

U. S. NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities. Proposed Collection; Comment request

AGENCY: U. S. Nuclear Regulatory Commission (NRC)

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. The title of the information collection: 10 CFR Part 19, "Notices, Instructions, and Reports to Workers: Inspection and Investigations"
2. Current OMB approval number: 3150-0044
3. How often the collection is required: As necessary in order that adequate and timely reports of radiation exposure be made to individuals involved in NRC-licensed activities.

4. Who is required or asked to report: Licensees authorized to receive, possess, use, or transfer material licensed by the NRC.
5. The number of annual respondents: 280
6. The number of hours needed annually to complete the requirement or request: 39,918 (approximately 34,566 reporting hours--an average of 5 minutes per response, and 5,352 recordkeeping hours--an average of 18 hours per recordkeeper)
7. Abstract: Title 10 of the Code of Federal Regulations, Part 19, requires licensees to advise workers on an annual basis of any radiation exposure they may have received as a result of NRC-licensed activities or when certain conditions are met. These conditions apply during termination of the worker's employment, at the request of a worker, former worker, or when the worker's employer (the NRC licensee) must report radiation exposure information on the worker to the NRC. Part 19 also establishes requirements for instructions by licensees to individuals participating in licensed activities and options available to these individuals in connection with Commission inspections of licensees to ascertain compliance with the provisions of the Atomic Energy Act of 1954, as amended, Title II of the Energy Reorganization Act of 1974, and regulations, orders and licenses thereunder regarding radiological working conditions.

The worker should be informed of the radiation dose he or she receives because: (a) that information is needed by both a new employer and the

individual when the employee changes jobs in the nuclear industry; (b) the individual needs to know the radiation dose received as a result of an accident or incident (if this dose is in excess of the 10 CFR Part 20 limits) so that he or she can seek counseling about future work involving radiation, medical attention, or both, as desired; and (c) since long-term exposure to radiation may be an adverse health factor, the individual needs to know whether the accumulated dose is being controlled within NRC limits. The worker also needs to know about health risks from occupational exposure to radioactive materials or radiation, precautions or procedures to minimize exposure, worker responsibilities and options to report any licensee conditions which may lead to or cause a violation of Commission regulations, and individual radiation exposure reports which are available to him.

Submit, by (insert date 60 days after publication in the Federal Register), comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

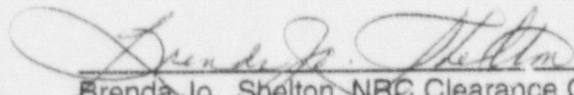
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, DC. OMB clearance packages are available at the NRC worldwide web site (<http://www.nrc.gov>) under the FedWorld collection link on the home page tool bar. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T-6 F33, Washington, DC, 20555-0001, or by telephone at 301-415-7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 3rd day of February, 1998.

For the Nuclear Regulatory Commission


Brenda Jo. Shelton, NRC Clearance Officer
Office of the Chief Information Officer

DRAFT SUPPORTING STATEMENT FOR 10 CFR PART 19

"NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS: INSPECTION
AND INVESTIGATIONS"

(OMB Clearance No. 3150-0044)

Extension Request with Revised Burden Estimate

DESCRIPTION OF THE INFORMATION COLLECTION

10 CFR 19.12 - "All individuals who in the course of employment are likely to receive in a year an occupational dose in excess of 100 mrem (1mSv) shall be kept informed of the storage, transfer, or use of radiation and/or radioactive material; instructed in the health protection problems associated with exposure to radiation and/or radioactive material, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed; instructed in, and required to observe, to the extent within the worker's control, the applicable provisions of Commission regulations and licenses for the protection of personnel from exposure to radiation and/or radioactive material; instructed of their responsibility 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 and/or radioactive material; instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation and/or radioactive material; and advised as to the radiation exposure reports which workers may request pursuant to §19.13.... The extent of these instructions shall be commensurate with potential radiological health protection problems present in the work place."

10 CFR Section 19.13 - "Notifications and Reports to Individuals," requires NRC licensees to give written reports of exposure to radiation as described in the following subsections from that regulation. The records of exposure to radiation referenced by 10 CFR Part 19.13 are maintained in accordance with the requirements of 10 CFR Part 20.

