

DEPARTMENT OF HUMAN SERVICES, PUBLIC HEALTH DIVISION

DIVISION 118

TRANSPORTATION OF RADIOACTIVE MATERIAL

333-118-0010

Purpose and Scope

The rules in this division apply to any licensee authorized by specific or general license to receive, possess, use, or transfer licensed material, if the licensee delivers that material to a carrier for transport, transports the material outside the site of usage as specified in the license, or transports that material on public highways. No provision of this part authorizes possession of licensed material.

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Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-118-0020

Definitions

As used in this division, the following definitions apply:

(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 to 10 CFR Part 71, Table A-1, or may be derived in accordance with the procedures prescribed in Appendix A to 10 CFR Part 71.

(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 to 10 CFR Part 71, Table A-1, or may be derived in accordance with the procedures prescribed in Appendix A to 10 CFR Part 71.

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(3) "Carrier" means a person engaged in the transportation of passengers or property by land or water as a common, contract, or private carrier, or by civil aircraft.

(4) "Closed transport vehicle" means a transport vehicle equipped with a securely attached exterior enclosure that during normal transportation restricts the access of

unauthorized persons to the cargo space containing the radioactive material. The enclosure may be either temporary or permanent but shall limit access from top, sides, and ends. In the case of packaged materials, it may be of the "see-through" type.

(5) "Consignment" means each shipment of a package or groups of packages or load of radioactive material offered by a shipper for transport.

(6) "Conveyance" means for transport by public highway or rail any transport vehicle or large freight container; or for transport by water any vessel, or any hold, compartment, or defined deck area of a vessel including any transport vehicle on board the vessel; or for transport by aircraft.

(7) "Criticality Safety Index (CSI)" means the dimensionless number (rounded up to the next tenth) assigned to and placed on the label of a fissile material package, to designate the degree of control of accumulation of packages containing fissile material during transportation. Determination of criticality safety index is described in 10 CFR 71.22, 71.23, and 71.59.

(8) "Deuterium" means for the purposes of 10 CFR Parts 71.15 and 71.22, ~~any~~ deuterium and any deuterium compounds, including heavy water, in which the ratio of deuterium atoms to hydrogen atoms exceeds 1:5000.

(9) "Exclusive use" means the sole use of a conveyance by a single consignor and for which all initial, intermediate, and final loading and unloading are carried out in accordance with the direction of the consignor or consignee. The consignor and the carrier must ensure that any loading or unloading is performed by personnel having radiological training and resources appropriate for safe handling of the consignment. The consignor must issue specific instructions, in writing, for maintenance of exclusive use shipment controls, and include them with the shipping paper information provided to the carrier by the consignor.

NOTE: The term "exclusive use" is used interchangeably with the terms "sole use" or "full load" in other regulations, such as Title 49 of the Code of Federal Regulations.

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(10) "Fissile material" means the radionuclides plutonium-239, plutonium-241, uranium-233, and uranium-235, or any combination of these radionuclides. **Fissile material means the fissile nuclides themselves, not material containing fissile nuclides.** Unirradiated natural uranium and depleted uranium, and natural uranium or depleted uranium that has been irradiated in thermal reactors only, are not included in this definition. ~~Neither natural nor depleted uranium is fissile material.~~ **Certain exclusions from fissile material controls are provided in 10 CFR 71.15.**

NOTE: Department jurisdiction is limited to special nuclear material in quantities not sufficient to form a critical mass as defined in division 100 of this chapter.

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(11) "Fissile material package" means a fissile material packaging together with its fissile material contents.

(12) "Graphite" means for the purposes of 10 CFR 71.15 and 71.22, and graphite with a boron equivalent content less than five parts per million and density greater than 1.5 grams per cubic centimeter.

(13) "Licensed material" means radioactive or special nuclear material received, possessed, used, or transferred under a general or specific license issued by the Department.

NOTE: The definition of licensed material in this division is used in the same way as in 49 CFR 173.403.

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(14) "Low specific activity (LSA) material" means radioactive material with limited specific activity which is nonfissile or is excepted under 10 CFR 71.15 and which that satisfies the descriptions and limits set forth below. Shielding materials surrounding the LSA material may not be considered in determining the estimated average specific activity of the package contents. LSA material must be in one of three groups:

(a) LSA-I.

(A) Ores containing only naturally occurring radionuclides (e.g., uranium, thorium) which are not intended to be processed for the use of these radionuclides; or

(B) Solid unirradiated natural uranium, depleted uranium, natural thorium, or their solid or liquid compounds or mixtures; or

(C) Radioactive material, other than fissile material, for which the A2 value is unlimited; or

(D) Other radioactive material in which the activity is distributed throughout and the estimated average specific activity does not exceed 30 times the value for exempt material activity concentration determined in accordance with 10 CFR 71, Appendix A.

(b) LSA-II.

(A) Water with tritium concentration up to 0.8 TBq/liter (20.0 Ci/liter); or

(B) Material in which the radioactive material is distributed throughout, and the average specific activity does not exceed 10^{-4} A2/g for solids and gases, and 10^{-5} A2/g for liquids.

