

KE C. W. C. W. C. W.
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Montygi signature
on a transmittal letter
to the Commission
will be sought after
receipt of response
from Ramsey & Doubt

*(Note: Summary that was
not included because it reported
a policy
decision date
that might
not be
compatible
with time
required by
Ramsey, Doubt,
and ambiguous
changes if
any are
needed.*

Commissioner Ramsey
Commissioner Doubt

REPLY TO NOV 21, 1972 AND ATTACHMENT TO 10 OCT 20 1972
REPLY TO NOV 21, 1972 AND ATTACHMENT TO 10 OCT 20 1972
REPLY TO NOV 21, 1972 AND ATTACHMENT TO 10 OCT 20 1972

Enclosed for your review is a proposed new Part 19 and associated
amendments to 10 CFR Part 20. Following your review, we would
propose to submit this paper to the Commission for approval.

I will be in touch with you in the next week or so to obtain any
comments you might have.

Lester Rogers
Director of Regulatory Standards

Enclosure:
Proposed New Part 19

OS
MBiles
10-20-72

SEE ATTACHED CONCURRENCE SHEET FOR CONCURRENCES
OF KRUESI, CASE, O'LEARY, BILES, BECKER AND SHAPAR.

OFFICE	RS:OHSE	RSPOMSE	RS:	RO	OGC	L
SURNAME	REAL	REAL	Rogers	XXE		
DATE	11/2/72	11/2/72	11/ /72	11/ /72	11/ /72	11/ /72

Form AEC-118 (Rev. 9-53) AECM 0240

APR 1972-10-41103-1 148-076

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ATOMIC ENERGY COMMISSION

PROPOSED NEW PART 19 AND AMENDMENTS TO 10 CFR PART 20
TO SPECIFY REQUIRED INFORMATION FOR LICENSEE EMPLOYEES
AND EMPLOYEE OPTIONS REGARDING INSPECTIONS

Report to the Director of Regulation
by the Director of Regulatory Standards

THE PROBLEM

1. To consider (a) a proposed new 10 CFR Part 19 which would establish, for the benefit of employees of Commission licensee, rules regarding physical inspections by the Commission consistent with those promulgated by the Department of Labor in 29 CFR Part 1903 (Appendix "E") for employees covered by the Occupational Safety and Health Act of 1970 (OSHA), and which would include certain sections now in 10 CFR Part 20 (Appendix "F") that contain requirements for information licensees must provide for their employees, and (b) associated changes in 10 CFR Part 20 necessitated by the proposed transfer of these sections.

BACKGROUND AND SUMMARY

2. The Occupational Safety and Health Act of 1970, Public Law 91-596, provides for physical inspections of an employer's establishment by the Department of Labor (DOL), and for options to be available to employees of the employer in connection with such inspections. These statutory provisions were implemented by DOL in 29 CFR Part 1903, "Inspections, Citations and Proposed Penalties," which permits an employee to request the Department of Labor to perform inspections, and to bring violations of DOL regulations to the attention of the Department of Labor inspector, without retaliatory action by the employer, to assure safe and healthful working conditions. Section 4(b)(1) of OSHA provides that that Act does not apply to working conditions of employees as to which other Federal agencies (and State agencies acting under Section 274 of the Atomic Energy Act, i.e., Agreement States) exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health. The Commission and Agreement States exercise

*This is the copy
sent to Ramsey
and Joub.*

*It was approved
without change &
returned on 11-21-72.*

*Approved letter was
then signed by Hoke,
but transmitted to the
Commission was
held up by change
by Hoke.*

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such authority with respect to working conditions involving radiation protection in licensed operations. Therefore employees of Commission and Agreement State licensees do not, at present, have the same options regarding radiation protection inspections as are afforded in connection with Department of Labor inspections.

The staff believes that regulations applicable to Commission licensees, consistent with those of the Department of Labor issued under OSHA, should be issued by the Commission. The proposed Part 19 accomplishes that objective with regard to inspections. The staff also considers such regulations to be a matter of compatibility with Agreement States. The draft rule was discussed with representatives of Agreement States on October 16, 1972. They had no substantial comments to offer at that time. However, it should be noted that Part 19 would not apply to holders of construction permits issued by the Commission pursuant to §50.35. Working conditions during construction associated with such permits are covered by OSHA.

