

NORTH CAROLINA DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH DIVISION
RALEIGH, NORTH CAROLINA

March 3, 1976

Operational Procedures Notice 15

TO: All OSHA Consultants, Supervisors, Safety Officers, Industrial Hygienists and Staff

SUBJECT: Procedure for the Management of OSHA-North Carolina Activity
Regarding Sources of Ionizing Radiation

a. North Carolina-OSHA regulations recognize that North Carolina is an NRC (AEC) agreement state under the Atomic Energy Act of 1954 (29 CFR 1910.96(p)). Thusly, licensed or registered users of radiation sources are deemed to be in compliance with OSHA regulations. This agreement is administered by the Radiation Protection Branch, Licensure & Certification Section, North Carolina Division of Facility Services. The Radiation Protection Branch has agreed to serve as technical consultants and advisors to the State OSHA Program through the Occupational Health Branch, a contractual agent of the OSHA Division, Department of Labor. (See original State Plan Agreement).

b. Policy

1. Procedure for Private Sector Referrals from Safety Officers

Step 1: When a question of employee protection from ionizing radiation or proper registration of licensure of a radiation source is encountered by a Safety Officer during an OSHA compliance inspection, he will submit a referral to the Occupational Health Branch in the usual manner.

Step 2: The Industrial Hygienist handling the referral will contact the Radiation Protection Branch for information about the source, including the status of compliance with regulations under the Atomic Energy Act of 1954. (Recent inspections by Radiation Protection Branch may satisfy referral requirements).

Step 3: When an on-site investigation is indicated, it will be conducted by the Industrial Hygienist who may be accompanied by a member of the staff of the Radiation Protection Branch designated by the Branch Head. The Industrial Hygienist will arrange a schedule convenient to the Health Physicist designated.

Step 4: The Health Physicist, as technical assistant to the Industrial Hygienist will make measurements, review records and procedures, observe posting of areas, etc. and report to the Industrial Hygienist in writing his findings including any items of non-compliance with 29 CFR 1910.96.

Step 5: If violations are found, the Industrial Hygienist will recommend a citation in the usual manner and include the Health Physicist's report as a part of the Industrial Hygienist's report.

If no violations are found, the Industrial Hygienist will so state in his report and include the Health Physicist's negative report.

Step 6: The referring Safety Officer will be apprised of the outcome of the investigation in the usual manner.

2. Procedure for Public Sector Referrals from Consultants

Step 1: When non-compliance with 29 CFR 1910.96 is suspected by an investigating Consultant, he will make a referral directly to the Radiation Protection Branch, Division of Facility Services.

Step 2: If a recent inspection has been made and sufficient information is available in the Radiation Protection Branch to satisfy the suspicions of the Consultant, a statement to this effect will be given the Consultant for inclusion in his report and no violations will be noted.

Step 3: If further investigation is indicated, a site visit will be made by the Consultant and a Health Physicist at a time mutually convenient.

Step 4: Any violations of 29 CFR 1910.96 noted by the Health Physicist will be recorded and given to the Consultant for inclusion in his report of investigation.

Step 5: The report of the Health Physicist will also be conveyed to the employer to assist him with compliance.

This regulatory procedure for the OSHA-NC program is not intended to replace, restrict, or in any way impinge on the compliance activities of the Radiation Protection Branch in its administration of the Atomic Energy Act of 1964.

3. Complaint Procedure

Step 1: On receipt of an employee complaint, the Industrial Hygienist will contact Radiation Protection Branch by phone for information concerning the source of radiation.

Step 2: The Industrial Hygienist will invite a Health Physicist to accompany him on the site visit to be made within the required time for complaint response. If a Health Physicist is not available within the time constraint, the Industrial Hygienist will seek advice on the matter and make the investigation alone. He will obtain detailed information at the site regarding requirements of

29 CFR 1910.96 and may confer with a Health Physicist on return to determine if items of non-compliance exist. The Industrial Hygienist will also decide whether further investigation by a Health Physicist is indicated.

If a Health Physicist is available for the initial investigation, he will accompany the Industrial Hygienist and proceed as with referrals.

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