(c) LSA-III. Solids (e.g., consolidated wastes, activated materials) in which:

(A) The radioactive material is distributed throughout a solid or a collection of solid objects, or is essentially uniformly distributed in a solid compact binding agent (such as concrete, bitumen, ceramic, etc.); and

(B) The radioactive material is relatively insoluble, or it is intrinsically contained in a relatively insoluble material, so that, even under loss of packaging, the loss of radioactive material per package by leaching, when placed in water for seven days, would not exceed $1E-1 A2$; and

(C) The **estimated** average specific activity of the solid does not exceed $2E-3 A2$ per gram.

(15) "Low toxicity alpha emitters" means natural uranium, depleted uranium, natural thorium; uranium-235, uranium-238, thorium-232, thorium-228 or thorium-230 when contained in ores or physical or chemical concentrates or tailings; or alpha emitters with a half-life of less than ten days.

(16) "Natural thorium" means thorium with the naturally occurring distribution of thorium isotopes (essentially 100 weight percent thorium-232).

(17) "Normal form radioactive material" means radioactive material that has not been demonstrated to qualify as "special form radioactive material".

(18) "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.

(19) "Packaging" means the assembly of components necessary to ensure compliance with the packaging requirements of 1049 CFR Part 71.4173-Subpart I. It may consist of one or more receptacles, absorbent materials, spacing structures, thermal insulation, radiation shielding, and devices for cooling or absorbing mechanical shocks. The vehicle, tie-down system, and auxiliary equipment may be designated as part of the packaging.

(20) "Regulations of the U.S. Department of Transportation" means the regulations in 49 CFR Parts 100-189 and Parts 390-397.

(21) "Regulations of the U.S. Nuclear Regulatory Commission" means the regulations in 10 CFR 71.

(22) "Special form radioactive material" means radioactive material that satisfies the following conditions:

(a) It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;

(b) The piece or capsule has at least one dimension not less than five millimeters (0.2 inch.); and

(c) It satisfies the requirements of 10 CFR Part 71.75. A special form encapsulation designed in accordance with the requirements of CFR Part 71.4 in effect on June 30, 1983 (see 10 CFR Part 71, revised as of January 1, 1983), and constructed before July 1, 1985 and a special form encapsulation designed in accordance with the requirements of 10 CFR Part 71.4 in effect on March 31, 1996 (see 10 CFR Part 71, revised as of January 1, 1983), and constructed before April 1, 1998, may continue to be used. Any other special form encapsulation must meet the specifications of this definition.

(23) "Specific activity" of a radionuclide means the radioactivity of a radionuclide per unit mass of that nuclide. The specific activity of a material in which the radionuclide is essentially uniformly distributed is the radioactivity per unit mass of the material.

(24) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(25) "Surface contaminated object" (SCO) means a solid object that is not itself classed as radioactive material, but which has radioactive material distributed on any of its surfaces. SCO must be in one of two groups with surface activity not exceeding the following limits:

(a) SCO-I: a solid object on which:

(A) The non-fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4 Bq/cm² (10⁻⁴

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microcurie/cm²) for beta, gamma and low toxicity alpha emitters, or 0.4 Bq/cm² (10⁻⁵ microcurie/cm²) for all other alpha emitters;

(B) The fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4x10⁴ Bq/cm² (1.0 microcurie/cm²) for beta, gamma and low toxicity alpha emitters, or 4x10³ Bq/cm² (0.1 microcurie/cm²) for all other alpha emitters; and

(C) The non-fixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4x10⁴ Bq/cm² (1 microcurie/cm²) for beta, gamma and low toxicity alpha emitters, or 4x10³ Bq/cm² (0.1 microcurie/cm²) for all other alpha emitters.

(b) SCO-II: a solid object on which the limits for SCO-I are exceeded and on which:

(A) The nonfixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 400 Bq/cm² (10² microcurie/cm²) for beta and gamma and low toxicity alpha emitters or 40 Bq/cm² (10³ microcurie/cm²) for all other alpha emitters; and

(B) The fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 8 x 10⁵ Bq/cm² (20 microcuries/cm²) for beta and gamma and low toxicity alpha emitters, or 8 x 10⁴ Bq/cm² (2 microcuries/cm²) for all other alpha emitters; and

(C) The nonfixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 8 x 10⁵ Bq/cm² (20 microcuries/cm²) for beta and gamma and low toxicity alpha emitters, or 8 x 10⁴ Bq/cm² (2 microcuries/cm²) for all other alpha emitters.

(26) "Transport index (TI)" means the dimensionless number, (rounded up to the **next first tenth decimal place**, placed on the label of a package to designate the degree of control to be exercised by the carrier during transportation. The transport index is the number determined by multiplying the maximum radiation level in millisievert (mSv) per hour at one meter (3.3 ft) from the external surface of the package by 100 (equivalent to the maximum radiation level in millirem per hour at one meter (3.3 ft)).

(27) "Type A quantity" means a quantity of radioactive material, the aggregate radioactivity of which does not exceed A1 for special form radioactive material or A2 for normal form radioactive material, where A1 and A2 are given in 10 CFR Part 71 Appendix A or may be determined by procedures described in 10 CFR Part 71 Appendix A.

