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OREGON ADMINISTRATIVE RULES  
OREGON HEALTH AUTHORITY, PUBLIC HEALTH DIVISION  
CHAPTER 333

**DIVISION 100**

**CONTROL OF RADIATION IN OREGON**

**333-100-0080**

**Deliberate Misconduct**

(1) Any licensee, applicant for a license, ~~or any~~ employee of a licensee or applicant; ~~or any~~ contractor (including a supplier or consultant), subcontractor, ~~or any~~ employee of a contractor or subcontractor, of any licensee, or applicant for a license, who knowingly provides to any licensee, applicant, contractor, or subcontractor, components, equipment, materials, or other goods or services, that relate to a licensee's or applicant's activities subject to this ~~rulepart~~; may not:

(a) Engage in deliberate misconduct that causes or, but for detection, would have caused, a licensee to be in violation of any rule, regulation, or order, or any term, condition, or limitation of any license, issued by the Authority; or

(b) Deliberately submit to the Authority, a licensee, or a licensee's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the Authority.

(2) A person who violates subsection (1)(a) or (1)(b) of this rule may be subject to enforcement action in accordance with OAR 333-100-0035.

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

~~(a)~~ Would cause a licensee to be in violation of any rule, regulation, or order, or any term, condition, or limitation, of any license issued by the Authority; or

~~(b)~~ Constitutes a violation of a requirement, procedure, instruction, contract, purchase order or policy of a licensee, contractor, or subcontractor.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.625 - 453.807

**DIVISION 102**

**LICENSING OF RADIOACTIVE MATERIAL**

**333-102-0305**

**Specific Terms and Conditions of License**

(1) Each license issued pursuant to the rules in this division and divisions 103, 105, 113, 115, 116, 117, 120, 121 and 124 of this chapter are subject to all the provisions of the Act, now or hereafter in effect, and to all rules, regulations and orders of the Authority.

(2) No license issued or granted pursuant to the rules in this division and divisions 103, 105, 113, 115, 116, 117, 120 and 121 of this chapter nor any right may be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Authority, after securing full information, shall

find that the transfer is in accordance with the provisions of the Act, and shall give its consent in writing.

(3) An application for transfer of license must include:

(a) The identity, technical and financial qualification of the proposed transferee; and

(b) Financial assurance for decommissioning as required by 10 CFR Parts 30.35 or 40.36.

(4) Each person licensed by the Authority pursuant to the rules in this division and divisions 103, 105, 113, 115, 116, 117, 120 and 121 of this chapter must confine the use and possession of the radioactive material to the locations and purposes authorized in the license. Except as otherwise provided in the license, a license issued pursuant to the rules in this division and divisions 105, 113, 115, 116, 117, and 121 of this chapter shall carry with it the right to receive, acquire, own, use and possess radioactive material. Preparation for shipment and transport of radioactive material must be in accordance with the provisions of division 118 of this chapter.

(5) Each license issued pursuant to the rules in this division and divisions 105, 113, 115, 116, 117, and 121 of this chapter shall be deemed to contain the provisions set forth in section 183b.-d., inclusive, of the Atomic Energy Act of 1954, as amended, whether or not these provisions are expressly set forth in the license.

(6) The Authority may incorporate, in any license issued pursuant to the rules in this division and divisions 103, 105, 113, 115, 116, 117, 120 and 121 of this chapter, at the time of issuance, or thereafter by appropriate rule, regulation or order, such additional requirements and conditions with respect to the licensee's receipt, possession, use and transfer of radioactive material as it deems appropriate or necessary in order to:

(a) Promote the common defense and security;

(b) Protect health or to minimize danger to life or property;

(c) Protect restricted data; and

(d) Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as may be necessary or appropriate to effectuate the purposes of the Act and regulations thereunder.

(7) Licensees required to submit emergency plans by OAR 333-102-0190(10) must follow the emergency plan approved by the Authority. The licensee may change the approved plan without Authority approval only if the changes do not decrease the effectiveness of the plan. The licensee must furnish the change to the Authority and to affected offsite response organizations within six months after the change is made. Proposed changes that decrease, or potentially decrease, the effectiveness of the approved emergency plan may not be implemented without prior application to and prior approval by the Authority.

(8) Each licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators or rubidium-82 from strontium-82/rubidium-82 generators must test the generator eluates for molybdenum-99 breakthrough or strontium-82 and strontium-85, respectively, in accordance with OAR 333-116-0330. The licensee must record the results of each test and retain each record for three years after the record is made.

