

PART IX

NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS

64E-5.901 Posting of Notices to Workers.

- (1) Each licensee or registrant shall post current copies of the following documents:
 - (a) The regulations in this part and in Part III;
 - (b) The license, conditions or documents incorporated into the license by reference and amendments thereto;
 - (c) The operating procedures applicable to activities under the license or registration;
 - (d) Any notice of violation involving radiological working conditions, proposed imposition of administrative penalties, or order issued pursuant to Part I, and any response from the licensee or registrant;
 - (e) The certificate of registration; and
 - (f) The emergency procedures applicable to activities conducted under the license or registration.

R5 (2) If posting of a document specified in paragraphs (a), (b), and (c) above is not physically practical, the licensee or registrant may post a notice which describes the document and states where it may be examined. The documents specified in paragraphs (d), (e) and (f) above must be posted in their entirety.

R5 (3) "Notice to Employees 3/01", which is herein incorporated by reference and which is available from the department, shall be posted by each licensee or registrant as required by these regulations.

(4) Department documents posted pursuant to 64E-5.901(1)(d) shall be posted within 5 working days after receipt of the documents from the department; the licensee's or registrant's response, if any, shall be posted within 5 working days after dispatch from the licensee or registrant. Such documents shall remain posted for a minimum of 5 working days or until action correcting the violation has been completed, whichever is later.

(5) Documents, notices, or forms shall be posted to permit workers to observe them on the way to or from work, shall be conspicuous, and shall be replaced if defaced or altered.

Specific Authority: 404.051, 404.061, 404.081, F.S.

Law Implemented: 404.022, 404.051(1)(4), 404.061(2), 404.081(1)(2), F.S.

History: New July 17, 1985, Amended April 4, 1989, Amended May 12, 1993,

Amended May 15, 1996, Formerly 10D-91.1002, Amended December 19, 2001.

R5

64E-5.902 Instructions to Workers.

- R1 (1) All individuals who in the course of employment are likely to receive an occupational
R1 dose in excess of 100 millirem (1 mSv) in a year:
- (a) Shall be kept informed of the storage, transfer, or use of sources of radiation in the licensee's or registrant's facility;
 - (b) Shall be instructed in the health protection problems associated with exposure to radiation or radioactive material, in precautions or procedures to minimize exposures, and in the purposes and functions of protective devices employed;
 - (c) Shall be instructed in, and instructed to observe, to the extent within the worker's control, the applicable provisions of these regulations and licenses for the protection of personnel from exposures to radiation or radioactive material;
 - (d) 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 the Act, these regulations, and licenses or unnecessary exposure to radiation or radioactive material;
 - (e) 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
 - (f) Shall be advised as to the radiation exposure reports which workers shall be furnished pursuant to 64E-5.903.
- R1 (2) In determining those individuals subject to the requirements of (1),above, licensees
R1 or registrants shall consider assigned activities during normal and abnormal
R1 situations involving exposure to sources of radiation or radioactive material that
R1 reasonably can be expected to occur during the life of the licensee's or registrant's
R1 facility. The extent of these instructions shall be commensurate with potential
radiological health protection problems present in the workplace.

Specific Authority: 404.051, 404.061, 404.081, F.S.

R1 Law Implemented: 404.051(1)(4), 404.061(2), 404.081(1), F.S.

R1 History: New July 17, 1985, Amended January 1, 1994, Formerly 10D-91.1003, Amended May 18, 1998.

64E-5.903 Notification and Reports to Individuals.

- (1) Licensees or registrants for which personnel monitoring is required shall prepare a report as specified in this section of the radiation exposure data for each affected individual and the results of any measurements, analyses and calculations of radioactive material deposited or retained in the body of the individual. The information reported shall include data and results obtained pursuant to these regulations, orders, or license conditions, as shown in records maintained by the licensee or registrant pursuant to Part III. Each notification and report shall:
 - (a) Be in writing;
 - (b) Include appropriate identifying data such as the name of the licensee or registrant and the name of the individual;
 - (c) Include the individual's exposure information; and
 - (d) Contain the following statement: "This report is furnished to you under the provisions of the Florida Department of Health regulation entitled Chapter 64E-5, Control of Radiation Hazards. You should preserve this report for future reference."
- (2) Each licensee or registrant for which personnel monitoring is required shall furnish each worker annually a written copy of the report specified in (1), above, of the worker's exposure to radiation or radioactive material as shown in records maintained by the licensee or registrant pursuant to Part III. The licensee or registrant shall maintain records that the report was furnished for 3 years.
- (3) Each licensee or registrant shall furnish to the worker upon termination of employment a written report as specified in (1), above, of the worker's exposure to radiation received by that worker from operations of the licensee or registrant. Such report shall be furnished within 30 days from the time of termination of employment or within 30 days after the exposure of the individual has been determined by the licensee or registrant, whichever is later. The report shall cover each calendar quarter in which the worker's activities involved exposure to sources of radiation and shall include the dates and locations of work under the license or registration in which the worker participated. The licensee or registrant shall maintain records that the report was furnished for 3 years.
- (4) When a licensee or registrant is required pursuant to Part III 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.

Specific Authority: 404.051, 404.061, 404.081, F.S.

Law Implemented: 404.022, 404.051(1)(4), 404.061(2), 404.081, F.S.

History: New July 17, 1985, Amended May 12, 1993, Formerly 10D-91.1004.

64E-5.904 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 regulations.
- (2) During an inspection, department inspectors may consult privately with workers as specified in this part. 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 this part.
- (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 approval of the licensee or registrant or the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant, such as 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 section, department inspectors are authorized to refuse to permit accompaniment by an 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.

Specific Authority: 404.051, 404.061, 404.071, F.S.

Law Implemented: 404.022, 404.051(1)(4), 404.061(2), 404.071(1), F.S.

History: New July 17, 1985, Formerly 10D-91.1005.

64E-5.905 Consultation with Workers During Inspections.

- (1) Department inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of these regulations 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 a violation of the Act, these regulations, 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 64E-5.906(1).
- (3) The provisions of (2), above, shall not be interpreted as authorization to disregard instructions pursuant to 64E-5.902.

Specific Authority: 404.051, 404.061, 404.071, F.S.

Law Implemented: 404.022, 404.051(1)(4), 404.061(2), 404.071(1), F.S.

History: New July 17, 1985, Formerly 10D-91.1006.

64E-5.906 Request by Workers for Inspections.

- (1) Any worker or representative of workers believing that a violation of the Act, these regulations 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.

- (2) If, upon receipt of such notice, the department determines that the complaint meets the requirements set forth in this section 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 section need not be limited to matters referred to in the complaint.

Specific Authority: 404.051, 404.061, 404.071, F.S.

Law Implemented: 404.022, 404.051(1)(4), 404.061(2), 404.071(1), F.S.

History: New July 17, 1985, Formerly 10D-91.1007.

64E-5.907 Inspections Not Warranted; Informal Review.

- (1) If the department determines, with respect to a complaint under this part, 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 department. The department will provide the licensee or registrant with a copy of such statement by certified mail. The licensee or registrant may submit an opposing written statement of position with the department. The department will provide the complainant with a copy of such statement by certified mail.
- (2) Upon the request of the complainant, the department 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 department shall affirm, modify, or reverse the previous determination of the department and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefor.
- (3) If the department determines that an inspection is not warranted because the requirements of 64E-5.906(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 64E-5.906(1).

Specific Authority: 404.051, 404.061, 404.071, F.S.

Law Implemented: 404.022, 404.051(1)(4), 404.061(2), 404.071(1), F.S.

History: New July 17, 1985, Formerly 10D-91.1008.