

Final Rules for RATS 2018-2

For 37.77

333-125-0180

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

(1) As specified in sections (1) and (2) of this rule, each licensee shall provide advance notification to the Authority and the Governor of a state, or the Governor's designee, of the shipment of licensed material in a category 1 quantity, through or across the boundary of the state, before the transport, or delivery to a carrier for transport of the licensed material outside the confines of the licensee's facility or other place of use or storage.

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

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

(c) A notification delivered by any means other than mail must be received 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 Authority.

(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

For 37.81

333-125-0190

Physical Protection in Transit: Reporting of Events

(1) The shipping licensee shall notify the appropriate LLEA, and the NRC's Operations Center by telephone at (301) 816-5100 within one hour of its determination that a shipment of category 1 quantities of radioactive material is lost or missing. The appropriate LLEA is the law enforcement agency in the area of the shipment's last confirmed location. During the investigation required by OAR 333-125-0185(3), the shipping licensee shall provide agreed upon updates to the NRC's Operations Center on the status of the investigation.

(2) The shipping licensee shall notify the NRC's Operations Center by telephone at (301) 816-5100, within four hours of its determination that a shipment of category 2 quantities of radioactive material is lost or missing. If, after 24 hours of its determination that the shipment is lost or missing, the radioactive material has not been located and secured, the licensee shall immediately notify the NRC's Operations Center.

(3) The shipping licensee shall notify the designated LLEA along the shipment route as soon as possible upon discovery of any actual or attempted theft or diversion of a shipment or suspicious activities related to the theft or diversion of a shipment of a category 1 quantity of radioactive material. As soon as possible after notifying the LLEA, the licensee shall notify the NRC's Operations Center by telephone at (301) 816-5100 upon discovery of any actual or attempted theft or diversion of a shipment, or any suspicious activity related to the shipment of category 1 radioactive material.

(4) The shipping licensee shall notify the NRC's Operations Center by telephone at (301) 816-5100 as soon as possible upon discovery of any actual or attempted theft or diversion of a shipment, or any suspicious activity related to the shipment of a category 2 quantity of radioactive material.

(5) The shipping licensee shall notify the NRC's Operations Center by telephone at (301) 816-5100 and the LLEA as soon as possible upon recovery of any lost or missing category 1 quantities of radioactive material.

(6) The shipping licensee shall notify the NRC's Operations Center by telephone at (301) 816-5100 as soon as possible upon recovery of any lost or missing category 2 quantities of radioactive material.

(7) The initial telephonic notification required by sections (1) through (4) of this rule must be followed within a period of 30 days by a written report submitted to the Authority. A written report is not required for notifications on suspicious activities required by sections (3) and (4) of this rule. The report must set forth the following information:

(a) A description of the licensed material involved, including kind, quantity, and chemical and physical form;

(b) A description of the circumstances under which the loss or theft occurred;

(c) A statement of disposition, or probable disposition, of the licensed material involved;

(d) Actions that have been taken, or will be taken, to recover the material; and

(e) Procedures or measures that have been, or will be, adopted to ensure against a recurrence of the loss or theft of licensed material.

(8) Subsequent to filing the written report, the licensee shall also report any additional substantive information on the loss or theft within 30 days after the licensee learns of such information.

Statutory/Other Authority: ORS 453.635

Statutes/Other Implemented: ORS 453.635

For 71.97

333-118-0190

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

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

Statutory/Other Authority: ORS 453.635

Statutes/Other Implemented: ORS 453.605 - 453.807