

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
RADIATION SAFETY SECTION  
IONIZING RADIATION RULES GOVERNING THE USE OF RADIATION  
MACHINES**

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## PART 4. NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS FOR USERS OF RADIATION MACHINES

### R 333.5091 Purpose and scope.

**Rule 91.** This part establishes requirements for notices, instructions and reports by registrants to individuals engaged in activities associated with radiation machines and options available to these individuals in connection with department inspections of registrants to determine compliance with the act and rules regarding radiological working conditions. The rules in this part apply to all persons who receive, possess, use, own, or transfer radiation machines registered with the department under R 333.5031 to R 333.5047.

History: 2016 MR 10, Eff. May 25, 2016

### R 333.5092 Posting of notices to workers.

**Rule 92. (1)** A registrant shall post current copies of the following documents or a notice that describes each document and states where it may be examined:

- (a) The rules in this part and R 333.5051 to R 333.5089.
- (b) The certificate of registration and all conditions or documents incorporated into the registration by reference.
- (c) The operating procedures applicable to activities under the registration.

(2) A registrant shall post a notice of violation involving radiological working conditions, a proposed imposition of a civil penalty or order issued under R 333.5023 or R 333.5024, and required responses from the registrant.

(3) A registrant shall post department Form MIOSHA-RSS-100 "Notice to Employees" as required by these rules.

(4) A registrant shall conspicuously post documents, notices, and forms as required by this rule in a sufficient number of places to allow individuals engaged in work under the registration to observe them on the way to or from work locations to which the document applies, and shall replace a document if it is defaced or altered.

(5) A registrant shall post documents pursuant to subrule (2) of this rule within 5 working days after receipt of the documents from the department. The registrant's response shall be posted within 5 working days after dispatch from the registrant. These documents shall be posted for a minimum of 5 working days or until the violation has been corrected, whichever is later.

History: 2016 MR 10, Eff. May 25, 2016

### R 333.5093 Instructions to workers.

**Rule 93. (1)** A registrant shall ensure that each individual, who during employment is likely to receive in a year an occupational dose greater than 1 millisievert (100

mrem), shall be the following:

- (a) Instructed in the risks associated with exposure to radiation to the individual and potential offspring and in precautions or procedures to minimize exposure.
- (b) Instructed in, and required to observe, to the extent within the worker's control, the applicable provisions of these rules for the protection of personnel from exposures to radiation.
- (c) Instructed in his or her responsibility to report promptly to the registrant a condition that may constitute, lead to, or cause a violation of the act, these rules, a registration condition, or unnecessary exposure to radiation.
- (d) Instructed in the appropriate response to warnings made due to an unusual occurrence or malfunction that may involve exposure to radiation.
- (e) Advised as to the radiation exposure reports that workers shall be provided pursuant to R 333.5094.

(2) A registrant shall keep records of the instructions described in this rule.

(3) The extent of these instructions shall be commensurate with the potential radiological hazards in the workplace.

History: 2016 MR 10, Eff. May 25, 2016

### R 333.5094 Notifications and reports to individuals.

**Rule 94. (1)** A registrant shall report radiation exposure data for an individual as specified in this rule. The information reported shall include data and results obtained pursuant to these rules, orders, or registration conditions, as shown in records kept by the registrant pursuant to R 333.5081. A notification and report shall be in writing and include all of the following:

- (a) The name of the registrant, the name of the individual, and the individual's unique identification number or social security number.
- (b) The individual's exposure information.
- (c) The following statement:  
"This report is provided to you pursuant to Part 4 of the Michigan Department of Licensing and Regulatory Affairs rules entitled 'Ionizing Radiation Rules Governing the Use of Radiation Machines'. You should keep this report for future reference."

(2) A registrant shall make dose information available to workers as shown in records kept by the registrant pursuant to R 333.5081. A registrant shall provide an annual report to each individual monitored pursuant to R 333.5064 of the

dose received in that monitoring year for either of the following reasons:

- (a) The individual's occupational dose exceeds 1 millisievert (100 mrem) effective dose equivalent or 1 millisievert (100 mrem) to an individual organ or tissue.
- (b) The individual requests his or her annual dose report.

(3) At the request of a worker formerly engaged in work controlled by the registrant, the registrant shall provide a written report of the worker's exposure to radiation machines. The report shall include the dose record for each year the worker was required to be monitored pursuant to R 333.5064. The report shall be 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 registrant, whichever is later. The report shall cover the period of time the worker's activities involved exposure to radiation machines. The report shall include the dates and locations of work associated with radiation machines in which the worker participated during this period.

