

**TITLE 20  
CHAPTER 3  
PART 1**

**ENVIRONMENTAL PROTECTION  
RADIATION PROTECTION  
RADIOACTIVE MATERIALS AND RADIATION MACHINES**

**SUBPART 10**

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

**1000. PURPOSE AND SCOPE.** This Subpart 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 regulations, orders and licenses issued thereunder regarding radiological working conditions. The regulations in this Subpart apply to all persons who receive, possess, use, own or transfer sources of radiation registered with or material licensed by or registered with the Department pursuant to Subparts 2 and 3 of these regulations. [5-3-95]

**1001. POSTING OF NOTICES TO WORKERS.**

1001.A. Each licensee or registrant shall post current copies of the following documents: [5-3-95]

1001.A.1. the regulations in this part and in Subpart 4 of these regulations; [5-3-95]

1001.A.2. the license, certificate of registration, conditions or documents incorporated into the license by reference and amendments thereto; [5-3-95]

1001.A.3. the operating procedures applicable to activities under the license or registration; and [5-3-95]

1001.A.4. any notice of violation involving radiological working conditions proposed imposition of civil penalty, or order issued pursuant to Subpart 1 of these regulations, and any response from the licensee or registrant. [5-3-95]

1001.B. If posting of a document specified in §1001.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. [5-3-95]

1001.C. Department Form NMED 045 "Notice to Employees" shall be posted by each licensee or registrant as required by these regulations. [5-3-95]

1001.D. Documents, notices or forms posted pursuant to §1001 shall appear in 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. [5-3-95]

1001.E. Department documents posted pursuant to §1001.A.4 shall be posted within five 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. [5-3-95]

## **1002. INSTRUCTIONS TO WORKERS.**

1002.A. All individuals who in the course of employment are likely to receive in a year an occupational dose in excess of 100 millirem (1 millisievert) shall be: [5-3-95, A, 7-30-99]

1002.A.1. Kept informed of the storage, transfer, or use of radiation and/or radioactive material in the licensee's or registrant's work place; [5-3-95, A, 7-30-99]

1002.A.2. Instructed in the health protection problems associated with exposure to radiation and/or radioactive material, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed; [5-3-95, A, 7-30-99]

1002.A.3. Instructed in, and required to observe, to the extent within the worker's control, the applicable provisions of these regulations and licenses for the protection of personnel from exposure to radiation and/or radioactive material; [5-3-95, A, 7-30-99]

1002.A.4. Instructed of their responsibility to report promptly to the licensee or registrant any condition which may lead to or cause a violation of the Act, these regulations, and licenses; or unnecessary exposure to radiation and/or radioactive material; [5-3-95, A, 7-30-99]

1002.A.5. Instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation and/or radioactive material; and [5-3-95, A, 7-30-99]

1002.A.6. Advised as to the radiation exposure reports which workers may request pursuant to §1003. [5-3-95, A, 7-30-99]

1002.B. In determining those individuals subject to the requirements of §1002.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 must be commensurate with potential radiological health protection problems present in the work place. [5-3-95, A, 7-30-99]

### **1003. NOTIFICATIONS AND REPORTS TO INDIVIDUALS.**

1003.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 §1003. 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 §446 of these regulations. Each notification and report shall: [5-3-95]

1003.A.1. be in writing; [5-3-95]

1003.A.2. include appropriate identifying data such as the name of the licensee or registrant, the name of the individual, and the individual's identification number, preferably social security number; [5-3-95]

1003.A.3. include the individual's exposure information; and [5-3-95]

1003.A.4. contain the following statement:

"This report is furnished to you under the provisions of 20 NMAC 3.1, Subpart 10. You should preserve this report for further reference."

[5-3-95]

1003.B. Each licensee or registrant shall furnish to each worker annually a written report of the worker's dose as shown in records maintained by the licensee or registrant pursuant to §446 of these regulations. [5-3-95]

1003.C. Each licensee or registrant shall furnish to each worker a written 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. [5-3-95]

1003.D. When a licensee or registrant is required pursuant to §452, §453, or §454 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 written report on the exposure data included therein. Such reports shall be transmitted at a time not later than the transmittal to the Department. [5-3-95]

1003.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, each licensee or registrant shall provide at termination to each such worker, or to the worker's designee, a written report regarding 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. [5-3-95]

**1004. PRESENCE OF REPRESENTATIVES OF LICENSEE OR REGISTRANT AND WORKERS DURING INSPECTION.**

1004.A. 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. [5-3-95]

1004.B. During an inspection, Department inspectors may consult privately with workers as specified in §1005. The licensee or registrant may accompany Department inspectors during other phases of an inspection. [5-3-95]

1004.C. 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. [5-3-95]

1004.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 §1002. [5-3-95]

1004.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. [5-3-95]

1004.F. With the approval of the licensee or registrant and the workers' representative, and 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. [5-3-95]

1004.G. Notwithstanding the other provisions of §1004, Department inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to any area 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 regards 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 the area. [5-3-95]

#### **1005. CONSULTATION WITH WORKERS DURING INSPECTIONS.**

1005.A. 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. [5-3-95]

1005.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 the worker has reason to believe may have contributed to or caused any 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 §1006.A. [5-3-95]

1005.C. The provision of §1005.B shall not be interpreted as authorization to disregard instructions pursuant to §1002. [5-3-95]

#### **1006. REQUESTS BY WORKERS FOR INSPECTION.**

1006.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 licensee 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 a 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, such 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 Department, except for good cause shown. [5-3-95]

1006.B. If, upon receipt of such notice, the Department determines that the complaint meets the requirements set forth in §1006, 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 §1006 need not be limited to matters referred to in the complaint. [5-3-95]

1006.C. 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 proceedings 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 Subpart. [5-3-95]

**1007. INSPECTIONS NOT WARRANTED: INFORMAL REVIEW.**

1007.A. If the Department determines with respect to a complaint under §1006, 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 Secretary 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 written statement of position with the Secretary who will provide the complainant with a copy of such statement by certified mail. Upon the request of the complainant, the Secretary 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 Secretary 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. [5-3-95]

1007.B. If the Department determines that an inspection is not warranted because the requirements of §1006.A 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 §1006.A. [5-3-95]

**1008.-1099. [RESERVED.]**