



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

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OCT 14 1977

Joseph J. Allotta, Esq.  
Gallon, Kalniz & Iorio, Co., L.P.A.  
Gallon Building  
3161 North Republic Boulevard  
Toledo, Ohio 43615

Dear Mr. Allotta:

Your letter of September 23, 1977, to the Energy Research and Development Administration relating to employment of members of the International Brotherhood of Electrical Workers (IBEW), Local 8, at the Davis-Besse nuclear power facility has been referred to this agency for response. It is my understanding that recently you have discussed the potential problem described in your letter with Mr. Jakel of this office and that Mr. Husted, the General Manager of Local 8, has had some recent discussion with Messrs. Phillip and Greger, of NRC's Region III Inspection and Enforcement Office, regarding permissible occupational doses and the monitoring, recordkeeping, and reporting requirements imposed upon NRC licensees relative to exposure (and overexposure--suspected or actual) of workers to radiation.

Although your letter does not so indicate, we understand that your major concern--namely, forced unemployment of IBEW members working at a nuclear facility because of exposure to doses of radiation at (or possibly exceeding) the maximum permissible occupational level allowed by the NRC--is at present only an anticipated problem rather than an existing one. There is no provision in the NRC's basic statutory authority--the Atomic Energy Act of 1954, as amended (42 USCA § 2011 et seq.) and the Energy Reorganization Act of 1974, as amended, (42 USCA § 5801 et seq.)--under which the NRC could require the facility licensee to retain a worker in some other capacity where he or she would not be exposed to any radiation. Nor are there any statutory provisions in either of these Acts which in your hypothesized situation would afford the exposed worker a specific basis for a cause action against the licensee-employer.

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During a recent telephone conversation with you, Mr. Jakel indicated that he would send you a copy of the NRC's regulations specifying the permissible radiation levels for occupational exposures. Enclosed is an up-to-date copy of these regulations which are contained in 10 CFR Part 20, entitled "Standards for Protection Against Radiation."

Sincerely,

*Thomas F. Engelhardt*

Thomas F. Engelhardt  
Acting Executive Legal Director

Enclosure:  
10 CFR Part 20

cc: (w/o Enclosure)  
E. Jakel, HQ  
G. Phillip, I&E  
Region III Office

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