



South Carolina Department of Health and Environmental Control
NOTICE TO EMPLOYEES
Radioactive Materials Regulation 61-63, Title A: Standards for Protection against Radiation (Part III)
& Notices, Instructions, and Reports to Workers; Inspections (Part VI)

WHAT IS SC DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL?

SCDHEC is a state agency that is responsible for promoting and protecting the health of the public and the environment. SCDHEC has the authority to regulate radioactive material in the state under an agreement with the U.S. Nuclear Regulatory Commission.

WHAT DOES SC DHEC DO?

SCDHEC is responsible for ensuring that workers and the public are protected from unnecessary or excessive exposure to radiation and that facilities using radioactive materials are constructed to high quality standards and operated in a safe manner. SCDHEC does this by establishing requirements in South Carolina State Regulation 61-63 and in licenses issued to users of radioactive material.

WHAT RESPONSIBILITY DOES MY EMPLOYER HAVE?

Any company that conducts activities licensed by SCDHEC must comply with SCDHEC requirements. If a company violates SCDHEC requirements, it can be fined or have its license modified, suspended, or revoked.

Your employer must tell you which SCDHEC radiation requirements apply to your work and must post SCDHEC Notices of Violation involving radiological working conditions.

WHAT IS MY RESPONSIBILITY?

For your own protection and the protection of your co-workers, you should know how SCDHEC requirements relate to your work and should follow them. If you observe violations of the requirements or have a safety concern, you should report them.

WHAT IF I CAUSE A VIOLATION?

If you engaged in deliberate misconduct that may cause a violation of SCDHEC requirements, or would have caused a violation if it had not been detected, or deliberately provided inaccurate or incomplete information to either SCDHEC or your employer, you may be subject to enforcement action. If you report such a violation, SCDHEC will consider the circumstances surrounding your reporting in determining the appropriate enforcement action, if any.

HOW DO I REPORT VIOLATIONS AND SAFETY CONCERNS?

If you believe that violations of SC DHEC rules or the terms of the license have occurred, or if you have a safety concern, you should report them immediately to your supervisor. You may report violations or safety concerns directly to SCDHEC. However, SCDHEC encourages you to raise your concerns with the licensee since it is the licensee who has the primary responsibility for, and is most able to ensure, safe operation of nuclear facilities. If you choose to report your concern directly to SCDHEC, you may report this to a SCDHEC inspector or call or write the SCDHEC office listed at the bottom of the page. If you send your concern in writing, it will assist SCDHEC in protecting your identity if you clearly indicate that you would like your concern to be considered in accordance with SCDHEC allegation procedure.

WHAT IF I WORK WITH RADIOACTIVE MATERIAL OR IN THE VICINITY OF A RADIOACTIVE SOURCE?

If you work with radioactive materials or near a radiation source, the amount of radiation exposure that you are permitted to receive may be limited by SCDHEC

regulations. The limits on your exposure are contained in Part 3 of Regulation 61-63. While these are the maximum allowable limits, your employer should also keep your radiation exposure as far below those limits as "reasonably achievable."

MAY I GET A RECORD OF MY RADIATION EXPOSURE?

Yes. Your employer is required to make available to you the information in your dose records (as maintained under the provisions of R.61-63, Part III.) In addition, your employer is required to provide you with an annual report of the dose you received in that monitoring year if the dose exceeds 100 millirem, or if you request an annual report..

HOW ARE VIOLATIONS OF SC DHEC REQUIREMENTS IDENTIFIED?

SCDHEC conducts regular inspections at licensed facilities to assure compliance with SCDHEC requirements. In addition, your employer and site contractors conduct their own inspections to assure compliance. All inspectors are protected by State law. Interference with them may result in criminal prosecution for a State offense.

MAY I TALK WITH A SC DHEC INSPECTOR?

Yes. SCDHEC inspectors want to talk to you if you are worried about radiation safety or have other safety concerns about licensed activities, such as the quality of construction or operations at your facility. Your employer may not prevent you from talking with an inspector. SCDHEC will make all reasonable efforts to protect your identity where appropriate and possible.

MAY I REQUEST AN INSPECTION?

Yes. If you believe your employer has not corrected violations involving radiological working conditions, you may request an inspection. Your request should be sent to SCDHEC at the address listed at the bottom of the page and must describe the alleged violation in detail. It must be signed by you or your representative.

HOW DO I CONTACT SC DHEC?

Talk to a SCDHEC inspector on-site or call or write to SC DHEC. (The address and phone number are listed at the bottom of this page.)

CAN I BE FIRED FOR RAISING A SAFETY CONCERN?

State law prohibits an employer from firing or otherwise discrimination against you for bringing safety concerns to the attention of your employer or SCDHEC. You may not be fired or discriminated against because you:

- ask SC DHEC to enforce its rules against your employer;
- * refuse to engage in activities which violate SCDHEC requirements;
- * provide information or are about to provide information to SC DHEC or your employer about violations of requirements or safety concerns;
- * asking for, or testify, help, or take part in a SC DHEC, Congressional, or any Federal or State proceeding.

WHAT FORMS OF DISCRIMINATION ARE PROHIBITED?

It is unlawful for an employer to fire you or discriminate against you with respect to pay, benefits, or working conditions because you help SCDHEC or raise a safety issue or otherwise engage in protected activities. [24A SC Code Ann. Reg. 61-63, Section RHA 6.10: employment discrimination by a licensee (or holder of a certificate of compliance) or a contractor or a 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; and RHA Section 6.11: 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.]

HOW DO I FILE A DISCRIMINATION COMPLAINT?

If you believe you have been discriminated against for bringing violations or safety concerns to SCDHEC or your employer, you may contact SC DHEC or the SC Employment Security Commission.

WHAT CAN THE EMPLOYMENT SECURITY COMMISSION DO?

The Employment Security Commission adjudicates entitlement for unemployment benefits claimed by workers who have been discharged because of allegations of safety violations.

If the SC Employment Security Commission finds that your employer has unlawfully discriminated against you, it may order that you be reinstated, receive back pay, or be compensated for any injury suffered as a result of the discrimination and be paid attorney's fees and costs.

WHAT WILL SC DHEC DO?

SCDHEC will evaluate each allegation of harassment, intimidation, or discrimination. Following this evaluation, an investigator from the Department may interview you and review available documentation. Based on the evaluation, and, if applicable, the interview, SCDHEC will assign a priority and a decision will be made whether to pursue the matter further through an investigation. The assigned priority is based on the specifics of the case and its significance relative to other ongoing investigations. SCDHEC may not pursue an investigation to the point that a conclusion can be made whether the harassment, intimidation, or discrimination actually occurred. Even if SCDHEC decides not to pursue an investigation, if you have filed a complaint with the SC Employment Security Commission, SCDHEC will monitor the results of the SC Employment Security Commission investigation.

If SCDHEC or the SC Employment Security Commission finds that unlawful discrimination has occurred, SCDHEC may issue a Notice of Violation to your employer, impose a fine, or suspend, modify, or revoke your employer's SCDHEC license.

**South Carolina Department of Health
and Environmental Control
Bureau of Land and Waste Management
Radioactive Waste Management
2600 Bull Street
Columbia, SC 29201
(803) 898-0493**