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

(A) The licensee;

(B) An entity (as that term is defined in 11 U.S.C. 101(15)) controlling the licensee or listing the license or licensee as property of the estate; or

- (C) An affiliate (as that term is defined in 11 U.S.C. 101(2)) of the licensee.
- (b) This notification must indicate:
- (A) The bankruptcy court in which the petition for bankruptcy was filed; and
- (B) The date of the filing of the petition.
- (10) Sealed sources or detector cells containing licensed material must not be opened or sources removed from source holders or detector cells by the licensee.
- (11) No licensee may acquire licensed radioactive material in a sealed source or in a device that contains a sealed source unless the source or device has been registered with the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or with an Agreement State.
- (12) Any sealed source fabricated by a licensee must be registered, inspected, and tested for construction defects, leakage, and contamination prior to any use or transfer as a sealed source in accordance with requirements in 10 CFR 32.210.
- (13) Each licensee must conduct a physical inventory at intervals not to exceed six months to account for all radioactive material received and possessed by licensee. Inventories must include the types and quantities of radioactive material, location of materials, date of receipt, and the date of the inventory; and for sealed sources, the inventory must include the types and quantities of sealed sources, sealed source manufacturer, model number, serial number, date of receipt, condition of sealed sources, and the date of the inventory. Records of the inventories required by this section must be kept until inspection by the Authority.
- (14) Each licensee must transport radioactive material or deliver radioactive material to a carrier for transport in accordance with the provisions of Parts 170 through 189 of Title 49, Code of Federal Regulations and in accordance with division 118 of this chapter, "Transportation of Radioactive Material."
- (15) Each licensee possessing a device licensed pursuant to OAR 333-103-0010(2)(h) must perform an inspection of all devices at intervals not to exceed six months. Inspections must include condition of labeling and posting of each radiation device, and corrective actions taken if any; condition of shutter operation, if applicable, of each device, and corrective actions taken if any; and location of each device. Records of the inspections required by this section must be kept until inspection by the Authority.
- (16) No licensee may open or remove radioactive material from sealed sources or detector cells containing licensed radiation sources.
- (17) No person may repair, modify, dismantle, or effect any change in licensed devices or radiation sources, nor modify nor alter labels affixed to licensed devices by the manufacturer
- (18) Installation, initial radiation survey, relocation, removal from service, maintenance, and repair of fixed gauging devices containing radioactive sealed sources, and installation, replacement, and disposal of sealed sources must be performed only by persons specifically authorized by the Authority, the U.S. Nuclear Regulatory Commission, or another Agreement state to perform such services. Records of all surveys must be maintained for inspection by the Radiation Protection Services section.
- (19) If the licensee has previously determined that monitoring for internal exposure pursuant to OAR 333-120-0130, 333-120-0210, or 333-120-0320 is required, the data and results of this evaluation must be placed in the worker's exposure records and included the worker's Oregon Form Z report.
- (20) Testing for leakage or contamination of sealed sources must be in accordance with requirements in OAR 333-120-0460. In the absence of a certificate from a transferor indicating

that a test has been made within six months prior to the transfer, a sealed source or detector cell received from another person must not be put into use until tested.

(21) Detector cells must be used only in conjunction with a properly operating temperature control mechanism that prevents foil temperatures from exceeding manufacturer's specifications. Exhaust from detector cells must be vented to keep exposures to personnel and the public as low as reasonably achievable pursuant to OAR 333-120-0180.

(22) Licensees who possess sealed sources used for testing at field sites must possess at such locations transport documents, a current copy of the specific radioactive materials license, specific license validation certificates, the current leak test certificate, and the licensee's operating and emergency procedures. Licensed materials stored in an unrestricted area must be secured from unauthorized removal from the place of storage in accordance with provisions of OAR 333-120-0250 and 333-120-0260.

(23) Any specific licensee is authorized to receive, possess, use, transfer, and import up to 999 kilograms of uranium contained as shielding for specific licensed radioactive material authorized by license.

(24) A licensee may store, pursuant to OAR 333-120-0500, radioactive waste for decay in storage before disposal in accordance with [OAR 333-116-0290](#).

(25) Licensed materials in an unrestricted area and not in storage must be tended under the constant surveillance and immediate control of the licensee.

(26) Except as otherwise specified in a radioactive materials license, the licensee must have available and follow the instructions contained in the manufacturer's instruction manual for the chromatography device.

(27) In lieu of using the conventional radiation caution colors (magenta or purple on yellow background) as provided in OAR 333-120-0400(2), the licensee is hereby authorized to label detector cells and cell baths, containing licensed radioactive material and used in gas chromatography devices, with conspicuously etched or stamped radiation caution symbols without a color requirement.

