



**STATE OF NEW MEXICO**

JERRY APODACA  
GOVERNOR

GEORGE S. GOLDSTEIN, Ph.D.  
SECRETARY FOR HEALTH

Environmental Improvement Division  
P.O. Box 968  
Santa Fe, New Mexico 87503

Radiation Protection Section

September 26, 1978

G. Wayne Kerr  
Assistant Director for State Agreement  
Programs  
Office of State Programs  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555


Dear Mr. Kerr:

We are in receipt of your letter of August 28, 1978 in which you confirm the comments and suggestions made to me and staff member regarding the results of the recent regulatory program review and inspection accompaniment.

In regard to your notation that the State had not adopted regulations equivalent to your Part 19, we are following the procedures suggested in your letter under Number 1 of sending a draft of our new regulation comparable to NRC's Part 19 to all our licensees along with the enclosed cover letter.

We are instructing our inspection personnel as indicated in the enclosed memorandum of September 26, 1978.

Sincerely,

  
T. A. Wolff  
Program Manager

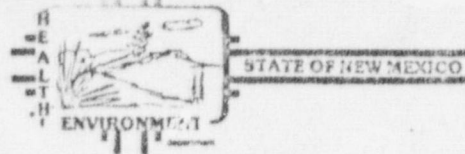
TAW:ns

Enclosures

7811060067

*Agreement States Program  
N.M. file*

# MEMORANDUM



DATE: September 26, 1978

TO: Radiation Protection Section Radioactive Material Inspectors

FROM: T. A. Wolff, Program Manager

SUBJECT: Information Notice H-1

Enclosed is a copy of Information Notice H-1 implementation of Part 19 equivalent for your use in implementing Part 10 (the equivalent of 10 CFR Part 19) of our proposed regulations.

The enclosed notice dated September 26, 1978, is being sent to all licensees.

Please advise the Program Manager if you need any assistance in this matter.

TAW:ns

## PART 10

### NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS: INSPECTIONS

10-100. SCOPE.-- This part establishes requirements for notices, instructions and reports by licensees or registrants to individuals engaged in work under a license or registration and options available to such individuals in connections with Division inspections of licensee or registrants to ascertain compliance with the provisions of the Act and regulations, orders and licenses issued thereunder regarding radiological working conditions. The regulations in this part apply to all persons who receive, possess, use, own or transfer material licensed by or registered with the Division pursuant to Parts 2 and 3.

#### 10-110. POSTING OF NOTICES TO WORKERS.--

A. Each licensee or registrant shall post current copies of the following documents: (1) the regulations in this part and in Part 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 work under the license or registration; (4) any notice of violation involving radiological working conditions, or order issued pursuant to Part 1, and any response from the licensee or registrant.

B. If posting of a document specified in 10-110 A 1, 2 and 3 is not practicable, the licensee or registrant may post a notice which describes the document and states where it may be examined.

C. Form RP3 011 "Notice to Employees" shall be posted by each licensee or registrant wherever individuals work in or frequent any portion of a registered area.

D. Documents, notices or forms posted pursuant to this section 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.

E. Division documents posted pursuant to 10-110 A 4 shall be posted within two working days after receipt of the documents from the Division; 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.

10-120. INSTRUCTIONS TO WORKERS.-- All individuals working in or frequenting any portion of a restricted area shall be kept informed of the



storage, transfer, or use of radioactive material or of radiation in such portions of the restricted area; shall be instructed in the health protection problems associated with exposure to such radioactive material or radiation, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed; shall be instructed in, and instructed to observe, to the extent within the worker's control, the applicable provisions of Division regulations and licenses for the protection of personnel from exposures to radiation or radioactive material occurring in such area; shall be instructed of their responsibility to report promptly to the licensee or registrant any condition which may lead to or cause a violation of Division regulations and licenses or unnecessary exposure to radiation or radioactive material; 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 shall be advised as to the radiation exposure reports which workers may request pursuant to 10-130. The extent of these instructions shall be commensurate with potential radiological health protection problems in the restricted area.

