

OREGON ADMINISTRATIVE RULES
DEPARTMENT OF HUMAN SERVICES, PUBLIC HEALTH DIVISION
CHAPTER 333

DIVISION 111

NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS: INSPECTIONS

333-111-0001

Purpose and Scope

This division 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 rules, orders and licenses issued thereunder regarding radiological working conditions. The rules in this division apply to all persons who receive, possess, use, own or transfer sources of radiation registered with or licensed by the Department pursuant to divisions 100, 101 and 102 of this chapter.

Stat. Auth.: ORS 453.605 through 453.775

Stats. Implemented: ORS 453.605 through 453.775

333-111-0005

Posting of Notices to Workers

- (1) Each licensee or registrant shall post current copies of the following documents:
 - (a) The rules in this division and division 120 of this chapter;
 - (b) The license, certificate of validation, conditions or documents incorporated into the license by reference and amendments thereto;
 - (c) The operating procedures applicable to activities under the license or registration; and
 - (d) Any notice of noncompliance involving radiological working conditions, proposed imposition of civil penalty or order issued pursuant to division 100 of this chapter, and any response from the licensee or registrant.
- (2) If posting of a document specified in subsection (1)(a), (b) or (c) of this rule is not practicable, the licensee or registrant may post a notice which describes the document and states where it may be examined, provided that such document is readily available to workers at the licensee's or registrant's facility.
- (3) Department "Notice to Employees" shall be posted by each licensee or registrant as required by these rules.
- (4) Documents, notices or forms posted pursuant to this rule shall 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, shall be conspicuous and shall be replaced if defaced or altered.
- (5) Department documents posted pursuant to subsection (1)(d) of this rule shall be posted within two working days after receipt of the documents from the Department. The licensee's or registrant's response, if any, shall be posted within two working days after dispatch from the licensee or registrant. Such documents shall remain posted for a

minimum of five working days or until action correcting the violation has been completed, whichever is later.

Stat. Auth.: ORS 453.605 through ORS 453.775

Stats. Implemented: ORS 453.605 through 453.775

333-111-0010

Instructions to Workers

All individuals working in or frequenting any portion of a restricted area:

- (1) Shall be kept informed of the storage, transfer or use of sources of radiation in such portions of the restricted area;
- (2) Shall be instructed in the health protection problems associated with exposure to radiation or radioactive material, in precautions or procedures to minimize exposure and in the purposes and functions of protective devices employed;
- (3) Shall be instructed in, and instructed to observe, to the extent within the worker's control, the applicable provisions of these rules and licenses for the protection of personnel from exposures to radiation or radioactive material occurring in such areas;
- (4) Shall be instructed of their responsibility to report promptly to the licensee or registrant any condition which may constitute, lead to or cause a violation of Department rules and licenses or unnecessary exposure to radiation or radioactive material;
- (5) Shall be 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) Shall be advised as to the radiation exposure reports which workers shall be furnished pursuant to OAR 333-111-0015.
- (7) Refresher training shall be provided at intervals not to exceed three years covering the topics identified in OAR 333-111-0010.

NOTE: The extent of these instructions shall be commensurate with potential radiological health protection problems in the restricted area.

Stat. Auth.: ORS 453.605 through 453.807

Stats. Implemented: ORS 453.745

333-111-0015

Notifications and Reports to Individuals

- (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 rule. The information reported shall include data and results obtained pursuant to these rules, orders or license conditions, as shown in records maintained by the licensee or registrant pursuant to OAR 333-120-0650. Each notification and report shall:
 - (a) Be in writing;
 - (b) Include the appropriate identifying data such as the name of the licensee or registrant, the name of the individual and the individual's social security number;
 - (c) Include the individual's exposure information; and
 - (d) Contain the following statement: **"This report is furnished to you under the provisions of rules entitled Oregon Rules for the Control of Radiation, division 111. You should preserve this report for further reference."**

(2) Each licensee or registrant shall advise each worker annually in writing of the worker's exposure to radiation or radioactive material as shown in records maintained by the licensee or registrant pursuant to OAR 333-120-0650. Prior to January 1, 1994, licensees are required to provide this information only upon request of the worker.

