From: "Terry D LINDSEY" <Terry.D.Lindsey@state.or.us>
To: <MLM1@nrc.gov>
Date: 07/03/2007 7:19:05 PM
Subject: RATS ID Listing update for Oregon - Corrected Copy

Linda,
Attached are the corrected cover letter and RATS ID listing matrix for Oregon's update of rules to fully meet compatibility requirements for IMPEP requirements.

The Link to our updated rules is as follows:

http://www.oregon.gov/DHS/ph/rps/rules.shtml

The original copy will be sent by mail today./tdl

Terry D. Lindsey, Manager
Radiation Protection Services Section
Office of Environmental Public Health
Public Health Division
Department of Human Services
800 NE Oregon Street, Suite 640
Portland, Oregon 97232
NEW Phone # (971) 673-0499
NEW Fax # (971) 673-0553
terry.d.lindsey@state.or.us

CC: <KXS@nrc.gov>, <mlo1@nrc.gov>

Mail Envelope Properties (468AD962.A81 : 22 : 60033)

Subject:	RATS ID Listing update for Oregon - Corrected Copy
Creation Date	07/03/2007 7:18:13 PM
From:	"Terry D LINDSEY" <Terry.D.Lindsey@state.or.us>
Created By:	Terry.D.Lindsey@state.or.us

Recipients

nrc.gov
TWGWPO03.HQGWDO01
MLO1 CC (Monica Orendi)

nrc.gov
ARL_PO.ARL_DO
MLM1 (Linda McLean)

nrc.gov
TWGWPO02.HQGWDO01
KXS CC (Kathleen Schneider)

Post Office	**Route**
TWGWPO03.HQGWDO01	nrc.gov
ARL_PO.ARL_DO	nrc.gov
TWGWPO02.HQGWDO01	nrc.gov

Files	**Size**	**Date & Time**
MESSAGE	613	07/03/2007 7:18:13 PM
TEXT.htm	1112	
Letter to NRC - Scott Moore 070307.doc		107008
NRC RATS response.doc	166400	
NRC RATS response.wpd	102941	
Mime.822	519185	

Options

Expiration Date:	None
Priority:	Standard
ReplyRequested:	No
Return Notification:	None
Concealed Subject:	No
Security:	Standard

Oregon
Theodore R. Kulongoski, Governor

Department of Human Services
Public Health Division
800 NE Oregon Street
Portland, OR 97232-2162

Phone (971) 673-0490

FAX (971) 673-0553

DHS
oregon department of human services

July 3, 2007

Scott W. Moore, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and Environmental Management Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Moore:

We have reviewed and corrected rule compatibility deficiencies noted in your letter dated December 21, 2006. This letter contained 26 comments of which 15 required action. The correction to the fifteen (15) rule citations that required action are attached. These rules are now in force effective March 1, 2007, upon filing with the Oregon Secretary of State's Office and Legislative Counsel.

If you have any questions concerning this correspondence, please contact me directly at (971) 673-0499 or by cell phone at (503) 407-4256.

Sincerely,

Terry D. Lindsey, Manager
Radiation Protection Services

Attachment: Update RATS ID Table for Oregon Rule Status

Copy to: Linda M. McLean, U.S. NRC Region IV RSAO
Kathleen Schneider, NRC Regulation Review Coordinator

1	333-118-0020	71.4	1996-1	B	Definitions It was noted in the January 2003 letter that Oregon omitted the definition of A1. Oregon, in it's response to the comment, stated that it is found at 333-118-0020(18), their definition of "Type A Package". This is only a reference to A1, and not a definition. Oregon also stated in their response to the January 2003 letter that they would add the definition of A1 to their regulations, but as of this review have not. Oregon needs to add the definition of A1 to 333-118-0020 to meet the Compatibility Category B designation assigned to 10 CFR 71.4.	333-118-0020 changed as requested (1) "A1" means the maximum activity of special form radioactive material permitted in a Type A package. This value is either listed in Appendix A to10 CFR Part 71, Table A-1, or may be derived in accordance with the procedures prescribed in Appendix A to10 CFR Part 71.	
2	333-118-0020	71.4	1996-1	B	Definitions It was noted in Oregon's response to the January 2003 letter that they did not have A2 defined. Oregon also stated in their response to the January 2003 letter that they would add the definition of A2 to their regulations, but as of this review have not. Oregon needs to add the definition of A2 to 333-118-0020 to meet the Compatibility Category B designation assigned to 10 CFR 71.4	333-118-0020 changed as requested (2) "A2" means the maximum activity of radioactive material, other than special form material, LSA, and SCO material, permitted in a Type A package. This value is either listed in Appendix A to10 CFR Part 71, Table A-1, or may be derived in accordance with the procedures prescribed in Appendix A to10 CFR Part 71.	

3	333-118-0020	71.4	1996-1	B	Definitions It was noted in the January 2003 letter that Oregon omitted the definition of "Package". Oregon stated in their response to the January 2003 letter that the definition is split between 333-118-0020(5), (10), (18), (19), and (20). The definition of "Package" was found to be only partially defined over those 5 parts. Oregon needs to add the definition of Package to 333-118-0020 to meet the Compatibility Category B designation assigned to 10 CFR 71.4.	333-118-0020 changed as requested See Below	

(12) Package means the packaging together with its radioactive contents as presented for transport.

(a) Fissile material package or Type AF package, Type BF package, Type B(U)F package, or Type B(M)F package means a fissile material packaging together with its fissile material contents.

(b) Type A package means a Type A packaging together with its radioactive contents. A Type A package is defined and must comply with the DOT regulations in 49 CFR part 173.

(c) Type B package means a Type B packaging together with its radioactive contents. On approval, a Type B package design is designated by NRC as B(U) unless the package has a maximum normal operating pressure of more than 700 kPa (100 lbs/in2) gauge or a pressure relief device that would allow the release of radioactive material to the environment under the tests specified in 10 CFR 71.73 (hypothetical accident conditions), in which case it will receive a designation B(M). B(U) refers to the need for unilateral approval of international shipments; B(M) refers to the need for multilateral approval of international shipments. There is no distinction made in how packages with these designations may be used in domestic transportation. To determine their distinction for international transportation, see DOT regulations in 49 CFR Part 173. A Type B package approved before September 6, 1983, was designated only as Type B. Limitations on its use are specified in 10 CFR 71.19.

4	333-102-0010	30.14	N/A	B	Exempt Concentrations It was noted in the January 2003 letter that Oregon omitted sections 10 CFR 30.14 (b) and (c). Due to confusion over what was asked to be added to the section, Oregon stated that 10 CFR 30.14 (c) was the only requirement that was to be added. As of this letter, Oregon has not made that update to 333-102-0010. Oregon needs to add the Exempt Concentration requirements to meet the Compatibility Category B	333-102-0010 changed as requested See Below	

					designation assigned to 10 CFR 30.14(b) and (c).		

333-102-0010

Exempt Concentrations

(1) Except as provided in sections (3) or (4) of this rule, any person is exempt from this division to the extent that such person receives, possesses, uses, transfers, owns or acquires products containing radioactive material introduced in concentrations not in excess of those listed in 10 CFR Part 30.70 Schedule A.

(2) This section shall not be deemed to authorize the import of byproduct material or products containing byproduct material.