(28) "Type A package" means a packaging that, together with its radioactive contents limited to A1 or A2 as appropriate, meets the requirements of 49 CFR 173.410 and 173.412 and is designed to retain the integrity of containment and shielding under normal

conditions of transport as demonstrated by the tests set forth in 173.465 or 173.466, as appropriate.

(29) "Type B package" means a Type B packaging together with its radioactive contents.

NOTE: A type B package design is designated as B(U) or B(M). B(U) refers to the need for unilateral approval of international shipments; B(M) refers to the need for multilateral approval. There is no distinction made in how packages with these designations may be used in domestic transportation. To determine their distinction for international transportation, refer to 49 CFR Part 173. A Type B package approved prior to September 6, 1983, was designated only as Type B. Limitations on its use are specified in OAR 333-118-0035.

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(30) "Type B packaging" means a packaging designed to retain the integrity of containment and shielding when subjected to the normal conditions of transport and hypothetical accident test conditions set forth in 10 CFR Part 71.

(31) "Type B quantity" means a quantity of radioactive material greater than Type A quantity.

NOTE: 10 CFR Part 71 Appendix A referred to or incorporated by reference in this rule is attached to this division or available from the Department.

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(32) "Unirradiated uranium" means uranium containing not more than $2E+3$ Bq of plutonium per gram of uranium-235, not more than $9E+6$ Bq of fission products per gram of uranium-235, and not more than $5E-3$ g of uranium-236 per gram of uranium-235.

(33) "Uranium -- natural, depleted, enriched"

(a) "Natural uranium" means uranium isotopes with the naturally occurring distribution of uranium, isotopes (which is approximately 0.711 weight percent uranium-235, and the remainder by weight essentially uranium-238).

(b) "Depleted uranium" means uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.

(c) "Enriched uranium" means uranium containing more uranium-235 than the naturally occurring distribution of uranium isotopes.

[ED. NOTE: Appendices referenced are available from the agency.]

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

General Regulatory Provisions

333-118-0030

Requirement for License

No person shall transport radioactive material or deliver radioactive material to a carrier for transport except as authorized in a general or specific license issued by the Department Agency or as exempted in OAR 333-118-0040.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 4-2007, f. & cert. ef. 3-1-07

333-118-0040

Exemptions

(1) Common and contract carriers, freight forwarders, and warehouse workers that are subject to the requirements of the U.S. Department of Transportation in 49 CFR 170 through 189 or the U.S. Postal Service in the U.S. Postal Service Manual Domestic Mail Manual, (DMM), section C-023.9.0 are exempt from the rules in chapter 333, divisions 102, 105, 113, 115, 116, 117, and 121 and the requirements for a license to the extent that they transport or store radioactive material in the regular course of their carriage for others or storage incident thereto. Common and contract carriers who are not subject to the requirements of the U.S. Department of Transportation or U.S. Postal Service are subject to OAR 333-118-0030 and other applicable requirements of these rules.

(2) Any licensee is exempt from the requirements of this division to the extent that the licensee delivers to a carrier for transport a package containing radioactive material having a specific activity not greater than (0.002 microcurie per gram 70 Becquerels per gram (Bq/g).

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07

333-118-0050

Transportation of Licensed Material

(1) Each licensee who transports licensed material outside the site of usage, as specified in the Department license, or where transport is on public highways, or who delivers licensed material to a carrier for transport shall:

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(a) Comply with the applicable requirements, appropriate to the mode of transport, of the regulations of the U.S. Department of Transportation in 49 CFR Parts 107, 171-180, and 390-397, appropriate to the mode of transportation. The licensee shall particularly note the regulations of U.S. Department of transportation in the following areas:

- (A) Packaging -- 49 CFR Part 173: Subparts A, B and I.
- (B) Marking and labeling -- 49 CFR Part 172: Subpart D, 172.400 through 172.407, and 172.436 through 172.440 of Subpart E.
- (C) Placarding -- 49 CFR Part 172: Subpart F, especially 172.500 through 172.519, and 172.556, and Appendices B and C.
- (D) Accident reporting -- 49 CFR Part 171: 171.15 and 171.16.
- (E) Shipping papers and emergency information -- 49 CFR Part 172: Subparts C and G.
- (F) Hazardous material employee training -- 49 CFR Part 172: Subpart H.
- (G) Security plans -- 49 CFR Part 172: Subpart I
- (H) Hazardous material shipper/carrier registration -- 49 CFR Part 107: Subpart G.

(b) The licensee also shall comply with applicable U.S. Department of Transportation regulations pertaining to the following modes of transportation:

- (A) Rail -- 49 CFR Part 174: Subparts A through D and K.
- (B) Air -- 49 CFR Part 175.
- (C) Vessel -- 49 CFR Part 176: Subparts A through F and M.
- (D) Public highway -- 49 CFR Part 177 and Parts 390 through 397.

(c) Assure that any special instructions needed to safely open the package are sent to or have been made available to the consignee.

