclosed letter from A. Giambusso, NRR, to Byron Lee, Jr., Commonwealth Edison Company, is that "unless the dose that an individual receives or is likely to receive is assessed prior to entrance into any restricted area in accordance with 10 CFR Section 20.202 and a record made of the expected exposure level as a percentage of the 10 CFR Part 20 exposure limits, you cannot use the requirements of 10 CFR Section 20.202 to determine the individual reporting requirements as specified by 10 CFR Section 19.13 and 10 CFR Section 20.409." A similar position, in the enclosed memorandum from James M. Allan, R-III, to Leo B. Higginbotham, IE, is that "termination reports must be sent to all persons for whom personal monitoring has been provided unless the licensee documented before the fact that personal monitoring was not required by 20.202(a)."

A conflicting position, in the enclosed IE Inspection and Enforcement Manual Interpretive Guide, dated 10/1/79, is that 10 CFR "Section 20.408, through reference to 20.401(a) and 20.108 requires termination reports of radiation exposures only for those individuals for whom monitoring or bioassay was required under 20.202(a) and 20.108."

In other words, the two conflicting opinions are as follows:

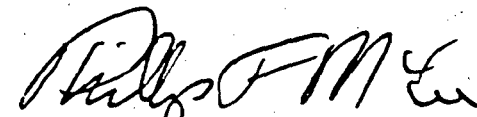
- (1) Termination reports, in accordance with 10 CFR 20.408, are required only for individuals for whom personnel monitoring or bioassay was required under 10 CFR 20.202(a) and 10 CFR 20.108.
- (2) Termination reports, in accordance with 10 CFR 20.408, are required for all individuals for whom personnel monitoring or bioassay was provided except for those individuals for whom personnel monitoring was provided but for whom the licensee has made and documented a

prospective determination that personnel monitoring is not required by 10 CFR 20.202(a) and those individuals for whom bioassay was provided but not required by 10 CFR 20.108.

With respect to the second position above, we note that 10 CFR 20.202, "Personnel Monitoring", requires the licensee to supply appropriate personnel monitoring equipment for "...each individual who enters a restricted area under such circumstances that he receives, or is likely to receive..." the specified dose. The underlined words appear to allow two alternative methods of determining whether personnel monitoring is or was required for an individual. One method, based on the word "receives," is a retrospective determination based on the results of personnel monitoring provided to the individual. The other method based on the words "or is likely to receive," is a prospective determination made before the individual enters a restricted area. It is this prospective determination and documentation thereof that is the essential requirement given in the Giambusso and Allan documents quoted above. However, in our reading of 10 CFR 20.401, it is not apparent that documentation of this prospective evaluation is required.

The answers to the questions concerning termination reporting requirements are of current interest because of the possibility that licensees who provide personal dosimeters to most employees may provide termination reports only for individuals whose doses exceed the 25% or high radiation area criteria of 10 CFR 20.202.

Please provide the correct interpretation of 10 CFR 20.408 termination reporting requirements.



Phillip F. McKee, Chief
Operating Reactor Programs Branch
Division of Inspection Programs
Office of Inspection and Enforcement

Contact:

John Buchanan
49-29657

Enclosures:

- (1) Letter from J. S. Abel, Commonwealth Edison, to Benard C. Rusche, NRR, May 23, 1975.
- (2) Memorandum from J. M. Allan, R-III, to Leo B. Higginbotham, IE, June 2, 1975.
- (3) Letter from A. Giambusso, NRR, to Byron Lee, Jr., Commonwealth Edison, July 17, 1975.
- (4) Inspection and Enforcement Manual Interpretive Guide, "Reports of Personnel Exposure Upon Termination of Employment or Work," 10/1/79.

