



# Oregon

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**To:** Energy Facility Siting Council

**From:** Thomas Jackman, Rules Coordinator

**Date:** July 5, 2024

**Subject:** Agenda Item E (Action Item): Research Reactor Rulemaking Initiation Request for the July 19, 2024 EFSC Meeting

**Attachments:** Attachment 1: Draft Notice of Proposed Rulemaking  
Attachment 2: Draft Redline of Proposed Rule

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## BACKGROUND

Oregon State University and Reed College both operate Training, Research, Isotopes and General Atomic (TRIGA) Class nuclear research reactors. Like other nuclear installations, the research reactors operate under licenses issued by the Nuclear Regulatory Commission, and the Council provides state level monitoring and oversight of the facilities as provided by their site certificates and the administrative rules in OAR chapter 345, division 030.

This rulemaking project would update Division 030 to ensure consistency with federal reporting and notification requirements. Staff has solicited feedback from the operators of these research reactors and has also discussed the proposed rule changes with both the Oregon Department of Energy Nuclear Safety Team and Hillary Haskins, the Emergency Response Manager for the Oregon Health Authority, who have expressed their approval of these changes.

## RULE CHANGE OVERVIEW

There are two proposed rule changes:

- 1) Change the annual reporting requirement in 345-030-0010(1) from August 1 to October 1 and;
- 2) Change the written report deadline in 345-030-0010(2)(a) from 10 days to 14 days.

Each of these changes is designed to align the Council's reporting requirements more closely with the U.S. Nuclear Regulatory Commission reporting requirements and the technical specifications that describe the specific federal reporting requirements each research facility is required to follow.

Staff notes that the operators of the two research reactors, Steve Reese at OSU and Jerry Newhouse at Reed College, wanted one additional change as part of this rulemaking. They

requested to modify the reporting requirements found in OAR 345-030-0010(2)(a) and (3)(a) to remove “promptly notify the Council” and replace it with “notify the Council by the following working day,” which is what their respective technical specifications require. The technical specifications are the specific federal requirements for each research reactor and for the two research reactors in Oregon both use “the following working day” as the deadline for reporting events at issue in OAR 345-030-0010(2)(a) and (3)(a).

Staff proposes to the Council that there is no need to make this requested change. Promptly does not mean immediately and implies a response which is commensurate with the incident. Staff requests that the Council clarify that this could mean the following working day if the nature of the given incident suggests that this is appropriate. However, it could mean sooner than this. While regulatory certainty is often a goal of rulemaking, it is at odds with regulatory discretion and flexibility, which staff feels is more appropriate in this instance.

**NEXT STEPS AND PROJECTED RULEMAKING TIMELINE**

If the Council is satisfied with the draft proposed rules, staff requests authorization to issue a Notice of Proposed Rulemaking and initiate formal proceedings to adopt the proposed amendments. The table below presents the procedural history and projected timeline for the remainder of this project based on these recommendations.

**Procedural History and Projected Rulemaking Timeline**

Council approves Research Reactor rulemaking as part of 2024 schedule.	January 26, 2024
Council approves proposed rules and authorizes Notice of Proposed Rulemaking	July 19, 2024
Issue Notice of Proposed Rulemaking	July 22, 2024
Public comment deadline	August 23, 2024
Council adoption of permanent rules	September 20, 2024

**STAFF RECOMMENDATION**

Staff requests Council authorization to issue a Notice of Proposed Rulemaking and initiate formal proceedings to adopt the proposed amendments to the research reactors rules as shown in Attachments 1 and 2.