(3) A manufacturer, processor, or producer of a product or material is exempt from the requirements for a license to the extent that he transfers radioactive material contained in a product or material in concentrations not in excess of those specified in 10 CFR Part 30.70 Schedule A and introduced into the product or material by a licensee holding a specific license issued by an agreement State, or the Nuclear Regulatory Commission, expressly authorizing such introduction. This exemption does not apply to the transfer of radioactive material contained in any food, beverage, cosmetic, drug, or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

(4) No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under section (1) of this rule or equivalent regulations of the U.S. Nuclear Regulatory Commission, any Agreement State, or Licensing State except in accordance with a specific license issued pursuant to OAR 333-102-0245 or the general license granted by OAR 333-102-0340.

5	333-100-0005(32)	20.1003	1998-5	A	Definitions It was noted in the January 2003 letter that Oregon omitted the phrase "the declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant" and substituted the phrase "her employer" for "the licensee". Oregon stated in their response that the phrase "the declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant" was added to the definition, but there was no change of the phrase "her employer" for "the licensee". Oregon needs to change the phrase "her employer" to "the licensee" to 333-100-0005(32) to meet the Compatibility Category A designation assigned to 10 CFR 20.1003.	333-100-0005(32) changed as requested (32) "Declared pregnant woman" means a woman who has voluntarily informed the licensee, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.	

6	333-120-0210(2)(b)	20.1502	1998-5	H&S	Conditions requiring individual monitoring of external and internal occupational dose It was noted in the January 2003 letter that Oregon omitted the requirements for monitoring a declared pregnant woman in 333120-0210(2)(b). Oregon did not address this part of the comment in their response letter. Oregon needs to adopt the essential objectives of the requirements for monitoring a declared pregnant woman in 333-120-0210(2)(b) to meet the Category H&S designation assigned to section 10 CFR 20.1502.	333-120-0210(2) changed as requested (c) Declared pregnant women likely to receive, during the entire pregnancy, from radiation sources external to the body, a committed effective dose equivalent in excess of 0.1 rem (1 mSv).	

7	333-120-0015	20.1003	1997-1	C	Definitions It was noted in the January 2003 letter that Oregon omitted the definition of "Constraint (Dose Constraint)". Oregon stated in their response to the letter that the definition was not considered necessary, and might be addressed in a 2003 rule making. As of this review, the definition is still omitted. Oregon needs to adopt the essential objectives of the definition "Constraint (Dose Constraint)" in 333-120-0005 to meet the Compatibility Category C designation assigned to section 10 CFR 20.1003.	333-120-0015 changed as requested (18) Constraint (dose constraint) means a value above which specified licensee actions are required.	

8	333-105-0530	34.43	1997-5	B	January 2003 comment not addressed in this package. Training The State has added the phrase "at least 40 hours" to the training requirements for a radiographer. The State needs to remove the reference to number of hours of training. This section is a compatibility category "B". The addition of a time requirement to this section makes it more restrictive than 34.43	333-105-0530 changed as requested (a) Has received training in the subjects outlined in section (7) of this rule, in addition to on the job training consisting of hands-on experience under the supervision of a radiographer and is certified through a radiographer certification program by a certifying entity in accordance with the criteria specified in Oregon Regulatory Guide - ORG-2 Industrial Radiography. The on the job training must include a minimum of two months (320 hours) of active participation in the performance of industrial radiography utilizing radioactive material and/or one month (160 hours) of active participation in the performance of industrial radiography utilizing radiation machines. Individuals performing industrial radiography utilizing radioactive materials and radiation machines must complete both segments of the on the job training (3 months or 480 hours);	

9	333-100-0005	20.1003	1995-5	A	January 2003 comment not addressed in this package. Definitions: Occupational Dose and Public Dose The State's updated definitions in 120-0015 are correct and meet compatibility. However, the same definitions appear in 100-0005 and are not updated and do not meet compatibility. The State needs to change or delete the definitions found in	333-100-0005 changed as requested Definitions deleted from this section.	

					100-0005.		
10	333-120-0015 & 333-100-0005	20.1003	1998-5	A	January 2003 comment not addressed in this package. Definitions: Very High Radiation Area The State has omitted the phrase "from sources external to the body" in its definition of high radiation area. The State needs to add this phrase to achieve compatibility.	changed as requested. 333-100-0005 Definitions deleted from this section. 333-120-0015 (81) "Very high radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving an absorbed dose in excess of five Gray (500 rad) in one hour at one meter from a source of radiation or from any surface that the radiation penetrates. At very high doses received at high dose rates, units of absorbed dose, gray and rad, are appropriate, rather than units of dose equivalent, sievert and rem.	
11	333-118-0190	71.97	1996-1	B	January 2003 comment not addressed in this package. Advanced Notification of Shipment of Irradiated Reactor Fuel and Nuclear Waste The State has substituted the words "nuclear waste" for "licensed material" in the requirements of notification of transportation. This substitution limits the requirements for notification to just nuclear	333-118-0190 changed as requested. (1) Prior to the transport of any licensed material outside of the confines of the licensee's facility or other place of use or storage, or prior to the delivery of any licensed material to a carrier for transport, each licensee shall provide advance notification of such transport to the governor, or governor's designee, of each	

					waste. The State needs to use the words "licensed material" to achieve compatibility.	state within or through which the waste will be transported.	
12	333-100-0005	20.1003	1998-5	A	January 2003 comment not addressed in this package. Definitions: High Radiation Area The State omitted part of this definition. The State needs to include all of this definition to achieve compatibility.	changed as requested. 333-100-0005 Definitions deleted from this section. 333-0120-0015 (43) "High radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of one mSv (0.1 rem) in one hour at 30 centimeters from the radiation source or 30 centimeters from any surface that the radiation penetrates.	
13	333-118-0150	71.87	1996-1	B	January 2003 comment not addressed in this package. Routine Determinations The State has omitted the requirements of section 71.87 (g) and (k) and also 71.47 (c) & (d) that is referenced from 71.87 as part of routine determinations. The State needs to include these	changed as requested. See below.	

					requirements to achieve compatibility.		

333-118-0150

Routine Determinations

Prior to each shipment of licensed material, the licensee shall ensure that the package with its contents satisfies the applicable requirements of this division and of the license. The licensee shall determine that:

(1) The package is proper for the contents to be shipped;

(2) The package is in unimpaired physical condition except superficial defects such as marks or dents;

(3) Each closure device of the packaging, including any required gasket, is properly installed and secured and free of defects;

(4) Any system for containing liquid is adequately sealed and has adequate space or other specified provision for expansion of the liquid;

(5) Any pressure relief device is operable and set in accordance with written procedures;

(6) The package has been loaded and closed in accordance with written procedures;

(7) Any structural part of the package which could be used to lift or tie down the package during transport is rendered inoperable for that purpose unless it satisfies design requirements specified in 10 CFR 71.45;

(8) For fissile material, any moderator or neutron absorber, if required, is present and in proper condition;

(9) The level of non-fixed (removable) radioactive contamination on the external surfaces of each package offered for shipment is as low as reasonably achievable.

(a) The level of non-fixed (removable) radioactive contamination may be determined by wiping an area of 300 square centimeters of the surface concerned with an absorbent material, using moderate pressure, and measuring the activity on the wiping material. Sufficient measurements must be taken in the most appropriate locations to yield a representative assessment of the removable contamination levels. Except as provided in section (8)(b) of this rule, the amount of radioactivity measured on any single wiping material, when averaged over the surface wiped, must not exceed the limits given in Table 3 below at any time during transport. Other methods of assessment of equal or greater efficiency may be used. When other methods are used, the detection efficiency of the method used must be taken into account and in no case may the removable contamination on the external surfaces of the package exceed ten times the limits listed in Table 3.

