

## **RATS ID 2015-5, Miscellaneous Correction**

### **For Part 19.17 Current Rule**

#### **333-111-0035**

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

(1) If the Authority determines, with respect to a complaint under OAR 333-111-0030, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the Authority shall notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the Assistant Director of the Public Health Division. The Authority will provide the licensee or registrant with a copy of such statement by certified mail, excluding at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the Assistant Director of the Public Health Division. The Authority will provide the complainant with a copy of such statement by certified mail.

(2) Upon the request of the complainant, the Assistant Director of the Public Health Division may hold an informal conference in which the complainant and the licensee or registrant may orally present their views. An informal conference may also be held at the request of the licensee or registrant, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written or oral views presented, the Assistant Director of the Public Health Division shall affirm, modify or reverse the determination of the Authority and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefore.

(3) If the Authority determines that an inspection is not warranted because the requirements of OAR 333-111-0030(1) have not been met, the complainant shall be notified in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of OAR 333-111-0030(1).

**Statutory/Other Authority:** ORS 453.605 - 453.755

**Statutes/Other Implemented:** ORS 453.605 - 453.755

#### **History:**

PH 14-2008, f. & cert. ef. 9-15-08

HD 1-1991, f. & cert. ef. 1-8-91

HD 4-1985, f. & ef. 3-20-85

## **For Part 20. Current Rule**

### **333-120-0720**

#### **Reports of Exposures, Radiation Levels, Leak Tests, and Concentrations of Radioactive Material Exceeding the Limits**

(1) Reportable events: In addition to the notification required by OAR 333-120-0710, each licensee must submit a written report within 30 days after learning of any of the following occurrences:

(a) Any incident for which notification is required by OAR 333-120-0710; or

(b) Doses in excess of any of the following:

(A) The occupational dose limits for adults in OAR 333-120-0100; or

(B) The occupational dose limits for a minor in OAR 333-120-0160; or

(C) The limits for an embryo/fetus of a declared pregnant woman (as defined in OAR 333-100-0005) in 333-120-0170; or

(D) The limits for an individual member of the public in OAR 333-120-0180; or

(E) Any applicable limit in the license; or

(F) The ALARA constraints for air emissions established under 333-120-0020(4); or

(c) Levels of radiation or concentrations of radioactive material in:

(A) A restricted area in excess of any applicable limit in the license; or

(B) An unrestricted area in excess of ten times any applicable limit set forth in this division or in the license (whether or not involving exposure of any individual in excess of the limits in OAR 333-120-0180); or

(d) For licensee subject to the provisions of EPA's generally applicable environmental radiation standards in 40 CFR Part 190, levels of radiation or releases of radioactive material in excess of those standards, or of license conditions related to those standards.

(e) Leaking or contaminated sealed sources in excess of limits in OAR 333-120-0460, must be reported within five days to the Authority describing the equipment involved, the test results and the corrective action taken.

(f) Erroneous overexposure dosimetry reports that resulted from non-personnel exposures;

(2) Contents of reports: Each report required by section (1) of this rule must describe the extent of exposure of individuals to radiation and radioactive material, including, as appropriate:

(a) Estimates of each individual's dose; and

(b) The levels of radiation and concentrations of radioactive material involved; and

(c) The cause of the elevated exposures, dose rates, or concentrations; and

(d) Corrective steps taken or planned to ensure against a recurrence, including the schedule for achieving conformance with applicable limits, generally applicable environmental standards, and associated license conditions; and

(e) For each individual exposed: the name, Social Security account number, and date of birth. The report must be prepared so that this information is stated in a separate and detachable part of the report.

NOTE: With respect to the limit for the embryo/fetus (OAR 333-120-0170) the identifiers should be those of the declared pregnant woman, as defined in OAR 333-100-0005.

(3) All licensees who make reports under section (1) this rule must submit the report in writing to the Authority.

(4) The Authority must prohibit the removal or expungement of any permanent dosimetry report submitted to the licensee or registrant. Evaluated erroneous personnel dose record changes to licensee or registrant records must be recorded only on Form 5 and retained by the licensee or registrant.

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

**Statutory/Other Authority:** ORS 453.635

**Statutes/Other Implemented:** ORS 453.605 - 453.807

**History:**

PH 10-2011, f. 9-30-11, cert. ef. 10-1-11

PH 14-2008, f. & cert. ef. 9-15-08

PH 4-2007, f. & cert. ef. 3-1-07

PH 12-2006, f. & cert. ef. 6-16-06

PH 36-2004, f. & cert. ef. 12-1-04

PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05

PH 3-2003, f. & cert. ef. 3-27-03

HD 1-1995, f. & cert. ef. 4-26-95

HD 15-1994, f. & cert. ef. 5-6-94

## **For Part 37.27(c), Amended Rule**

### **333-125-0080**

#### **Background Investigations and Access Control Program: Procedures for Processing of Fingerprint Checks**

(1) For the purpose of complying with OAR 333-125-0020 through 333-125-0095, licensees shall submit to the U.S. Nuclear Regulatory Commission, Criminal History Program, Division of Facilities and Security, 11545 Rockville Pike, Mail Stop T-7D04M, Rockville, Maryland 20852, one completed, legible standard fingerprint card (Form FD-258, ORIMDNRCOOOZ), electronic fingerprint scan or, where practicable, other fingerprint record for each individual requiring unescorted access to category 1 or category 2 quantities of radioactive material. Copies of these forms may be obtained by writing the ~~Office of Information Services~~ **Office of the Chief Information Officer**, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by calling 1-630-829-9565, or by electronic mail to [FORMS.Resource@nrc.gov](mailto:FORMS.Resource@nrc.gov). Guidance on submitting electronic fingerprints can be found at <http://www.nrc.gov/site-help/e-submittals.html>.