(2) If, for any reason, the regulations of the U.S. Department of Transportation are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of 49 CFR Parts 170 through 189 appropriate to the mode of transport and to the same extent as if the shipment were subject to the regulations.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-

2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-118-0051

Deliberate Misconduct

(1) For the purposes of deliberate misconduct by a person means an intentional act or omission that the person knows:

(a) Would cause a licensee, certificate holder, quality assurance program approval holder, or applicant for a license, certificate, or quality assurance program approval to be in violation of any rule, regulation, or order; or any term, condition, or limitation of any license or certificate issued by the Commission; or

(b) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order, or policy of a licensee, certificate holder, quality assurance program approval holder, applicant, or the contractor or subcontractor of any of them. This rule applies to any:

(a) Licensee;

(b) Certificate holder;

(c) Quality assurance program approval holder;

(d) Applicant for a license, certificate, or quality assurance program approval;

(e) Contractor (including a supplier or consultant) or subcontractor, to any person identified in paragraph (1)(E) of this section; or

(f) Employees of any person identified in (1)(a) through (1)(e) of this section.

(2) A person identified in (1)(a) through (1)(f) of this section who knowingly provides to an entity any components, materials, or other goods or services that relate to a licensee's, certificate holder's, quality assurance program approval holder's, or applicant's activities subject to this Part may not:

(a) Engage in deliberate misconduct that causes or would have caused, if not detected, a licensee, certificate holder, quality assurance program approval holder, or any applicant to be in violation of any rule, regulation, or order; or any term, condition or limitation of any license, certificate, or approval issued by the Department; or

(b) Deliberately submit to the Department, a licensee, a certificate holder, quality assurance program approval holder, an applicant for a license, certificate or quality assurance program approval, or a licensee's, applicant's, certificate holder's, or quality

assurance program approval holder's contractor or subcontractor, information that the person submitting the information to the Department knows to be incomplete or inaccurate.

(3) A person who violates paragraph (b)(1) or (b)(2) of this section may be subject to enforcement action by the Department.

(a) Would cause a licensee, certificate holder, quality assurance program approval holder, or applicant for a license, certificate, or quality assurance program approval to be in violation of any rule, regulation, or order; or any term, condition, or limitation of any license or certificate issued by the Commission; or

(b) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order, or policy of a licensee, certificate holder, quality assurance program approval holder, applicant, or the contractor or subcontractor of any of them.

(4) Any physician licensed by a State to dispense drugs in the practice of medicine is exempt from OAR 333-118-0050 with respect to transport by the physician of licensed material for use in the practice of medicine. However, any physician operating under this exemption must be licensed by the Department.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

333-118-0052

Exemption for Low Level Materials

(1) A licensee is exempt from all the requirements of division 118 with respect to shipment or carriage of the following low-level materials:

(a) Natural material and ores containing naturally occurring radionuclides that are not intended to be processed for use of these radionuclides, provided the activity concentration of the material does not exceed 10 times the values specified in CFR 10 Parts 71, Appendix A, Table A-2.

(b) Materials for which the activity concentration is not greater than the activity concentration values specified in CFR 10 Parts 71, Appendix A, Table A-2, or for which the consignment activity is not greater than the limit for an exempt consignment found in CFR 10 Parts 71, Appendix A, Table A-2.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

333-118-0053

Exemption from Classification as Fissile Material

(1) Fissile material meeting the requirements of at least one section of this rule are exempt from classification as fissile material and from the fissile material package standards of 10 CFR Parts 71.55 and 71.59, but are subject to all other requirements of this rule, except as noted.

(a) Individual package containing 2 grams or less fissile material.

(b) Individual or bulk packaging containing 15 grams or less of fissile material provided the package has at least 200 grams of solid nonfissile material for every gram of fissile material. Lead, beryllium, graphite, and hydrogenous material enriched in deuterium may be present in the package but must not be included in determining the required mass for solid nonfissile material.

(c) Low concentrations of solid fissile material commingled with solid nonfissile material, provided that:

(A) There is at least 2000 grams of solid nonfissile material for every gram of fissile material, and

(B) There is no more than 180 grams of fissile material distributed within 360 kg of contiguous nonfissile material.

(2) Lead, beryllium, graphite, and hydrogenous material enriched in deuterium may be present in the package but must not be included in determining the required mass of solid nonfissile material.

(d) Uranium enriched in uranium-235 to a maximum of 1 percent by weight, and with total plutonium and uranium-233 content of up to 1 percent of the mass of uranium-235, provided that the mass of any beryllium, graphite, and hydrogenous material enriched in deuterium constitutes less than 5 percent of the uranium mass.

(e) Liquid solutions of uranyl nitrate enriched in uranium-235 to a maximum of 2 percent by mass, with a total plutonium and uranium-233 content not exceeding 0.002 percent of the mass of uranium, and with a minimum nitrogen to uranium atomic ratio (N/U) of 2. The material must be contained in at least a DOT Type A package.