(b) In the case of packages transported as exclusive use shipments by rail or highway only, the non-fixed (removable) radioactive contamination at any time during transport must not exceed ten times the levels prescribed in section (8)(a) of this rule. The levels at the beginning of transport must not exceed the levels in section (8)(a) of this rule;

(10) External radiation levels around the package and around the vehicle, if applicable, will not exceed two mSv/hr (200 millirem per hour) at any

point on the external surface of the package at any time during the transportation. The transport index shall not exceed ten; [Table not included. See ED. NOTE.]

(11) For a package transported in exclusive use by rail, highway, or water, radiation levels external to the package may exceed the limits specified in section (10) of this rule but shall not exceed any of the following:

(a) Two milliSieverts per hour (mSv/h) (200 millirem per hour) on the accessible external surface of the package unless the following conditions are met, in which case the limit is ten milliSieverts per hour (mSv/h) (1000 millirem per hour);

(A) The shipment is made in a closed transport vehicle,

(B) Provisions are made to secure the package so that its position within the vehicle remains fixed during transportation, and

(C) There are no loading or unloading operations between the beginning and end of the transportation.

(b) Two milliSieverts per hour (mSv/h) (200 millirem per hour) at any point on the outer surface of the vehicle, including the upper and lower surfaces, or, in the case of a flat-bed style vehicle, with a personnel barrier*, at any point on the vertical planes projected from the outer edges of the vehicle, on the upper surface of the load (or enclosure, if used), and on the lower external surface of the vehicle;

***NOTE:** A flat-bed style vehicle with a personnel barrier shall have radiation levels determined at vertical planes. If no personnel barrier, the package cannot exceed two milliSieverts per hour (mSv/h) (200 millirem per hour) at the surface.

(c) 0.1 milliSieverts per hour (mSv/h) (10 millirems per hour) at any point two meters from the vertical planes represented by the outer lateral surfaces of the vehicle, or, in the case of a flat-bed style vehicle, at any point two meters from the vertical planes projected from the outer edges of the vehicle; and

(d) 0.02 milliSieverts per hour (mSv/h) (2 millirem per hour) in any normally occupied positions of the vehicle, except that this provision does not apply to private motor carriers when persons occupying these positions are provided with special health supervision, personnel radiation exposure monitoring devices, and training in accordance with OAR 333-111-0005; and

(12) A package must be prepared for transport so that in still air at 100 degrees Fahrenheit (38 degrees Celsius) and in the shade, no accessible surface of a package would have a temperature exceeding 122 degrees Fahrenheit (50 degrees Celsius) in a nonexclusive use shipment or 185 degrees Fahrenheit (85 degrees Celsius) in an exclusive use shipment. Accessible package surface temperatures shall not exceed these limits at any time during transportation.

(13) A package may not incorporate a feature intended to allow continuous venting during transport.

(14) Before delivery of a package to a carrier for transport, the licensee shall ensure that any special instructions needed to safely open the package have been sent to, or otherwise made available to, the consignee.

(15) For shipments made under the provisions of section (11) of this rule, the shipper shall provide specific written instructions to the carrier for maintenance of the exclusive use shipment controls. The instructions must be included with the shipping paper information.

(16) The written instructions required for exclusive use shipments must be sufficient so that, when followed, they will cause the carrier to avoid

actions that will unnecessarily delay delivery or unnecessarily result in increased radiation levels or radiation exposures to transport workers or members of the general public.

NOTE: A flat-bed style vehicle with a personnel barrier shall have radiation levels determined at vertical planes. If no personnel barrier is in place, the package cannot exceed two mSv/h (200 millirems per hour) at any accessible surface.

14	333-100-0005	71.4	1996-1	B	January 2003 comment not addressed in this package. Definitions: Natural Thorium The States definition is different from 71.4 to such an extent that it does not meet compatibility. The State needs to adopt a definition compatible to the definition in 71.4.	333-100-0005 changed as requested. (84) "Natural thorium" means thorium with the naturally occurring distribution of thorium isotopes (essentially 100 weight percent thorium-232).	

15	333-113-0501	39.77	2000-1	C	Notification of incidents and lost sources; abandonment procedures for irretrievable sources Oregon regulations omitted the requirements equivalent to 10 CFR 39.77(d)(9) concerning abandonment procedures for irretrievable sources. Oregon needs to adopt the essential objectives of this section to 333-113-0501 to meet the Compatibility Category C designation assigned to Section 10 CFR 39.77(d).	333-113-0501 changed as requested. See below.	

333-113-0501

Notification of Incidents, Abandonment and Lost Sources

(1) Notification of incidents and sources lost in other than well logging operations must be made in accordance with appropriate provisions of division 120 of these rules.

(2) Whenever a sealed source or device containing radioactive material is lodged downhole the licensee must:

(a) Monitor at the surface for the presence of radioactive contamination with a radiation survey instrument or logging tool during logging tool recovery operations;

(b) If the environment, any equipment, or personnel are contaminated with licensed material, they must be decontaminated before release from the site or release for unrestricted use; and

(c) Notify the Agency immediately by telephone and subsequently, within 30 days, by confirmatory letter if the licensee knows or has reason to believe that a sealed source has been ruptured. This letter must identify the well or other location, describe the magnitude and extent of the escape of radioactive material, assess the consequences of the rupture and explain efforts planned or being taken to mitigate these consequences.

(3) When it becomes apparent that efforts to recover the radioactive source will not be successful, the licensee must:

(a) Notify the Agency by telephone of the circumstances that resulted in the inability to retrieve the source:

(A) Obtain Agency approval to implement abandonment procedures; or

(B) That the licensee implemented abandonment before receiving Agency approval because the licensee believed there was an immediate threat to public health and safety;

(b) Advise the well-operator of requirements specified in these rules regarding abandonment and an appropriate method of abandonment, that must include:

(A) The immobilization and sealing in place of the radioactive source with a cement plug;

(B) The setting of a whipstock or other deflection device unless the source is not accessible to any subsequent drilling operations; and

(C) The mounting of a permanent identification plaque at the surface of the well, containing the appropriate information required by section (4) of this rule.

(c) Notify the Agency by telephone, giving the circumstances of the loss and request approval of the proposed abandonment procedures; and

(d) File a written report with the Agency within 30 days of the abandonment. The report must contain the following information:

(A) Date of occurrence;

(B) A description of the well logging source involved, including the radionuclide and its quantity, and chemical and physical form;

(C) Surface location and identification of the well;

(D) Results of efforts to immobilize and seal the source in place;

(E) A brief description of the attempted recovery effort;

(F) Depth of the source;

(G) Depth of the top of the cement plug;

(H) Depth of the well;

(I) The immediate threat to public health and safety justification for implementing abandonment if prior Agency approval was not obtained in accordance with section (3)(a)(b) of this rule;

(J) Any other information, such as a warning statement, contained on the permanent identification plaque; and

(K) The names of state agencies receiving a copy of this report.

(4) Whenever a sealed source containing radioactive material is abandoned downhole, the licensee must provide a permanent plaque for posting the well or well-bore. This plaque must:

(a) Be constructed of long-lasting material, such as stainless steel or monel; and

(b) Contain the following information engraved on its face:

(A) The word CAUTION;

(B) The radiation symbol without the conventional color requirement;

(C) The date of abandonment;

(D) The name of the well-operator or well-owner;

(E) The well name and well identification number(s) or other designation;

(F) The sealed source(s) by radionuclide and activity;

(G) The source depth and the depth to the top of the plug;

(H) An appropriate warning, depending on the specific circumstances of each abandonment and approved by the Agency; and

(I) The size of the plaque should be convenient for use on active or inactive wells, e.g., a seven-inch square. Letter size of the word "CAUTION" should be approximately twice the letter size of the rest of the information, e.g., 1/2-inch and 1/4-inch letter size, respectively.