The draft rule was discussed with the Atomic Energy Labor Management Advisory Committee on August 4, 1972. Mr. George Taylor, representing the AFL-CIO, indicated he had a few comments on the paper that he would submit later. Subsequently, Mr. Taylor was contacted by AEC staff. He indicated then that it would be satisfactory to him for AEC to issue the proposed rule and that he would submit his comments during the comment period.

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3. The provisions of 29 CFR Part 1903 which would be adapted by the Commission in the proposed new Part 19 are concerned specifically with the options of employees to establish direct contact with government officials regarding working conditions and with requirements for informing employees of these options. However, the staff recognizes that prompt corrective action may often depend upon communications between employees and their supervisors, and that these communications may be sufficient. Direct contact with the Commission in such cases would be unnecessary. To put these provisions of Part 19 in proper perspective, a section is included which would require each licensee to instruct his employees to report promptly to him any condition that could lead to, or cause a violation of, a Commission regulation or license, or any unnecessary exposure to radiation or radioactive material. Provisions for other information that must be given to employees, in accordance with various sections of Part 20, are also included in Part 19. Transfer of these sections from Part 20 to Part 19 necessitates appropriate concomitant amendments to Part 20.

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STAFF JUDGMENTS

4. The Office of the General Counsel, the Directorates of Licensing and Regulatory Operations, and the Division of Operational Safety concur in the recommendations of this paper. The Office of Congressional Relations concurs in the draft letter to the Joint Committee on Atomic Energy attached as Appendix "C". The Office of Information Services prepared the draft public announcement attached as Appendix "D".

RECOMMENDATIONS

5. The Director of Regulation recommends that the Atomic Energy Commission:

- a. Approve publication of a proposed new 10 CFR Part 19 to:
 - (1) incorporate the requirements of §20.206(b) and (c), and the amendment to 10 CFR 20 proposed in SECY R 499, July 29, 1972, as §19.11;
 - (2) incorporate §20.206(a) as §19.12, with additions requiring licensees to instruct their employees to observe AEC regulations and license conditions and to report violations of these promptly to the licensee;
 - (3) incorporate §§20.406, 20.405(c) and 20.404 as §19.13; (4) incorporate provisions parallel to those in 29 CFR Part 1903 for employee options during inspections as §§19.14, 19.15, 19.16 and 19.17;
- b. Approve publication of the proposed amendments to 10 CFR Part 20 to: (1) amend §20.206 to delete from the section heading the words "posting of notices to employees", to delete paragraphs (a), (b) and (c), and to add a requirement for instruction of personnel in accordance with §19.12; (2) delete §20.406; (3) delete §20.405(c); (4) delete §20.404; (5) amend §20.408 to delete the requirement for reports to individuals; (6) add a new §20.409 containing all requirements for notifications and reports to individuals, with necessary referrals to Part 19;
- c. Note that the proposed new 10 CFR Part 19 and the proposed amendments to 10 CFR Part 20, as they appear in Appendix "A" and Appendix "B" respectively, will be published in the Federal Register allowing 45 days for public comment;

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d. Note that, if after expiration of the comment period no significant adverse comments or significant questions have been received and no substantial changes in the rules are indicated, the Director of Regulation will arrange for publication of the amendments in final form. If adverse comments or significant questions have been received or if substantial changes in the text of the rules are indicated, the revisions will be submitted to the Commission for approval;

e. Note that the Joint Committee on Atomic Energy will be informed of this action by letter such as Appendix "C";

f. Note that a public announcement such as Appendix "D" will be issued upon filing of the notice of proposed rule making with the Office of the Federal Register.

g. Note that an environmental impact statement need not be prepared in connection with this rule making action since the proposed 10 CFR Part 19 and proposed amendments of Part 20 will not significantly affect the quality of the human environment.

LIST OF ENCLOSURES

<u>APPENDIX</u>	<u>PAGE NO.</u>
"A" Notice of Proposed Rule Making, Part 19	6
"B" Notice of Proposed Rule Making, Part 20	22
"C" Draft Letter to the Joint Committee on Atomic Energy	25
"D" Draft Public Announcement	26
"E" 29 CFR Part 1903, "Inspections, Citations and Proposed Penalties"	28
"F" 10 CFR Part 20, "Standards for Protection Against Radiation"	33

APPENDIX "A"

ATOMIC ENERGY COMMISSION

[10 CFR Part 19]

NOTICES, INSTRUCTIONS AND REPORTS TO EMPLOYEES
OF LICENSEES; INSPECTIONS

The Atomic Energy Commission has under consideration the adoption of a new 10 CFR Part 19 which would include certain provisions for the options of employees of Commission licensees concerning Commission inspections. These provisions are comparable with those provided by the Department of Labor for inspections pursuant to the Occupational Safety and Health Act of 1970 (OSHA), as set out in 29 CFR Part 1903. Several requirements presently included in 10 CFR Part 20 regarding information that licensees must provide for their employees would also be included in proposed Part 19.