(28) If a radiography licensee plans to use, during normal industrial radiographic operations subject to division 105 of this chapter, two or more exposure devices at one jobsite, the licensee must require at least one Radiographer or Radiographer Instructor authorized user for each exposure device, and the total number of authorized personnel (radiographers and assistant radiographers) at the temporary jobsite must not be less than  $n+1$  where  $n$ =the number of cameras.

(29) Security requirements for portable devices containing licensed radioactive materials. Each portable device containing licensed radioactive materials must be secured using a minimum of two independent physical controls that form two separate tangible barriers to prevent unauthorized removal or use, whenever the portable device is not under the direct control and constant surveillance of the licensee.

(30) Authorization under OAR 333-102-0190(10)(c)(N) to produce Positron Emission Tomography (PET) radiopharmaceutical drugs for noncommercial transfer to medical use licensees in its consortium does not relieve the licensee from complying with applicable FDA, other federal, and state requirements governing radiopharmaceutical drugs.

(31) Each licensee authorized under OAR 333-102-0190(10)(c)(N) to produce PET radiopharmaceutical drugs for noncommercial transfer to medical use licensees in its consortium shall:

(a) Satisfy the labeling requirements in OAR 333-102-0285(1)(d) for each PET radiopharmaceutical drug transport radiation shield and each syringe, vial, or other container used to hold a PET radiopharmaceutical drug intended for noncommercial distribution to members of its consortium.

(b) Possess and use instrumentation to measure the radioactivity of the PET radiopharmaceutical drugs intended for noncommercial distribution to members of its consortium and meet the procedural, radioactivity measurement, instrument test, instrument check, and instrument adjustment requirements in OAR 333-102-0285(3).

(32) A licensee that is a pharmacy authorized under OAR 333-102-0190(10)(c)(N) to produce PET radiopharmaceutical drugs for noncommercial transfer to medical use licensees in its consortium shall require that any individual that prepares PET radiopharmaceutical drugs shall be:

(a) An authorized nuclear pharmacist who meets the requirements in OAR 333-116-0910; or

(b) An individual under the supervision of an authorized nuclear pharmacist as specified in OAR 333-116-0100.

(33) A pharmacy, authorized under OAR 333-102-0190(10)(c)(N) to produce PET radiopharmaceutical drugs for noncommercial transfer to medical use licensees in its consortium that allows an individual to work as an authorized nuclear pharmacist, shall meet the requirements of OAR 333-116-0910.

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

### **333-102-0355**

#### **Records**

(1) Each person who receives radioactive material pursuant to a license issued in accordance with the rules in this division and divisions 103, 105, 113, 115, 116, 117, 120 and 121 of this chapter must keep records showing the receipt, transfer, and disposal of the radioactive material as follows:

(a) The licensee must retain each record of receipt of radioactive material as long as the material is possessed and for three years following transfer or disposal of the material.

(b) The licensee who transferred the material ~~shall~~must retain each record of transfer of radioactive material until the Authority terminates each license that authorized the activity that is subject to the record keeping requirement. for three years after each transfer unless a specific requirement in another division of the rules in this chapter dictates otherwise.

(c) The licensee who disposed of the material must retain each record of disposal of radioactive material until the Authority terminates each license that authorizes disposal of the material.

(2) The licensee must retain each record that is required by the rules in this division and divisions 105, 113, 115, 116, 117, and 121 of this chapter or by license condition for the period specified by the appropriate rule or license condition. If a retention period is not otherwise specified by rule or license condition, the record must be retained until the Authority terminates each license that authorizes the activity that is subject to the recordkeeping requirement.

(3)(a) Records that must be maintained pursuant to this division and divisions 105, 113, 115, 116, 117, and 121 of this chapter may be the original or a reproduced copy or microform if such reproduced copy or microform is duly authenticated by authorized personnel and the microform is capable of producing a clear and legible copy after storage for the period specified by Authority rules. The record also may be stored in electronic media with the capability for

producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, or specifications, must include all pertinent information such as stamps, initials, and signatures. The licensee must maintain adequate safeguards against tampering with and loss of records.

(b) If there is a conflict between the Authority's rules in this division and divisions 105, 113, 115, 116, 117, and 121 of this chapter, license condition, or other written Authority approval or authorization pertaining to the retention period for the same type of record, the retention period specified in the rules in this division and divisions 105, 113, 115, 116, 117, and 121 of this chapter for such records must apply unless the Authority, pursuant to OAR 333-102-0003, has granted a specific exemption from the record retention requirements specified in the rules in this division or divisions 105, 113, 115, 116, 117, and 121 of this chapter.