(f) Packages containing, individually, a total plutonium mass of not more than 1000 grams, of which not more than 20 percent by mass may consist of plutonium-239, plutonium-241, or any combination of these radionuclides.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

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General Licenses

333-118-0060

General Licenses for Carriers

(1) A general license is hereby issued to any common or contract carrier not exempt under OAR 333-118-0040 to receive, possess, transport, and store radioactive material in the regular course of their carriage for others or storage incident thereto, provided the transportation and storage is in accordance with the applicable requirements, appropriate to the mode of transport, of the U.S. Department of Transportation, insofar as such requirements relate to the loading and storage of packages, placarding of the transporting vehicle, and incident reporting.

NOTE: Notification of an incident shall be filed with, or made to, the Department as prescribed in 49 CFR, regardless of and in addition to the notification made to the U.S. Department of Transportation or other agencies.

(2) A general license is hereby issued to any private carrier to transport radioactive material, provided the transportation is in accordance with the applicable requirements, appropriate to the mode of transport, of the U.S. Department of Transportation, insofar as such requirements relate to the loading and storage of packages, placarding of the transporting vehicle, and incident reporting.

(3) Persons who transport radioactive material pursuant to the general licenses in sections (1) or (2) of this rule are exempt from the requirements of divisions 111 and 120 of these rules to the extent that they transport radioactive material.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07

333-118-0070

General License: Nuclear Regulatory Commission-Approved Packages

(1) A general license is hereby issued to any licensee of the Department to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, Certificate of Compliance (CoC), or other approval has been issued by the U.S. Nuclear Regulatory Commission.

(2) This general license applies only to a licensee who has a quality assurance program approved by the Nuclear Regulatory Commission as satisfying the provisions of CFR 10 Part 71, Subpart H and applicable requirements in OAR 333-118-0200.

(32) This general license applies only to a licensee who:

(a) Has a copy of the specific license, certificate of compliance, or other approval by the Nuclear Regulatory Commission of the package and has the drawings and other documents referenced in the approval relating to the use and maintenance of the packaging and to the actions to be taken prior to shipment;

(b) Complies with the terms and conditions of the license, certificate, or other approval by the Nuclear Regulatory Commission, as applicable, and the applicable requirements of division 118;

(c) Prior to the licensee's first use of the package, has registered with the U.S. Nuclear Regulatory Commission **outlined in CFR 10 Part 71.17**; and

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(d) Has a quality assurance program required by OAR 333-118-0200 and approved by the Department.

(43) The general license in section (1) of this rule applies only when the package approval authorizes use of the package under this general license.

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(54) For previously approved Type B packages which are not designated as either B(U) or B(M) in the Certificate of Compliance, this general license is subject to additional restrictions in OAR 333-118-0080. For a Type B or fissile material package, the design of which was approved by Nuclear Regulatory Commission before April 1, 1996, the general license is subject to additional restrictions of OAR 333-118-0080.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-118-0080

General License: Previously Approved Packages

(1) A Type B package previously approved by the U.S. Nuclear Regulatory Commission, but not designated as B(U) or B(M) in the Certificate of Compliance, may be used under the general license of OAR 333-118-0070 with the following additional limitations:

(a) Fabrication of the packaging was satisfactorily completed before August 31, 1986, as demonstrated by application of its model number in accordance with U.S. Nuclear Regulatory Commission regulations at 10 CFR 71.85(c); and

(b) The package may not be used for a shipment to a location outside the United States except when approved under special arrangement in accordance with 49 CFR 173.471. A

package used for a shipment to a location outside the United States is subject to multilateral approval, as defined in U.S. Department of Transportation regulations at 49 CFR 173.403; and

(c) A serial number that uniquely identifies each packaging which conforms to the approved design is assigned to, and legibly and durably marked on, the outside of each packaging.

(2) A Type B(U) package, a Type B(M) package, a low specific activity (LSA) material package or a fissile material package, previously approved by the Nuclear Regulatory Commission but without the designation "-85" in the identification number of the Nuclear Regulatory Commission certificate of compliance, may be used under the general license of OAR 333-118-0070 with the following additional conditions:

(a) Fabrication of the package is satisfactorily completed by April 1, 1999, as demonstrated by application of its model number in accordance with Nuclear Regulatory Commission regulations at 10 CFR 71.85(c);

(b) A package used for a shipment to a location outside the United States is subject to multilateral approval except approved under special arrangement in accordance with U.S. Department of Transportation regulations at 49 CFR 173.403; and

(c) A serial number that uniquely identifies each packaging which conforms to the approved design is assigned to, and legibly and durably marked on, the outside of each packaging.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-118-0090

General License: U.S. Department of Transportation Specification Container

(1) A general license is issued to any licensee of the Agency to transport, or to deliver to a carrier for transport, licensed material in a specification container containing a fissile material or a Type B quantity of radioactive material as specified in 49 CFR Parts 173 and 178.

(2) This general license applies only to a licensee who has a quality assurance program required by OAR 333-118-0200 and approved by the Department Agency.

(a) Has a copy of the specification;

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(b) Complies with the terms and conditions of the specification and the applicable requirements of division 118; and

(c) Has a quality assurance program required by OAR 333-118-0200.