(3) At the request of a worker formerly engaged in work controlled by the licensee or registrant, each licensee or registrant shall furnish to the worker a report of the worker's exposure to radiation or radioactive material. Such report shall 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 or registrant, whichever is later; shall cover, within the period of time specified in the request, each calendar quarter in which the worker's activities involved exposure to radiation from radioactive material licensed by, or radiation machines registered with the Department; and shall include the dates and locations of work under the license or registration in which the worker participated during this period.

(4) When a licensee or registrant is required pursuant to division 120 of this chapter to report to the Department any exposure of an individual to radiation or radioactive material, the licensee or the registrant shall also provide the individual a report on the exposure data included therein. Such reports shall be transmitted at a time not later than the transmittal to the Department.

(5) At the request of a worker who is terminating employment in a given calendar quarter with the licensee or registrant in work involving radiation dose, or of a worker who, while employed by another person, is terminating assignment to work involving radiation dose in the licensee's or registrant's facility in that calendar quarter, each licensee or registrant shall provide to each such worker, or to the worker's designee, at termination, a written report regarding the radiation dose received by that worker from operations of the licensee or registrant during that specifically identified calendar quarter or fraction thereof, or provide a written estimate of that dose if the finally determined personnel monitoring results are not available at that time. Estimated doses shall be clearly indicated as such.

Stat. Auth.: ORS 453.605 through ORS 453.775

Stats. Implemented: ORS 453.605 through 453.775

333-111-0020

Presence of Representatives of Licensees or Registrants and Workers During Inspection

(1) Each licensee or registrant shall afford to the Department at all reasonable times opportunity to inspect materials, machines, activities, facilities, premises and records pursuant to these rules.

(2) During an inspection, Department inspectors may consult privately with workers as specified in OAR 333-111-0025. The licensee or registrant may accompany Department inspectors during other phases of an inspection.

(3) If, at the time of inspection, an individual has been authorized by the workers to represent them during Department inspections, the licensee or registrant 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.

(4) Each workers' representative shall be routinely engaged in work under control of the licensee or registrant and shall have received instructions as specified in OAR 333-111-0010.

(5) 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.

(6) 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, shall be afforded the opportunity to accompany Department inspectors during the inspection of physical working conditions.

(7) Notwithstanding the other provisions of this rule, 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 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 or registrant to enter that area.

Stat. Auth.: ORS 453.605 through ORS 453.775

Stats. Implemented: ORS 453.605 through 453.775

333-111-0025

Consultation with Workers During Inspection

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

(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 the worker has reason to believe may have contributed to or caused any violation of the Act, these rules 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 shall comply with the requirements of OAR 333-111-0030(1).

(3) The provisions of section (2) of this rule shall not be interpreted as authorization to disregard instructions pursuant to OAR 333-111-0010.

Stat. Auth.: ORS 453.605 through ORS 453.775

Stats. Implemented: ORS 453.605 through 453.775

333-111-0030

Requests by Workers for Inspections

(1) Any worker or representative of workers believing that a violation of the Act, these rules or license conditions exists or has occurred in work under a license or registration 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 the workers. A copy shall 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 such notice, their 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.

(2) If, upon receipt of such notice, the Department determines that the complaint meets the requirements set forth in section (1) of this rule, and that there are reasonable grounds to believe that the alleged violation exists or has occurred, an inspection shall be made as soon as practicable to determine if such alleged violation exists or has occurred.

Inspections pursuant to this rule need not be limited to matters referred to in the complaint.

(3) No licensee, registrant or contractor or subcontractor of a licensee or registrant shall 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 these rules or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of himself or others of any option afforded by this division.

Stat. Auth.: ORS 453.605 through ORS 453.775

Stats. Implemented: ORS 453.605 through 453.775

333-111-0035

Inspections Not Warranted; Informal Review

(1) If the Department determines, with respect to a complaint under OAR 333-111-0030, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the Department 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 Assistant Director of the Public Health Division. The Department will provide the licensee or registrant with a copy of such 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 with the Assistant Director of the Public Health Division. The Department will provide the complainant with a copy of such statement by certified mail.

(2) Upon the request of the complainant, the Assistant Director of the Public Health Division 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 or oral views presented, the Assistant Director of the Public Health Division shall 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 therefore.

(3) If the Department determines that an inspection is not warranted because the requirements of OAR 333-111-0030(1) have not been met, the complainant shall be notified in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of OAR 333-111-0030(1).

Stat. Auth.: ORS 453.605 through ORS 453.775
Stats. Implemented: ORS 453.605 through 453.775