

PART VI

NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS; INSPECTIONS

RHA 6.1 PURPOSE AND SCOPE

This part establishes requirements for notices, instructions, and reports by licensees to individuals participating in licensed activities and options available to such individuals in connection with Department inspections of licensees to ascertain compliance with the provisions of the Act and regulations, orders, and licenses issued thereunder regarding radiological working conditions. The regulations in this Part apply to all persons who receive, possess, use, own or transfer material licensed by the Department pursuant to the regulations in Parts II and III.

RHA 6.2 DEFINITIONS

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

RHA 6.3 POSTING OF NOTICES TO WORKERS

6.3.1 Each licensee shall post current copies of the following documents: (1) the regulations in this Part and in Part III; (2) the license conditions or documents incorporated into the 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 Part II and any response from the licensee.

6.3.2 If posting of a document specified in paragraph 6.3.1 (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.

6.3.3 Department Form SC-RHA-20, "Notice to Employees" shall be prominently posted by each licensee wherever individuals work in or frequent any portion of a restricted area.

6.3.4 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.

6.3.5 Department documents posted pursuant to paragraph 6.3.1 (4) of this section shall be posted within 2 working days after receipt of the documents from the Department; the licensee's response, if any, shall be posted within 2 working days after dispatch from 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.

RHA 6.4 INSTRUCTIONS TO WORKERS

6.4.1 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:

6.4.1.1 Kept informed of the storage, transfer, or use of radiation and/or radioactive materials:

6.4.1.2 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;

6.4.1.3 Instructed in, and instructed to observe, to the extent within the worker's control, the applicable provisions of Department regulations and licenses for the protection of personnel to radiation and/or radioactive material;

6.4.1.4 Instructed of their responsibility to report promptly to the licensee any condition which may lead to or cause a violation of Department regulations and licenses or unnecessary exposure to radiation and/or radioactive material;

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

6.4.1.6 Shall be advised as to the radiation exposure reports which workers may request pursuant to Section RHA 6.5.

6.4.2 In determining those individuals subject to the requirements of 6.4.1, 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.

RHA 6.5 NOTIFICATION AND REPORTS TO INDIVIDUALS

6.5.1 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 Department regulations, orders, or license conditions, as shown in records maintained by the licensee pursuant to Department 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 South Carolina Department of Health and Environmental Control's 'Radiation Control Regulations.' You should preserve this report for future reference."

6.5.2 Each licensee shall make dose information available to workers as shown in records maintained by the licensee pursuant to paragraphs 3.36.2 and 3.39. The licensee shall provide an annual report to each individual monitored pursuant to RHA 3.17 of the dose received in that monitoring year if:

6.5.2.1 The individual's occupational dose exceeds 100 mrem TEDE or 100 mrem to any individual organ or tissue; or

6.5.2.2 The individual requests his or her annual dose report.

6.5.3.1 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 radioactive material:

6.5.3.1.1 As shown in records maintained by the licensee pursuant to RHA 3.39 for each year the worker was required to be monitored under the provisions of RHA 3.17; and

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

6.5.3.2 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 materials licensed by the Department and must include the dates and locations of licensed activities in which the worker participated during this period.

6.5.4 When a licensee is required pursuant to RHA 3.45, 3.46, 3.47, and 3.49 to report to the Department any exposure of an individual to radiation or radioactive material, or an identified member of the public, to radiation or radioactive material, the licensee shall also provide the individual a report on his or her exposure data included in the report to the Department. This report shall be transmitted no later than the transmittal to the Department.

6.5.5 At the request of a worker who is terminating employment with the licensee that involved exposure to radiation or radioactive materials, during the 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.

RHA 6.6 PRESENCE OF REPRESENTATIVES OF LICENSEES AND WORKERS DURING INSPECTIONS

6.6.1 Each licensee shall afford to the Department at all reasonable times opportunity to inspect materials, activities, facilities, premises, and records pursuant to these regulations.

6.6.2 During an inspection, Department inspectors may consult privately with workers as specified in RHA 6.7. The licensee or licensee's representative may accompany Department inspectors during other phases of an inspection.

6.6.3 If, at any time of inspection, an individual has been authorized by the workers to represent them during Department 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.

6.6.4 Each workers' representative shall be routinely engaged in licensed activities under control of the licensee and shall have received instructions as specified in Section RHA 6.4.

6.6.5 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 inspector.

6.6.6 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 Department inspectors during the inspection of physical working conditions.

6.6.7 Notwithstanding the other provisions of this section, Department 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 proprietary information, the workers' representative for that area shall be an individual previously authorized by the licensee to enter that area.

RHA 6.7 CONSULTATION WITH WORKERS DURING INSPECTIONS

6.7.1 Department inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of Department regulations and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

6.7.2 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, these regulations, 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 paragraph 6.8.1.

6.7.3 The provisions of paragraph 6.7.2 of this section shall not be interpreted as authorization to disregard instructions pursuant to Section RHA 6.4.

RHA 6.8 REQUESTS BY WORKERS FOR INSPECTIONS

6.8.1 Any worker or representative of workers who believes that a violation of the Act, these 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 Department. 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 to the licensee by the Department 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 Department, except for good cause shown.

6.8.2 If, upon receipt of such notice, the Department determines that the complaint meets the requirements set forth in paragraph 6.8.1 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.

RHA 6.9 INSPECTIONS NOT WARRANTED; INFORMAL REVIEW

6.9.1 If the Department determines, with respect to a complaint under RHA 6.8, 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 Commissioner for the South Carolina Department of Health & Environmental Control 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 Department who will provide the complainant with a copy of such statement by certified mail. Upon the request of the complainant, the Department 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 Commissioner for the South Carolina Department of Health & Environmental Control shall affirm, modify, or reverse the determination of the Department and furnish the complainant and the licensee a written notification of his decision and the reason therefor.

6.9.2 If the Department determines that an inspection is not warranted because the requirements of Section 6.8.1 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 Section 6.8.1.

RHA 6.10 EMPLOYEE PROTECTION

Employment discrimination by a licensee (or a holder of a certificate of compliance) or a contractor or subcontractor of a licensee (or a holder of a certificate of compliance) against an employee for engaging in protected activities under this Regulation is prohibited.

RHA 6.11 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 this Department. This provision will be enforced through Department provisions and rules similar to those already established, with respect to racial and other discrimination, under Title 1, Chapter 13 of the South Carolina Code. This remedy is not exclusive, however, and will not prejudice or cut off any other legal remedies available to a discriminatee.