



NOTICE TO EMPLOYEES

Radioactive Materials Regulation 61-63

Title A: Standards for Protection against Radiation (Part III) & Notices, Instructions, and Reports to Workers; Inspections (Part VI)

WHAT IS S.C. DEPARTMENT OF ENVIRONMENTAL SERVICES (SCDES)?

SCDES is a state agency responsible for promoting and protecting the environment. SCDES has the authority to regulate radioactive material in the state under an agreement with the U.S. Nuclear Regulatory Commission.

WHAT DOES SCDES DO?

SCDES is responsible for ensuring that workers and the public are protected from unnecessary or excessive exposure to radiation and that facilities using radioactive materials are constructed to high-quality standards and operated safely. SCDES does this by establishing requirements in the South Carolina State Regulation 61-63 and in licenses issued to users of radioactive material.

WHAT RESPONSIBILITY DOES MY EMPLOYER HAVE?

Any company that conducts activities licensed by SCDES must comply with SCDES requirements. If a company violates SCDES requirements, it can be fined or have its license modified, suspended, or revoked.

Your employer must tell you which SCDES radiation requirements apply to your work and must post SCDES Notices of Violation involving radiological working conditions.

WHAT IS MY RESPONSIBILITY?

For your own protection and the protection of your co-workers, you should know how SCDES requirements relate to your work and should follow them. If you observe violations of the requirements or have a safety concern, you should report them.

WHAT IF I CAUSE A VIOLATION?

If you engage in deliberate misconduct that may cause a violation of SCDES requirements, would have caused a violation if it had not been detected, or deliberately provided inaccurate or incomplete information to either SCDES or your employer, you may be subject to enforcement action. If you report such a violation, SCDES will consider the circumstances surrounding your reporting in determining the appropriate enforcement action, if any.

HOW DO I REPORT VIOLATIONS AND SAFETY CONCERNS?

If you believe that violations of SCDES rules or the terms of the license have occurred, or if you have a safety concern, you should report them immediately to your supervisor. You may report violations or safety concerns directly to SCDES. However, SCDES encourages you to raise your concerns with the licensee since it is the licensee who has the primary responsibility for, and is best able to ensure, the safe operation of nuclear facilities. If you choose to report your concern directly to SCDES, you may report this to a SCDES inspector or call or write the SCDES office listed at the bottom of the page. If you send your concern in writing, it will assist SCDES in protecting your identity if you clearly indicate that you would like your concern considered in accordance with SCDES's allegation procedure.

WHAT IF I WORK WITH RADIOACTIVE MATERIAL OR IN THE VICINITY OF A RADIOACTIVE SOURCE?

If you work with radioactive materials or near a radiation source, the amount of radiation exposure that you are permitted to receive may be limited by SCDES regulations. The limits on your exposure are contained in Part III of Regulation 61-63. While these are the maximum allowable limits, your employer should also keep your radiation exposure as far below those limits as "reasonably achievable."

MAY I GET A RECORD OF MY RADIATION EXPOSURE?

Yes. Your employer is required to make available to you the information in your dose records (as maintained under the provisions of R.61-63, Part III). In addition, your employer is required to provide you with an annual report of the dose you received in that monitoring year if the dose exceeds 100 millirem, or if you request an annual report.

HOW ARE VIOLATIONS OF SCDES REQUIREMENTS IDENTIFIED?

SCDES conducts regular inspections at licensed facilities to assure compliance with SCDES requirements. In addition, your employer and site contractors conduct their own inspections to ensure compliance. All inspectors are protected by State law. Interference with them may result in criminal prosecution for a State offense.

MAY I TALK WITH A SCDES INSPECTOR?

Yes. SCDES inspectors want to talk to you if you are worried about radiation safety or have other safety concerns about licensed activities, such as the quality of construction or operations at your facility. Your employer may not prevent you from talking with an inspector. SCDES will make all reasonable efforts to protect your identity where appropriate and possible.

MAY I REQUEST AN INSPECTION?

Yes. If you believe your employer has not corrected violations involving radiological working conditions, you may request an inspection. You should send your request to SCDES at the address listed at the bottom of the page, and you must describe the alleged violation in detail. You or your representative must sign it.

HOW DO I CONTACT SCDES?

Talk to a SCDES inspector on-site or call or write to SCDES. The address and phone number are listed at the bottom of this page.

CAN I BE FIRED FOR RAISING A SAFETY CONCERN?

State law prohibits an employer from firing or otherwise discriminating against you for bringing safety concerns to the attention of your employer or SCDES. You may not be fired or discriminated against because you:

- ask SCDES to enforce its rules against your employer;
- refuse to engage in activities that violate SCDES requirements;
- provide information or are about to provide information to SCDES or your employer about violations of requirements or safety concerns;
- asking for, testifying, helping, or taking part in SCDES, Congressional, or any Federal or State proceeding.

WHAT FORMS OF DISCRIMINATION ARE PROHIBITED?

It is unlawful for an employer to fire you or discriminate against you with respect to pay, benefits, or working conditions because you help SCDES or raise a safety issue or otherwise engage in protected activities. [24A SC Code Ann. Reg. 61-63, Section RHA 6.10: employment discrimination by a licensee (or holder of a certificate of compliance) or a contractor or a subcontractor of a licensee (or a holder of a certificate of compliance) against an employee for engaging in protected activities under this Regulation is prohibited; and RHA Section 6.11: No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity licensed by this Department.] The Department will enforce this provision pursuant to its regulations and rules regarding racial and other discrimination under Title 1, Chapter 13 of the South Carolina Code. This remedy is not exclusive, however, and will not prejudice or cut off any other legal remedies available to a discriminatee.

HOW DO I FILE A DISCRIMINATION COMPLAINT?

If you believe you have been discriminated against for bringing violations or safety concerns to SCDES or your employer, you may contact SCDES or the South Carolina Department of Labor, Licensing and Regulation (SCLLR).

WHAT CAN THE SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION DO?

SCLLR may investigate claims by workers who have been discharged because of allegations of safety violations. Investigation results from an inspection initiated by SCLLR may be monitored by SCDES.

WHAT WILL SCDES DO?

SCDES will evaluate each allegation of harassment, intimidation, or discrimination. Following this evaluation, a Department investigator may interview you and review available documentation. Based on the evaluation and, if applicable, the interview, SCDES will assign a priority and decide whether to pursue the matter further through an investigation. The assigned priority is based on the specifics of the case and its significance relative to other ongoing investigations. SCDES may not pursue an investigation to the point that it can conclude whether harassment, intimidation, or discrimination actually occurred.

If SCDES or SCLLR finds that unlawful discrimination has occurred, SCDES may issue a Notice of Violation to your employer, impose a fine, or suspend, modify, or revoke your employer's SCDES license.

South Carolina Department of Environmental Services

Bureau of Land and Waste Management

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