James Lieberman

- 3 -

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P. F. McKee, IE

R. L. Spessard, IE

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R. C. Paulus, IE

G. L. Sjoblom, IE

F. J. Congel, IE

B. G. Brooks, RES

R. E. Alexander, RES

C	:IE:DI:ORPB	:IE:DI:ORPB	:IE:DI:ORPB	:	:	:	:
ME	:J.D. Buchanan:jj	:L.J. Cunningham	:P. McKee	:	:	:	:
TE	:08/5/86	:08/5/86	:08/1/86	:	:	:	:

INTERPRETIVE GUIDE

SUBJECT: REPORTS OF PERSONNEL EXPOSURE UPON TERMINATION OF EMPLOYMENT
OR WORK

A. PURPOSE AND BACKGROUND

To provide guidance for inspecting the reporting requirements of 20.408 and 20.409 with respect to termination of employment or temporary assignment for nonemployees.

B. APPLICABILITY

This guidance applies to those four categories of licensees set forth in 20.408(a).

C. EXPLANATION

1. An individual is considered to have terminated employment when he has resigned, retired, been fired, laid off, or discharged. A leave of absence or a sabbatical leave is not considered a termination. A temporary layoff due, for example, to a decrease in workload, is considered a termination. Individuals who are rehired within the time that a report would have been required are not considered to have terminated. However, reports of personnel exposure would be required for all periods of employment during the period for which reports would be required. Reports for individuals who terminate more than once from the same licensee need include only the exposure information compiled since the previous termination report.
2. Section 20.408, through reference to 20.401(a) and 20.108 requires termination reports of radiation exposures only for those individuals for whom monitoring or bioassay was required under 20.202(a) and 20.108. Also 20.409 requires that the individuals who terminate be provided with a record of their exposure, both external and internal (see Item 4, below).
3. A report of an individual's exposure to radioactive material is required only when there is a specific condition in the license requiring a bioassay program pursuant to 20.108, or when the licensee has described a bioassay program in his application and the application has been incorporated as a condition of the license.

Issue date: 10/1/79

4. The licensee is required to furnish to the employee under 20.409 and to the NRC only that information relevant to the estimation of the individual's actual exposure (that is, his dose, dose commitment or his incremental body burden) as measured by film badges, TLDS and required bioassay programs.

For example, if a licensee is required to make exposure estimates based only on a urinalysis program, but also performs whole body counting and analysis of fecal samples; the licensee is required to provide only exposure information which results from the urinalysis program. If the license condition does not specify that exposure estimates be developed with respect to the bioassay program, the licensee is not required to provide such information to the employee and the NRC.

A licensee should not be cited for noncompliance with 20.409 if he makes a reasonable effort to provide individuals with the required reports but has not succeeded. Mailing a copy of the report to an individual's last known address is considered to be a reasonable effort.

Individuals formerly employed or assigned to work in a licensee's facility will not be contacted as part of routine inspections to verify a licensee's statements that reports were furnished to such individuals.

5. For terminated and expired licenses, when licenses described in 20.408(a) expire or are terminated, reports are required under 20.408(b) and 20.409 for the individuals associated with the programs, unless these individuals continue to work under another license for the same licensee which falls within the scope of 20.408.
6. If a license is superseded by or consolidated into another license which is subject to 20.408, no termination report is required. If the new or amended license is one that is not subject to 20.408, termination reports are required for superseded licenses.
7. When a licensed operation is transferred to another firm through sale, acquisition, merger, etc., and the transfer results in a continuing program, it is not necessary that termination reports be made. The need to submit reports becomes an obligation of the surviving licensee.

D. COORDINATION

This guidance has the concurrence of OSD (W. Cool).