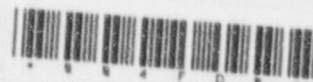
10 CFR 19.13(a) - "Radiation exposure data for an individual, and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual, shall be reported to the individual... Each notification and report shall: be in writing; include appropriate identifying data such as the name of the licensee, the name of the individual, the individual's social security number; include the individual's exposure information; and contain the following statement:

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

10 CFR 19.13(b) - "Each licensee shall advise each worker annually of the worker's dose as shown in records maintained by the licensee pursuant to the provisions of §20.2106 of 10 CFR Part 20."

10 CFR 19.13(c)(1)(i), (ii) and (2) - "At the request of a worker formerly engaged in licensed activities controlled by the licensee, each licensee shall furnish to the worker a report of the worker's exposure to radiation and/or to radioactive material: ...for each year the worker was required to be monitored under the provisions of §20.1502; and for each year the worker was required to be monitored under the monitoring requirements in effect prior to January 1, 1994."

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This report must be furnished within 30 days from the time the request is made or within 30 days after the exposure of the individual has been determined by the licensee, whichever is later. This report must cover the period of time that the worker's activities involved exposure to radiation from radioactive material licensed by the Commission and must include the dates and locations of licensed activities in which the worker participated during this period."

10 CFR 19.13(d) - "When a licensee is required pursuant to §§20.2202, 20.2203 20.2204, or 20.2206...to report to the Commission any exposure of an individual to radiation or radioactive material, the licensee shall also provide the individual a report on his or her exposure data included therein. This report must be transmitted at a time not later than the transmittal to the Commission."

10 CFR 19.13(e) - "At the request of a worker who is terminating employment with the licensee that involved exposure to radiation or radioactive materials, during the current calendar quarter or the current year, each licensee shall provide at termination to each worker, or to the worker's designee, a written report regarding the radiation dose received by that worker from operations of the licensee during the current year or fraction thereof. If the most recent individual monitoring results are not available at that time, a written estimate of the dose must be provided together with a clear indication that this is an estimate."

10 CFR 19.16(a) - "Any worker or representative of workers who believes that a violation of the [Atomic Energy] Act, the regulations..., or license conditions exists or has occurred in license activities with regard to radiological working conditions in which the worker is engaged, may request an inspection by giving notice of the alleged violation to the Administrator of the appropriate Commission Regional Office, or to Commission inspectors. Any such notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of workers. A copy shall be provided the licensee by the Regional Office Administrator, or the inspector no later than at the time of inspection except that, upon the request of the worker giving such notice, his name and the name of individuals 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."

A. JUSTIFICATION

1. Need for and Practical Utility of the Collection of Information

Licensees are required to instruct workers on matters related to radiological working conditions. This instruction ranges from a tour of the workplace pointing out hazards to a one-week intensive course on radiation protection--involving the preparation of training material. Workers need to be educated about health risks from occupational exposure to radioactive materials or radiation, precautions or procedures to minimize exposure, worker responsibility to report promptly to the Commission any licensee conditions which may lead to or cause a violation of Commission regulations, and the individual radiation exposure reports which are available to them.

The licensee is required to control radiation doses to individuals in restricted areas so that, with the exception of planned special exposures under §20.1206, no one receives an annual dose which exceeds the limits established by 10 CFR 20.1201. The annual limit shall be the more limiting of the total effective dose equivalent being equal to 5 rems or the sum of the deep-dose equivalent and the committed

dose equivalent to any individual organ or tissue other than the lens of the eye being equal to 50 rems. The annual limit to the lens of the eye is 15 rems, and 50 rems to the skin, or to any extremity.

The individual should be informed of the radiation dose he or she receives because: (a) that information is needed by both a new employer and the individual when the employee changes jobs in the nuclear industry; (b) the individual needs to know the radiation dose received as a result of an accident or incident (if this dose is in excess of the 10 CFR Part 20 limits) so that he or she can seek counseling about future work involving radiation, medical attention, or both, as desired; and (c) since long-term exposure to radiation may be an adverse health factor, the individual needs to know whether the accumulated dose is being controlled within NRC limits.

Pursuant to 10 CFR 19.16, a worker may notify the Commission about radiological working conditions he believes are in violation of the Atomic Energy Act, the regulations, or license, and the worker may request an inspection. Upon receipt of such notice, the Commission must determine whether the complaint meets certain requirements specified in 10 CFR Part 19, and either request an inspection or determine that an inspection is not warranted and so notify the complainant in writing.

2. Agency Use of the Information

With the exception of 10 CFR 19.16, Part 19 information collections are not provided to the Commission; notices, instructions, and reports required by Part 19 are provided by NRC licensees to individuals participating in licensed activities. As stated above, notices received pursuant to 10 CFR 19.16 must be reviewed by the Commission to determine whether the complaint meets certain requirements specified in 10 CFR Part 19. The Commission will then either request an inspection or determine that an inspection is not warranted and so notify the complainant in writing.