(5) The licensee must immediately notify the Agency by telephone and subsequently by confirming letter if the licensee knows or has reason to believe

that radioactive material has been lost in or to an underground potable aquifer. Such notice must designate the well location and must describe the magnitude and extent of loss of radioactive material, assess the consequences of such loss and explain efforts planned or being taken to mitigate these consequences.

(6) The licensee may apply to the Agency for a variance to the requirements of this division for abandonment of an irretrievable well logging source. The request must include the reason these rules cannot be followed and the proposed acceptable alternative. The request must be signed by both the licensee and the well owner/operator.

16	333-102-0115(4)(d)	31.5(c)(4)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere Oregon regulations require records to be retained for five years. This is more stringent than NRC rule requirement of three years. Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC's GL rule. As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.	in abeyance.	

17	333-102-0115 (4)(g)	31.5(c)(8)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere Oregon regulations omitted the	333-102-0115(4)(g) changed as requested (g) Except as provided in section (4)(h) of this rule, must transfer or dispose of the device containing radioactive material	

					phrase A...by export as provided by (c)(7) of this section...@. Note: 333-102-0115(4)(k) is equivalent to 10 CFR 31.5(c)(7) . Oregon needs to add the above phrase for exporting a GL device to 333-102-0115(4)(g) to meet the Compatibility Category B designation assigned to 10 CFR 31.5(c)(8).	only by export as provided by section (4)(k) of this rule, by transfer to another general licensee as authorized in section (4)(h) of this rule, or by transfer to a specific licensee of the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State whose specific license authorizes the individual to receive the device; and	

18	333-102-0115 (4)(g)(A)	31.5(c)(8) (ii)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere Oregon omits the words A... or export...@ from 333-102-0115(4)(g)(A). Oregon needs to add A... or export ...@ to 333102-005(4)(g)(A) in order to meet the Compatibility Category B designation assigned to 10 CFR 31.5(c)(8)(ii).	333-102-0115(4)(g)(A) changed as requested (A) Must furnish to the Agency, within 30 days after transfer of a device to a specific licensee or export, a report containing identification of the device by manufacturer's name, model number, serial number, the date of transfer, and the name, address and license number of the person receiving the device;	

19	333-102-0115 (4)(h)(A)	31.5(c)(9) (l)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere	333-102-0115(4)(h)(A) changed as requested (A) Where the device remains in use at a particular location. In such case the	

					Oregon does not indicate that the address for the transferee be that of the location of use. Oregon needs to add this requirement to 333102-0115(4)(h)(A) to meet the Compatibility Category B designation assigned to 10 CFR31.5(c)(9)(I).	transferor must give the transferee a copy of this rule and any safety documents identified in the label on the device and within 30 days of the transfer, report to the Agency the manufacturer's (or initial transferor's) name, model number, serial number of the device transferred, the date of transfer, the name and address of the transferee and the location of use, and the name, title and phone number of the individual who is a point of contact between the Agency and the transferee. This individual must have the knowledge and authority to take actions to ensure compliance with the appropriate rules and requirements concerning the possession and use of these devices; or	
20	333-102-0115(6)	31.5(c)(11)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere Oregon regulations omitted the provision allowing any other specified time period for responding to written requests. Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC=s GL rule. As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.	in abeyance	

21	333-102-0115(8)	31.5(c)(13)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere Oregon regulations require all GL devices to be registered with the Agency. Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC's GL rule. As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.	in abeyance.	

22	333-102-0115(8)	31.5(c)(13)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere Oregon regulations require GL devices containing more than 370 MBq (10 mCi) of cesium-137, 3.7 MBq (0.1 mCi) of strontium90, 37 MBq (1 mCi) of cobalt-60, any quantity of americium-241 or any other transuranic (i.e., element with atomic number greater than uranium (92)), to have a specific license. Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC=s GL rule. As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on	in abeyance.	

					compatibility changes for the GL rule.		
23	333-103-0015	31.5(c)(13)(ii)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere Oregon omits requiring the registration information to be submitted within 30 or as otherwise indicated on the request and omits information regarding bankruptcy notification requirements for devices that meet criteria in 333-102-115(9) (10 CFR 31.5(c)(13)(I)) from section 333-103-0015. Oregon needs to add the above to meet the Compatibility Category B designation assigned to 10 CFR 31.5(c)(13)(ii).	changed as requested The bankruptcy requirement is in 333-102-0305 (8)(a) See below	

333-103-0015

Annual Registration Fee for General Licenses and Devices

(1) Any general license granted by the Agency must be validated annually by the general license registration fee listed in section (2) of this rule, unless otherwise exempted by subsection (2)(e) of this rule. Validation must be confirmed by verifying, correcting, and/or adding to the information provided in a request for registration received from the Agency. General License registration fees as defined in OAR 333-103-0003 shall:

(a) Validate each general licensed source of radiation due July 1 of each year for sources of radiation; and

(b) Validate each new application to register general license material pursuant to OAR 333-101-0007; and

(c) Registration

(2) The general licenses appearing in the following fee schedule shall be registered on the appropriate Agency form and shall be validated annually by a general license registration fee:

(a) Each healing arts facility that uses radioactive material for In Vitro laboratory or clinical testing authorized by OAR 333-102-0130, $132;

(b) Each radiation source in a generally licensed measuring, gauging or controlling device authorized pursuant to OAR 333-102-0115(1), $132;

(c) For radioactive material contained in devices designed and manufactured for the purpose of producing light, except Tritium exit signs, or an ionized atmosphere that exceed the limits in 333-102-0105, $132 per device for the first six devices after which a Basic Specific License is required.

(d) Each general licensee possessing or using depleted uranium for the purpose of providing a concentrated mass in a small volume of the product or device pursuant to OAR 333-102-0103, $132;

(e) Each General Licensee possessing or using source material for research, development, educational, commercial or operational purposed pursuant to OAR 333-102-0101, $200;

(f) General licenses not specifically identified in sections 2(a), 2(b), 2(c) and 2(d) of this rule are exempt from the payment of an annual general license registration fee.

(g) Each out-of-state or NRC specific licensee granted a general license pursuant to OAR 333-102-0340 to conduct activities within the state of Oregon for a period not to exceed 180 days in a calendar year must pay a registration validation fee as required by OAR 333-103-0030(6).

(h) State and local government agencies are required to register each generally licensed device but are exempt from the fees required in this section.

(3) Notwithstanding subsection (2)(g) of this rule, the general license fee shall be due and payable on or before July 1 of each year.

(4) A certificate of validation for the then current fiscal year shall be provided by the Agency. The certificate for the then current fiscal year must be retained by the licensee and attached to the general license.

333-101-0007

Application for General License Registration for Radioactive Materials Gauges, In Vitro Testing, Source Material, Reference and Calibration Sources, and Reciprocal Recognition of Specific Radioactive Materials License

Except for specific licensees granted a general license under OAR 333-102-0340 for reciprocal use of specific license radioactive material, each person, pursuant to OAR 333-102-0103, 333-102-0115(1), 333-102-0125, or 333-102-0130, having general license radioactive material must:

(1) Apply for registration of such materials with the Agency within thirty (30) days of possession of such device, in vitro radioactive material used for testing, or source material. Application for registration must be completed on forms furnished by the Agency and must include the name of the general license supplier, installer, and service agent.

(2) The general license registrant must notify the Agency within thirty (30) days of any change in information required in section (1) of this rule.

