Final Rules Published with the Oregon Secretary of State

RATS 1995-2, 2015-3 and 2015-5

Final Rules for RATS 1995-2 for 10 CFR 20.1703 as Published

333-120-0320
Respiratory Protection and Controls to Restrict Internal Exposure in Restricted Areas: Use of Individual Respiratory Protection Equipment

(1) If the licensee uses respiratory protection equipment to limit intakes pursuant to OAR 333-120-0310:

(a) The licensee must use only respiratory protection equipment that is tested and certified or had certification extended by the National Institute for Occupational Safety and Health/Mine Safety and Health Administration (NIOSH/MSHA).

(b) The licensee may use equipment that has not been tested or certified by NIOSH/MSHA, has not had certification extended by NIOSH/MSHA, or for which there is no schedule for testing or certification, the licensee must submit an application for authorized use of that equipment, including a demonstration by testing, or a demonstration on the basis of reliable test information, that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use.

(c) The licensee must implement and maintain a respiratory protection program that includes:

(A) Air sampling sufficient to identify the potential hazard, permit proper equipment selection, and estimate doses; and

(B) Surveys and bioassays, as appropriate, to evaluate actual intakes; and

(C) Testing of respirators for operability immediately prior to each use; and

(D) Written procedures regarding:

(i) Monitoring, including air sampling and bioassays;

(ii) Supervision and training of respirator users;

(iii) Fit testing;

(iv) Respirator selection;

(v) Breathing air quality;

(vi) Inventory and control;

(vii) Storage, issuance, maintenance, repair, testing, and quality assurance of respiratory protection equipment;

(viii) Recordkeeping; and

(ix) Limitations on periods of respirator use and relief from respirator use; and

(E) Determination by a physician prior to initial fitting and use of respirators, and at least every 12 months thereafter, that the individual user is physically able to use the respiratory protection equipment.

(F) Fit testing, with fit factor greater than or equal to 10 times the APF for negative pressure devices, and a fit factor greater than or equal to 500 for any positive pressure, continuous flow, and pressure-demand devices, before the first field use of tight fitting, face-sealing respirators and periodically thereafter at a frequency not to exceed one year. Fit testing must be performed with the facepiece operating in the negative pressure mode.

(d) The licensee must issue a written policy statement on respirator usage covering:

(A) The use of process or other engineering controls, instead of respirators; and

(B) The routine, nonroutine, and emergency use of respirators; and

(C) The periods of respirator use and relief from respirator use.

(e) The licensee must advise each respirator user that the user may leave the area at any time for relief from respirator use in the event of equipment malfunction, physical or psychological distress, procedural or communication failure, significant deterioration of operating conditions, or any other conditions that might require such relief.

(f) The licensee must use equipment within limitations for type and mode of use and must provide proper visual, communication, low temperature work environments, the concurrent use of safety or radiological protection equipment and other special capabilities (such as adequate skin protection) when needed. The licensee must ensure equipment is used in such a way as not to interfere with the proper operation of the respirator.

(2) In estimating exposure of individuals to airborne radioactive materials, the licensee or registrant may make allowance for respiratory protection equipment used to limit intakes pursuant to OAR 333-120-0310, provided that the following conditions, in addition to those in section (1) of this rule, are satisfied:

(a) The licensee selects respiratory protection equipment that provides a protection factor (10 CFR Part 20 Appendix A to 20.1001 to 20.2401) greater than the multiple by which peak concentrations of airborne radioactive materials in the working area are expected to exceed the values specified in 10 CFR Part 20 Table 1, Column 3 of Appendix B to 20.1001 to 20.2401. If the selection of a respiratory protection device with a protection factor greater than the peak

concentration is inconsistent with the goal specified in OAR 333-120-0310 of keeping the total effective dose equivalent ALARA, the licensee or registrant may select respiratory protection equipment with a lower protection factor only if such a selection would result in keeping the total effective dose equivalent ALARA. The concentration of radioactive material in the air that is inhaled when respirators are worn may be initially estimated by dividing the average concentration in air, during each period of uninterrupted use, by the protection factor. If the exposure is later found to be greater than estimated, the corrected value must be used; if the exposure is later found to be less than estimated, the corrected value may be used; and

(b) The licensee must obtain authorization from the Authority before assigning respiratory protection factors in excess of those specified in 10 CFR Part 20 Appendix A to 20.1001 to 20.2401. The Authority may authorize a licensee to use higher protection factors on receipt of an application that:

(A) Describes the situation for which a need exists for higher protection factors; and

(B) Demonstrates that the respiratory protection equipment provides these higher protection factors under the proposed conditions of use.

