TITLE 180 CONTROL OF RADIATION

CHAPTER 10 NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS: INSPECTIONS

10-001 Scope and Authority....1
10-002 Posting of Notices to Workers....1
10-003 Instructions to Workers....2
10-004 Notifications and Reports to Individuals....2
10-005 Presence of Representatives of Licensees or Registrants and Workers During Inspection....4
10-006 Consultation with Workers During Inspections....4
10-007 Requests by Workers for Inspections....5
10-008 Inspections Not Warranted, Informal Review....5

FORM(S)

Form NRH-3 Notice to Employees

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TITLE 180 CONTROL OF RADIATION

CHAPTER 10 NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS: INSPECTIONS

10-001 SCOPE AND AUTHORITY

10-001.01 180 NAC 10 establishes requirements for notices, instructions and reports by licensees or registrants to individuals engaged in activities under a license or registration and options available to such individuals in connection with Department inspections of licensees or registrants to ascertain compliance with the provisions of the Act and regulations, orders and licenses issued there under regarding radiological working conditions. The regulations are authorized by and implement the Nebraska Radiation Control Act, Neb. Stat. Rev. §§ 71-3501 to 71-3520.

10.001.02 The regulations in 180 NAC 10 apply to all persons who receive, possess, use, own or transfer sources of radiation licensed by or registered with the Department pursuant to 180 NAC 2, 3, 5, 6, 7, 8, 9, 11, 12, 14, 16,19, 20 and 21.

10-002 POSTING OF NOTICES TO WORKERS

10-002.01 Each licensee or registrant must post current copies of the following documents:

1. The regulations in 180 NAC 10 and 180 NAC 4;
2. The license, certificate of registration, conditions or documents incorporated into the license by reference and amendments thereto;
3. The operating procedures applicable to activities under the license or registration; and
4. Any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued pursuant to 180 NAC 17 and any response from the licensee or registrant.

10-002.02 If posting of a document specified in 180 NAC 10-002.01, items 1., 2., or 3. is not practicable, the licensee or registrant may post a notice which describes the document and states where it may be examined.

10-002.03 Department Form NRH-3, "Notice to Employees" must be posted by each licensee or registrant wherever individuals work in or frequent any portion of a restricted area.

10-002.04 Department documents posted pursuant to 180 NAC 10-002.01, item 4., must be posted within two working days after receipt of the documents from the Department; the licensee's or registrant's response, if any, must be posted within two working days after dispatch from the licensee or registrant. The documents must remain posted for a minimum of five working days or until action correcting the violation has been completed, whichever is later.

10-002.05 Documents, notices or forms posted pursuant to 180 NAC 10-002 must appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies, must be conspicuous, and must be replaced if defaced or altered.

10-003 INSTRUCTIONS TO WORKERS

10-003.01 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) must 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, 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 worker's control, the applicable provisions of Title 180 and licenses for the protection of personnel from exposures to radiation or radioactive material;
4. Instructed of their responsibility to report promptly to the licensee or registrant any condition which may lead to, constitute, or cause a violation of the Act, Title 180, and licenses or unnecessary exposure to radiation 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 or radioactive material; and
6. Advised as to the radiation exposure reports which workers must be furnished pursuant to 180 NAC 10-004.

10-003.02 In determining those individuals subject to the requirements of 180 NAC 10-003.01, licensees or registrants 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 licensees or registrants facility. The extent of these instructions must be commensurate with potential radiological health protection problems present in the work place and must be performed annually.

10-003.03 Records of the instructions to workers required by 180 NAC 10-003 must be maintained by the licensee and/or registrant until reviewed by the Department.

10-004 NOTIFICATIONS AND REPORTS TO INDIVIDUALS

10-004.01 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 must be reported to the individual as specified in 180 NAC 10-004. The information reported must include data and results obtained pursuant to Title 180, orders, or license conditions, as shown in records maintained by the licensee or registrant pursuant to 180 NAC 4-052. Each notification and report must:

1. Be in writing;
2. Include appropriate identifying data such as the name of the licensee or registrant, the name of the individual, and the individual's identification number, preferably social security number;
3. Include the individual's exposure information; and
4. Contain the following statement:

"This report is furnished to you under the provisions of 180 NAC 10. You should preserve this report for further reference."

10-004.02 Each licensee or registrant must furnish each worker annually a written report of the worker's dose as shown in records maintained by the licensee or registrant pursuant to 180 NAC 4-052.