E. REFERENCES

20.408, 20.409

F. SUPERSESSON

10 CFR - 20.408, Reports of Personnel Exposure on Termination of Employment or Work, dated 8/18/69.

G. CONTACT

FFMSI contact; J. R. Metzger



Leo B. Higginbotham
Assistant Director
Division of Fuel Facility and
Materials Safety Inspection
Office of Inspection and Enforcement

Date: 10/1/79

NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20535

July 17, 1975

Docket Nos. 50-10/237/249
50-254/265
50-295/304

Commonwealth Edison Company
ATTN: Mr. Byron Lee, Jr.
Vice President
Post Office Box 767
Chicago, Illinois 60690

Gentlemen:

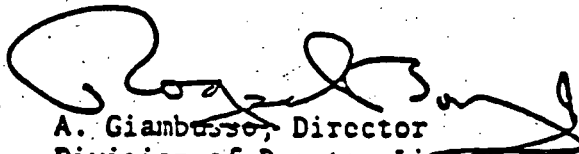
By letter dated May 23, 1975, you requested an interpretation of 10 CFR Section 20.409, "Notification and Reports to Individual." You indicate that the Commonwealth Edison Company (CE) procedure for implementing the reporting requirements of 10 CFR Parts 19 and 20 at all its operating nuclear plants is to provide reports to the individual on termination of employment only if the actual recorded exposures exceed 25 percent of 10 CFR Part 20 exposure limits.

You stated that, to avoid the possibility of an unmonitored exposure, CE currently requires all persons entering any restricted area of a nuclear plant to be monitored. Such a monitoring requirement exceeds the 10 CFR Part 20 minimum monitoring requirements and we approve of such a comprehensive monitoring program for individuals. However, unless the dose that an individual receives or is likely to receive is assessed prior to entrance into any restricted area in accordance with 10 CFR Section 20.202 and a record made of the expected exposure level as a percentage of the 10 CFR Part 20 exposure limits, you cannot use the requirements of 10 CFR Section 20.202 to determine the individual reporting requirements as specified by 10 CFR Section 19.13 and 10 CFR Section 20.409. Therefore, all persons monitored in accordance with your company procedure must be notified of their exposure upon termination of employment regardless of the recorded exposure unless all assessments

July 17, 1975

prior to entrance into any restricted area would have allowed entrance without personnel monitoring in accordance with 10 CFR Section 20.202 and are so recorded for all entrances by that individual into restricted areas during his employment or work assignment.

Sincerely,

A handwritten signature in dark ink, appearing to read "A. Giambusso", is written over the typed name and title.

A. Giambusso, Director
Division of Reactor Licensing
Office of Nuclear Reactor Regulation

cc: see next page

July 17, 1975

cc:

Commonwealth Edison Company
ATTN: Mr. J. S. Abel
Nuclear Licensing Administrator -
Boiling Water Reactors
Post Office Box 767
Chicago, Illinois 60690

Mr. Charles Whitmore
President and Chairman
Iowa-Illinois Gas and
Electric Company
206 East Second Avenue
Davenport, Iowa 52801

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1712 N Street, N. W.
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Chicago, Illinois 60602

Mrs. Eileen Jenkins
7803 - 40th Street
Kenosha, Wisconsin 53140

Mr. David Dinsmore Comey
Director of Environmental Research
Businessmen for Public Interest
109 South Dearborn Street
Suite 1001
Chicago, Illinois 60602

Allen Lavin, Esquire
Chief Attorney
Metropolitan Sanitary District
of Greater Chicago
1000 East Erie Street
Chicago, Illinois 60611

Moline Public Library
504 - 17th Street
Moline, Illinois 61265

Morris Public Library
604 Liberty Street
Morris, Illinois 60451

Waukegan Public Library
128 North County Street
Waukegan, Illinois 60095

May 23, 1975

Mr. Benard C. Rusche, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: Interpretation of 10 CFR 20.409
Notification and Reports to Individuals

Dear Mr. Rusche:

Your concurrence is requested for the program we use at all of our operating nuclear plants for implementing the requirements of Section 20.409 of Title 10 of the Code of Federal Regulation.

Section 20.202(a.1) requires that an individual "who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 25 percent of the applicable value specified in paragraph (a) of Section 20.101" shall be provided personnel monitoring equipment.

To avoid the possibility of an unmonitored exposure, we currently require all persons entering any restricted area of the plant to be monitored.