(4) Prior to license termination, each licensee authorized to possess radioactive material with a half-life greater than 120 days, in an unsealed form, must forward the following records to the program office:

(a) Records of disposals of licensed material made prior to January 28, 1981; and

(b) Records required by OAR 333-120-0620(2)(d).

**NOTE:** Prior to Oregon Department of Energy's Energy Facility Siting Council rules for burial of small quantities of licensed materials in soil was permitted without specific Authority authorization.

(5) If licensed activities are transferred or assigned in accordance with OAR 333-102-0305(2), each licensee authorized to possess radioactive material, with a half-life greater than 120 days, in an unsealed form, must transfer the following records to the new licensee and the new licensee will be responsible for maintaining these records until the license is terminated:

(a) Records of disposal of licensed material made under OAR 333-120-0510 (including burials authorized before January 28, 1981), 333-120-0520, 333-120-0530, 333-120-0540; and

(b) Records required by OAR 333-120-0620(2)(d).

(6) Prior to license termination, each licensee must forward the records required by OAR 333-102-0200(6) to the Authority.

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

## DIVISION 106

### X-RAYS IN THE HEALING ARTS

#### 333-106-0370

##### Operator Requirements

(1) Computed Tomography (CT) X-ray systems shall be operated by individuals who:

(a) Are registered with the American Registry of Radiologic Technologists (A.R.R.T); ~~and~~

~~(b) Have received additional CT system training; and~~ Have received a CT credential through the ARRT or the Nuclear Medicine Technologist Board (NMTCB); and

~~(c) Meet the clinical experience requirements for CT established by A.R.R.T.; and~~

(c) Are currently licensed by the Oregon Board of Medical Imaging (OBMI) or who have an active temporary CT license issued from the OBMI.

~~(2) Individuals who are registered with the A.R.R.T. and credentialed as an R.T. (R) and (CT) are considered to have met the CT training requirement in section (1) of this rule and clinical experience requirement in subsection (1)(e) of this rule.~~

~~(3) Those individuals who have met the requirements of section (1) of this rule prior to the effective date of this rule are considered to have met subsection (1)(a) of this rule.~~

~~(24)~~ Technologists operating CT systems must do so under the direction of a radiologist.

~~(35)~~ Positron Emission-Computed Tomography (PET/CT) or Single Photon Emission-Computed Tomography (SPECT/CT) systems shall be operated by a technologist licensed by the Oregon Board of Medical Imaging who is:

(a) Any registered radiographer with the credential R.T. (R); or

(b) Registered radiation therapist with the credential R.T. (T);

(c) Registered certified nuclear medicine technologist with the credentials R.T. (N); or

(d) Certified Nuclear Medicine Technologist (CNMT) by the Nuclear Medicine Technologist Certification Board. ~~(NMTCB).~~

~~(46)~~ The individuals mentioned in section ~~(35)~~ of this rule must also have successfully completed appropriate additional education and training and demonstrated competency in the use and operation of PET/CT or SPECT/CT systems.

~~(57)~~ Appropriate additional training is considered training that covers the topic areas outlined in the PET/CT curriculum developed by the Multi-Organizational Curriculum Project Group sponsored by the American Society of Radiologic Technologists and the Society of Nuclear Medicine Technologists, or equivalent training approved by the Authority and:

(a) Includes the content specified in the PET/CT curriculum for the area(s) that the individual is not already trained or certified in; or

(b) Individuals meeting the requirements of section ~~(35)~~ of this rule and who have successfully completed training that the Authority has evaluated and judged to be substantially equivalent to that specified in subsection ~~(57)~~(a) of this rule.

~~(68)~~ R.T. (N)s or CNMTs who have become certified in Computed Tomography through the American Registry of Radiologic Technologists, the NMTCB, or who have an active temporary CT license from the OBMI are considered to have met the training requirements in section ~~(35)~~ of this rule.

~~(79)~~ Technologists operating PET/CT or SPECT/CT systems must do so under the direction of an authorized user licensed to perform imaging and localization studies in accordance with OAR 333-116-0320.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

## DIVISION 118

### TRANSPORTATION OF RADIOACTIVE MATERIAL

#### 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.

(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) Contamination means the presence of a radioactive substance on a surface in quantities in excess of 0.4 Bq/cm<sup>2</sup> (1 × 10<sup>-5</sup> μCi/cm<sup>2</sup>) for beta and gamma emitters and low toxicity alpha emitters, or 0.04 Bq/cm<sup>2</sup> (1 × 10<sup>-6</sup> μCi/cm<sup>2</sup>) for all other alpha emitters.