3. Reduction of Burden Through Information Technology

NRC encourages licensees to utilize any technology which would reduce the burden of recordkeeping and reporting. Notifications and requests made pursuant to 10 CFR Part 19 must be made in writing. Reports sent to NRC pursuant to 10 CFR Part 19 are not sent electronically. On the average, the NRC receives only one report per year pursuant to 10 CFR Part 19, and this is in response to 10 CFR 19.16. Radiation record information is stored pursuant to 10 CFR Part 20; a majority of licensees currently store these records electronically.

4. Effort to Identify Duplication and Use Similar Information

The Information Requirements Control Automated System (IRCAS) was searched for duplication, and none was found.

There is no similar information available to the NRC. Licensees are required to maintain this information by the provisions of 10 CFR Part 20 and to report exposure information to workers pursuant to 10 CFR Part 19.

5. Effort to Reduce Small Business Burden

There is no feasible way of reducing the burden on small businesses while still accomplishing the objective of informing individuals of their exposure to radiation. However, the burden is small and should have no significant impact on operating costs.

6. Consequences to Federal Program or Policy Activities if the Collection is Not Conducted or is Conducted Less Frequently

Workers would not be aware of their total radiation dose.

7. Circumstances which Justify Variation from OMB Guidelines

This action does not vary from OMB guidelines.

8. Consultations Outside the NRC

Informal discussions have been held with licensees regarding the burden estimates developed for this Supporting Statement. Opportunity to comment on the collection has been published in the Federal Register.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of the Information

Pursuant to 10 CFR 20.2106(d), information on doses to named individuals is protected under the Privacy Act.

11. Justification for Sensitive Questions

Not applicable.

12. Estimated Industry Burden and Burden Hour Cost

Section 19.12 Instruction to Workers

There are approximately 6,100 licensees in the U.S. All are required to provide instruction to their workers, ranging from a tour of the workplace pointing out hazards to a one-week intensive course on radiation protection. Preparation of the training material is considered to be the paperwork burden involved in meeting the requirements of 10 CFR 19.12. Since preparation of training material is a one-time burden incurred when a licensee first obtains its license, most of the burden associated with the current list of 6,100 licensees has already been incurred and therefore is not applicable for this 3-year clearance period. However, approximately 300 per year of the current list of 6,100 licensees are new licensees and therefore will incur a one-time burden in preparation of training material during this 3-year clearance period. The maximum burden is considered to be 80 hours to prepare a one-week course using existing instructional materials such as

Regulatory Guides 8.13, "Instruction Concerning Prenatal Radiation Exposure," and 8.29, "Instruction Concerning Risks from Occupational Radiation Exposure." Roughly as many as 7% of the 300 new licensees (21 licensees) will expend this maximum effort (for a total of 1,680 hours). Roughly 15% of the 300 new licensees (45 licensees) will expend 40 hours to develop two-day courses (for a total of 1,800 hours). The balance, approximately 234 licensees, will spend 8 hours to develop basic safety training (for a total of 1,872 hours). Thus, the total annual, one-time burden to comply with the 10 CFR 19.12 requirement to instruct workers is estimated at 5,352 hours. To the extent that licensees utilize the instructional material provided in Regulatory Guides 8.13 and 8.29, this burden is reduced.

Section 19.13(b) Annual Reports to Current Employees

There are approximately 6,100 licensees in the United States. Of this number, approximately 280 licensees meet the conditions of 10 CFR 20.1502 requiring individual radiation monitoring and are required by section 20.2206 to submit annual reports of the results of this monitoring to the NRC. The total number of people monitored by these 280 licensees is about 138,000 individuals. These data are based on reports which licensees have provided the NRC in compliance with the reporting requirement of 10 CFR 20.2206. Since each licensee shall advise each worker annually of the worker's dose and each dose report takes approximately 5 minutes of preparation time, the total compliance burden of 19.13(b) on the population of 280 licensees affected is estimated to be 11,500 staff-hours ($138,000 \text{ reports/year} \times 5/60 \text{ hours/report} = 11,500 \text{ hours/year}$).