The basic purpose of the new Part 19 would be to provide options to workers concerning inspections of working conditions regulated by the Commission comparable to those that are afforded for working conditions regulated by the Department of Labor.

Several sections in 10 CFR Part 20 as presently in force deal specifically with information that Commission licensees are required to provide for their employees. Section 20.206 requires instructions and the posting of various notices for employees. Section 20.404 requires radiation exposure reports to former employees upon request. Section 20.405(c) requires notification in writing to any employee (or other individual) who receives an exposure of

any type that must be reported to the Commission in accordance with §20.405(a) or (b). Section 20.406 requires annual radiation exposure reports to employees upon request. Section 20.408 requires, from licensees subject to §20.407, a report to any employee (or other individual), upon termination of employment, of an exposure of any type recorded pursuant to §§20.401(a) or 20.108. It is proposed to transfer these provisions to the proposed new Part 19; the substance of §§20.405(c) and 20.408 would be combined. Notice of proposed amendments to 10 CFR Part 20 to reflect these transfers is being published concurrently with this notice.

Proposed §19.12, "Instructions to employees", includes the substance of present §20.206(a) with the addition of new requirements that licensees instruct their employees (1) to observe Commission regulations and license conditions to the extent within their control, (2) to report to the licensee conditions which may lead to or cause a violation of Commission regulations or license conditions or any unnecessary exposure, and (3) to respond appropriately to warnings in the event of unusual occurrences.

Proposed §19.13, "Notifications and reports to employees", includes present regulations in 10 CFR 20 which require notices or reports to employees of their exposure to radiation or radioactive material. The requirements for notification and reports to employees would be extended to include the results of measurements,

analyses, and calculations of radioactive material deposited or retained in the body of an employee.

Section 19.14 through 19.17 would provide options to employees in connection with AEC inspections comparable to those provided by 29 CFR 1903 in connection with Department of Labor inspections.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following new 10 CFR Part 19 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U. S. Atomic Energy Commission, Washington, D. C. 20545, Attention: Chief, Public Proceedings Staff, within forty-five (45) days after publication of this notice in the FEDERAL REGISTER. Copies of the comments on the proposed amendments may be examined at the Commission's Public Document Room 1717 H Street, N.W., Washington, D. C. 20545.

A new Part 19 is added to read as follows:

PART 19 - NOTICES, INSTRUCTION AND REPORTS
TO EMPLOYEES OF LICENSEES; INSPECTIONS

Section

- 19.1 Purpose
- 19.2 Scope
- 19.3 Definitions
- 19.4 Interpretations
- 19.5 Communications
- 19.11 Posting of Notices to Employees
- 19.12 Instructions to Employees
- 19.13 Notifications and Reports to Employees
- 19.14 Presence of Representatives of Licensees and
Employees During Inspections
- 19.15 Consultation with Employees During Inspections
- 19.16 Requests by Employees for Inspections
- 19.17 Inspections not Warranted; Informal Review

§19.1 Purpose

The regulations in this part establish requirements for notices, instructions and reports by licensees to licensee employees in connection with licensed activities, and options available to employees of licensees in connection with Commission inspections and investigations of licensees to ascertain compliance with the provisions of the Atomic Energy Act of 1954, as amended, and regulations, orders and licenses issued thereunder.

§19.2 Scope

The regulations in this part apply to all persons who receive, possess, use or transfer material licensed by the Commission pursuant to the regulations in parts 30, 32 through 35, 40, or 70 of this chapter, including persons licensed to operate a production or utilization facility pursuant to Part 50 of this chapter.

§19.3 Definitions

As used in this part:

- (a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919) including any amendments thereto;
- (b) "Commission" means the United States Atomic Energy Commission;
- (c) "License" means a license issued under the regulations in parts 30, 32 through 35, 40, or 70 of this chapter, including persons licensed to operate a production or utilization facility pursuant to Part 50 of this chapter. "Licensee" means the holder of such a license.