(4) When a registrant is required pursuant to R 333.5087 or R 333.5088 to report to the department an exposure of an individual to radiation, the registrant shall also provide the individual a written report of the exposure data included in the report. This report 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 with the registrant in work involving exposure to radiation 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 registrant's facility during the current year, each registrant shall provide at termination to the worker, or to the worker's designee, a written report of the radiation dose received by that worker from operations of the registrant during the current year. If the most recent individual monitoring results are not available, a written estimate of the dose shall be provided. Estimated doses shall be clearly indicated as estimated doses.

History: 2016 MR 10, Eff. May 25, 2016

#### **R 333.5096 Presence of representatives of registrants and workers during inspection.**

**Rule 96. (1)** A registrant or an applicant for a registration shall allow the department at all reasonable times, the opportunity to inspect machines, activities, facilities, premises, and records under these rules.

(2) During an inspection, the registrant shall allow department inspectors to consult privately with workers as specified in R 333.5097. The registrant may accompany department inspectors at times other than the private consultation with workers.

(3) If the workers have authorized an individual to represent them during department inspections, the

registrant shall notify the inspectors of the authorization and shall permit the workers' representative to accompany the inspectors during the inspection of physical working conditions.

(4) A worker's representative shall be routinely engaged in work under control of the registrant and shall have received instructions as specified in R 333.5093.

(5) If there is no resulting interference with the conduct of the inspection, different representatives of registrants and workers may accompany the inspectors during different phases of an inspection. However, only 1 workers' representative at a time may accompany the inspectors.

(6) With the approval of the registrant and the workers' representative, an individual who is not routinely engaged in work under control of the registrant, for example, a consultant to the registrant or to the workers' representative, may accompany department inspectors during the inspection of physical working conditions.

(7) Department inspectors may refuse to permit accompaniment by an individual who deliberately interferes with a fair and orderly inspection.

(8) Unless previously authorized by the registrant, a worker's representative shall not have access to an area containing proprietary information.

History: 2016 MR 10, Eff. May 25, 2016

#### **R 333.5097 Consultation with workers during inspections.**

**Rule 97. (1)** Department inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of these rules to the extent that the inspectors consider necessary for the conduct of an effective and thorough inspection.

(2) During an inspection, a worker may report privately to the inspectors, either orally or in writing, a past or present condition that the worker believes may have contributed to or caused a violation of the act, these rules, a registration condition, or unnecessary exposure of an individual to radiation from machines under the registrant's control. If this notice is in writing, the worker shall comply with the requirements of R 333.5098(1).

(3) The provisions of subrule (2) of this rule shall not be interpreted as authorization to disregard instructions pursuant to R 333.5093.

History: 2016 MR 10, Eff. May 25, 2016

#### **R 333.5098 Requests by workers for inspections.**

**Rule 98. (1)** A worker or a representative of workers who believes that a violation of the act, these rules, or

registration conditions exists or has occurred regarding radiological working conditions may request an inspection of the facility by the department. The request shall be in writing, describe the circumstances of the perceived violation or condition, and be signed by the worker or the representative of the workers. The department shall provide a copy of the request to the registrant before or during the inspection. At the request of the worker, the department shall protect the worker's name and the name of individuals referred to in the request, except for good cause shown.

(2) If, upon receipt of a request for an inspection, the department determines that the complaint meets the requirements of subrule (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 practical to determine if the alleged violation exists or has occurred. An inspection authorized by this rule need not be limited to matters referred to in the complaint.

History: 2016 MR 10, Eff. May 25, 2016

**R 333.5100 Inspections not warranted; informal review.**

**Rule 100. (1)** If the department determines, with respect to a complaint filed pursuant to R 333.5098, 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 the determination. To request a review of the determination the claimant shall submit a written statement of position to the department director. The department director, or his or her designated representative, shall send the registrant a copy of the statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The registrant may submit an opposing written statement of position to the department director. The department director, or his or her designated representative, shall send the complainant a copy of the statement by certified mail.

(2) At the request of the complainant, the department may hold an informal conference in which the complainant and the registrant may orally present their views. An informal conference may also be held at the request of the registrant, but disclosure of the identity of the complainant shall be made only following receipt of written authorization from the complainant. After considering all written and oral views presented, the department director, or designated representative shall affirm, modify, or reverse the determination of the department and provide the complainant and the registrant a written notification of the decision. The notification shall include a discussion of the basis for the decision.

(3) If, upon receipt of a request for an inspection, the department determines that an inspection is not warranted because the complaint does not meet the requirements of R 333.5098(1), the department shall notify the complainant in writing of the determination. The determination shall be

without prejudice to the filing of a new complaint meeting the requirements of R 333.5098(1).

History: 2016 MR 10, Eff. May 25, 2016

**R 333.5101 Employee protection.**

**Rule 101.** Employment discrimination by a registrant, or contractor or subcontractor of a registrant against an employee for engaging in protected activities under this part is prohibited.

History: 2016 MR 10, Eff. May 25, 2016