Section 19.13(c) Reports to Former Employees

Approximately 280 licensees are affected by the requirement to provide an NRC Form 5 report to former employees of the total dose received while in the employment of the licensee. These licensees submit about 173,000 Form 5 reports to the NRC each year for individuals who are required to be monitored at the end of the monitoring year or for individuals who have terminated their employment at the facility during the monitoring year. However, the number of individuals represented (as contrasted with the number of reports submitted) is around 138,000. This indicates that there is a fairly large transient group that changes employers more than once a year.

Assuming that 80% of the 173,000 Form 5 reports submitted represent individuals who request a report of the radiation dose they received during their entire period of employment at that licensee's facility, the total burden to the licensee in supplying these termination reports is 11,533 hours/year ($173,000 \text{ reports/year} \times 0.8 \times 5/60 \text{ hours/report} = 11,533 \text{ hours/year}$).

Section 19.13(d) Reports to Individuals of Exposure Data Contained in Reports to NRC

Section 19.13(d) requires licensees to provide an individual with the same exposure data that licensees are required to send to NRC pursuant to Sections 20.2202, 20.2203, 20.2204 and 20.2206 of 10 CFR Part 20. Sections 20.2202 and 20.2203 require licensees to report to the NRC any incident involving a

radiation dose that exceeds NRC limits. Section 20.2204 requires licensees to submit a written report to NRC within 30 days following any planned special exposure, and Section 20.2206 requires that licensees submit an annual report to NRC of the results of individual monitoring. Since these reports are generated under the requirements of 10 CFR Part 20, there is little additional burden necessary to meet the requirements of 10 CFR Part 19. To satisfy the requirements of 10 CFR Part 19, a copy of the individual's report data from the Part 20 report is provided to the affected individual, requiring less than 5 minutes per report.

Sections 20.2202 and 20.2203 affect approximately 280 licensees. In recent years (since 1991), the number of individuals receiving exposures in excess of regulatory limits has ranged from 2 to 14 persons per year. Assuming that: (1) there are an average of 8 reports per year of personnel receiving exposures in excess of regulatory limits, and (2) that each report takes approximately 5 minutes, the total compliance burden of 19.13(d) (for 20.2202 and 20.2203 reports) is estimated to be less than 1 hour per year ($8 \text{ reports/year} \times 5/60 \text{ hours/report} = 0.67 \text{ hours}$).

The reporting burden of 19.13(d) for 20.2204 reports is approximately .25 hours based on an estimated total of 3 reports per year ($3 \text{ reports/year} \times 5/60 \text{ hours/report} = 0.25 \text{ hours}$).

The reporting burden of 19.13(d) for 20.2206 reports is covered by 19.13(b), above.

Since the burden for any additional report required by 19.13(d) is minuscule when compared with the burden for 19.13(b) and (c), as shown above, it is not included on the attached burden table.

Section 19.13(e) Report to Terminating Employee

Section 19.13(e) requires that the licensee, at the request of a worker who is terminating employment with the licensee which involved exposure to radiation or radioactive materials, provide a written report to each such worker, at termination, regarding the radiation dose received by the worker.

As these reports involve the same assumptions used for 19.13(c), the total compliance burden of 19.13(e) in the population of 280 affected licensees is estimated to be 11,533 staff-hours per year (assuming 80% of employees will request report) ($173,000 \text{ reports/year} \times 0.8 \times 5/60 \text{ hours/report} = 11,533 \text{ hours}$).

Section 19.16(a) Requests by Workers for Inspections

Out of 6,100 licensees in the U.S., it is estimated that the Commission receives only one notification/request each year pursuant to 19.16(a). These written requests are expected to take approximately 30 minutes to prepare. Thus, the total annual burden associated with 19.16(a) is estimated to be 30 minutes. Since this burden is minuscule, it is not included on the attached burden table.

Total Estimate of Annual Industry Burden

The total estimated industry burden is shown on the attached burden tables.

13. Estimate of Other Additional Costs

None.

14. Estimated Annualized Cost to the Federal Government

There is no cost to the Federal government except for that involving requests by workers for inspections. Approximately one worker requests an inspection each year pursuant to 10 CFR 19.16. Each request takes an average of 3 staff hours to resolve. Thus, the estimated annual cost to the Federal government is \$393 (1 report/year x 3 hours/report x \$131/hour). This cost is fully recovered through fee assessments to NRC licensees pursuant to 10 CFR Parts 170 and/or 171.