(a) Fixed contamination means contamination that cannot be removed from a surface during normal conditions of transport.

(b) Non-fixed contamination means contamination that can be removed from a surface during normal conditions of transport.

~~(76)~~ "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.

~~(87)~~ "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, overpacks or freight containers containing fissile material during transportation. Determination of criticality safety index is described in 10 CFR 71.22, 71.23, and 71.59. The criticality safety index for an overpack, freight container, consignment or conveyance containing fissile material packages is the arithmetic sum of the criticality safety indices of all the fissile material packages contained within the overpack, freight container, consignment or conveyance.

~~(98)~~ "Deuterium" means for the purposes of 10 CFR Parts 71.15 and 71.22, deuterium and any deuterium compounds, including heavy water, in which the ratio of deuterium atoms to hydrogen atoms exceeds 1:5000.

~~(109)~~ "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.

~~(110)~~ "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. Certain exclusions from fissile material controls are provided in 10 CFR 71.15.

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

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

(132) "Graphite" means for the purposes of OAR 333-118-0053 ~~10 CFR 71.15~~ and OAR 333-118-0110, 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.

(143) "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.

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

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

(165) "Low specific activity (LSA) material" means radioactive material with limited specific activity that is nonfissile or is excepted under OAR 333-118-0053 ~~10 CFR 71.15~~, and 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) Uranium and thorium ores, concentrates of uranium and thorium ores, and other ores containing naturally occurring radionuclides that are intended to be processed for the use of these radionuclides; Ores containing only naturally occurring radionuclides, such as uranium and thorium, that are not intended to be processed for the use of these radionuclides;

(B) ~~Solid unirradiated~~ Natural uranium, depleted uranium, natural thorium, or their ~~solid or liquid~~ compounds or mixtures; provided they are unirradiated and in solid or liquid form;

(C) Radioactive material, other than fissile material, for which the  $A_2$  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) Other radioactive material in which the radioactive material is distributed throughout, and the average specific activity does not exceed  $10^{-4}$   $A_2/g$  for solids and gases, and  $10^{-5}$   $A_2/g$  for liquids.

(c) LSA-III. Solids (~~consolidated wastes, activated materials~~) excluding powders that satisfy the requirements of 10 CFR Part 71.77 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, and ceramic);

(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, shall not exceed 0.14E-1 ~~1~~  $A_2$ ; and

(C) The estimated average specific activity of the solid does not exceed  $2 \times 10^{-3}$  ~~2E-3~~ A<sub>2</sub> per gram.

(176) "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 10 days.

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

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

(2049) "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/in<sup>2</sup>) gauge or a pressure relief device that may 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 shall 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.

(210) "Packaging" means the assembly of components necessary to ensure compliance with the packaging requirements of 10 CFR Part 71.4. 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.

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

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

(243) "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 10 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, 1996~~83~~), and constructed before April 1, 1998; and special form materials that were successfully tested before September 10, 2015 in accordance with the requirements of 10 CFR Part 71.75(d) in effect before September 10, 2015; may continue to be used. Any other special form encapsulation must meet the specifications of this definition.

(254) "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.

(265) "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.

(276) "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 cm<sup>2</sup> (or the area of the surface if less than 300 cm<sup>2</sup>) does not exceed 4 Bq/cm<sup>2</sup> (10<sup>-4</sup> microcurie/cm<sup>2</sup>) for beta, gamma and low toxicity alpha emitters, or 0.4 Bq/cm<sup>2</sup> (10<sup>-5</sup> microcurie/cm<sup>2</sup>) for all other alpha emitters;

(B) The fixed contamination on the accessible surface averaged over 300 cm<sup>2</sup> (or the area of the surface if less than 300 cm<sup>2</sup>) does not exceed 4x10<sup>4</sup> Bq/cm<sup>2</sup> (1.0 microcurie/cm<sup>2</sup>) for beta, gamma and low toxicity alpha emitters, or 4x10<sup>3</sup> Bq/cm<sup>2</sup> (0.1 microcurie/cm<sup>2</sup>) for all other alpha emitters; and