(d) "Restricted area" means any area access to which is controlled by the licensee for purposes of protection of individuals from exposure to radiation and radioactive materials. "Restricted area" shall not include any areas used as residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

§19.4 Interpretations

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§19.5 Communications

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part should be addressed to the Director of Regulatory Operations, U. S. Atomic Energy Commission, Washington, D. C. 20545. Communications, reports and applications may be delivered in person at the Commission's offices at 1717 H Street, N.W., Washington, D. C.; at 7920 Norfolk Ave., Bethesda, Maryland; or at Germantown, Md.

§19.11 Posting of notices to employees

- (a) Each licensee shall post or keep available for employees' examination upon request current copies of the following documents: (1) the regulations in this part; (2) the regulations in Part 20 of this chapter; (3) the license or licenses, and amendments; and (4) the operating procedures applicable to the licensed work.
- (b) Form AEC-3, "Notice to Employees," shall be posted by each licensee.

NOTE: Copies of Form AEC-3 may be obtained by writing to the Director of the appropriate U. S. Atomic Energy Commission Regional Regulatory Operations Office listed in Appendix "D", Part 20 of this chapter, or the Directorate of Licensing, U. S. Atomic Energy Commission, Washington, D. C. 20545.

- (c) Form AEC-3, and any document which the licensee elects to post pursuant to paragraph (a) of this section, shall be posted conspicuously in every establishment where employees are employed in activities licensed by the Commission, in a sufficient number of places to permit employees to observe them on the way to or from their place of employment.
- (d) Except for documents or parts thereof relating to nuclear materials safeguards, each licensee shall post within 24 hours after receipt, unless otherwise authorized by the Commission, a copy of any notice of violation,

notice of proposed imposition of civil penalty, or order issued pursuant to Subpart B of Part 2 of this chapter, and shall post, within 24 hours after dispatch, a copy of his response to such document(s). Such document shall be conspicuously posted in a sufficient number of places in the licensee's establishment where employees are employed in activities licensed by the Commission to permit employees working in or frequenting any portion of the establishment to observe a copy on the way to or from their place of employment. Such documents shall remain posted until 10 working days after the licensee's response is dispatched. If no response from the licensee is required, such documents from the Commission shall remain posted for 10 working days. The licensee shall assure that such documents are not covered by other materials, and are not defaced or altered during the period when posting is required.

§19.12 Instructions to employees

All employees of licensees working in, or frequenting any portion of, a restricted area shall (a) be informed of the occurrence of radioactive materials or of radiation in such portions of the restricted area; (b) be instructed in the health protection problems associated with exposure to such radioactive materials or radiation, in precautions or

procedures to minimize exposure, and in the purposes and functions of protective devices employed; (c) be instructed in, and instructed to observe, to the extent within the employees' control, the applicable provisions of Commission regulations and licenses for the protection of personnel from exposures to radiation or radioactive materials; (d) be instructed to report promptly to the licensee any condition which may lead to or cause a violation of Commission regulations and licenses or unnecessary exposure to radiation or to radioactive material; (e) be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and (f) be advised as to the radiation exposure reports which licensee employees may request pursuant to §19.13.

§19.13

Notifications and reports to employees

- (a) Notifications and reports to an employee as required by this section shall: be in writing; include appropriate identifying data such as the name of the licensee, the name of the employee, the employee's social security number; include the employee's radiation exposure data obtained in compliance with the regulations of this chapter and the results of any measurements, analyses, and calculations of radioactive material deposited or

retained in the body of the employee, as performed in compliance with any Commission regulation, order or license condition as appropriate; and contain the following statement:

"This report is furnished to you under the provisions of the Atomic Energy Commission regulation 10 CFR Part 19. You should preserve this report for further reference."

- (b) At the request of any employee, each licensee shall advise such employee annually of the employee's exposure to radiation or radioactive material.
- (c) At the request of a former employee each licensee shall furnish to the former employee a report of the former employee's exposure to radiation or radioactive material. Such report shall be furnished within 30 days from the time the request is made, shall cover each calendar quarter of the employee's employment involving exposure to radiation or radioactive material, or such lesser period as may be requested by the employee, and shall include the dates and locations of employment with the licensee.
- (d) When a licensee is required pursuant to §§20.405 or 20.408 of this chapter to report to the Commission any exposure of an employee to radiation or radioactive material, the licensee shall also notify the employee.

Such notice shall be transmitted at a time not later than the transmittal to the Commission.