(3) The general license in this rule is subject to the limitation that the specification container may not be used for a shipment to a location outside the United States except by multilateral approval as defined in 49 CFR 173.403.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07

333-118-0100

General License: Use of Foreign Approved Package

(1) A general license is issued to any licensee of the Agency to transport, or to deliver to a carrier for transport, licensed material in a package the design of which has been approved in a foreign national competent authority certificate which has been revalidated by the U.S. Department of Transportation as meeting the applicable requirements of 49 CFR 171.12.

(2) This general license applies only to international shipments.

(3) This general license applies only to a licensee who:

(a) Has a copy of the applicable certificate, the revalidation, and the drawings and other documents referenced in the certificate relating to the use and maintenance of the packaging and to the actions to be taken prior to shipment;

(b) Complies with the terms and conditions of the certificate and revalidation and with the applicable requirements of this division.

(c) Has a quality assurance program approved by the Nuclear Regulatory Commission.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07

333-118-0110

General License: Fissile Material, ~~Limited Quantity per Package~~

~~(1) A general license is hereby issued to any licensee to transport fissile material, or to deliver fissile material to a carrier for transport, if the material is shipped as a Fissile Class II package in accordance with OAR chapter 333, division 118.~~

~~(2) This general license applies only when a package contains no more than a Type A quantity of radioactive material, including only one of the following:~~

~~(a) Up to 40 grams of uranium 235; or~~

~~(b) Up to 30 grams of uranium 233; or~~

~~(c) Up to 25 grams of the fissile radionuclides of plutonium, except that for encapsulated plutonium-beryllium neutron sources in special form, an A1 quantity of plutonium may be present; or~~

~~(d) A combination of fissile radionuclides in which the sum of the ratios of the amount of each radionuclide to the corresponding maximum amounts in subsections (2)(a), (2)(b), and (2)(c) of this rule does not exceed unity.~~

~~(3) Except as specified in subsection (3)(b) of this rule, this general license applies only when all of the following requirements are met:~~

~~(a) A package containing fissile radionuclides is labeled with a transport index not less than the number given by the following equation:~~

~~Minimum Transport Index = $(0.25x + 0.33y + 0.4z)$ where the package contains x grams of uranium 235, y grams of uranium 233, and z grams of the fissile radionuclides of plutonium;~~

~~(b) For a package in which the only fissile material is encapsulated plutonium-beryllium neutron sources in special form, the transport index based on criticality considerations may be taken as 0.025 times the number of grams of the fissile radionuclides of plutonium.~~

~~(c) In all cases, the transport index must be rounded up to one decimal place and shall not exceed 10.0.~~

~~(d) Except for the beryllium contained within the special form plutonium-beryllium sources authorized in section (2) of this rule, beryllium, graphite, or hydrogenous material enriched in deuterium is not present in quantities exceeding 0.1% of the fissile material mass.~~

~~(e) The licensee has a quality assurance program approved by the nuclear regulatory commission.~~

A general license is issued to any licensee of the Department to transport fissile material, or to deliver fissile material to a carrier for transport, if the material is shipped in accordance with 10 CFR Part 71.22.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-118-0120

General License: Plutonium Beryllium Special Form Material ~~Fissile Material, Limited Moderator per Package~~

A general license is issued to any licensee of the Department to transport fissile material in the form of plutonium-beryllium (Pu-Be) special form sealed sources, or to deliver Pu-Be sealed sources to a carrier for transport, if the material is shipped in accordance with CFR 10 Part 71.23.

~~(1) A general license is hereby issued to any licensee to transport fissile material, or to deliver fissile material to a carrier for transport, if the material is shipped as a Fissile Class II package in accordance with division 333-118.~~

~~(2) This general license applies only when all of the following requirements are met:~~

~~(a) The package contains no more than a Type A quantity of radioactive material.~~

~~(b) Neither beryllium nor hydrogenous material enriched in deuterium is present.~~

~~(c) The total mass of graphite present does not exceed 7.7 times the total mass of uranium-235 plus plutonium.~~

~~(d) Substances having higher hydrogen density than water, for example certain hydrocarbon oils, are not present, except that polyethylene may be used for packing or wrapping.~~

~~(e) Uranium-233 is not present, and the amount of plutonium does not exceed one percent of the amount of uranium-235.~~

~~(f) The amount of uranium-235 is limited as follows:~~

~~(A) If the fissile radionuclides are not uniformly distributed, the maximum amount of uranium-235 per package may not exceed the value given in the following Table 1.~~

~~(B) If the fissile radionuclides are distributed uniformly, for example, they cannot form a lattice arrangement within the packaging, and the maximum amount of uranium-235 per package may not exceed the value given in Table 2.~~

~~(g) The transport index of each package based on criticality considerations is taken as ten times the number of grams of uranium-235 in the package divided by the maximum allowable number of grams per package in accordance with Table 1 or 2 of this rule as applicable. [Tables not included. See ED-NOTE.]~~

~~[ED-NOTE: Tables referenced are available from the agency.]~~

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07

333-118-0125

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External Radiation Standards for All Packages

~~Each package of radioactive materials offered for transportation must be designed and prepared for shipment so that under conditions normally incident to transportation the radiation level does not exceed 2 mSv/h (200 mrem/h) at any point on the external surface of the package, and the transport index does not exceed 10. A package that exceeds the radiation level must be transported by exclusive use shipment only, and the radiation levels for such shipment must be in accordance with 10 CFR Part 71.47.~~