15. Reasons for Changes in Burden or Cost

This supporting statement for revision of requirements in 10 CFR 19.13 reflects several changes in the number of individuals/licensees responding to the various sections of 10 CFR Part 19. The number of licensees has decreased from an estimate of 6,800 to a current estimate of 6,100. The estimate of affected individuals has decreased from 205,000 to a current estimate of about 138,000. The number of licensees who monitor the radiation exposure to their workers and who are required by section 20.2206 to submit annual reports of the results of this monitoring to the NRC has been changed from an estimate of 440 to a current estimate of 280. Finally, the number of NRC Form 5 reports sent to the NRC has been increased from 140,000 to the current estimate of 173,000. These revised estimates are based on the most recent data collected by the NRC and are contained in NRC NUREG-0713, Volume 18, "Occupational Radiation Exposure at Commercial Nuclear Power Reactors and Other Facilities 1996." By the rationale and estimates presented previously in this statement, these revised numbers result in an overall increase in the number of reports to individuals from 401,000 to a current estimate of 414,800.

A one-time, annual recordkeeping burden of 5,352 hours has been added for 300 new licensees per year required to prepare training material pursuant to 10 CFR 19.12.

As a result of the above mentioned changes, the overall burden on licensees has been increased from 33,417 to 39,918 hours per year.

16. Publication for Statistical Use

NRC does not publish this information for statistical use.

17. Reason for Not Displaying the Expiration Date

The requirement is contained in a regulation. Amending the Code of Federal Regulations to display information that, in an annual publication, could become obsolete would be unduly burdensome and too difficult to keep current.

18. Exceptions to the Certification Statement

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.

Attachment:
Burden Table

TABLE 1
ANNUAL REPORTING BURDEN

<u>SECTION</u>	<u># OF RESPONDENTS</u>	<u>ANNUAL RESPONSES PER RESPONDENT</u>	<u>TOTAL RESPONSES</u>	<u>BURDEN PER RESPONSE</u>	<u>BURDEN (HOURS/YEAR)</u>
<u>Reporting</u> 19.13(b)	280	493	138,000	5.0 min.	11,500
19.13(c)	280	494	138,400	5.0 min.	11,533
19.13(e)	280	494	138,400	5.0 min.	11,533
Total Reporting	280	1481	414,800	5.0 min.	34,566

COST
@ \$131/HR

19.13(b)	\$1,506,500
19.13(c)	\$1,510,823
19.13(e)	\$1,510,823
Totals	\$4,528,146

TABLE 2
ANNUAL RECORDKEEPING BURDEN

<u>SECTION</u>	<u># OF RECORDKEEPERS</u>	<u>BURDEN PER RECORDKEEPER</u>	<u>BURDEN (HOURS/YEAR)</u>
<u>Reporting</u> 19.12	300	18 hrs	5,352*

	<u>COST @ \$131/HR</u>
19.12	\$701,112

TOTAL REPORTING BURDEN	34,566
TOTAL RECORDKEEPING BURDEN	<u>5,352</u>
TOTAL BURDEN	39,918

* One-time burden

RULES and REGULATIONS

TITLE 10, CHAPTER 1, CODE OF FEDERAL REGULATIONS—ENERGY

19.4

**PART
13****NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS:
INSPECTION AND INVESTIGATIONS**

- 19.1 Purpose.
- 19.2 Scope.
- 19.3 Definitions.
- 19.4 Interpretations.
- 19.5 Communications.
- 19.8 Information collection requirements: OMB approval.
- 19.11 Posting of notices to workers.
- 19.12 Instruction to workers.
- 19.13 Notifications and reports to individuals.
- 19.14 Presence of representatives of licensees and workers during inspections.
- 19.15 Consultation with workers during inspections.
- 19.16 Requests by workers for inspections.
- 19.17 Inspections not warranted; informal review.
- 19.18 Sequestration of witnesses and exclusion of counsel in interviews conducted under subpoena.
- 19.20 Employee protection.
- 19.30 Violations.
- 19.31 Application for exemptions.
- 19.32 Discrimination prohibited.
- 19.40 Criminal penalties.

Authority: Secs. 53, 63, 81, 103, 104, 161, 186, 68 Stat. 930, 933, 935, 936, 937, 946, 955, as amended, sec. 234, 63 Stat. 444, as amended; sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201, 2236, 2282, 2297f); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851).

§ 19.1 Purpose.

The regulations in this part establish requirements for notices, instructions, and reports by licensees to individuals participating in licensed activities and options available to these individuals in connection with Commission inspections of licensees to ascertain compliance with the provisions of the Atomic Energy Act of 1954, as amended, Title II of the Energy Reorganization Act of 1974, and regulations, orders, and licenses thereunder regarding radiological working conditions. The regulations in this part also establish the rights and responsibilities of the Commission and individuals during interviews compelled by subpoena as part of agency inspections or investigations pursuant to section 161c of the Atomic Energy Act of 1954, as amended, on any matter within the Commission's jurisdiction.