§19.14 Presence of representatives of licensees and employees during inspections

- (a) A representative of a licensee and a representative authorized by the employees of the licensee shall be given an opportunity to accompany a Commission inspector during the physical inspection of working conditions in any establishment where licensed activities are conducted, for the purpose of aiding such inspection. An inspector may permit additional licensee representatives or representatives authorized by employees to accompany him where he determines that such additional representatives will further aid the inspection. Different licensee and employee representatives may accompany the inspector during each different phase of an inspection if this will not interfere with the conduct of the inspection.
- (b) Commission inspectors shall have authority to resolve all disputes as to who is the representative authorized by the licensee and licensee employees for the purpose of this section. If there is no authorized representative of employees, or if the inspector is unable to determine with reasonable certainty who is such representative, he may consult with a reasonable number of

employees concerning matters of radiation protection in the establishment.

- (c) The representative(s) authorized by employees shall be an employee(s) of the licensee. However, if in the judgment of the Commission inspector, good cause has been shown why accompaniment by a third party who is not an employee of the licensee (such as a consultant health physicist) is reasonably necessary to the conduct of an effective and thorough physical inspection of the working conditions, such third party may accompany the inspector during the inspection.
- (d) Commission inspectors are authorized to refuse to permit accompaniment under this section by any individual whose conduct interferes or is likely to interfere with a fair and orderly inspection. With regard to proprietary information or information classified by an agency of the U. S. Government in the interest of national security, only persons authorized to have access to such information may accompany an inspector in areas containing such information.

§19.15 Consultation with employees during inspections

Commission inspectors may consult with employees of licensees concerning matters of radiation protection with respect to employees and other matters related to applicable provisions

of Commission regulations and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection. During the course of an inspection, any employee may bring privately to the attention of the inspectors any past or present condition in the establishment which he has reason to believe may have contributed to or caused (a) any violation of the Act, the regulations in this chapter, or license condition, or (b) any unnecessary exposure of an individual to radiation or radioactive material.

§19.16 Requests by employees for inspections

- (a) Any employee or employee representative who believes that a violation of the Act, the regulations in this chapter, or license conditions exists or has occurred in any establishment where licensed activities are conducted and where such employee is employed, may request an inspection of such establishment by giving notice of the alleged violation to the Director of Regulatory Operations or to a Commission inspector. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or representative of employees. A copy shall be provided the licensee by the Director of Regulatory Operations or the inspector no later than at the time of inspection.

except that, upon the request of the person giving such notice, his name and the name of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available by the Commission, except for good cause shown.

- (b) If, upon receipt of such notice, the Director of Regulatory Operations determines that the complaint meets the requirements set forth in paragraph (a) of this section, and that there are reasonable grounds to believe that the alleged violation exists or has occurred, he shall cause an inspection to be made as soon as practicable, to determine if such alleged violation exists or has occurred. Inspections pursuant to this section need not be limited to matters referred to in the complaint.
- (c) During any inspection of an establishment in which licensed activities are conducted, any employee or representative of employees employed in such establishment may notify the inspector, in writing, of any past or present condition therein which he has reason to believe may have contributed to or caused any violation. Any such notice shall comply with the requirements of paragraph (a) of this section.
- (d) No licensee shall discharge or in any manner discriminate against any employee because such employee has filed any

complaint or instituted or caused to be instituted any proceeding under the regulations in this chapter or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this part.

§19.17 Inspections not warranted; informal review

- (a) If the Director of Regulatory Operations determines, with respect to a complaint under §19.16 that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, he shall notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the Director of Regulation, U. S. Atomic Energy Commission, Washington, D. C. 20545, and, at the same time, shall provide the licensee with a copy of such statement by certified mail. The licensee may submit an opposing written statement of position with the Director of Regulation, and at the same time, shall provide the complainant with a copy of such statement by certified mail. Upon the request of the complainant or the licensee, the Director of Regulation or his designee may hold an informal conference in which the complainant and the licensee may orally

present their views. After considering all written and oral views presented, the Director of Regulation shall affirm, modify, or reverse the determination of the Director of Regulatory Operations and furnish the complainant and the licensee a written notification of his decision and the reason therefor.

- (b) If the Director of Regulatory Operations determines that an inspection is not warranted because the requirements of §19.16(a) have not been met, he shall notify the complainant in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of §19.16(a).

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at _____ this _____ day
of _____ 1972.