10-004.03 Each licensee or registrant must ~~furnish~~ make dose information available to workers as shown in records maintained by the licensee or registrant under 180 NAC 4-052. The licensee or registrant must provide an annual report to each individual monitored under 180 NAC 4-022 of the dose received in that monitoring year if:

(1) The individual's occupational dose exceed 1 mSv (100 mrem) TEDE or 1 mSv (100 mrem) to any individual organ or issue; or

(2) The individual requests his/her annual dose report.

~~a written report of the worker's exposure to sources of radiation at the request of a worker formerly engaged in activities controlled by the licensee or registrant. The report must include the dose record for each year the worker was required to be monitored pursuant to 180 NAC 4-022.~~ The report must be furnished within 30 days from the date of request, or within 30 days after the dose of the individual has been determined by the licensee or registrant, whichever is later. The report must cover the period of time that the worker's activities involved exposure to sources of radiation and must include the dates and locations of work under the license or registration in which the worker participated during this period.

10-004.04 Each licensee or registrant must furnish to each worker a report of the worker's results of any measurements, analyses and calculations of radioactive material deposited or retained in the body. The report must be furnished to the worker within 30 days of such determination by the licensee or registrant.

10-004.05 When a licensee or registrant is required pursuant to 180 NAC 4-058, 4-059, or 4-060 to report to the Department any exposure of an individual to sources of radiation, the licensee or the registrant must also provide the individual a written report on the exposure data included in the report to the Department~~therein~~. ~~Such~~These reports must be transmitted at a time not later than the transmittal to the Department.

10-004.06 At the request of a worker who is terminating employment with the licensee or registrant in work involving exposure to radiation or radioactive material, during the current year, each licensee or registrant must provide at termination to each such worker, or to the worker's designee, a written report regarding the radiation dose received by that worker from operations of the licensee or registrant 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.

10-005 PRESENCE OF REPRESENTATIVES OF LICENSEES OR REGISTRANTS AND WORKERS DURING INSPECTION

10-005.01 Each licensee or registrant must afford to the Department at all reasonable times opportunity to inspect materials, machines, activities, facilities, premises, and records pursuant to Title 180.

10-005.02 During an inspection, Department inspectors may consult privately with workers as specified in 180 NAC 10-006. The licensee or registrant may accompany Department inspectors during other phases of an inspection.

10-005.03 If, at the time of inspection, an individual has been authorized by the workers to represent them during Department inspections, the licensee or registrant must notify the inspectors of the authorization and must give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

10-005.04 Each workers' representative must be routinely engaged in work under control of the licensee or registrant and must have received instructions as specified in 180 NAC 10-003.

10-005.05 Different representatives of licensees or registrants 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.

10-005.06 With the approval of the licensee or registrant and the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, must be afforded the opportunity to accompany Department inspectors during the inspection of physical working conditions.

10-005.07 Notwithstanding the other provisions of 180 NAC 10-005, Department inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to any area containing proprietary information, the workers' representative for that area must be an individual previously authorized by the licensee or registrant to enter that area.

10-006 CONSULTATION WITH WORKERS DURING INSPECTIONS

10-006.01 Department inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of Title 180 and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

10-006.02 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 the worker has reason to believe may have contributed to or caused any violation of the Act, Title 180, or license condition, or any unnecessary exposure of an individual to

sources of radiation under the licensee's or registrant's control. Any such notice in writing must comply with the requirements of 180 NAC 10-007.01.

10-006.03 The provisions of 180 NAC 10-006.02 must not be interpreted as authorization to disregard instructions pursuant to 180 NAC 10-003.

10-007 REQUESTS BY WORKERS FOR INSPECTIONS

10-007.01 Any worker or representative of workers who believes that a violation of the Act, Title 180 or license conditions exists or has occurred in work under a license or registration 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 must be in writing, must set forth the specific grounds for the notice, and must be signed by the worker or representative of the workers. A copy will be provided to the licensee or registrant by the Department no later than at the time of inspection except that, upon the request of the worker giving the notice, his/her name and the name of individuals referred to therein must not appear in the copy or on any record published, released, or made available by the Department, except for good cause shown.

10-007.02 If, upon receipt of the notice, the Department determines that the complaint meets the requirements set forth in 180 NAC 10-007.01, and that there are reasonable grounds to believe that the alleged violation exists or has occurred, s/he must cause an inspection to be made as soon as practicable, to determine if the alleged violation exists or has occurred. Inspections pursuant to 180 NAC 10-007 need not be limited to matters referred to in the complaint.

10-007.03 A licensee, registrant, or contractor or subcontractor of a licensee or registrant must not discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under Title 180 or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of himself/herself or others of any option afforded by 180 NAC 10.