§ 19.2 Scope.

» The regulations in this part apply to all persons who receive, possess, use, or transfer material licensed by the Nuclear Regulatory Commission pursuant to the regulations in parts 30 through 36, 39, 40, 60, 61, 70, or part 72 of this chapter, including persons licensed to operate a production or utilization facility pursuant to part 50 of this chapter, persons licensed to possess power reactor spent fuel in an independent spent fuel storage installation (ISFSI) pursuant to part 72 of this chapter, and in accordance with 10 CFR 76.60 to persons required to obtain a certificate of compliance or an approved compliance plan under part 76 of this chapter. The regulations regarding interviews of individuals under subpoena apply to all investigations and inspections within the jurisdiction of the Nuclear Regulatory Commission other than those involving NRC employees or NRC contractors. The regulations in this part do not apply to subpoenas issued pursuant to 10 CFR 2.720.

§ 19.3 Definitions.

As used in this part:

"Act" means the Atomic Energy Act of 1954, (68 Stat. 919) including any amendments thereto.

"Commission" means the United States Nuclear Regulatory Commission.

Exclusion means the removal of counsel representing multiple interests from an interview whenever the NRC official conducting the interview has concrete evidence that the presence of the counsel would obstruct and impede the particular investigation or inspection.

"License" means a license issued under the regulations in Parts 30 through 36, 39, 40, 60, 61, 70, or 72 of this chapter, including licenses to operate a production or utilization facility pursuant to Part 50 of this chapter. "Licensee" means the holder of such a license.

Restricted area means an area, access to which is limited by the licensee for the purpose of protecting individuals against undue risks from exposure to radiation and radioactive materials. Restricted area does not include areas used as residential quarters, but separate rooms in a residential building may be set apart as a restricted area.

"Sequestration" means the separation or isolation of witnesses and their attorneys from other witnesses and their attorneys during an interview conducted as part of an investigation, inspection, or other inquiry.

"Worker" means an individual engaged in activities licensed by the Commission and controlled by a licensee, but does not include the licensee.

§ 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.

PART 19 • NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS:...

§ 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 Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D of Part 20 of this chapter. Communications, reports, and applications may be delivered in person at the Commission's offices at 2120 L Street, NW, Washington, DC, or at 11555 Rockville Pike, Rockville, Maryland.

§ 19.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has approved the information collection requirements contained in the part under control number 3150-0044.

(b) The approved information collection requirements contained in this part appear in §§ 19.13 and 19.16.

§ 19.11 Posting of notices to workers.

(a) Each licensee shall post current copies of the following documents:

- (1) The regulations in this part and in Part 20 of this chapter;
- (2) The license, license conditions, or documents incorporated into a license by reference, and amendments thereto;
- (3) The operating procedures applicable to licensed activities;
- (4) Any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued pursuant to Subpart B of Part 2 of this chapter, and any response from the licensee.

(b) If posting of a document specified in paragraph (a) (1), (2) or (3) of this section is not practicable, the licensee may post a notice which describes the document and states where it may be examined.

(c)(1) Each licensee and each applicant for a specific license shall prominently post NRC Form 3, "Notice to Employees," dated August 1997. Later versions of NRC Form 3 that supersede the August 1997 version shall replace the previously posted version within 30 days of receiving the revised NRC Form 3 from the Commission.

(2) Additional copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D to Part 20 of this chapter or by calling the NRC Information and Records Management Branch at 301-415-7232.

(d) Documents, notices, or forms posted pursuant to this section shall appear in a sufficient number of places to permit individuals engaged in licensed activities to observe them on the way to or from any particular licensed activity location to which the document applies, shall be conspicuous, and shall be replaced if defaced or altered.

(e) Commission documents posted pursuant to paragraph (a)(4) of this section shall be posted within 2 working days after receipt of the documents from the Commission; the licensee's response, if any, shall be posted within 2 working days after dispatch by the licensee. Such documents shall remain posted for a minimum of 5 working days or until action correcting the violation has been completed, whichever is later.

§ 19.12 Instruction to workers.

(a) All individuals who in the course of employment are likely to receive in a year an occupational dose in excess of 100 mrem (1 mSv) shall be—

(1) Kept informed of the storage, transfer, or use of radiation and/or radioactive material;

(2) Instructed in the health protection problems associated with exposure to radiation and/or radioactive material, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed;

(3) Instructed in, and required to observe, to the extent within the workers control, the applicable provisions of Commission regulations and licenses for the protection of personnel from exposure to radiation and/or radioactive material.

