

PART J NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS

Rule J.1 Purpose and Scope. This Ppart 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 these individuals in connection with Agency department inspections of licensees or registrants to ascertain determine compliance with the provisions of the Act, and regulations rules, orders, registrations, and licenses issued thereunder regarding radiological working conditions. The regulations rules in this Ppart apply to all persons who receive, possess, use, own, or transfer sources of radiation registered with or licensed by the Agency department pursuant to under Pparts B and C of these regulations rules.

General Regulatory Provisions and Specific Requirements

Rule J.11 Posting of Notices to Workers.

- a. Each licensee or registrant shall post current copies of the following documents or a notice that describes each document and states where it may be examined:
 - i. The regulations rules in this Ppart and in Ppart D of these regulations rules;
 - ii. The license, certificate of registration, conditions or documents incorporated into the license or registration by reference, and amendments thereto to the license or registration;
 - iii. The operating procedures applicable to activities under the license or registration; and
- b. iv. Any Each licensee or registrant shall post a notice of violation involving radiological working conditions, a proposed imposition of a civil penalty, or an order issued pursuant to under Ppart A of these regulations rules, and any required responses from the licensee or registrant.
- b. If posting of a document specified in subrules J.11(a)(i), (ii), or (iii) is not practicable, the licensee or registrant may post a notice which describes the document and states where it may be examined.

Since NRC inspectors working in Michigan accept the posting of a notice without questioning the practicability of posting the entire documents, subrule (b) has been combined in subrule (a) to reflect that either posting is acceptable. Subrule (a)(iv) is now subrule (b).

- c. Agency Each licensee or registrant shall post department Form [X] "Notice to Employees" shall be posted by each licensee or registrant as required by these regulations rules.

Subrules c, d, and e are changed to active voice. 10 CFR 19.11(e)(1), which requires posting of the Notice to Employees, begins "Each licensee..."

- ed. Each licensee or registrant shall conspicuously post Dd documents, notices, or and forms posted pursuant to J.11 shall appear as required by this rule in a sufficient number of places to permit allow individuals engaged in work under the license or registration to observe them on the way to or from any particular work locations to which the document applies, shall be

~~conspicuous,~~ and shall ~~be replaced~~ replace a document if it is defaced or altered.

~~ed. Agency~~ Each licensee or registrant shall post documents ~~posted~~ pursuant to subrule J.11(a)(iv)(b) shall be posted within 5 working days after receipt of the documents from the Agency department; the licensee's or registrant's response, ~~if any,~~ shall be posted within five 5 working days after dispatch from the licensee or registrant. ~~Such~~ These documents shall ~~remain be~~ posted for a minimum of five 5 working days or until ~~action-correcting~~ the violation has been ~~completed~~ corrected, whichever is later.

Rule J.12 Instructions to Workers.

a. ~~All individuals~~ Each licensee or registrant shall ensure that each individual, who ~~in the course of~~ during employment ~~are is~~ likely to receive in a year an occupational dose ~~in excess of~~ greater than 1 millisievert (100 millirems), shall be:

Subrules a and b are modified to explicitly state that it is the licensee's or registrant's responsibility to perform the required action.

10 CFR 19.12(a) has "shall be" where we have moved it.

- i. ~~Shall be k~~Kept informed of the storage, transfer, or use of sources of radiation in the licensee's or registrant's workplace; ~~;~~
- ii. ~~Shall be i~~Instructed in the ~~health protection problems~~ risks associated with exposure to radiation or radioactive material to the individual and potential offspring, and in precautions or procedures to minimize exposure, ~~and in the purposes and functions of protective devices employed;~~

The last phrase is eliminated since the use of protective devices is included in the procedures to minimize exposure.

- iii. ~~Shall be i~~Instructed in, and ~~instructed~~ required to observe, to the extent within the worker's control, the applicable provisions of these regulations rules, registrations, and licenses for the protection of personnel from exposures to radiation or radioactive material; ~~;~~

10 CFR 19.12(a)(3) uses "required."

- iv. ~~Shall be i~~Instructed of their responsibility to report promptly to the licensee or registrant any condition ~~which that~~ may constitute, lead to, or cause a violation of the Act, these regulations rules, a registration or license condition, or ~~any~~ unnecessary exposure to radiation or radioactive material; ~~;~~
- v. ~~Shall be i~~Instructed in the appropriate response to warnings made ~~in the event of any~~ due to an unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; ~~and~~
- vi. ~~Shall be a~~Advised as to the radiation exposure reports ~~which that~~ workers shall be

~~furnished~~ provided pursuant to rule J.13.