(3) Each general license registrant must prohibit any person from furnishing servicing or services to any general license device until such person provides evidence that the servicing agent has been registered with the Agency as a provider of services in accordance with OAR 333-101-0020.

(4) Each general license granted pursuant to OAR 333-102-0340 must provide the specific information required pursuant to that rule.

333-102-0305

Specific Terms and Conditions of License

(8)(a) Each general licensee subject to the registration requirement in OAR 333-101-0007 and each specific licensee must notify the Agency in writing immediately following the

filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11 (Bankruptcy) of the United States Code by or against:

(A) The licensee;

(B) An entity (as that term is defined in 11 U.S.C. 101 (14)) controlling the licensee or listing the license or licensee as property of the estate; or

(C) An affiliate (as that term is defined in 11 U.S.C. 101 (2)) of the licensee.

(b) This notification must indicate:

(A) The bankruptcy court in which the petition for bankruptcy was filed; and

(B) The date of the filing of the petition.

24	333-102-0115(10)	31.5(c)(14)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere Oregon regulations omitted a provision for portable devices requiring a report of address change only if the device's primary place of storage has changed. Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC's GL rule. As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.	in abeyance.	

25	333-102-0115(11)	31.5(c)(15)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere Oregon regulations require generally licensed devices that are not in use for longer than 2 years must be transferred to an authorized recipient or disposed of as radioactive waste. Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC's	in abeyance.	

					GL rule. As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.		

26	333-102-0247(3)	32.52(c)	2001-1	B	Same: material transfer reports and records Oregon regulation requires records to be retained for 5 years. This is more stringent than NRC rule requirement of three years. Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC's GL rule. As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.	in abeyance.	

1	333-118-0020	71.4	1996-1	B	Definitions It was noted in the January 2003 letter that Oregon omitted the definition of A1. Oregon, in it's response to the comment, stated that it is found at 333-118-0020(18), their definition of "Type A Package". This is only a reference to A1, and not a definition. Oregon also stated in their response to the January 2003 letter that they would add the definition of A1 to their regulations, but as of this review have not. Oregon needs to add the definition of A1 to 333-118-0020 to meet the Compatibility Category B designation assigned to 10 CFR 71.4.	333-118-0020 changed as requested (1) "A1" means the maximum activity of special form radioactive material permitted in a Type A package. This value is either listed in Appendix A to10 CFR Part 71, Table A-1, or may be derived in accordance with the procedures prescribed in Appendix A to10 CFR Part 71.	
2	333-118-0020	71.4	1996-1	B	Definitions It was noted in Oregon's response to the January 2003 letter that they did not have A2 defined. Oregon also stated in their response to the January 2003 letter that they would add the definition of A2 to their regulations, but as of this review have not. Oregon needs to add the definition of A2 to 333-118-0020 to meet the Compatibility Category B designation assigned to 10 CFR 71.4	333-118-0020 changed as requested (2) "A2" means the maximum activity of radioactive material, other than special form material, LSA, and SCO material, permitted in a Type A package. This value is either listed in Appendix A to10 CFR Part 71, Table A-1, or may be derived in accordance with the procedures prescribed in Appendix A to10 CFR Part 71.	

3	333-118-0020	71.4	1996-1	B	Definitions It was noted in the January 2003 letter that Oregon omitted the definition of "Package". Oregon stated in their response to the January 2003 letter that the definition is split between 333-118-0020(5), (10), (18), (19), and (20). The definition of "Package" was found to be only partially defined over those 5 parts. Oregon needs to add the definition of Package to 333-118-0020 to meet the Compatibility Category B designation assigned to 10 CFR 71.4.	333-118-0020 changed as requested See Below	

(12) Package means the packaging together with its radioactive contents as presented for transport.

(a) Fissile material package or Type AF package, Type BF package, Type B(U)F package, or Type B(M)F package means a fissile material packaging together with its fissile material contents.

(b) Type A package means a Type A packaging together with its radioactive contents. A Type A package is defined and must comply with the DOT regulations in 49 CFR part 173.

(c) Type B package means a Type B packaging together with its radioactive contents. On approval, a Type B package design is designated by NRC as B(U) unless the package has a maximum normal operating pressure of more than 700 kPa (100 lbs/in2) gauge or a pressure relief device that would allow the release of radioactive material to the environment under the tests specified in 10 CFR 71.73 (hypothetical accident conditions), in which case it will receive a designation B(M). B(U) refers to the need for unilateral approval of international shipments; B(M) refers to the need for multilateral approval of international shipments. There is no distinction made in how packages with these designations may be used in domestic transportation. To determine their distinction for international transportation, see DOT regulations in 49 CFR Part 173. A Type B package approved before September 6, 1983, was designated only as Type B. Limitations on its use are specified in 10 CFR 71.19.

4	333-102-0010	30.14	N/A	B	Exempt Concentrations It was noted in the January 2003 letter that Oregon omitted sections 10 CFR 30.14 (b) and (c). Due to confusion over what was asked to be added to the section, Oregon stated that 10 CFR 30.14 (c) was the only requirement that was to be added. As of this letter, Oregon has not made that update to 333-102-0010. Oregon needs to add the Exempt Concentration requirements to meet the Compatibility Category B designation assigned to 10 CFR 30.14(b) and (c).	333-102-0010 changed as requested See Below	

333-102-0010

Exempt Concentrations

(1) Except as provided in sections (3) or (4) of this rule, any person is exempt from this division to the extent that such person receives, possesses, uses, transfers, owns or acquires products containing radioactive material introduced in concentrations not in excess of those listed in 10 CFR Part 30.70 Schedule A.

(2) This section shall not be deemed to authorize the import of byproduct material or products containing byproduct material.

(3) A manufacturer, processor, or producer of a product or material is exempt from the requirements for a license to the extent that he transfers radioactive material contained in a product or material in concentrations not in excess of those specified in 10 CFR Part 30.70 Schedule A and introduced into the product or material by a licensee holding a specific license issued by an agreement State, or the Nuclear Regulatory Commission, expressly authorizing such introduction. This exemption does not apply to the transfer of radioactive material contained in any food, beverage, cosmetic, drug, or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

(4) No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under section (1) of this rule or equivalent regulations of the U.S. Nuclear Regulatory Commission, any Agreement State, or Licensing State except in accordance with a specific license issued pursuant to OAR 333-102-0245 or the general license granted by OAR 333-102-0340.

5	333-100-0005(32)	20.1003	1998-5	A	Definitions It was noted in the January 2003 letter that Oregon omitted the phrase "the declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant" and substituted the phrase "her employer" for "the licensee". Oregon stated in their response that the phrase "the declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant" was added to the definition, but there was no change of the phrase "her employer" for "the licensee". Oregon needs to change the phrase "her employer" to "the licensee" to 333-100-0005(32) to meet the Compatibility Category A designation assigned to 10 CFR 20.1003.	333-100-0005(32) changed as requested (32) "Declared pregnant woman" means a woman who has voluntarily informed the licensee, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.	

6	333-120-0210(2)(b)	20.1502	1998-5	H&S	Conditions requiring individual monitoring of external and internal occupational dose It was noted in the January 2003 letter that Oregon omitted the requirements for monitoring a declared pregnant woman in 333120-0210(2)(b). Oregon did not address this part of the comment in their response letter. Oregon needs to adopt the essential objectives of the requirements for monitoring a declared pregnant woman in 333-120-0210(2)(b) to meet the Category H&S designation assigned to section 10 CFR 20.1502.	333-120-0210(2) changed as requested (c) Declared pregnant women likely to receive, during the entire pregnancy, from radiation sources external to the body, a committed effective dose equivalent in excess of 0.1 rem (1 mSv).	