(C) The non-fixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm<sup>2</sup> (or the area of the surface if less than 300 cm<sup>2</sup>) does not exceed 4x10<sup>4</sup> Bq/cm<sup>2</sup> (1 microcurie/cm<sup>2</sup>) for beta, gamma and low toxicity alpha emitters, or 4x10<sup>3</sup> Bq/cm<sup>2</sup> (0.1 microcurie/cm<sup>2</sup>) 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 cm<sup>2</sup> (or the area of the surface if less than 300 cm<sup>2</sup>) does not exceed 400 Bq/cm<sup>2</sup> (10<sup>-2</sup> microcurie/cm<sup>2</sup>) for beta and gamma and low toxicity alpha emitters or 40 Bq/cm<sup>2</sup> (10<sup>-3</sup> microcurie/cm<sup>2</sup>) for all other alpha emitters;

(B) The fixed contamination on the accessible surface averaged over 300 cm<sup>2</sup> (or the area of the surface if less than 300 cm<sup>2</sup>) does not exceed 8 x 10<sup>5</sup> Bq/cm<sup>2</sup> (20 microcuries/cm<sup>2</sup>) for beta and gamma and low toxicity alpha emitters, or 8 x 10<sup>4</sup> Bq/cm<sup>2</sup> (2 microcuries/cm<sup>2</sup>) for all other alpha emitters; and

(C) The nonfixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm<sup>2</sup> (or the area of the surface if less than 300 cm<sup>2</sup>) does not exceed 8 x 10<sup>5</sup> Bq/cm<sup>2</sup> (20 microcuries/cm<sup>2</sup>) for beta and gamma and low toxicity alpha emitters, or 8 x 10<sup>4</sup> Bq/cm<sup>2</sup> (2 microcuries/cm<sup>2</sup>) for all other alpha emitters.

(287) "Transport index (TI)" means the dimensionless number, (rounded up to the next tenth) 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)).

(298) "Tribal official" means the highest ranking individual that represents Tribal leadership, such as the Chief, President, or Tribal Council leadership.

(3029) "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.

(310) "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.

(324) "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.

(332) "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.

(343) "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 Authority.

(354) "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.

(365) "Uranium — natural, depleted, enriched":

(a) "Natural uranium" means uranium (which may be chemically separated) ~~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: Tables and Appendices referenced are available from the agency.]

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

### **333-118-0052**

#### **Exemption for Low Level Materials**

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

(1) Natural material and ores containing naturally occurring radionuclides that are either in their natural state, or have only been processed for purposes other than for the extraction of the radionuclides, and which are not intended to be processed for the use of these radionuclides, provided the activity concentration of the material does not exceed 10 times the applicable

radionuclide activity concentration values specified in 10 CFR Parts 71, Appendix A, Table A-2 or Table A-3.

(2) Materials for which the activity concentration is not greater than the activity concentration values specified in 10 CFR Parts 71, Appendix A, Table A-2, or Table A-3, or for which the consignment activity is not greater than the limit for an exempt consignment found in 10 CFR Parts 71, Appendix A, Table A-2 or Table A-3.

(3) Non-radioactive solid objects with radioactive substances present on any surfaces in quantities not in excess of the levels cited in the definition of contamination in OAR 333-118-0020.

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

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

### **333-118-0053**

#### **Exemption from Classification as Fissile Material**

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.

(1) Individual package containing two grams or less fissile material.

(2) 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.

(3) 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.

(4) 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.

(5) Uranium enriched in uranium-235 to a maximum of one percent by weight, and with total plutonium and uranium-233 content of up to one percent of the mass of uranium-235, provided that the mass of any beryllium, graphite, and hydrogenous material enriched in deuterium constitutes less than five percent of the uranium mass and the fissile material is distributed homogeneously and does not form a lattice arrangement within the package.

(6) Liquid solutions of uranyl nitrate enriched in uranium-235 to a maximum of two 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 two. The material must be contained in at least a DOT Type A package.

(7) 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

### 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.

~~(a) Has a quality assurance program approved by the Nuclear Regulatory Commission as satisfying the provisions of 10 CFR Part 71, Subpart H and 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: Radiation Protection Services, 800 NE Oregon St. Suite 640, Portland Oregon 97232, 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.

~~(b) 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;~~

~~(c) 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; and~~

(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 Commission before April 1, 1996, the general license is subject to the additional restrictions of 10 CFR Parts 71.19.

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

~~(3) The general license in section (1) of this rule applies only when the package approval authorizes use of the package under this general license.~~

~~(4) 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

### **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(e); 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(e);~~

~~(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~~

### **333-118-0100**

#### **General License: Use of Foreign Approved Package**

(1) A general license is issued to any licensee of the Authority 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 Part 171.2342.

