

RECORD #249

TITLE: Requests by reactor Licensees that women inspectors sign statements
- that they are not pregnant

St. Paul
Add: *Jan Carter*
10A-4
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

March 4, 1992

MEMORANDUM FOR: Malcolm R. Knapp, Director, DDRS, Region I
J. Philip Stohr, Director, DDRS, Region II
Charles E. Norelius, Director, DDRS, Region III
L. Joseph Callan, Director, DDRS, Region IV
Ross A. Scarano, Director, DDRS, Region V

FROM: Frank J. Congel, Director
Division of Radiation Protection
and Emergency Preparedness
Office of Nuclear Reactor Regulation

SUBJECT: REQUESTS BY REACTOR LICENSEES THAT WOMEN INSPECTORS SIGN
STATEMENTS THAT THEY ARE NOT PREGNANT

We have recently learned of cases in which a woman inspector, before being granted site access, was asked by a reactor licensee to sign a statement that she was not pregnant.

We have been advised by the Office of General Counsel that requiring an NRC employee to sign such a statement is not appropriate and would be inconsistent with law.

Furthermore, licensee denial of site access to an inspector who refuses to sign a statement that she is not pregnant would be a violation of 10 CFR 50.70(b)(3) requiring the licensee to provide immediate unfettered access to the inspector following proper identification and compliance with applicable access control measures for security, radiological protection and personal safety.

CONTACTS:
John Buchanan, NRR
964-3184

Joanna Becker, OGC
964-1740

Marvin Itzkowitz, OGC
964-1566

9203130099

XA

Inspectors should be advised that they are not required to sign statements that they are not pregnant.

The Office of the General Counsel has concurred in this memorandum.

Original signed by Frank J. Congel

Frank J. Congel, Director
Division of Radiation Protection
and Emergency Preparedness
Office of Nuclear Reactor Regulation

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*See Previous Concurrence

OFC	:RPB:DREP*	:SC:RPB:DREP*	:BC:RPB:DREP*	:OGC*	:D:DREP:NRR
NAME	:JBuchanan	:JWigginton	:LCunningham	:JBecker	:FCongel <i>JK</i>
DATE	:03/03/92	:03/03/92	:03/03/92	:03/03/92	:3/4/92

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Document Name: MEMO FOR REGIONAL DDS

MEMORANDUM FOR: Those on Attached List

FROM: Richard E. Cunningham, Director
Division of Industrial and
Medical Nuclear Safety, NMSS

SUBJECT: LICENSEE REQUESTS THAT WOMEN INSPECTORS SIGN
STATEMENTS THAT THEY ARE NOT PREGNANT

Combine w/ our memo APR 01 1992
HPPUS
Jay
J. B. G.
J. C. L. S.

We recently received the enclosed memorandum from the Office of Nuclear Reactor Regulation (NRR) concerning a reactor licensee request that a woman NRC inspector sign a statement that she was not pregnant, before being granted site access. While we have not heard of similar requests of materials inspectors, the Office of General Counsel had advised us that the same guidance applies to materials inspectors. That is, requiring an NRC employee to sign such a statement is not appropriate and would be inconsistent with law.

Licensee denial of site access to an inspector who refuses to sign a statement that she is not pregnant would also be a violation of 10 CFR 30.52(a), 40.62(a), or 70.55(a), which require each licensee to "afford to the Commission at all reasonable times opportunity to inspect" byproduct, source, or special nuclear material and the premises and facilities wherein byproduct, source, or special nuclear material is used, produced, or stored.

At Part 70 licensees' facilities, licensee denial of site access to an inspector who refuses to sign a statement that she is not pregnant would also be a violation of 10 CFR 70.55(c)(3) requiring the licensee to provide immediate unfettered access to the inspector following proper identification and compliance with applicable access control measures for security, radiological protection, and personal safety.

If you have any questions about this matter, please contact Scott Moore at FTS 964-2514 or Cynthia Jones at FTS 964-2629.

Richard E. Cunningham, Director
Division of Industrial and
Medical Nuclear Safety, NMSS

Enclosure: As stated

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OFC	: IMOB	: IMOB	: IMOB	: OGC	: IMNS	: IMNS
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DATE	: 3/26/92	: 3/26/92	: 3/26/92	: 3/31/92	: 3/31/92	: 3/31/93

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LICENSEE REQUESTS

Attached List for Memorandum dated: APR 01 1992

Subject: LICENSEE REQUESTS THAT WOMEN INSPECTORS SIGN
STATEMENTS THAT THEY ARE NOT PREGNANT

Malcolm R. Knapp, Director
Division of Radiation Safety and Safeguards, RI

J. Philip Stohr, Director
Division of Radiation Safety and Safeguards, RII

Charles E. Norelius, Director
Division of Radiation Safety and Safeguards, RIII

L. Joe Callan, Director
Division of Radiation Safety and Safeguards, RIV

Ross A. Scarano, Director
Division of Radiation Safety and Safeguards, RV

Richard L. Bangart, Director
Division of Low-Level Waste Management
and Decommissioning, NMSS

Robert F. Burnett, Director
Division of Safeguards
and Transportation, NMSS

B. Joe Youngblood, Director
Division of High Level
Waste Management, NMSS



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Enclosure

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