In accordance with the combined intent of Sections 20.202(a.1), 20.403, and 20.409, for individuals actually receiving exposures of more than 25 percent of Section 20.101(a) limits, records are kept and reports are provided upon terminating employment. For all other individuals with recorded exposures of less than 25 percent of the limits of Section 20.101(a), no report to the individual is provided upon terminating employment.

The Region III office of Inspection and Enforcement has stated that any and all persons monitored under Section 20.202(a.1) must receive notification of exposure upon terminating employment, regardless of the exposure received.

We feel that our current implementation program meets both the intent and the letter of the regulations and request your concurrence.

Very truly yours,

cc: Mr. J. G. Keppler
Region III

J. S. Abel
Nuclear Licensing Administrator
Boiling Water Reactors

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

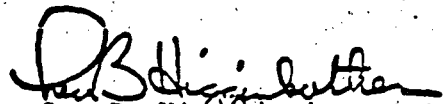
July 24, 1975

J. M. Allan, Chief
Radiological and Environmental Protection Branch, IE:III

REPORTS OF PERSONAL EXPOSURE ON TERMINATION OF EMPLOYMENT OR WORK
(F30086H2)

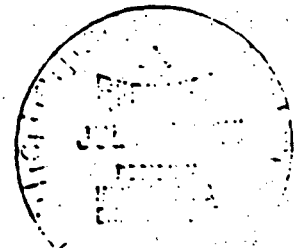
This is in response to your memorandum dated June 2, 1975 concerning your request that we review Commonwealth Edison's request of ONRR for an interpretation of 10 CFR 20.409, and to assure that the appropriate position is contained in Licensing's response. Enclosed is a copy of Mr. A. Giambusso's letter, dated July 17, 1975, to Mr. B. Lee, Jr. of CE. As indicated in Mr. Giambusso's letter, the position Licensing took with regard to the subject matter is in agreement with IE:III's position; that is, termination reports must be sent to all individuals for whom personal monitoring has been provided.

We hope that this information will be helpful to you.


Leo B. Higginbotham, Acting Chief
Radiological and Environmental
Protection Branch
Office of Inspection and Enforcement

Enclosure:
As stated

cc: C. W. Kuhlman
H. D. Thornburg
R. F. Warnick
P. R. Nelson (w/encl. & 6/2/75 transmittal)
J. T. Sutherland (w/encl. & 6/2/75 tran.)
G. D. Brown, (w/encl. & 6/2/75 tran.)
✓ H. E. Book (w/encl. & 6/2/75 tran.)



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

June 2, 1975

Leo B. Higginbotham, Acting Chief, Radiological and Environmental
Protection Branch, Office of Inspection and Enforcement,
Headquarters

REPORTS OF PERSONAL EXPOSURE ON TERMINATION OF EMPLOYMENT OR WORK

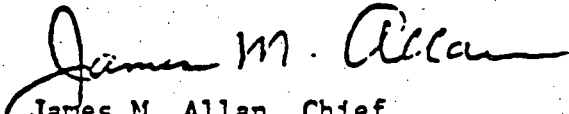
In a May 23, 1975, letter to the Director of the Office of Nuclear
Reactor Regulation, Commonwealth Edison Company outlines a reporting
method which we believe to conflict with the intent of 10 CFR 20.408.

Commonwealth Edison's position is that termination reports must be
sent only to persons who actually received more than 25% of the
20.101(a) exposure limits.

The region's position is that termination reports must be sent to
all persons for whom personal monitoring has been provided, unless
the licensee documented before the fact that personal monitoring was
not required by 20.202(a).

It is requested that IE:HQ review Edison's request for interpretation
of 20.409 and assure that the appropriate position is contained
in the response.

Attached is a copy of Commonwealth Edison's letter dated May 23,
1975.


James M. Allan, Chief
Radiological and Environmental
Protection Branch

Attachment:
As stated

cc: H. D. Thornburg, IE:HQ
R. F. Warnick, IE:HQ
C. W. Kuhlman, IE:HQ