(2) Except as otherwise provided in this division, the general license applies only to a licensee who has a quality assurance program approved by the Authority as satisfying the applicable provisions of 10 CFR Part 71, subpart H.

(3) This general license applies only to shipments made to or from locations outside of the United States.

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

(a) Maintain 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 before shipment; and

(b) Comply with the terms and conditions of the certificate and revalidation, and with the applicable requirements of 10 CFR Part 71, subparts A, G, and H.

~~(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

### **333-118-0140**

#### **Preliminary Determinations**

The licensee shall ascertain that the determinations in 10 CFR Part 71.85 sections (a) through (c) have been made.

~~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;~~

~~(3) The licensee shall determine that the packaging meets 10 CFR Part 71.85(b); 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

### **333-118-0170**

#### **Shipment Records**

(1) Each licensee shall maintain for a period of three years after shipment, or until inspected by the Authority, a record of each shipment of licensed material not exempt under OAR 333-118-00520040, showing, where applicable:

~~(a) Identification of the packaging by model and serial number;~~

~~(b) Verification that the packaging, as shipped, had no significant defects;~~

~~(c) Volume and identification of coolant;~~

~~(d) Type and quantity of licensed material in each package, and the total quantity of each shipment;~~

~~(e) For each item of irradiated fissile material:~~

~~(A) Identification by model number and serial number;~~

~~(B) Irradiation and decay history to the extent appropriate to demonstrate that its nuclear and thermal characteristics comply with license conditions; and~~

~~(C) Any abnormal or unusual condition relevant to radiation safety;~~



- ~~(f5)~~ Date of the shipment;
- ~~(g6)~~ For fissile packages and for Type B packages, any special controls exercised;
- ~~(h)~~ Name and address of the transferee;
- ~~(i)~~ Address to which the shipment was made; and
- ~~(j)~~ Results of the determinations required by OAR 333-118-0150 and by the conditions of the package approval.
- ~~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.
- ~~(2)~~ The licensee shall make available to the Authority for inspection, upon reasonable notice, all records required within this rule. Records are only valid if stamped, initialed, or signed and dated by authorized personnel, or otherwise authenticated.
- ~~(3)~~ The licensee shall maintain sufficient written records to furnish evidence of the quality of packaging. The records to be maintained include results of the determinations required by OAR 333-118-0140; design, fabrication, and assembly records; results of reviews, inspections, tests, and audits; results of monitoring work performance and materials analyses; and results of maintenance, modification, and repair activities. Inspection, test, and audit records must identify the inspector or data recorder, the type of observation, the results, the acceptability, and the action taken in connection with any deficiencies noted. These records must be retained for three years after the life of the packaging to which they apply.
- Stat. Auth.: ORS 453.635  
Stats. Implemented: ORS 453.605 - 453.807

### **333-118-0200**

#### **Quality Assurance Requirements**

- (1) ~~This rule applies to general licensees only, and not to certificate of compliance holders (CoC) or applicants of CoC.~~ 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 ~~submit provide the Authority~~ their Quality Assurance program or plans for review and approval ~~to: Attn: Radiation Protection Services, 800 NE Oregon St., Suite 640, Portland Oregon, 97232.~~ ~~by the Authority.~~
- Stat. Auth.: ORS 453.635  
Stats. Implemented: ORS 453.605 - 453.807

## **DIVISION 120**

### **STANDARDS FOR PROTECTION AGAINST RADIATION**

#### **333-120-0200**

##### **General**

- (1) Each licensee or registrant must make or cause to be made, surveys that:
- (a) Are necessary for the licensee or registrant to comply with the rules in this division; and
- (b) Are reasonable under the circumstances to evaluate:
- (A) The magnitude and extent of radiation levels; and
- (B) The concentrations or quantities of radioactive material; and

(C) The potential radiological hazards that could be present.

(2) Notwithstanding OAR 333-120-0620, records from surveys describing the location and amount of subsurface residual radioactivity identified at the site must be kept with records important for decommissioning. Records must be retained in accordance with 10 CFR parts 30.35(g), 40.36(f), and 70.25(g).

(3) The licensee or registrant must ensure that instruments and equipment used for quantitative radiation measurements (such as dose rate and effluent monitoring) are calibrated at intervals not to exceed 12 months for the radiation measured, except when a more frequent interval is specified in another applicable division or a license condition.