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Operating Controls and Procedures

333-118-0130

Fissile Material: Assumptions as to Unknown Properties of Fissile Material

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When the isotopic abundance, mass, concentration, degree of irradiation, degree of moderation, or other pertinent property of fissile material in any package is not known, the licensee shall package the fissile material as if the unknown properties had credible values that would cause the maximum neutron multiplication.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07

333-118-0140

Preliminary Determinations

Prior to the first use of any packaging for the shipment of radioactive material:

- (1) The licensee shall show that there are no cracks, pinholes, uncontrolled voids, or other defects that could significantly reduce the effectiveness of the packaging;
- (2) Where the maximum normal operating pressure will exceed 35 kilopascals (five pounds per square inch (psi) gauge, the licensee shall test the containment system at an internal pressure at least 50 percent higher than the maximum normal operating pressure to show that the system will maintain its structural integrity at that pressure; and
- (3) The licensee shall ~~determine that the packaging meets 10 CFR Part 71.85(b) determine that the packaging has been fabricated in accordance with the design approved by the U.S. Nuclear Regulatory Commission;~~ and
- (4) The licensee shall conspicuously and durably mark the packaging with its model number, serial number, gross weight, and a package identification number as assigned by the U.S. Nuclear Regulatory Commission.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07

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;

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

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(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.

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

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(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 and within the limits specified in Department of Transportation regulations outlined in CFR 49 Part 173.443.

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(a) External radiation levels around the package and around the vehicle, if applicable, will not exceed the limits specified in 10 CFR Part 71.47 at anytime during transportation; and

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(b) Accessible package surface temperatures will not exceed the limits specified in 10 CFR Part 71.43(g) at any time during transportation.

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~~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 subsection (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 subsection (8)(a) of this rule. The levels at the beginning of transport must not exceed the levels in subsection (8)(a) of this rule;~~

(10) External radiation levels around the package and around the vehicle, if applicable, will not exceed the limit specified in 10 CFR Part 71.45 at any time during transport.

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(11) Accessible package surfaces temperatures will not exceed the limits specified in 10 CFR Part 71.43. 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 10 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) (two 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.~~

~~[ED. NOTE: Tables referenced are available from the agency.]~~

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-118-0160

Air Transport of Plutonium

Notwithstanding the provisions of any general licenses and notwithstanding any exemptions stated directly in this division or included indirectly by citation of the U.S. Department of Transportation regulations, CFR 49 Chapter I, as may be applicable, the licensee shall assure that plutonium in any form is not transported by air, or delivered to a carrier for air transport, unless:

(1) The plutonium is contained in a medical device designed for individual human application; or

(2) The plutonium is contained in a material in which the specific activity is less than or equal to the activity concentration values for plutonium specified in CFR 10 Part 71, Appendix A, Table A-2, and in which the radioactivity is essentially uniformly distributed; or

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~~The plutonium is contained in a material in which the specific activity is not greater than 70 Bq/g (0.002 microcuries per gram) of material and in which the radioactivity is essentially uniformly distributed; or~~

(3) ~~The plutonium is shipped in a single package containing no more than an A2 quantity of plutonium in any isotope or form and is shipped in accordance with OAR 333-118-0050 and CFR 10 Part 71.5; or~~

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(4) ~~The plutonium is shipped in a package specifically authorized for the shipment of plutonium by air in the Certificate of Compliance for that package issued by the Nuclear Regulatory Commission.~~

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~~The plutonium is shipped in a package specifically authorized (in the certificate of compliance issued by the Nuclear Regulatory Commission for that package) for the shipment of plutonium by air, and the licensee requires, through special arrangement with the carrier, compliance with 49 CFR 175.704, the U.S. Department of Transportation regulations applicable to the air transport of plutonium.~~

(5) ~~Nothing in OAR 333-118-0160(1) is to be interpreted as removing or diminishing the requirements in 10 CFR Part 73.24.~~

(6) ~~For a shipment of plutonium by air which is subject to OAR 333-118-0160(4), the licensee shall, through special arrangement with the carrier, require compliance with 49 CFR 175.704, U.S. Department of Transportation regulations applicable to the air transport of plutonium.~~

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Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07

333-118-0162

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Opening Instructions

~~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 for the consignee's use in accordance with 10 CFR 20.1906(e).~~

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Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

333-118-0170

Shipment Records

Each licensee shall maintain for a period of three years after shipment, or until inspected by the Agency, a record of each shipment of licensed material not exempt under OAR 333-118-0040, showing, where applicable:

- (1) Identification of the packaging by model and serial number;
- (2) Verification that the packaging, as shipped, had no significant defects;
- (3) Volume and identification of coolant;
- (4) Type and quantity of licensed material in each package, and the total quantity of each shipment;
- (5) Date of the shipment;
- (6) Name and address of the transferee;
- (7) Address to which the shipment was made; and
- (8) Results of the determinations required by OAR 333-118-0150.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07

333-118-0180

Reports

The licensee shall report to the Agency within 30 days:

- (1) Any instance in which there is significant reduction in the effectiveness of any approved Type B or fissile packaging during use; and
- (2) Details of any defects with safety significance in the Type B or fissile packaging after first use, with the means employed to repair the defects and prevent their recurrence or
- (3) Instances in which the conditions of approval in the certificate of compliance were not observed in making a shipment.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07

333-118-0190

Advance Notification of Transport of Nuclear Waste

(1) Each licensee shall provide advance notification to the Governor of the State of Oregon or designee of the shipment of licensed material through or across the boundary of the State before the transport, delivery to a carrier for transport of licensed material outside the confines of the licensee's plant or other place of storage. ~~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.~~

NOTE: A list of the mailing addresses of the governors and governors' designees is available upon request from the Director, Office of State, Local, and Indian Tribe Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(2) Nuclear waste transports shall be transported as specified in 10 CFR Part 71.97.

~~Advance notification is required only when:~~

~~(a) The licensed material is required to be in Type B packaging for transportation;~~

~~(b) The licensed material is being transported into, within, or through, a state en route to a disposal facility or to a collection point for transport to a disposal facility; and~~

~~(c) The quantity of licensed material in a single package exceeds any one of the following:~~

~~(A) 3000 times the A1 value of the radionuclides as specified in **Appendix A**, Table A-1 for special form radioactive material;~~

~~(B) 3000 times the A2 value of the radionuclides as specified in **Appendix A**, Table A-1 for normal form radioactive material;~~

~~(C) 1000 TBq (27,000 Ci).~~

~~(3) Each advance notification required by section (1) of this rule shall contain the following information:~~

~~(a) The name, address, and telephone number of the shipper, carrier and receiver of the shipment;~~

~~(b) A description of the licensed material contained in the shipment as required by 49 CFR 172.202 and 172.203(d);~~

~~(c) The point of origin of the shipment and the seven day period during which departure of the shipment is estimated to occur;~~

~~(d) The seven day period during which arrival of the shipment at state boundaries is estimated to occur;~~

~~(e) The destination of the shipment, and the seven day period during which arrival of the shipment is estimated to occur; and~~

~~(f) A point of contact with a telephone number for current shipment information.~~

~~(4) The notification required by section (1) of this rule shall be made in writing to the office of each appropriate governor, or governor's designee, and to the Agency. A notification delivered by mail must be postmarked at least seven days before the beginning of the seven day period during which departure of the shipment is estimated to occur. A notification delivered by the messenger must reach the office of the governor, or governor's designee, at least four days before the beginning of the seven day period during which departure of the shipment is estimated to occur. A copy of the notification shall be retained by the licensee for three years or until inspected by the Agency.~~

~~(5) The licensee shall notify each appropriate governor, or governor's designee, and the Agency of any changes to schedule information provided pursuant to section (1) of this rule. Such notification shall be by telephone to a responsible individual in the office of the governor, or governor's designee, of the appropriate state or states. The licensee shall maintain for three years a record of the name of the individual contacted.~~

~~(6) Each licensee who cancels a licensed material shipment, for which advance notification has been sent, shall send a cancellation notice to the governor, or governor's designee, of each appropriate state and to the Agency. A copy of the notice shall be retained by the licensee for three years.~~

~~[ED. NOTE: Appendices referenced are available from the agency.]~~

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07

Quality Assurance

333-118-0200

Quality Assurance Requirements

~~(1) Unless otherwise authorized by the Agency, Each licensee shall establish and maintain a Quality Assurance program specified by the Nuclear Regulatory Commission, 10 CFR, Subpart H, Parts 71.101 through 71.137. ;~~

~~(2) Licensees shall provide the Department their Quality Assurance program or plans for review and approval by the Department. and execute a quality assurance program to verify by procedures such as checking, auditing, and inspection, that deficiencies, deviations, and defective material and equipment relating to the shipment of packages containing radioactive material are promptly identified and corrected.~~

~~(2) The licensee shall identify the material and components to be covered by the quality assurance program.~~

~~(3) Each licensee shall document the quality assurance program by written procedures or instructions and shall carry out the program in accordance with those procedures throughout the period during which packaging is used.~~

~~(4) Prior to the use of any package for the shipment of radioactive material, each licensee shall obtain approval by the Agency of its quality assurance program.~~

~~(5) The licensee shall maintain sufficient written records to demonstrate compliance with the quality assurance program. Records of quality assurance pertaining to the use of a package for shipment of radioactive material shall be maintained for a period of three years after shipment or until inspected by the Agency.~~

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07

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Referenced Materials

(1) This division of chapter 333 of the Oregon Administrative Rules incorporates by reference material originally published elsewhere. Certified copies of the complete text of incorporated materials referenced are available for public inspection during regular business hours at the Radiation Protection Services Office. Copies of referenced material will be provided at cost upon request. Information regarding how the incorporated

material may be obtained or examined is available from Radioactive Materials Program, Radiation Protection Services, 800 NE Oregon Street, Portland, Oregon 97232.

(2) Material referenced in this division does not include amendments to or revised editions of the material published later than the effective date of the relevant section.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07

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