

Oregon Department of **ENERGY**

Radioactive Materials
Enforcement
RAC Meeting

Virtual Meeting

November 2, 2020



Agenda

2:00 pm: Greetings and Introductions

2:15 pm: Discussion of Issues

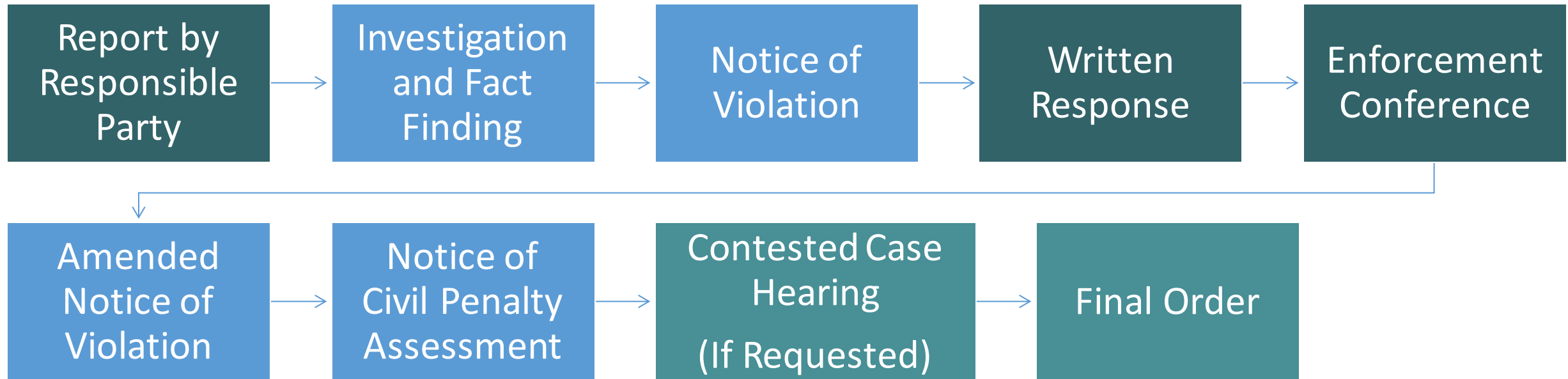
4:45 pm: Public Comment

4:55 pm: Discuss Next Steps & Adjourn

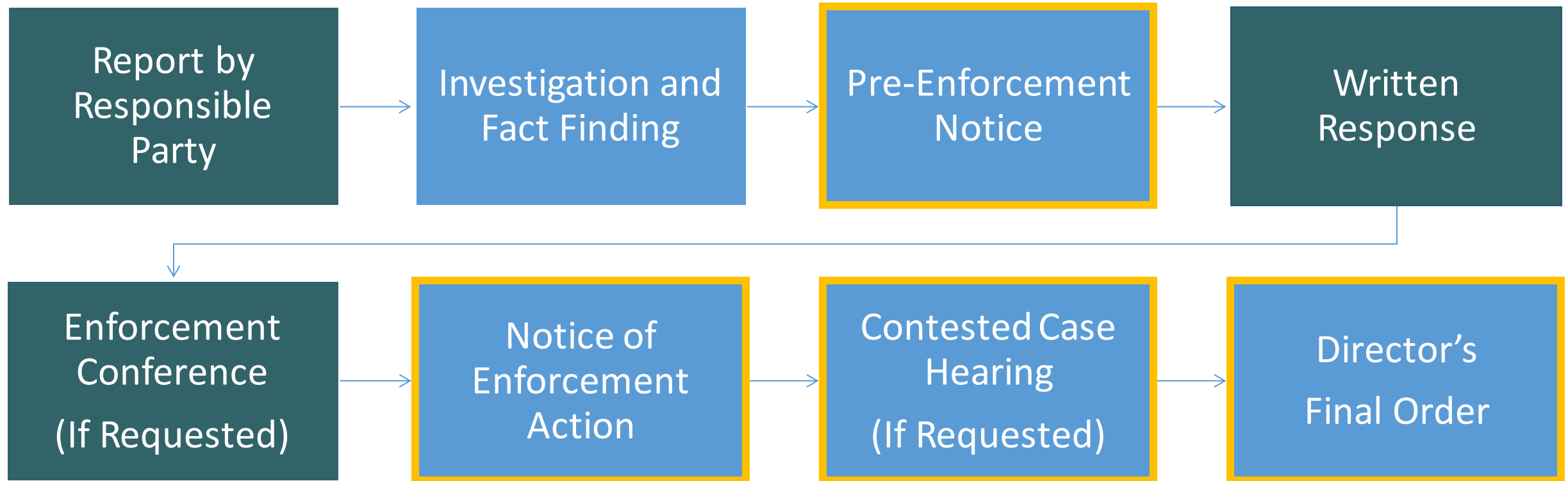
Greetings and Introductions

- This meeting is being recorded. Audio of the meeting and meeting notes will be made available.
- Please identify yourself when providing comment for the record.
- Please do not speak over other participants. If you wish to respond to another participant, please “raise your hand.”
- Purpose of RAC is to obtain input from all stakeholders, consensus is not required.

Procedures for Enforcement Existing Rules



Procedures for Enforcement Proposed Rules



Pre-Enforcement Notice

- Classification of Violation
 - Violations classified by type
 - No escalation analysis
- Written response requires statement of facts not admission
- Opportunity for Enforcement Conference provided

Notice of Enforcement Action

- Issued for all enforcement actions:
 - Civil Penalty Assessment
 - Compliance Order
 - Safety Conditions
- Always considered a Contested Case
 - Hearings conducted by Director under OAH rules
 - Allows Final Order by Default

Civil Penalty Assessment

345-029-0560

- Determine Base Penalty Amount
- Apply aggravating multipliers
 - 5 if reckless or intentional
 - 2.5 is repeated
 - 2.5 if irreversible
- If no aggravating multipliers, apply mitigating multipliers
 - 0.75 if the responsible party was responsive
 - 0.8 if the violation was voluntarily reported
- Multiply result by total days of violation

Civil Penalty Assessment

345-029-0560A

- Determine Base Penalty Amount
- Apply multiplier for aggravating and mitigating factors.