(4) Instructed of their responsibility 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 and/or radioactive material;

(5) Instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation and/or radioactive material; and

(6) Advised as to the radiation exposure reports which workers may request pursuant to § 19.13.

(b) In determining those individuals subject to the requirements of paragraph (a) of this section, licensees must take into consideration assigned activities during normal and abnormal situations involving exposure to radiation and/or radioactive material which can reasonably be expected to occur during the life of a licensed facility. The extent of these instructions must be commensurate with potential radiological health protection problems present in the work place.

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§ 19.13 Notifications and reports to individuals.

(a) Radiation exposure data for an individual, and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual, shall be reported to the individual as specified in this section. The information reported shall include data and results obtained pursuant to Commission regulations, orders or license conditions, as shown in records maintained by the licensee pursuant to Commission regulations. Each notification and report shall be in writing; include appropriate identifying data such as the name of the licensee, the name of the individual, the individual's social security number; include the individual's exposure information; and contain the following statement:

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

(b) Each licensee shall advise each worker annually of the worker's dose as shown in records maintained by the licensee pursuant to the provisions of § 20.2106 of 10 CFR part 20.

(c)(1) At the request of a worker formerly engaged in licensed activities controlled by the licensee, each licensee shall furnish to the worker a report of the worker's exposure to radiation and/or to radioactive material:

(i) As shown in records maintained by the licensee pursuant to § 20.2106 for each year the worker was required to be monitored under the provisions of § 20.1502; and

(ii) For each year the worker was required to be monitored under the monitoring requirements in effect prior to January 1, 1994.

(2) This report must be furnished within 30 days from the time the request is made or within 30 days after the exposure of the individual has been determined by the licensee, whichever is later. This report must cover the period of time that the worker's activities involved exposure to radiation from radioactive material licensed by the Commission and must include the dates and locations of licensed activities in which the worker participated during this period.

(d) When a licensee is required pursuant to §§ 20.2202, 20.2203, 20.2204, or 20.2206 of this chapter to report to the Commission any exposure of an individual to radiation or radioactive material the licensee shall also provide the individual a report on his or her exposure data included therein. This report must be transmitted at a time not later than the transmittal to the Commission.

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(e) At the request of a worker who is terminating employment with the licensee that involved exposure to radiation or radioactive materials, during the current calendar quarter or the current year, each licensee shall provide at termination to each worker, or to the worker's designee, a written report regarding the radiation dose received by that worker from operations of the licensee during the current year or fraction thereof. If the most recent individual monitoring results are not available at that time, a written estimate of the dose must be provided together with a clear indication that this is an estimate.

§ 19.14 Presence of representatives of licensees and workers during inspections.

(a) Each licensee shall afford to the Commission at all reasonable times opportunity to inspect materials, activities, facilities, premises, and records pursuant to the regulations in this chapter.

(b) During an inspection, Commission inspectors may consult privately with workers as specified in § 19.15. The licensee or licensee's representative may accompany Commission inspectors during other phases of an inspection.

(c) If, at the time of inspection, an individual has been authorized by the workers to represent them during Commission inspections, the licensee shall notify the inspectors of such authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

(d) Each workers' representative shall be routinely engaged in licensed activities under control of the licensee and shall have received instructions as specified in § 19.12.

(e) Different representatives of licensees and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.

(f) With the approval of the licensee and the workers' representative an individual who is not routinely engaged in licensed activities under control of the licensee, for example, a consultant to the licensee or to the workers' representative, shall be afforded the opportunity to accompany Commission inspectors during the inspection of physical working conditions.

(g) Notwithstanding the other provisions of this section, Commission inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to areas containing information classified by an agency of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to such information only if authorized to do so. With regard to any area containing proprietary information, the workers' representative for that area shall be an individual previously authorized by the licensee to enter that area.

§ 19.15 Consultation with workers during inspections.

(a) Commission inspectors may consult privately with workers concerning matters of occupational radiation protection 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.

(b) During the course of an inspection any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition which he has reason to believe may have contributed to or caused any violation of the act, the regulations in this chapter, or license condition, or any unnecessary exposure of an individual to radiation from licensed radioactive material under the licensee's control. Any such notice in writing shall comply with the requirements of § 19.16(a).