10-008 INSPECTIONS NOT WARRANTED; INFORMAL REVIEW

10-008.01 Review of determination that no inspection is warranted.

1. If the Department determines, with respect to a complaint under 180 NAC 10-007, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the Department will notify the complainant in writing of such determination. The complainant may obtain review of the determination by submitting a written statement of position to the Director of the Division of Public Health, who will provide the licensee or registrant with a copy of the statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position to the Director of the Division of Public Health, will provide the complainant with a copy of the statement by certified mail.

2. Upon the request of the complainant, the Director of the Division of Public Health, may hold an informal conference in which the complainant and the licensee or registrant may orally present their views. An informal conference may also be held at the request of the licensee or registrant, 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 Director of the Division of Public Health, will affirm, modify, or reverse the determination of the Department and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefor.

10-008.02 If the Department determines that an inspection is not warranted because the requirements of 180 NAC 10-007.01 have not been met, the Director of the Division of Public Health will notify the complainant in writing of the determination. Such determination must be without prejudice to the filing of a new complaint meeting the requirements of 180 NAC 10-007.01.

Form NRH-3
Form NRH-3
Effective Date

Nebraska Department of Health and Human Services
Division of Public Health - Radiological Health, P.O. Box 95026
301 Centennial Mall South
Lincoln, Nebraska 68509-5026

NOTICE TO EMPLOYEES

Standards for Protection Against Radiation; Notices,
Instructions and Reports to Workers; Inspections

In Title 180,Regulations for Control of Radiation, the Nebraska Department of Health and Human Services has established standards for your protection against radiation hazards and has established certain provisions for the options of workers engaged in work under an Department license or registration.

YOUR EMPLOYER'S RESPONSIBILITY:

Your Employer is Required to:

1. Apply these regulations to work involving sources of radiation.
2. Post or otherwise make available to you a copy of Title 180, Regulations for Control of Radiation, and the operating procedures which apply to work you are engaged in, and explain their provisions to you.
3. Post any Notice of Violation involving radiological working conditions, proposed imposition of civil penalties or orders.

YOUR RESPONSIBILITY AS A WORKER:

You should familiarize yourself with those provisions of Title 180, Regulations for Control of Radiation and operating procedures which apply to the work in which you are engaged. You should observe their provisions for your own protection and protection of your co-worker.

WHAT IS COVERED BY THESE REGULATIONS:

1. Limits on exposure to radiation and radioactive material in restricted and unrestricted areas;
2. Measures to be taken after accidental exposure;
3. Personnel monitoring, surveys and equipment;
4. Caution signs, labels, and safety interlock equipment;
5. Exposure records and reports; and
6. Options for workers regarding Department Inspections; and
7. Related matters.

REPORTS ON YOUR RADIATION EXPOSURE HISTORY:

1. The Title 180, Regulations for Control of Radiation require that your employer give you a written report if you receive an exposure in excess of any applicable limit as set forth in the regulations or in any license. The basic limits for exposure to employees are set forth in 180 NAC 4-005, 4-011 and 4-012. These sections specify limits on exposure to radiation and exposure to concentrations of radioactive material in air.
2. If you work where personnel monitoring is required:
   (a) Upon your request, your employer must give you a written report of your radiation exposures upon termination of your employment; and
   (b) Your employer must advise you annually of your exposure to radiation.

INSPECTIONS:

All licensed or registered activities are subject to inspection by representatives of the Department of Health and Human Services, Division of Public Health, Radiological Health. In addition, any worker or representative of workers who believes that there is a violation of the Nebraska Radiation Control Act, the regulations issued thereunder, or the terms of the employer's license or registration with regard to radiological working conditions in which the worker is engaged, may request an inspection by sending a notice of the alleged violation to the Department of Health and Human Services, Division of Public Health, Radiological Health, P.O. Box 95026, 301 Centennial Mall South, Lincoln, Nebraska 68509-5026 . The request must set forth the specific grounds for the notice, and must be signed by the worker as representative of the workers. During inspections, Department inspectors may confer privately with workers, and any worker may bring to the attention of the inspectors any past or present condition which s/he believes contributed to or caused any violation as described above.

POSTING REQUIREMENTS

Copies of this notice must be posted in a sufficient number of places in every establishment where employees are employed in activities licensed or registered, pursuant to 180 NAC 2 and 180 NAC 3 by the Department of Health and Human Services, to permit employees working in or frequenting any portion of a restricted area to observe a copy on the way to or from their place of employment.