

**216-RICR-40-20-2**

## **TITLE 216 - DEPARTMENT OF HEALTH**

### **CHAPTER 40 - PROFESSIONAL LICENSING AND FACILITY REGULATION**

#### **SUBCHAPTER 20 - RADIATION**

PART 2 - Notices, Instructions, and Reports to Workers; Inspections and Compliance Procedures

#### **2.1 Authority and Purpose**

- A. This Part is promulgated pursuant to the authority conferred under R.I. Gen. Laws § 23-1.3-5.
- B. 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 connection with Agency inspections of licensees or registrants to ascertain compliance with the provisions of the Act and regulations, orders, licenses and certificates of registration issued thereunder regarding radiological working conditions. Except as otherwise specifically provided, this Part applies to persons licensed or registered by the Agency to receive, possess, use, transfer, or dispose of any source of radiation; provided, however, that nothing in this Part shall apply to any person to the extent such person is subject to regulation by the U.S. Nuclear Regulatory Commission.

#### **2.2 Incorporated Material**

- A. Except as provided in this Part, the requirements of 10 C.F.R. Part 19 (2018) are incorporated by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with this Part.
- B. Notwithstanding the provisions of § 2.2(A) of this Part, §§ 19.3 (definition of “regulated entities” only), 19.4, 19.5, 19.8, 19.11(b) and (e), 19.14(a), 19.18, 19.20, 19.30, 19.31, 19.32 and 19.40 of 10 C.F.R. Part 19 are not incorporated by reference.
- C. Effect of incorporation of 10 C.F.R. Part 19. To reconcile differences between this Part and the incorporated sections of 10 C.F.R. Part 19, the following words and phrases shall be substituted for the language in 10 C.F.R. Part 19 as follows:
  - 1. Any reference to NRC or Commission shall be deemed to be a reference to the Agency.

2. Any reference to NRC or agreement state shall be deemed to be a reference to the Agency, NRC or agreement state.
3. Any reference to byproduct material shall be deemed to be a reference to radioactive material.
4. Any notifications, reports or correspondence referenced in the incorporated sections of 10 C.F.R. Part 19 shall be directed to the Agency using contact information specified in § 1.4 of this Subchapter.
5. Any reference to licensee shall be deemed to include registrant.
6. Any reference to license shall be deemed to include registration.
7. Any reference to licensed shall be deemed to include registered.
8. Any reference to NRC Form 3 shall be deemed to be a reference to Agency Form RCA-1.
9. Any requirement to utilize NRC Form 4 may also be satisfied by use of Agency Form RCA-2.
10. Any requirement to utilize NRC Form 5 may also be satisfied by use of Agency Form RCA-3.

## **2.3 Definitions**

- A. In addition to the definitions contained in 10 C.F.R. § 19.3, whenever used in this Part, the following terms shall be construed as follows:
1. “Act” means R.I. Gen. Laws Chapter 23-1.3 entitled "Radiation Control".
  2. “Agency” means Rhode Island Radiation Control Agency (RCA), Center for Health Facilities Regulation - Radiation Control Program, Rhode Island Department of Health.
  3. “Radioactive material” means any material (solid, liquid, or gas) which emits radiation spontaneously.
  4. “Registrant” means any person who is registered with the Agency and is legally obligated to register with the Agency pursuant to this Subchapter and the Act.
  5. “Registration” means registration with the Agency pursuant to this Subchapter and the Act.
  6. “Regulated entities” means any individual person, organization or corporation that is subject to the regulatory jurisdiction of Rhode Island.

## **2.4 Posting of Notices to Workers**

- A. For the purpose of this Part, requirements for posting of notices to workers are defined in 10 C.F.R. § 19.11, excluding 10 C.F.R. 19.11(b) and (e).
- B. Notwithstanding the requirements of § 2.4(A) of this Part, Agency licensees and registrants shall post Agency Form RCA-1 in lieu of NRC Form 3.

## **2.5 Instruction to Workers**

- A. For the purpose of this Part, requirements for instruction to workers are defined in 10 C.F.R. § 19.12.
- B. Use of Latex Gloves. Persons, firms or corporations licensed or registered by the Agency that utilize latex gloves are subject to Use of Latex Gloves by Health Care Workers, in Licensed Health Care Facilities, and by Other Persons, Firms, or Corporations Licensed or Registered by the Department [Part 20-15-3 of this Title], and the posting and employee notification requirements contained therein.

## **2.6 Notifications and Reports to Individuals**

For the purpose of this Part, requirements for notifications and reports to individuals are defined in 10 C.F.R. § 19.13.

## **2.7 Presence of Representatives of Licensees and Regulated Entities, and Workers During Inspections**

For the purpose of this Part, requirements for presence of representatives of licensees and regulated entities and workers during inspections are defined in 10 C.F.R. § 19.14, excluding 10 C.F.R. 19.14(a).

## **2.8 Consultation with Workers During Inspections**

For the purpose of this Part, requirements for consultation with workers during inspections are defined in 10 C.F.R. § 19.15.

## **2.9 Requests by Workers for Inspections**

For the purpose of this Part, requirements for requests by workers for inspections are defined in 10 C.F.R. § 19.16.

## **2.10 Inspections Not Warranted; Informal Review**

For the purpose of this Part, requirements for inspections not warranted; informal review are defined in 10 C.F.R. § 19.17.