7	333-120-0015	20.1003	1997-1	C	Definitions It was noted in the January 2003 letter that Oregon omitted the definition of "Constraint (Dose Constraint)". Oregon stated in their response to the letter that the definition was not considered necessary, and might be addressed in a 2003 rule making. As of this review, the definition is still omitted. Oregon needs to adopt the essential objectives of the definition "Constraint (Dose Constraint)" in 333-120-0005 to meet the Compatibility Category C designation assigned to section 10 CFR 20.1003.	333-120-0015 changed as requested (18) Constraint (dose constraint) means a value above which specified licensee actions are required.	

8	333-105-0530	34.43	1997-5	B	January 2003 comment not addressed in this package. Training The State has added the phrase "at least 40 hours" to the training requirements for a radiographer. The State needs to remove the reference to number of hours of training. This section is a compatibility category "B". The addition of a time requirement to this section makes it more restrictive than 34.43	333-105-0530 changed as requested (a) Has received training in the subjects outlined in section (7) of this rule, in addition to on the job training consisting of hands-on experience under the supervision of a radiographer and is certified through a radiographer certification program by a certifying entity in accordance with the criteria specified in Oregon Regulatory Guide - ORG-2 Industrial Radiography. The on the job training must include a minimum of two months (320 hours) of active participation in the performance of industrial radiography utilizing radioactive material and/or one month (160 hours) of active participation in the performance of industrial radiography utilizing radiation machines. Individuals performing industrial radiography utilizing radioactive materials and radiation machines must complete both segments of the on the job training (3 months or 480 hours);	

9	333-100-0005	20.1003	1995-5	A	January 2003 comment not addressed in this package. Definitions: Occupational Dose and Public Dose The State's updated definitions in 120-0015 are correct and meet compatibility. However, the same definitions appear in 100-0005 and are not updated and do not meet compatibility. The State needs to change or delete the definitions found in 100-0005.	333-100-0005 changed as requested Definitions deleted from this section.	

10	333-120-0015 & 333-100-0005	20.1003	1998-5	A	January 2003 comment not addressed in this package. Definitions: Very High Radiation Area The State has omitted the phrase "from sources external to the body" in its definition of high radiation area. The State needs to add this phrase to achieve compatibility.	changed as requested. 333-100-0005 Definitions deleted from this section. 333-120-0015 (81) "Very high radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving an absorbed dose in excess of five Gray (500 rad) in one hour at one meter from a source of radiation or from any surface that the radiation penetrates. At very high doses received at high dose rates, units of absorbed dose, gray and rad, are appropriate, rather than units of dose equvalent, sievert and rem.	

11	333-118-0190	71.97	1996-1	B	January 2003 comment not addressed in this package. Advanced Notification of Shipment of Irradiated Reactor Fuel and Nuclear Waste The State has substituted the words "nuclear waste" for "licensed material" in the requirements of notification of transportation. This substitution limits the requirements for notification to just nuclear waste. The State needs to use the words "licensed material" to achieve compatibility.	333-118-0190 changed as requested. (1) Prior to the transport of any licensed material outside of the confines of the licensee's facility or other place of use or storage, or prior to the delivery of any licensed material to a carrier for transport, each licensee shall provide advance notification of such transport to the governor, or governor's designee, of each state within or through which the waste will be transported.	

12	333-100-0005	20.1003	1998-5	A	January 2003 comment not addressed in this package. Definitions: High Radiation Area The State omitted part of this definition. The State needs to include all of this definition to achieve compatibility.	changed as requested. 333-100-0005 Definitions deleted from this section. 333-0120-0015 (43) "High radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of one mSv (0.1 rem) in one hour at 30 centimeters from the radiation source or 30 centimeters from any surface that the radiation penetrates.	

13	333-118-0150	71.87	1996-1	B	January 2003 comment not addressed in this package. Routine Determinations The State has omitted the requirements of section 71.87 (g) and (k) and also 71.47 (c) & (d) that is referenced from 71.87 as part of routine determinations. The State needs to include these requirements to achieve compatibility.	changed as requested. See below.	

333-118-0150

Routine Determinations

Prior to each shipment of licensed material, the licensee shall ensure that the package with its contents satisfies the applicable requirements of this division and of the license. The licensee shall determine that:

(1) The package is proper for the contents to be shipped;

(2) The package is in unimpaired physical condition except superficial defects such as marks or dents;

(3) Each closure device of the packaging, including any required gasket, is properly installed and secured and free of defects;

(4) Any system for containing liquid is adequately sealed and has adequate space or other specified provision for expansion of the liquid;

(5) Any pressure relief device is operable and set in accordance with written procedures;

(6) The package has been loaded and closed in accordance with written procedures;

(7) Any structural part of the package which could be used to lift or tie down the package during transport is rendered inoperable for that purpose unless it satisfies design requirements specified in 10 CFR 71.45;

(8) For fissile material, any moderator or neutron absorber, if required, is present and in proper condition;

(9) The level of non-fixed (removable) radioactive contamination on the external surfaces of each package offered for shipment is as low as reasonably achievable.

(a) The level of non-fixed (removable) radioactive contamination may be determined by wiping an area of 300 square centimeters of the surface

concerned with an absorbent material, using moderate pressure, and measuring the activity on the wiping material. Sufficient measurements must be taken in the most appropriate locations to yield a representative assessment of the removable contamination levels. Except as provided in section (8)(b) of this rule, the amount of radioactivity measured on any single wiping material, when averaged over the surface wiped, must not exceed the limits given in Table 3 below at any time during transport. Other methods of assessment of equal or greater efficiency may be used. When other methods are used, the detection efficiency of the method used must be taken into account and in no case may the removable contamination on the external surfaces of the package exceed ten times the limits listed in Table 3.

(b) In the case of packages transported as exclusive use shipments by rail or highway only, the non-fixed (removable) radioactive contamination at any time during transport must not exceed ten times the levels prescribed in section (8)(a) of this rule. The levels at the beginning of transport must not exceed the levels in section (8)(a) of this rule;

(10) External radiation levels around the package and around the vehicle, if applicable, will not exceed two mSv/hr (200 millirem per hour) at any point on the external surface of the package at any time during the transportation. The transport index shall not exceed ten; [Table not included. See ED. NOTE.]

(11) For a package transported in exclusive use by rail, highway, or water, radiation levels external to the package may exceed the limits specified in section (10) of this rule but shall not exceed any of the following:

(a) Two milliSieverts per hour (mSv/h) (200 millirem per hour) on the accessible external surface of the package unless the following conditions are met, in which case the limit is ten milliSieverts per hour (mSv/h) (1000 millirem per hour);

(A) The shipment is made in a closed transport vehicle,

(B) Provisions are made to secure the package so that its position within the vehicle remains fixed during transportation, and

(C) There are no loading or unloading operations between the beginning and end of the transportation.

(b) Two milliSieverts per hour (mSv/h) (200 millirem per hour) at any point on the outer surface of the vehicle, including the upper and lower surfaces, or, in the case of a flat-bed style vehicle, with a personnel barrier*, at any point on the vertical planes projected from the outer edges of the vehicle, on the upper surface of the load (or enclosure, if used), and on the lower external surface of the vehicle;

***NOTE:** A flat-bed style vehicle with a personnel barrier shall have radiation levels determined at vertical planes. If no personnel barrier, the package cannot exceed two milliSieverts per hour (mSv/h) (200 millirem per hour) at the surface.