(4) All personnel dosimeters (except for direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to the extremities) that require processing to determine the radiation dose and that are used by licensees or registrants to comply with OAR 333-120-0100, with other applicable provisions of this division or with conditions specified in a license must be processed and evaluated by a dosimetry processor:

(a) Holding current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and

(b) Approved in this accreditation process for the type of radiation or radiations included in the NVLAP program that most closely approximates the type of radiation or radiations for which the individual wearing the dosimeter is monitored.

(5) The licensee or registrant must ensure that adequate precautions are taken to prevent a deceptive exposure of an individual monitoring device.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

## DIVISION 125

### MATERIALS SAFETY AND SECURITY

#### 333-125-0025

##### Access Authorization Program Requirements

(1) Granting unescorted access authorization. Licensees shall implement the following requirements under OAR 333-125-0020 through 333-125-0095 for granting initial or reinstated unescorted access authorization:

(a) Individuals who have been determined to be trustworthy and reliable, shall complete the security training required by OAR 333-125-0105 before being allowed unescorted access to category 1 or category 2 of radioactive material.

(b) Reviewing officials shall be the only individuals who may make trustworthiness and reliability determinations that allow individuals to have unescorted access to category 1 or category 2 of radioactive material possessed by the licensee.

(c) Each licensee shall name one or more individuals to be reviewing officials. After completing the background investigation on the reviewing official, the licensee shall provide under oath or affirmation, a certification that the reviewing official is deemed trustworthy and reliable by the licensee. The fingerprints of the named reviewing official must be taken by a law enforcement agency, federal or state agencies that provide fingerprinting services to the public, or commercial fingerprinting services authorized by a state to take fingerprints. The licensee shall recertify that

the reviewing official is deemed trustworthy and reliable every 10 years in accordance with OAR ~~333-125-0070~~~~333-125-0065~~.

(2) Reviewing officials must be permitted to have unescorted access to category 1 or category 2 quantities of radioactive materials and access to the licensee's safeguards information or safeguards information-modified handling, if the licensee possesses safeguards information or safeguards information-modified handling.

(3) Reviewing officials cannot approve other individuals to act as reviewing officials.

(4) A reviewing official does not need to undergo a new background investigation before being named by the licensee as the reviewing official if:

(a) The individual has undergone a background investigation that included fingerprinting and an FBI criminal history records check and has been determined to be trustworthy and reliable by the licensee; or

(b) The individual is subject to a category listed in OAR 333-125-0085.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.635

### **333-125-0120**

#### **Physical Protection Requirements During Use: Security Program, Protection of Information**

(1) Licensees authorized to possess category 1 or category 2 quantities of radioactive material shall secure from public disclosure and limit access to their security plan and implementation proceduresplans, and the list of individuals that have been approved for unescorted access.

(2) Efforts to limit access shall include the development, implementation, and maintenance of written policies and procedures for controlling access to, and for proper handling and protection against unauthorized disclosure of the security and implementation plans.

(3) Before granting an individual access to the security plan or implementation plans, the licensee shall:

(a) Evaluate an individual's need to know of the security or implementation plans; and

(b) If the individual has not been authorized for unescorted access to category 1 or category 2 quantities of radioactive material, safeguards information, or safeguards information-modified handling, the licensee must complete a background investigation to determine the individual's trustworthiness and reliability. A trustworthiness and reliability determination shall be conducted by the reviewing official and shall include the background investigation elements contained in OAR 333-125-0060(2)(b) through (2)(e)(B).

(4) Licensees need not subject the following individuals to the background investigation elements for protection of information:

(a) The categories of individuals listed in OAR 333-125-0085(1)(a) through (m); or

(b) Security service provider employees, provided written verification that the employee has been determined to be trustworthy and reliable, by the required background investigation in OAR 333-125-0060(2)(b) through (2)(e)(B) has been provided by the security service provider.

(5) The licensee shall document the basis for concluding that an individual is trustworthy and reliable and allowed access to the security and implementation plans.

(6) Licensees shall maintain a list of persons currently approved for access to the security and implementation plans. When a licensee determines that a person no longer needs access to the security and implementation plans, or no longer meets the access authorization requirements for access to the information, the licensee shall remove the person from the approved list as soon as

possible, but no later than seven working days, and take prompt measures to ensure that the individual is unable to obtain the security plan or implementation procedures.

(7) When not in use, the licensee shall store its security and implementation plans in a manner to prevent unauthorized access. Information stored in non-removable electronic form must be password protected.

(8) The licensee shall retain as a record for three years after the document is no longer needed:

(a) A copy of the information protection procedures; and

(b) The list of individuals approved for access to the security plan or implementing procedures.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.635

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

#### **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(1).

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.635