#### 10-130. NOTIFICATIONS AND REPORTS TO INDIVIDUALS.--

A. 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. The information reported shall include data and results obtained pursuant to Division regulations, orders, or license conditions, as shown in records maintained by the licensee or registrant pursuant to Division regulations. Each notification and report shall: be in writing, include appropriate identifying data such as the name of the licensee or registrant, the name of the individual, and the individual's social security number; include the individual's exposure information; and contain the following statement:

"This report is furnished to you under the provisions of the Radiation Protection Regulations Part 10. You should preserve this report for further reference."

B. At the request of any worker, each licensee or registrant shall advise such worker annually of the worker's exposure to radiation or radioactive material as shown in records maintained by the licensee or registrant pursuant to 4-400 A and C.

C. At the request of a worker formerly engaged in work controlled by the licensee or the 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 Division; and shall include the dates and locations of work under the license or registration in which the worker participated during this period.

D. When a licensee or registrant is required pursuant to 4-440 to report to the Division any exposure of an individual to radiation or radioactive material; the licensee or the registrant shall also provide the individual a report on his exposure data included therein. Such reports shall be transmitted at a time not later than the transmittal to the Division.

10-140. PRESENCE OF REPRESENTATIVES OF LICENSEE OR REGISTRANTS AND WORKERS DURING INSPECTION.--

A. Each licensee or registrant shall afford to the Division at all reasonable times opportunity to inspect materials, machines, activities, facilities, premises, and records pursuant to these regulations.

B. During an inspection, Division inspectors may consult privately with workers as specified in 10-130. The licensee or registrant may accompany Division inspectors during other phases of an inspection.

C. If, at the time of inspection, an individual has been authorized by the workers to represent them during Division 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.

D. Each workers' representative shall be routinely engaged in work under control of the licensee or registrant and shall have received instructions as specified in 10-120.

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 Division inspectors during the inspection of physical working conditions.

G. Notwithstanding the other provisions of 10-140 C, Division inspectors are authorized to refuse to permit accompaniment by an individual who deliberately interferes with a fair and orderly inspection. With regard to any area containing proprietary information, the workers' representative for the area shall be an individual previously authorized by the licensee or registrant to enter that area.

10-150. CONSULTATION WITH WORKERS DURING INSPECTIONS.--

A. Division inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of Division regulations and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

B. 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 he has reason to believe may have contributed to or caused any violation of the Act, these regulations, or license conditions, or any unnecessary exposure of an individual to radiation from licensed radioactive material or a registered radiation machine under the licensee's or registrant's control. Any such notice in writing shall comply with the requirements of 10-160 A.

C. The provisions of 10-150 B shall not be interpreted as authorization to disregard instructions pursuant to 10-120.

10-160. REQUESTS BY WORKERS FOR INSPECTIONS.--

A. Any worker or representative of workers who believes 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 on which the worker is engaged, may request an inspection by giving notice of the alleged violation to the Division. 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 Division no later than at the time of inspection except that, upon the request of the worker giving such notice, his 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 Division, except for good cause shown.

B. If, upon receipt of such notice, the Division determines that the complaint meets the requirements set forth in 10-160 A, and that there are reasonable grounds to believe that the alleged violation exists or has occurred, the Division shall cause an inspection to be made as soon as practical.



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.

C. No licensee or registrant shall discharge or in any manner discriminate against any worker except for good cause 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 proceeding or because of the exercise by such worker on behalf of himself or others of any option afforded by this part.

#### 10-170. INSPECTIONS NOT WARRANTED: INFORMAL REVIEW.--

A. If the Division determines with respect to a complaint under 10-160, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the Division 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 Director who 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 statement of position with the Director who will provide the complainant with a copy of such statement by certified mail. Upon the request of the complainant, the Director 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 Director shall affirm, modify, or reverse the determination of the Division and furnish the complainant and the licensee or registrant a written notification of his decisions and the reason therefor.

B. If the Director determines that an inspection is not warranted because of the requirements of 10-160 A have not been met, he shall notify the complainant in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of 10-160 A.