

RECORD #252

*PDR Acc # 9208170087*

TITLE: Requests by licensees that women inspectors acknowledge  
discriminatory administrative dose limits imposed on them

JUL 28 1992

MEMORANDUM FOR: William F. Kane, Deputy Reg. Adm., Region I  
Luis A. Reyes, Deputy Reg. Adm., Region II  
Carl J. Paperiello, Deputy Reg. Adm., Region III  
John M. Montgomery, Deputy Reg. Adm., Region IV  
Bobby H. Faulkenberry, Deputy Reg. Adm., Region V

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

Richard E. Cunningham, Director  
Division of Industrial and Medical  
Nuclear Safety  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: REQUESTS BY LICENSEES THAT WOMEN INSPECTORS ACKNOWLEDGE  
DISCRIMINATORY ADMINISTRATIVE DOSE LIMITS IMPOSED ON THEM

We have recently learned that a woman inspector, before being granted site access at a nuclear power plant, was asked to sign a statement acknowledging an administrative radiation dose limit that is discriminatory. This statement appears at the bottom of the first page of the enclosed "Female Radiation Exposure Policy" (Enclosure 1). We also have been informed that other licensees, including both reactor licensees and materials licensees, have similar policies.

The disclaimers in the first paragraph of the enclosed policy notwithstanding, the administrative radiation dose limit for "fertile females" is discriminatory, inappropriate, and inconsistent with law. NRC employees should be aware that they need not and should not sign agreements to, or acknowledgements of, licensee administrative dose limits for women (who are not declared pregnant women as defined in 10 CFR 20.1003) that are different from the administrative limits for men.

We recently sent memoranda to all regional offices concerning requests by licensees that women inspectors sign statements that they are not pregnant. (References for these documents are given in a subsequent paragraph.) The second page of the enclosed licensee policy contains similar statements concerning pregnancy or the ability to become pregnant. NRC women employees should be aware that they need not and should not sign statements provided by licensees concerning their pregnancy, or capability of becoming pregnant, except for voluntary declarations of pregnancy.

Contacts: John Buchanan, NRR, (301) 504-3184  
Scott Moore, NMSS, (301) 504-2514

Licensee denial of site access to an NRC inspector who refuses to sign a statement acknowledging or agreeing to a discriminatory dose limit or who refuses to sign a statement concerning pregnancy or the capability of becoming pregnant (except for voluntary declarations of pregnancy) would be a violation of 10 CFR 50.70(b)(3) (for reactor licensees), 30.52(a), 40.62, 70.55(a), or 70.55(c)(3) (for materials licensees).

This memorandum is being made publicly available and may be provided to licensees by NRC inspectors if confronted with this issue. This memorandum will also be included in the health physics positions data base. Two previous health physics positions concerning licensee sex discrimination applied to NRC inspectors are: (1) HPPOS-055, PDR-9111210231, "IE Position - Unduly Restricted Access of Female NRC Inspectors to Radiation Areas," memorandum from J. H. Sniezek to B. H. Grier (and others) dated October 2, 1980, and (2) HPPOS-249, PDR-9206260114, "Requests by Licensees That Women Inspectors Sign Statements That They Are Not Pregnant," memorandum from F.J. Congel to M.R. Knapp (and others) dated March 4, 1992, and memorandum from R. E. Cunningham to M. R. Knapp (and others) dated April 1, 1992. These memoranda are enclosed for your information (Enclosures 2, 3, and 4, respectively).

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

Original signed by LeMoine J. Cunningham

Richard E. Cunningham, Director  
Division of Industrial and Medical  
Nuclear Safety  
Office of Nuclear Material Safety  
and Safeguards

Enclosures: As stated

Distribution: See Attached

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DATE	07/20/92	07/20/92	07/20/92	07/21/92

*note See 1003 not effective re: licensees*

OFC	D:DREP	NRR	NMSS
NAME	<i>[Signature]</i> FCONGEL	<i>[Signature]</i> WRUSSELL	<i>[Signature]</i> RCUNNINGHAM
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## FEMALE RADIATION EXPOSURE POLICY

This policy provides administrative controls on radiation exposure to females with the objective of limiting any potential radiation exposure to an unborn fetus to less than 0.5 rem during the entire nine month gestation period. This objective is accomplished by ensuring fertile women are given the opportunity to review the risks of fetal radiation exposure as discussed in NRC Regulatory Guide 8.13 and the opportunity to declare an actual or potential pregnancy before assignment to any task when more than 0.5 rem of radiation exposure may be received during a calendar quarter. This policy is not intended to restrict any access to work areas or limit any career opportunities for females. Extensions of administrative limits may be requested and granted at any time to ensure females are provided equal opportunity to gain experience and progress in their careers in the same manner as males.

### POLICY

1. All personnel who may receive radiation exposure shall be trained on the content of this policy and NRC Regulatory Guide 8.13, "Instruction Concerning Prenatal Radiation Exposure" during the initial orientation training required to gain unescorted access into the Radiation Control Area. Signed statements of acknowledgement will be requested from each employee to document their full understanding of the risk from prenatal radiation exposure.
2. Initial administrative limits on occupational radiation exposure for fertile females shall be established at 500 mrem per calendar quarter. Females incapable of child bearing may provide a signed acknowledgement to Health Physics for voiding application of this policy.
3. Any request for extension of administrative radiation exposure limits for a fertile female shall be accompanied by a statement acknowledging this policy, signed by the female and her immediate supervisor. Refusal of a female to accept an exposure extension will not result in any adverse job actions.
4. Females announcing their pregnancy should be restricted from further work involving radiation exposure to maintain the radiation exposure to the fetus as far below 0.5 rem as reasonably achievable. This action will be taken by management immediately upon request by the pregnant female and will not result in any adverse job actions.