(c) 0.1 milliSieverts per hour (mSv/h) (10 millirems per hour) at any point two meters from the vertical planes represented by the outer lateral surfaces of the vehicle, or, in the case of a flat-bed style vehicle, at any point two meters from the vertical planes projected from the outer edges of the vehicle; and

(d) 0.02 milliSieverts per hour (mSv/h) (2 millirem per hour) in any normally occupied positions of the vehicle, except that this provision does not apply to private motor carriers when persons occupying these positions are provided with special health supervision, personnel radiation exposure monitoring devices, and training in accordance with OAR 333-111-0005; and

(12) A package must be prepared for transport so that in still air at 100 degrees Fahrenheit (38 degrees Celsius) and in the shade, no accessible surface of a package would have a temperature exceeding 122 degrees Fahrenheit (50 degrees Celsius) in a nonexclusive use shipment or 185 degrees Fahrenheit (85 degrees Celsius) in an exclusive use shipment. Accessible package surface temperatures shall not exceed these limits at any time during transportation.

(13) A package may not incorporate a feature intended to allow continuous venting during transport.

(14) Before delivery of a package to a carrier for transport, the licensee shall ensure that any special instructions needed to safely open the package have been sent to, or otherwise made available to, the consignee.

(15) For shipments made under the provisions of section (11) of this rule, the shipper shall provide specific written instructions to the carrier for maintenance of the exclusive use shipment controls. The instructions must be included with the shipping paper information.

(16) The written instructions required for exclusive use shipments must be sufficient so that, when followed, they will cause the carrier to avoid actions that will unnecessarily delay delivery or unnecessarily result in increased radiation levels or radiation exposures to transport workers or members of the general public.

NOTE: A flat-bed style vehicle with a personnel barrier shall have radiation levels determined at vertical planes. If no personnel barrier is in place, the package cannot exceed two mSv/h (200 millirems per hour) at any accessible surface.

14	333-100-0005	71.4	1996-1	B	January 2003 comment not addressed in this package. Definitions: Natural Thorium The States definition is different from 71.4 to such an extent that it does not meet compatibility. The State needs to adopt a definition compatible to the definition in 71.4.	333-100-0005 changed as requested. (84) "Natural thorium" means thorium with the naturally occurring distribution of thorium isotopes (essentially 100 weight percent thorium-232).	

15	333-113-0501	39.77	2000-1	C	Notification of incidents and lost sources; abandonment procedures for irretrievable sources Oregon regulations omitted the requirements equivalent to 10 CFR 39.77(d)(9) concerning abandonment procedures for irretrievable sources. Oregon needs to adopt the essential objectives of this section to 333-113-0501 to meet the Compatibility Category C designation assigned to Section 10 CFR 39.77(d).	333-113-0501 changed as requested. See below.	

333-113-0501

Notification of Incidents, Abandonment and Lost Sources

(1) Notification of incidents and sources lost in other than well logging operations must be made in accordance with appropriate provisions of division 120 of these rules.

(2) Whenever a sealed source or device containing radioactive material is lodged downhole the licensee must:

(a) Monitor at the surface for the presence of radioactive contamination with a radiation survey instrument or logging tool during logging tool recovery operations;

(b) If the environment, any equipment, or personnel are contaminated with licensed material, they must be decontaminated before release from the site or release for unrestricted use; and

(c) Notify the Agency immediately by telephone and subsequently, within 30 days, by confirmatory letter if the licensee knows or has reason to believe that a sealed source has been ruptured. This letter must identify the well or other location, describe the magnitude and extent of the escape of radioactive material, assess the consequences of the rupture and explain efforts planned or being taken to mitigate these consequences.

(3) When it becomes apparent that efforts to recover the radioactive source will not be successful, the licensee must:

(a) Notify the Agency by telephone of the circumstances that resulted in the inability to retrieve the source:

(A) Obtain Agency approval to implement abandonment procedures; or

(B) That the licensee implemented abandonment before receiving Agency approval because the licensee believed there was an immediate threat to public health and safety;

(b) Advise the well-operator of requirements specified in these rules regarding abandonment and an appropriate method of abandonment, that must include:

(A) The immobilization and sealing in place of the radioactive source with a cement plug;

(B) The setting of a whipstock or other deflection device unless the source is not accessible to any subsequent drilling operations; and

(C) The mounting of a permanent identification plaque at the surface of the well, containing the appropriate information required by section (4) of this rule.

(c) Notify the Agency by telephone, giving the circumstances of the loss and request approval of the proposed abandonment procedures; and

(d) File a written report with the Agency within 30 days of the abandonment. The report must contain the following information:

(A) Date of occurrence;

(B) A description of the well logging source involved, including the radionuclide and its quantity, and chemical and physical form;

(C) Surface location and identification of the well;

(D) Results of efforts to immobilize and seal the source in place;

(E) A brief description of the attempted recovery effort;

(F) Depth of the source;

(G) Depth of the top of the cement plug;

(H) Depth of the well;

(I) The immediate threat to public health and safety justification for implementing abandonment if prior Agency approval was not obtained in accordance with section (3)(a)(b) of this rule;

(J) Any other information, such as a warning statement, contained on the permanent identification plaque; and

(K) The names of state agencies receiving a copy of this report.

(4) Whenever a sealed source containing radioactive material is abandoned downhole, the licensee must provide a permanent plaque for posting the well or well-bore. This plaque must:

(a) Be constructed of long-lasting material, such as stainless steel or monel; and

(b) Contain the following information engraved on its face:

(A) The word CAUTION;

(B) The radiation symbol without the conventional color requirement;

(C) The date of abandonment;

(D) The name of the well-operator or well-owner;

(E) The well name and well identification number(s) or other designation;

(F) The sealed source(s) by radionuclide and activity;

(G) The source depth and the depth to the top of the plug;

(H) An appropriate warning, depending on the specific circumstances of each abandonment and approved by the Agency; and

(I) The size of the plaque should be convenient for use on active or inactive wells, e.g., a seven-inch square. Letter size of the word "CAUTION" should be approximately twice the letter size of the rest of the information, e.g., 1/2-inch and 1/4-inch letter size, respectively.

(5) The licensee must immediately notify the Agency by telephone and subsequently by confirming letter if the licensee knows or has reason to believe that radioactive material has been lost in or to an underground potable aquifer. Such notice must designate the well location and must describe the magnitude and extent of loss of radioactive material, assess the consequences of such loss and explain efforts planned or being taken to mitigate these consequences.

(6) The licensee may apply to the Agency for a variance to the requirements of this division for abandonment of an irretrievable well logging source. The request must include the reason these rules cannot be followed and the proposed acceptable alternative. The request must be signed by both the licensee and the well owner/operator.

16	333-102-0115(4)(d)	31.5(c)(4)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere Oregon regulations require records to be retained for five years. This is more stringent than NRC rule requirement of three years. Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC's GL rule. As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.	in abeyance.	