(c) The provisions of paragraph (b) of this section shall not be interpreted as authorization to disregard instructions pursuant to § 19.12.

§ 19.16 Requests by workers for inspections.

(a) Any worker or representative of workers who believes that a violation of the Act, the regulations in this chapter, or license conditions exists or has occurred in license activities with regard to radiological working conditions in which the worker is engaged, may request an inspection by giving notice of the alleged violation to the Administrator of the appropriate Commission Regional Office, or to Commission inspectors. Any such notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of workers. A copy shall be provided the licensee by the Regional Office Administrator, or the inspector no later than at the time of inspection except that, upon the request of the worker giving such notice, his name and the name of individuals 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 Regional Office Administrator 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.

§ 19.17 Inspections not warranted; informal review.

(a) If the Administrator of the appropriate Regional Office 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 Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, who will provide the licensee with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee may submit an opposing written statement of position with the Executive Director for Operations who will provide the complainant with a copy of such statement by certified mail. Upon the request of the complainant, the Executive Director for Operations or his designee may hold an informal conference in which the complainant and the licensee may orally present their views. An informal conference may also be held at the request of the licensee, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written and oral views presented, the Executive Director for Operations shall affirm, modifying, or reverse the determination of the Administrator of the appropriate Regional Office and furnish the complainant and the licensee a written notification of his decision and the reason therefor.

(b) If the Administrator of the appropriate Regional Office 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).

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§ 19.18 Sequestration of witnesses and exclusion of counsel in interviews conducted under subpoena.

(a) All witnesses compelled by subpoena to submit to agency interviews shall be sequestered unless the official conducting the interviews permits otherwise.

(b) Any witness compelled by subpoena to appear at an interview during an agency inquiry may be accompanied, represented, and advised by counsel of his or her choice. However, when the agency official conducting the inquiry determines, after consultation with the Office of the General Counsel, that the agency has concrete evidence that the presence of an attorney representing multiple interests would obstruct and impede the investigation or inspection, the agency official may prohibit that counsel from being present during the interview.

(c) The interviewing official is to provide a witness whose counsel has been excluded under paragraph (b) of this section and the witness's counsel a written statement of the reasons supporting the decision to exclude. This statement, which must be provided no later than five working days after exclusion, must explain the basis for the counsel's exclusion. This statement must also advise the witness of the witness' right to appeal the exclusion decision and obtain an automatic stay of the effectiveness of the subpoena by filing a motion to quash the subpoena with the Commission within five days of receipt of this written statement.

(d) Within five days after receipt of the written notification required in paragraph (c) of this section, a witness whose counsel has been excluded may appeal the exclusion decision by filing a motion to quash the subpoena with the Commission. The filing of the motion to quash will stay the effectiveness of the subpoena pending the Commission's decision on the motion.

(e) If a witness' counsel is excluded under paragraph (b) of this section, the interview may, at the witness' request, either proceed without counsel or be delayed for a reasonable period of time to permit the retention of new counsel. The interview may also be rescheduled to a subsequent date established by the NRC, although the interview shall not be rescheduled by the NRC to a date that precedes the expiration of the time provided under § 19.18(d) for appeal of the exclusion of counsel, unless the witness consents to an earlier date.

§ 19.20 Employee protection.

➤ Employment discrimination by a licensee (or a holder of a certificate of compliance issued pursuant to Part 76) or a contractor or subcontractor of a licensee (or a holder of a certificate of compliance issued pursuant to Part 76) against an employee for engaging in protected activities under this part or Parts 30, 40, 50, 60, 61, 70, 72, 76, or 150 of this chapter is prohibited.

§ 19.30 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of—

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under section 234 of the Atomic Energy Act:

(1) For violations of—

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under section 186 of the Atomic Energy Act of 1954, as amended.

§ 19.31 Application for exemptions.

The Commission may upon application by any licensee or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not result in undue hazard to life or property.

§ 19.32 Discrimination prohibited.

No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity licensed by the Nuclear Regulatory Commission. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under Title VI of the Civil Rights Act of 1964. This remedy is not exclusive, however, and will not prejudice or cut off any other legal remedies available to a discriminatee.

§ 19.40 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under sections 161b, 161i, or 161o of the Act. For purposes of section 223, all the regulations in part 19 are issued under one or more of sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in part 19 that are not issued under sections 161b, 161i, or 161o for the purposes of section 223 are as follows: §§ 19.1, 19.2, 19.3, 19.4, 19.5, 19.8, 19.16, 19.17, 19.18, 19.30, 19.31, and 19.40.