 - Multiplier is 1 if no factors are applied.
 - Multiplier ranges from 0.5 to 2 if factors are applied.
- Apply multiplier for duration
 - 1, if single violation or occurrence lasted one day
 - 2, if occurrence lasted 2 -6 days
 - 5, if occurrence lasted 7-29 days
 - 10, if occurrence lasted 30+ Days
- Add additional amount for economic benefit

Civil Penalty Assessment Base Penalty Amounts

| | Minor | Moderate | Major |
|-----------|--------------|-----------------|--------------|
| Class I | \$1,000 | \$5,000 | \$10,000 |
| Class II | \$500 | \$2,500 | \$5,000 |
| Class III | \$500 | \$500 | \$500 |

Penalty Scenario 1

- Waste disposed of over 6 months, moderate risk
- Responsible Party reported and taking appropriate corrective action

| | | 560 | 560A |
|-------------------------|--------------------|--------------------|-----------------|
| Base Penalty | Class I - Moderate | \$5,000 | \$5,000 |
| Intentional/Reckless | No | 1 | 0 |
| Repeated | No | 1 | 0 |
| Irreversible | Yes | 2.5 | 0.25 |
| Responsive | No | 1 | 0 |
| Voluntary Reporting | Yes | 1 | -0.25 |
| Days of Violation | 180 | 180 | 10 |
| PENALTY AMOUNT | | \$2,250,000 | \$50,000 |
| Amount available for EB | | | \$4,450,000 |



Penalty Scenario 2

- Single disposal with significant risk discovered after 2 years
- Violation found to be result of reckless behavior,
- RP is unresponsive

| | | 560 | 560A |
|-------------------------|-----------------|---------------------|------------------|
| Base Penalty | Class I - Major | \$10,000 | \$10,000 |
| Intentional/Reckless | Yes | 5 | 0.5 |
| Repeated | No | 1 | 0 |
| Irreversible | Yes | 2.5 | 0.25 |
| Responsive | No | 1 | 0 |
| Voluntary Reporting | No | 1 | 0 |
| Days of Violation | 730 | 730 | 10 |
| PENALTY AMOUNT | | \$18,250,000 | \$175,000 |
| Amount available for EB | | | \$18,075,000 |



Adjourn