From the American Heritage Dictionary:

Provide means “to furnish; supply; to make available.” Furnish means “to equip with what is needed; to supply; give.” Provide is a more commonly used word than furnish.

b. Each licensee or registrant shall keep records of the instructions described in this rule.

Illinois, Nebraska, and Washington require that records be maintained that an employee has received the instructions in this rule. 10 CFR Part 19 does not explicitly require that a licensee maintain these records.

c. ~~In determining those individuals subject to the requirements of J.12(a), 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 shall be commensurate with the potential radiological ~~health protection problems present~~ hazards in the workplace.

The second sentence is a simplified version of the information contained in the first sentence. The first sentence has been eliminated.

Rule J.13 Notifications and Reports to Individuals.

a. Each licensee or registrant shall report 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 rule. The information reported shall include data and results obtained pursuant to these regulations rules, orders, or license or registration conditions, as shown in records maintained kept by the licensee or registrant pursuant to rule D.2106 ~~of these regulations~~. Each notification and report shall be in writing and include:

Modified to active voice and to explicitly state that it is the licensee’s or registrant’s responsibility to perform the required action.

i. ~~Be in writing;~~

ii. ~~Include appropriate identifying data such as:~~ The name of the licensee or registrant, the name of the individual, and the individual's unique identification number or social security number;

Seventeen states allow use of an identification number other than a social security number. 10 CFR Part 19 does not require that the identifying data include the name, address, and registration or license number of the facility.

iii. ~~Include~~ the individual's exposure information; ~~and~~

iiiv. ~~Contain t~~The following statement:

"This report is ~~furnished provided~~ to you ~~under the provisions of~~ pursuant to ~~feite~~ appropriate Agency regulations] Part J of the Michigan Department of Community Health rules entitled 'Ionizing Radiation Rules' Part J. You should ~~preserve~~ keep this report for further ~~future~~ reference."

This statement has been modified to use more common words.

- b. Each licensee or registrant shall ~~furnish make dose information available~~ to ~~each~~ workers ~~annually a written report of the worker's dose~~ as shown in records ~~maintained kept~~ by the licensee or registrant pursuant to ~~rule~~ D.2106 ~~of these regulations~~. ~~A licensee or registrant shall provide an annual report to each individual monitored pursuant to rule D.1502 of the dose received in that monitoring year if:~~
- i. ~~The individual's occupational dose exceeds 1 millisievert (100 millirem) total effective dose equivalent or 1 millisievert (100 millirem) to any individual organ or tissue; or~~
 - ii. ~~The individual requests his or her annual dose report.~~

This subrule has been modified to parallel the 10 CFR 19.13(b) language effective 2/15/2008.

- c. ~~At the request of a worker formerly engaged in work controlled by the licensee or registrant, Each the~~ licensee or registrant shall ~~furnish provide~~ 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 shall include the dose record for each year the worker was required to be monitored pursuant to ~~rule~~ D.1502 ~~of these regulations~~. ~~Such The~~ report shall be ~~furnished provided~~ within 30 days from the date of the request, or within 30 days after the dose of the individual has been determined by the licensee or registrant, whichever is later. The report shall cover the period of time the worker's activities involved exposure to sources of radiation, ~~and The report~~ shall include the dates and locations of work under the license or registration in which the worker participated during this period.

10 CFR 19.13(c) includes the phrase "at the request of a worker formerly engaged in licensed activities controlled by the licensee."

10 CFR 13.19(c) states:

(c)(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 to radioactive material:

(i) As shown in records maintained by the licensee pursuant to § 20.2106 for each year the worker was required to be monitored under the provisions of § 20.1502; and

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

(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 material licensed by the Commission and must include the dates and locations of licensed activities in which the worker participated during this period.

- d. When a licensee or registrant is required pursuant to [rules D.2202, D.2203, or D.2204, D.2205 or D.2206 of these regulations](#) to report to the [Agency department](#) any exposure of an individual to sources of radiation, the licensee or ~~the~~ registrant shall also provide the individual a written report ~~on~~ [of](#) the exposure data included ~~therein in the report~~. ~~Such This reports~~ shall be transmitted at a time not later than the transmittal to the [Agency department](#).

The final rule published in the December 4, 2007 Federal Register amended 10 CFR 19.13(d) to “When a licensee is required by Sec. 20.2202, 20.2203 or 20.2204 of this chapter to report to the Commission any exposure of an individual 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 Commission. This report must be transmitted no later than the transmittal to the Commission.”

