



# Oregon

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**To:** Radioactive Materials Enforcement Rulemaking Advisory Committee  
& Interested Persons

**From:** Oregon Energy Facility Siting Council

**Date:** July 14, 2020

**Re:** Radioactive Materials Enforcement RAC Membership & Expectations

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## **Summary**

At its [May 21, 2020 Council Meeting](#), the Energy Facility Siting Council approved the use of a Rules Advisory Committee (RAC) to assist in the development of proposed rules for its Radioactive Materials Enforcement Rulemaking Project. The project will focus on rules in OAR chapter 345, division 029 that provide for the enforcement of laws and rules governing the transport and disposal of radioactive materials and waste in Oregon. This document provides a brief overview of the objectives, scope, and expectations for the conduct of the RAC. A roster of approved RAC members, which may be periodically updated by the Department, is attached to this document.

## **Objectives and Scope**

The objective of this rulemaking project is to ensure that the rules for enforcement of laws and rules governing the transport and disposal of radioactive materials and waste are sufficient to protect public health and safety and the environment by incentivizing preventative measures to ensure that radioactive materials or wastes are not improperly transported or disposed of in Oregon, and to require appropriate mitigation when a violation occurs. The scope of the project may include any issues identified by the Council, the Department, members of the RAC, or members of the general public, related to enforcement of laws and rules governing the handling and disposal of radioactive materials and wastes in Oregon.

The Rules Advisory Committee (RAC) was appointed to assist in the development of proposed rules by identifying issues, discussing policy alternatives, and providing input on draft rule language. The Council also requests the committee's recommendations on whether any proposed rules will have a fiscal impact, what the extent of that impact will be and whether the rules will have a significant adverse impact on small businesses.

## **RAC Members**

The RAC will consist of individuals and organizations representing interests likely to be affected by the proposed rules. These interests include regulated entities, public interest groups, state agencies, local governments, and tribal governments. The Energy Facility Siting Council has delegated management of the individuals and organizations approved to participate in the RAC to the Oregon Department of Energy's Nuclear Safety and Emergency Preparedness Division. A list of approved RAC members is attached to this document.

Organizations appointed to the RAC are asked to identify one representative that will participate in meetings. The organization may send a substitute to attend meetings when the primary representative is not available. It is the organizations responsibility to ensure that the substitute is prepared to participate in the discussion.

### **RAC Timeline**

The Council intends to adopt permanent rules before the end of 2020. To help prepare draft proposed rules for the Council's consideration in the fall, staff anticipates the need for at least three RAC meetings to be held between July and September.

- Meeting 1 (July) will focus on establishing scope of project, identifying issues, and taking public comment. Discussion of issues as time allows.
- Meeting 2 (August) will focus on discussion of issues, will include short period for public comment.
- Meeting 3 (September) will focus on review of draft proposed rules.

Additional meetings to complete review of draft proposed rules may be held if needed.

### **Conduct of Committee Meeting**

The Department will facilitate all RAC meetings. The Department will endeavor to encourage open and robust dialogue and ensure that all perspectives are heard. RAC members are encouraged to provide open and honest feedback on the Department's recommendations. The RAC is not expected to approve or reach a consensus on any specific recommendations.

**Non-member Participation:** All RAC meetings are open to the public and the opportunity to provide public comment will be provided at a designated time. If the Council approves proposed rules, there will also be opportunity for public comments and testimony as part of the formal rulemaking proceedings.

**Electronic Meetings During COVID-19 Emergency Period:** Consistent with Executive Order 20-16, any advisory committee meetings or public hearings associated with this rulemaking will be conducted by telephone or other electronic means, as allowed under ORS 192.670, for the duration of the COVID-19 emergency period.

**Accommodations for Persons with Disabilities:** The Department will make reasonable accommodations for persons with disabilities at any meetings upon request. Please contact us at least 72 hours before the meeting. Call Chris Clark at (503) 373-1033; Fax (503) 373-7806, or toll free in Oregon at (800) 221-8035. TTY users should call the Oregon Relay Service at 711.

### **Meeting Materials**

Meeting materials will be provided to RAC members and posted to the [Council's Rulemaking Website](#) prior to each meeting. A recording of each meeting and a meeting summary will be posted as soon as they are available.

### **Decision Making**

The Council retains the authority to decide the content of the final proposed rules and rulemaking documents. The committee's discussions will inform the Department's recommendations and draft proposed rules presented to the Council. If approved by the Council, proposed rules will be published for public review and comment as part of the Council's rulemaking process.

### **Additional Information**

If you are interested in participating on the RAC or would like additional information about this rulemaking project, please contact the Energy Facility Siting Council's Rules Coordinator at [efsc.rulemaking@oregon.gov](mailto:efsc.rulemaking@oregon.gov) or call (503) 373-1033.

## Radioactive Materials Enforcement Rulemaking Advisory Committee Committee Membership as of 7/1/2020

At its [May 21, 2020 Council Meeting](#), the Energy Facility Siting Council approved the use of a Rules Advisory Committee (RAC) to assist in the development of proposed rules for its Radioactive Materials Enforcement Rulemaking Project. The RAC will assist in the development of proposed rules by identifying issues, discussing policy alternatives, and providing input on draft rule language. The RAC will also be asked to provide recommendations on whether any proposed rules will have a fiscal impact, what the extent of that impact will be and whether the rules will have a significant adverse impact on small businesses.

The RAC is intended to represent interests that are likely to be affected by the proposed rules. The Energy Facility Siting Council has delegated management of the individuals and organizations approved to participate in the RAC to the Oregon Department of Energy's Nuclear Safety and Emergency Preparedness Division. The list below includes all organizations and representatives who have been approved to participate on the RAC as of the date indicated above. The list may be updated to include additional members as the process moves forward.

Organization	Primary Representative
Columbia Riverkeeper	Erin Saylor
Confederated Tribes of the Umatilla Indian Reservation	Mason Murphy
Gilliam County	Lisa Atkin
League of Women Voters of Oregon	Shirley Weathers
Oregon DEQ	Sarah Wheeler
Oregon Health Authority	Hillary Haskins
Oregon Physicians for Social Responsibility	Damon Motz-Storey
PCC Structural	Bill Couch
Waste Management	Jim Denson