(3) The licensee must use as emergency devices only respiratory protection equipment that has been specifically certified or had certification extended for emergency use by NIOSH/MSHA.

(4) The licensee must notify the Authority, in writing, at least 30 days before the date that respiratory protection equipment is first used under the provisions of either sections (1) or (2) of this rule.

(5) Standby rescue persons are required whenever one-piece atmosphere-supplying suits, or any combination of supplied air respiratory protection device and personnel protective equipment are used from which an unaided individual would have difficulty extricating himself or herself. The standby persons must be equipped with respiratory protection devices or other apparatus appropriate for the potential hazards. The standby rescue persons must observe or otherwise maintain continuous communication with the workers (visual, voice, signal line, telephone, radio, or other suitable means), and be immediately available to assist them in case of a failure of the air supply or for any other reason that requires relief from distress. A sufficient number of standby rescue persons must be immediately available to assist all users of this type of equipment and to provide effective emergency rescue if needed.

(6) Atmosphere-supplying respirators must be supplied with respirable air of grade D quality or better as defined by the Compressed Gas Association in publication G-7.1, "Commodity Specification for Air," 1997. Grade D quality air criteria include:

(a) Oxygen content (v/v) of 19.5-23.5 percent;

(b) Hydrocarbon (condensed) content of five milligrams per cubic meter of air or less;

(c) Carbon monoxide (CO) content of 10 ppm or less;

(d) Carbon dioxide content of 1,000 ppm or less; and

(e) Lack of noticeable odor.

(7) The licensee must ensure that no objects, materials or substances, such as facial hair, or any conditions that interfere with the facepiece seal or valve function, and that are under the control of the respirator wearer, are present between the skin of the wearer's face and the sealing surface of a tight-fitting respirator facepiece.

(8) In estimating the dose to individuals from intake of airborne radioactive materials, the concentration of radioactive material in the air that is inhaled when respirators are worn is initially assumed to be the ambient concentration in air without respiratory protection, divided by the assigned protection factor. If the dose is later found to be greater than the estimated dose, the corrected value must be used. If the dose is later found to be less than the estimated dose, the corrected value may be used.

Statutory/Other Authority: ORS 453.635
Statutes/Other Implemented: ORS 453.605 - 453.807
History:
PH 16-2019, amend filed 09/19/2019, effective 09/19/2019

Final Rule for RATS 2015-3, 10 CFR 71.17 as Published

333-118-0070
General License: Nuclear Regulatory Commission-Approved Packages

(1) A general license is hereby issued to any licensee of the Authority 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 Authority as satisfying the provisions of 10 CFR Part 71, subpart H and any applicable requirements in OAR 333-118-0200.

(3) Each licensee issued a general license under section (1) of this rule shall:

(a) Maintain a copy of the Certificate of Compliance, or other approval of the package, and 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 before shipment;

(b) Comply with the terms and conditions of the license, certificate, or other approval, as applicable, and the applicable requirements of 10 CFR Parts 71, subparts A, G, and H; and

(c) Submit in writing before the first use of the package to: ATTN: Document Control Desk, Director, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001, using an appropriate method listed in 10 CFR Parts 71.1(a), the licensee's name and license number and the package identification number specified in the package approval.

(4) This general license applies only when the package approval authorizes use of the package under this general license.

(5) For a Type B or fissile material package, the design of which was approved by the U.S. Nuclear Regulatory Commission before April 1, 1996, the general license is subject to the additional restrictions of 10 CFR Parts 71.19.

Statutory/Other Authority: ORS 453.635
Statutes/Other Implemented: ORS 453.605 - 453.807
History:
PH 16-2019, amend filed 09/19/2019, effective 09/19/2019

Final Rule for RATS 2015-5 as Published

333-111-0035 For Part 19.17 Current Rule
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

333-120-0720 For Part 20. Current Rule
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

333-125-0080 For Part 37.27(c), Amended Rule as Published
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 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. 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 16-2019, amend filed 09/19/2019, effective 09/19/2019

333-125-0180 For Part 37.77, Current Rule
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

333-118-0020 For Part 71.4, Current Rule

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.

333-118-0190 For Part 71.97, Current Rule
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