- e. 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, [or at the request of a worker who, while employed by another person, is terminating a work assignment involving radiation exposure in the licensee's or registrant's facility during the current year](#), each licensee or registrant shall provide at termination to ~~each such the~~ worker, or to the worker's designee, a written report [regarding of](#) 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 shall be provided, ~~together with a clear indication that this is an estimate~~. [Estimated doses shall be clearly indicated as estimated doses](#).

Eleven states allow a worker who is employed by another person to request their radiation dose history. 10 CFR Part 19 does not require that the licensee provide dosimetry information to a worker who is employed by another person and terminating a work assignment at the licensee's facility.

Rule J.14 Presence of Representatives of Licensees or Registrants and Workers During Inspection.

- a. Each licensee, ~~or~~ registrant, [or applicant for a license or registration](#) shall ~~afford to allow~~ the [Agency department](#) at all reasonable times, ~~the~~ opportunity to inspect materials, machines, activities, facilities, premises, and records ~~pursuant to under~~ these [regulations rules](#).

10 CFR 19.14(a) has “Each licensee, applicant for a license, ...”

- b. During an inspection, [Agency the licensee or registrant shall allow department](#) inspectors ~~may to~~ consult privately with workers as specified in [rule J.15](#). The licensee or registrant may accompany [Agency department](#) inspectors ~~during other phases of an inspection at times other than the private consultation with workers~~.

New Hampshire uses “at times other than the private consultation with workers.” This more

clearly states the intent of the passage than the struckout wording.

- c. If, at the time of inspection, ~~an individual has been authorized by~~ the workers have authorized an individual to represent them during Agency department inspections, the licensee or registrant shall notify the inspectors of ~~such the~~ authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.
- d. Each worker's~~'s~~ representative shall be routinely engaged in work under control of the licensee or registrant and shall have received instructions as specified in rule J.12.
- e. 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.
- f. 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 Agency department inspectors during the inspection of physical working conditions.
- g. Notwithstanding the other provisions of this rule, J.14, Agency department inspectors ~~are authorized to~~ may refuse to permit accompaniment by ~~any an~~ individual who deliberately interferes with a fair and orderly inspection.

Subrule g has been separated into subrules (g), (h), and (i) because three different concerns are addressed – deliberate interference during an inspection (g), access to areas classified as national security interests (h), and access to areas containing proprietary information (i). Kentucky, Minnesota, and New Hampshire have made this subrule modification. The wording for (h) and (i) is taken from the Kentucky rules.

~~h. With regard to areas containing information classified by an Agency of the US 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. Unless specifically authorized, an individual accompanying an inspector shall not have access to an area containing information classified by an agency of the U.S. government as a national security interest.~~

~~i. With regard to any Unless previously authorized by the licensee or registrant, a worker's representative shall not have access to an 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.~~

Rule J.15 Consultation with Workers During Inspections.

- a. Agency Department inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of these ~~regulations rules, and~~ licenses, and registrations to the extent that the inspectors ~~deem~~ consider necessary for the conduct of an effective and thorough inspection.

- b. During ~~the course of~~ an inspection, ~~any a~~ worker may ~~bring report~~ privately to ~~the attention of~~ the inspectors, either orally or in writing, ~~any a~~ past or present condition ~~which that~~ the worker ~~has reason to~~ believes may have contributed to or caused ~~any a~~ violation of the ~~A~~act, these ~~regulations rules, or a~~ license ~~or registration~~ condition, or ~~any~~ unnecessary exposure of an individual to sources of radiation under the licensee's or registrant's control. ~~Any such~~ ~~If this~~ notice ~~is~~ in writing, ~~the worker~~ shall comply with the requirements of ~~subrule~~ J.16(a).
- c. The provisions of ~~subrule~~ J.15(b) shall not be interpreted as authorization to disregard instructions pursuant to ~~rule~~ J.12.

Rule J.16 Requests by Workers for Inspections.