17	333-102-0115 (4)(g)	31.5(c)(8)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere Oregon regulations omitted the phrase A...by export as provided by (c)(7) of this section...@. Note: 333-102-0115(4)(k) is equivalent to 10 CFR 31.5(c)(7) . Oregon needs to add the above phrase for exporting a GL device to 333-102-0115(4)(g) to meet the Compatibility Category B designation assigned to 10 CFR 31.5(c)(8).	333-102-0115(4)(g) changed as requested (g) Except as provided in section (4)(h) of this rule, must transfer or dispose of the device containing radioactive material only by export as provided by section (4)(k) of this rule, by transfer to another general licensee as authorized in section (4)(h) of this rule, or by transfer to a specific licensee of the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State whose specific license authorizes the individual to receive the device; and	

18	333-102-0115 (4)(g)(A)	31.5(c)(8) (ii)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere Oregon omits the words A... or export...@ from 333-102-0115(4)(g)(A). Oregon needs to add A... or export ...@ to 333102-005(4)(g)(A) in order to meet the Compatibility Category B designation assigned to 10 CFR 31.5(c)(8)(ii).	333-102-0115(4)(g)(A) changed as requested (A) Must furnish to the Agency, within 30 days after transfer of a device to a specific licensee or export, a report containing identification of the device by manufacturer's name, model number, serial number, the date of transfer, and the name, address and license number of the person receiving the device;	

19	333-102-0115 (4)(h)(A)	31.5(c)(9) (l)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere Oregon does not indicate that the address for the transferee be that of the location of use. Oregon needs to add this requirement to 333102-0115(4)(h)(A) to meet the Compatibility Category B designation assigned to 10 CFR31.5(c)(9)(I).	333-102-0115(4)(h)(A) changed as requested (A) Where the device remains in use at a particular location. In such case the transferor must give the transferee a copy of this rule and any safety documents identified in the label on the device and within 30 days of the transfer, report to the Agency the manufacturer's (or initial transferor's) name, model number, serial number of the device transferred, the date of transfer, the name and address of the transferee and the location of use, and the name, title and phone number of the individual who is a point of contact between the Agency and the transferee. This individual must have the knowledge and authority to take actions to ensure compliance with the appropriate rules and requirements concerning the possession and use of these devices; or	

20	333-102-0115(6)	31.5(c)(11)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere Oregon regulations omitted the provision allowing any other specified time period for responding to written requests. Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC=s GL rule. As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.	in abeyance	

21	333-102-0115(8)	31.5(c)(13)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere Oregon regulations require all GL devices to be registered with the Agency. Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC's GL rule. As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.	in abeyance.	

22	333-102-0115(8)	31.5(c)(13)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere Oregon regulations require GL devices containing more than 370 MBq (10 mCi) of cesium-137, 3.7 MBq (0.1 mCi) of strontium90, 37 MBq (1 mCi) of cobalt-60, any quantity of americium-241 or any other transuranic (i.e., element with atomic number greater than uranium (92)), to have a specific license. Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC=s GL rule. As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.	in abeyance.	

23	333-103-0015	31.5(c)(13)(ii)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere Oregon omits requiring the registration information to be submitted within 30 or as otherwise indicated on the request and omits information regarding bankruptcy notification requirements for devices that meet criteria in 333-102-115(9) (10 CFR 31.5(c)(13)(I)) from section 333-103-0015. Oregon needs to add the above to meet the Compatibility Category B designation assigned to 10 CFR 31.5(c)(13)(ii).	changed as requested The bankruptcy requirement is in 333-102-0305 (8)(a) See below	

333-103-0015

Annual Registration Fee for General Licenses and Devices

(1) Any general license granted by the Agency must be validated annually by the general license registration fee listed in section (2) of this rule, unless otherwise exempted by subsection (2)(e) of this rule. Validation must be confirmed by verifying, correcting, and/or adding to the information provided in a request for registration received from the Agency. General License registration fees as defined in OAR 333-103-0003 shall:

(a) Validate each general licensed source of radiation due July 1 of each year for sources of radiation; and

(b) Validate each new application to register general license material pursuant to OAR 333-101-0007; and

(c) Registration

(2) The general licenses appearing in the following fee schedule shall be registered on the appropriate Agency form and shall be validated annually by a general license registration fee:

(a) Each healing arts facility that uses radioactive material for In Vitro laboratory or clinical testing authorized by OAR 333-102-0130, $132;

(b) Each radiation source in a generally licensed measuring, gauging or controlling device authorized pursuant to OAR 333-102-0115(1), $132;

(c) For radioactive material contained in devices designed and manufactured for the purpose of producing light, except Tritium exit signs, or an ionized atmosphere that exceed the limits in 333-102-0105, $132 per device for the first six devices after which a Basic Specific License is required.

(d) Each general licensee possessing or using depleted uranium for the purpose of providing a concentrated mass in a small volume of the product or device pursuant to OAR 333-102-0103, $132;

(e) Each General Licensee possessing or using source material for research, development, educational, commercial or operational purposed pursuant to OAR 333-102-0101, $200;

(f) General licenses not specifically identified in sections 2(a), 2(b), 2(c) and 2(d) of this rule are exempt from the payment of an annual general license registration fee.

(g) Each out-of-state or NRC specific licensee granted a general license pursuant to OAR 333-102-0340 to conduct activities within the state of Oregon for a period not to exceed 180 days in a calendar year must pay a registration validation fee as required by OAR 333-103-0030(6).

(h) State and local government agencies are required to register each generally licensed device but are exempt from the fees required in this section.

(3) Notwithstanding subsection (2)(g) of this rule, the general license fee shall be due and payable on or before July 1 of each year.

(4) A certificate of validation for the then current fiscal year shall be provided by the Agency. The certificate for the then current fiscal year must be retained by the licensee and attached to the general license.

333-101-0007

Application for General License Registration for Radioactive Materials Gauges, In Vitro Testing, Source Material, Reference and Calibration Sources, and Reciprocal Recognition of Specific Radioactive Materials License

Except for specific licensees granted a general license under OAR 333-102-0340 for reciprocal use of specific license radioactive material, each person, pursuant to OAR 333-102-0103, 333-102-0115(1), 333-102-0125, or 333-102-0130, having general license radioactive material must:

(1) Apply for registration of such materials with the Agency within thirty (30) days of possession of such device, in vitro radioactive material used for testing, or source material. Application for registration must be completed on forms furnished by the Agency and must include the name of the general license supplier, installer, and service agent.

(2) The general license registrant must notify the Agency within thirty (30) days of any change in information required in section (1) of this rule.

(3) Each general license registrant must prohibit any person from furnishing servicing or services to any general license device until such person provides evidence that the servicing agent has been registered with the Agency as a provider of services in accordance with OAR 333-101-0020.

(4) Each general license granted pursuant to OAR 333-102-0340 must provide the specific information required pursuant to that rule.

333-102-0305

(8)(a) Each general licensee subject to the registration requirement in OAR 333-101-0007 and each specific licensee must notify the Agency in writing immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11 (Bankruptcy) of the United States Code by or against:

(A) The licensee;

(B) An entity (as that term is defined in 11 U.S.C. 101 (14)) controlling the licensee or listing the license or licensee as property of the estate; or

(C) An affiliate (as that term is defined in 11 U.S.C. 101 (2)) of the licensee.

(b) This notification must indicate:

(A) The bankruptcy court in which the petition for bankruptcy was filed; and

(B) The date of the filing of the petition.

24	333-102-0115(10)	31.5(c)(14)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere Oregon regulations omitted a provision for portable devices requiring a report of address change only if the device's primary place of storage has changed. Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC's GL rule. As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.	in abeyance.	

25	333-102-0115(11)	31.5(c)(15)	2001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere Oregon regulations require generally licensed devices that are not in use for longer than 2 years must be transferred to an authorized recipient or disposed of as radioactive waste. Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC's GL rule. As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.	in abeyance.	

26	333-102-0247(3)	32.52(c)	2001-1	B	Same: material transfer reports and records Oregon regulation requires records to be retained for 5 years. This is more stringent than NRC rule requirement of three years. Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC's GL rule. As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.	in abeyance.	