For the Atomic Energy Commission

Paul C. Bender
Secretary of the Commission

APPENDIX "B"

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Reports to Employees and Other Individuals

Concurrently with publication of this notice, the Atomic Energy Commission is publishing a notice of proposed rule making to add to its regulations a new 10 CFR Part 19, "Notices, Instructions and Reports; Inspections." Set forth in this notice are proposed amendments to 10 CFR Part 20 of the Commission's regulations. The amendments would transfer from 10 CFR Part 20 certain sections that would be incorporated in the new 10 CFR Part 19, and would add to 10 CFR Part 20 appropriate references to new 10 CFR Part 19 so that the transferred provisions may be easily found. A new section would be added containing the requirements for notification and reports to individuals which may include persons other than employees. The requirements for reports to individuals as specified in §§20.405(c) and 20.408 would be combined into one paragraph of the new section.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 20 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D. C. 20545,

Attention: Chief, Public Proceedings Staff, within forty-five (45) days after publication of this notice in the FEDERAL REGISTER. Copies of the comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D. C.

PART 20 - STANDARDS FOR PROTECTION AGAINST RADIATION

1. Section 20.206 is amended to read as follows:

§20.206 Instruction of personnel

All individuals working in or frequenting any portion of a restricted area shall receive instructions as specified in §19.12 of this chapter.

2. Section 20.404 is deleted.

3. Paragraph (c) of §20.405 is deleted.

4. Section 20.406 is deleted.

5. Section 20.408 is amended to delete the words "to such individual and".

6. A new §20.409 is added to read as follows:

§20.409 Notifications and reports to individuals

- (a) Notifications and reports to employees and former employees of exposure to radiation or radioactive material shall be made in accordance with §19.13 of this chapter.

(b) When a licensee is required pursuant to §§20.405 or 20.408 of this part to report to the Commission any exposure of an individual to radiation or radioactive material, the licensee shall also notify the individual. Such notice shall be transmitted at a time not later than the transmittal to the Commission, and shall comply with the provisions of §19.13(a) of this chapter.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at _____ this _____ day
of _____ 1972.

For the Atomic Energy Commission

Paul C. Bender
Secretary of the Commission

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APPENDIX "C"

DRAFT LETTER TO THE JOINT COMMITTEE ON ATOMIC ENERGY

1. Enclosed for the information of the Joint Committee on Atomic Energy are copies of a proposed new 10 CFR Part 19, and associated amendments to 10 CFR Part 20, of the Commission's regulations.
2. The proposed 10 CFR Part 19, "Notices, Instructions and Reports to Employees of Licensees; Inspections", would combine certain regulations presently in 10 CFR Part 20 with new regulations that parallel certain provisions of 29 CFR 1903, "Inspections, Citations and Proposed Penalties", issued by the Department of Labor under the Occupational Safety and Health Act of 1970. The regulations in Part 19 would include (1) information affecting health and safety that licensee employees are entitled to receive from their employers, and (2) options to be available to licensee employees in connection with physical inspections conducted by the Commission. The adoption of this regulation by the Commission would make Commission regulations consistent, for licensed working conditions involving radiation protection, with Department of Labor regulations under the Occupational Health and Safety Act of 1970.
3. Notices of proposed rule making are being filed with the Office of the Federal Register and will allow 45 days for public comment after publication in the Federal Register.
4. Enclosed also is a copy of a public announcement to be released by the Commission on this matter in the next few days.

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APPENDIX "D"

DRAFT PUBLIC ANNOUNCEMENT

AEC Considers New Regulations on Employee Options in Inspections

The Atomic Energy Commission is considering new regulations which would afford options to employees of Commission licensees regarding AEC radiological health inspections consistent with those provided during Department of Labor (DOL) inspections under the Occupational Safety and Health Act (OSHA) of 1970.

Employees at establishments covered by OSHA may accompany DOL inspectors as they walk through the establishment and may consult with the inspectors privately. The Act also permits any employee to request a DOL inspection of his place of employment and prohibits his employer from discriminating against him in any manner as a result of the request.

Since working conditions regulated by the Commission are exempt from OSHA, a proposed new Part 19 to the Commission's regulations would ensure that employees of AEC licensees are covered by similar provisions with respect to working conditions regulated by AEC involving radiological health protection. The regulation would also contain requirements for information that licensees must provide for their employees and would apply to all persons who receive, possess, use, or transfer byproduct material, source material, or special nuclear material under a specific license issued by the Commission.

All interested persons are invited to submit comments and suggestions concerning the proposed regulations to the Secretary of the Commission, U. S.

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Atomic Energy Commission, Washington, D. C. 20545, Attention: Chief, Public Proceedings Staff. Comments and suggestions should be received no later than 45 days following publication of the proposed regulations in the Federal Register on _____. Comments received will be available for review at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C.