- a. ~~Any A~~ worker or ~~a~~ representative of workers ~~believing who believes~~ that a violation of the ~~A~~act, these ~~regulations rules,~~ or license ~~or registration~~ conditions exists or has occurred ~~in work under a license or registration with regard to regarding~~ radiological working conditions ~~in which the worker is engaged~~ may request an inspection ~~by giving notice of the alleged violation to of the facility by~~ the ~~[Radiation Control Program]~~ department. ~~Any such notice~~ ~~The request~~ shall be in writing, shall ~~set forth describe~~ the ~~specific grounds for the notice~~ ~~circumstances of the perceived violation or condition,~~ and shall be signed by the worker or ~~the~~ representative of the workers. ~~A copy shall be provided~~ ~~The department shall provide a copy of the request~~ to the licensee or registrant ~~by the [Radiation Control Program] no later than at the time of before or during the~~ inspection, ~~except that, upon At~~ the request of the worker ~~giving such notice, such the department shall protect the~~ worker's 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 Agency in the request,~~ except for good cause shown.

Revised for clarity and for active voice. 10 CFR 19.16 has "...who believes..." Most of the remaining modifications are based on the text of the Arizona rule. The Illinois rule has "...circumstances describing the perceived violation or condition..."

- b. If, upon receipt of ~~such notice a request for an inspection,~~ the ~~[Radiation Control Program] department~~ determines that the complaint meets the requirements ~~set forth in of subrule~~ J.16(a), 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 practical~~ to determine if ~~such the~~ alleged violation exists or has occurred. ~~Inspections pursuant to J.16 An inspection authorized by this rule~~ need not be limited to matters referred to in the complaint.

Subrule (c) has been moved to rule J.20 to parallel 10 CFR 19.20, "Employee Protection."

Rule J.17 Inspections Not Warranted; Informal Review.

- a. If the ~~[Radiation Control Program] department~~ determines, with respect to a complaint ~~filed under pursuant to rule~~ J.16, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the ~~[Radiation Control Program] department~~ shall notify the complainant in writing of ~~such the~~ determination. ~~The complainant may obtain To request a~~ review of ~~such the~~ determination ~~by submitting the~~

claimant shall submit a written statement of position with to the ~~[cite appropriate State agency]~~ director of the department. ~~Such Agency will provide~~The department director, or his or her designated representative, shall send the licensee or registrant with a copy of such 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 with to the ~~[cite appropriate State agency]~~ director of the department. ~~Such agency will provide~~The department director, or his or her designated representative, shall send the complainant with a copy of such the statement by certified mail.

- b. ~~Upon~~ At the request of the complainant, the ~~[cite appropriate State agency*]~~ 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 shall be made only following receipt of written authorization from the complainant. After considering all written and oral views presented, the ~~[cite appropriate State agency*]~~ director of the department, or his or her designated representative shall affirm, modify, or reverse the determination of the ~~[Radiation Control Program]~~ department and ~~furnish~~ provide the complainant and the licensee or registrant a written notification of the decision and the reason therefore.
- c. If, upon receipt of a request for an inspection, the ~~[Radiation Control Program]~~ department determines that an inspection is not warranted because the complaint does not meet the requirements of subrule J.16(a) ~~have not been met~~, the department shall notify the complainant shall be notified in writing of such the determination. ~~Such~~ The determination shall be without prejudice to the filing of a new complaint meeting the requirements of subrule J.16(a).

Rule J.20 Employee Protection.

- e. ~~No~~ Employment discrimination by a 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 regulations or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of such worker or others of any option afforded by this Part. an employee for engaging in protected activities under this part is prohibited.

The following regulations in 10 CFR 19 are not included in this Part J draft. As appropriate, they will be included in other parts of the draft rules:

- 19.3 Definitions.
- 19.4 Interpretations.
- 19.5 Communications.
- 19.8 Information collection requirements: OMB approval.
- 19.18 Sequestration of witnesses and exclusion of counsel in interviews conducted under subpoena.
- 19.30 Violations.
- 19.31 Application for exemptions.
- 19.32 Discrimination prohibited.

- 19.40 Criminal penalties.

The following table is not part of the draft rules, but is included to provide information about citations included in the text.

10 CFR	SSRCR	TITLE
na	Part A	General Provisions
na	Part B	Machine Registration
na	Part C	Radioactive Material Licensing
Part 20	Part D	Standards for Protection
20.1502	D.1502	Conditions Requiring Individual Monitoring of External and Internal Occupational Dose
20.2106	D.2106	Records of Individual Monitoring Results
20.2202	D.2202	Notification of Incidents
20.2203	D.2203	Reports of Exposures, Radiation Levels, and Concentrations of Radioactive Material Exceeding the Limits
20.2204	D.2204	Reports of Planned Special Exposures
20.2205	D.2205	Reports to Individuals of Exceeding Dose Limits
20.2206	D.2206	Reports of Individual Monitoring