

From: Ronald Nimitz *RI*  
To: Richard Barkley  
Date: 5/28/02 8:30AM  
Subject: Re: Salem Alleg.

The legal requirements associated with worker requests are clearly stated in 10 CFR 19.13(a) and (c)(1). No clarification is needed. The issue is... did the licensee provide ALL the applicable records required by the rule. I did not see the record and do not know if the records were complete.

*RI*  
>>> Richard Barkley 05/23/02 04:39PM >>>  
Ron,

I definitely think we need to clarify what HP record(s) the licensee is legally required to send to former employees and contractors who make such requests. Jim Wiggins had trouble with this referral because he did not want us to ask the licensee for a record which they were not required to provide to the worker - i.e., he did not want us to be used by the allegor to get a document that he should be pursuing through legal channels.

I am sure that Dave Vito would like a clarification on this point as well. This is the second time I have had a worker/allegor have us ask PSEG for his whole body count record. Other employees and contractors will undoubtedly follow suit in the future to "jump on the bandwagon" of a class action lawsuit involving supposed radiation-related injuries. While PSEG will provide an internal dose estimate based on whole body count information, they don't want to release the actual whole body count information.

Thanks very much for your help!

Richard S. Barkley, P.E.  
Senior Project Engineer, NRC Region I  
610/337-5065  
Fax 610/337-5349/5354

*RI*  
>>> Ronald Nimitz 05/23/02 03:53PM >>>  
Reviewed licensee response (dated 5/8/02)

- 1) Confirms my recollection of no significant exposure/ coverup. They have PN we issued included in package. (Maybe we should ask them for my report to send ??)
- 2) Licensee sent data per request per 19.13. However, there was a second request which licensee apparently has not responded to. We should ask what happened to that request. (page 4 just above "Conclusion."

Note: If suit was filed, licensee must respond per 10 CFR 140.6. Worker appears to be "claiming" that injury occurred. May need Brad to give a reading on 140.6 relative to licensee's need to report to us per 140.6. maybe response is adequate.

CC: David Vito; J. Bradley Fewell; John White; Joseph Furia

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