I have read and understand the Female Radiation Exposure Policy and Regulatory Guide 8.13, and am aware of my administrative exposure limits.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

FEMALE RADIATION EXPOSURE POLICY

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I am not physically capable of bearing a child and do not require the additional protection afforded by this policy.

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Employee	Date
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I approve and accept the current extension request to my administrative limit on occupational radiation exposure and am fully aware of any prenatal risk that may be involved as discussed in NRC Regulatory Guide 8.13. I also understand that I have the right to reject any request for exposure extension if I am pregnant or I suspect pregnancy without any adverse job actions.

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Employee	Date
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Supervisor	Date
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I am currently pregnant and desire to exercise my option to restrict future radiation exposure for the remainder of the gestation period. I understand that an administrative limit of 50 mrem per calendar quarter will be established if I must continue to have access into the Radiation Control Area. I may also refuse any assignments within the Radiation Control Area without any adverse job actions.

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Employee	Date
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Supervisor	Date
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Manager	Date
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I am currently pregnant but do not desire additional restrictions to future radiation exposure. I understand that an administrative limit of 500 mrem per calendar quarter will continue and extensions to this limit may be granted as necessary for continued performance of my job. I am fully aware of any prenatal risk that may be involved as discussed in NRC Regulatory Guide 8.13.

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Employee	Date
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Supervisor	Date
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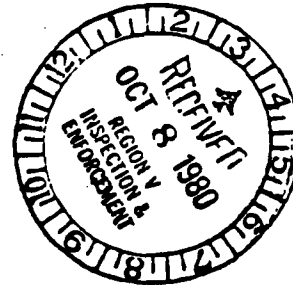
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Manager	Date
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OCT 2 1980



MEMORANDUM FOR: B. H. Grier, Director, Region I  
 J. P. O'Reilly, Director, Region II  
 J. G. Keppler, Director, Region III  
 K. V. Seyfrit, Director, Region IV  
 R. H. Engelken, Director, Region V

FROM: J. H. Sniezek, Director, Division of Fuel Facility  
 and Materials Safety Inspection, IE

SUBJECT: IE POSITION - UNDULY RESTRICTED ACCESS OF FEMALE NRC  
 INSPECTORS TO RADIATION AREAS

The enclosed position paper is provided for the Regional Office's use as seen fit in discussing with licensees the subject of restricting access of female inspectors because of any interpretations of the requirements of 10 CFR Part 19.

The initial intent of this position was for issuance as an IE Information Notice. A draft was provided for comment on August 6, 1980. From comments received on the draft, it was determined that widespread distribution was not warranted. With the anticipated small occurrence of this type of restricted access, it was determined to best handle these occurrences individually. If, after initial discussion with any licensee further opposition is encountered, the matter should be referred to the Office of the Executive Legal Director (contact - J. Lieberman) with notification to the Director of this Division.

As stated in this position, all female NRC inspectors have read and are familiar with Regulatory Guide 8.13. This statement should be verified by each of the Regions. A frequency of refamiliarization should be established to assure that our inspectors remain informed of the risks associated with prenatal exposure.

J. H. Sniezek, Director  
 Division of Fuel Facility and Materials  
 Safety Inspection  
 Office of Inspection and Enforcement

Enclosure: As Stated

cc: G. H. Smith, RI  
 J. P. Stohr, RII  
 A. B. Davis, RIII  
 G. D. Brown, RIV  
 H. E. Book, RV

CONTACT: J. S. Bland, IE  
 49-28188

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF INSPECTION AND ENFORCEMENT  
WASHINGTON, D.C. 20555

OCT 2 1983

UNDULY RESTRICTED ACCESS OF FEMALE NRC INSPECTORS TO RADIATION AREAS

During recent NRC onsite inspections, several licensees have imposed additional restrictions on the access of female NRC inspectors to radiation areas. These restrictions appeared to be honest attempts on the part of the licensees to comply with the requirements of 10 CFR 19.12 and the guidance of Regulatory Guide 8.13, "Instructions Concerning Prenatal Radiation Exposure." It is not believed that the licensees were attempting to impede or hinder the inspection effort but rather were being overly cautious in their interpretation of the requirements.

Regulatory Guide 8.13 sets forth information to be presented by NRC licensees to female employees and to their supervisors and coworkers. This information is part of the instruction that should be provided pursuant to 10 CFR 19.12. The intent of Regulatory Guide 8.13 is not only to assure that employees are aware of the risk associated with radiation exposure of an embryo or fetus but also to permit women to make an informed decision when considering employment in situations involving their potential exposure to radiation. The dose limits in 10 CFR 20 do not differentiate between females and males. Licensees should not interpret the requirements of 10 CFR 19.12 and the guidance of Regulatory Guide 8.13 as imposing any additional radiation dose limits or restrictions on females.

Each female NRC inspector has to read and is familiar with Regulatory Guide 8.13. Therefore, licensees shall not restrict the access of an NRC inspector to any part of a facility because of requirements that are considered to be imposed by 10 CFR 19.12 as related to instructions of workers on the risks of prenatal radiation exposure.





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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MEMORANDUM FOR: Those on Attached List

*memo APR 01 1992*  
*HPPUS*  
*Jay*  
*John*  
*Just*

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

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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LICENSEE REQUESTS

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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  
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