(2) Fees for the processing of fingerprint checks are due upon application. Licensees shall submit payment with the application for the processing of fingerprints through corporate check, certified check, cashier's check, money order, or electronic payment, made payable to "U.S. NRC." For guidance on making electronic payments, contact the Security Branch, Division of Facilities and Security at 301-415-7513. Combined payment for multiple applications is acceptable. The Commission publishes the amount of the fingerprint check application fee on the NRC's public website. (To find the current fee amount, go to the Electronic Submittals page at <http://www.nrc.gov/site-help/e-submittals.html> and see the link for the Criminal History Program under Electronic Submission Systems.)

(3) The Commission shall forward to the submitting licensee all data received from the FBI as a result of the licensee's application(s) for criminal history records checks.

**Statutory/Other Authority:** ORS 453.635

**Statutes/Other Implemented:** ORS 453.635

**History:**

[PH 234-2018, amend filed 08/02/2018, effective 08/16/2018](#)

PH 19-2015, f. 9-30-15, cert. ef. 10-1-15

## **For Part 37.77, Current Rule**

### **333-125-0180**

#### **Physical Protection in Transit: Advance Notification of Shipment of Category 1 Quantities of Radioactive Material**

(1) As specified in sections (1) and (2) of this rule, each licensee shall provide advance notification to the Authority and the Governor of a state, or the Governor's designee, of the shipment of licensed material in a category 1 quantity, through or across the boundary of the

state, before the transport, or delivery to a carrier for transport of the licensed material outside the confines of the licensee's facility or other place of use or storage.

(a) Procedures for submitting advance notification. The notification must be made to the Authority and to the office of each appropriate Governor or Governor's designee. The contact information, including telephone and mailing addresses, of Governors and Governors' designees, is available on the NRC's website at <https://scp.nrc.gov/special/designee.pdf>. A list of the contact information is also available upon request from the Director, Division of Material Safety, State, Tribal, and Rulemaking Programs, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001.

(b) A notification delivered by mail must be postmarked at least seven days before transport of the shipment commences at the shipping facility.

(c) A notification delivered by any means other than mail must reach NRC at least four days before the transport of the shipment commences and must reach the office of the Governor or the Governor's designee at least four days before transport of a shipment within or through the state.

(2) Information to be furnished in advance notification of shipment. Each advance notification of shipment of category 1 quantities of radioactive material must contain the following information, if available at the time of notification:

(a) The name, address, and telephone number of the shipper, carrier, and receiver of the category 1 radioactive material;

(b) The license numbers of the shipper and receiver;

(c) A description of the radioactive material contained in the shipment, including the radionuclides and quantity;

(d) The point of origin of the shipment and the estimated time and date that shipment will commence;

(e) The estimated time and date that the shipment is expected to enter each state along the route;

(f) The estimated time and date of arrival of the shipment at the destination; and

(g) A point of contact, with a telephone number, for current shipment information.

(3)(a) Revision notice. The licensee shall provide any information not previously available at the time of the initial notification, as soon as the information becomes available but not later than commencement of the shipment, to the Governor of the state or the Governor's designee and to the Authority.

(b) A licensee shall promptly notify the Governor of the state or the Governor's designee of any changes to the information provided in accordance with sections (2) and (3) of this rule. The

licensee shall also immediately notify the NRC's Director, Division of Security Policy, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 of any such changes.

(4) Cancellation notice. Each licensee who cancels a shipment for which advance notification has been sent shall send a cancellation notice to the Governor of each state or to the Governor's designee previously notified and to the Authority. The licensee shall send the cancellation notice before the shipment has commenced or as soon thereafter as possible. The licensee shall state in the notice that it is a cancellation and identify the advance notification that is being cancelled.

(5) Records. The licensee shall retain a copy of the advance notification, any revision and cancellation notices as a record for three years after the notification has been made.

(6) Protection of information. State officials, state employees, and other individuals, whether or not licensees of the U.S. Nuclear Regulatory Commission or an Agreement State, who receive schedule information of the kind specified in section (2) of this rule shall protect that information against unauthorized disclosure as specified in OAR 333-125-0120.

**Statutory/Other Authority:** ORS 453.635

**Statutes/Other Implemented:** ORS 453.635

**History:**

[PH 234-2018, amend filed 08/02/2018, effective 08/16/2018](#)

[PH 12-2017, amend filed 10/25/2017, effective 10/25/2017](#)

PH 25-2016, f. 8-26-16, cert. ef. 9-1-16

PH 19-2015, f. 9-30-15, cert. ef. 10-1-15

#### **For Part 71.4, Current Rule**

##### **333-118-0020**

##### **Definitions**

As used in this division, the following definitions apply:

(14) "Indian Tribe" means an Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

#### **For Part 71.97, Current Rule**

##### **333-118-0190**

##### **Operating Controls and Procedures: Advance Notification of Transport of Nuclear Waste**

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

**Statutory/Other Authority:** ORS 453.635

**Statutes/Other Implemented:** ORS 453.605 - 453.807

