

Date: October 20, 2014

TO: Interested Parties

FROM: David Howe, Program Director 
Radiation Protection Services

RE: Notice of Proposed Rulemaking for OAR chapter 333, divisions 102, 106, 116, 119, 120, 121, and 122. "Update to Radiation Protection Service's X-ray, tanning and radioactive materials program rules"

The Oregon Health Authority, Public Health Division, Center for Health Protection is proposing to amend and adopt Oregon Administrative Rules related to the radioactive material licensing, tanning and X-ray programs within the Radiation Protection Services section.

The Radiation Protection Services (RPS) is proposing to amend rules to comply with the Nuclear Regulatory Commission's (NRC) 10 CFR Part 20, 30, 36, 39, 40, and 70, within divisions 102, 106, 116, 119, 120, 121 and 122. The amendments are in reference to updating decommissioning planning definitions and amending rules to comply with federal regulations pertaining to the transfer of a radioactive materials license and updating criteria for license termination. Proposed rules will require no changes to the licensee's administrative or operational functions.

The X-ray program is proposing to amend rules in division 106 relating to the X-ray device operator training requirements set forth by the Oregon Board of Medical Imaging and the Oregon Board of Dentistry. Proposed rules are being amended to better define the definition of supervision relating to the operation of an X-ray device. The amended definition will provide compatibility with the Oregon Board of Imaging's definitions. For persons whose training falls under RPS's authority, amended rules will provide specific requirements necessary for the safe operation of X-ray equipment. Rules relating to the use of fluoroscopic devices are being moved to be centralized with various fluoroscopic rules within division 106 and are not being amended or repealed.

The X-ray program is also proposing to amend OAR 333-106-0735, Dense Breast Notification, directing mammography facilities to issue notifications to patients who have either extreme breast density or heterogeneous breast density tissue. The proposed amended notification statement is designed to provide the layperson with less specific information pertaining to additional screening and diagnostic modalities.

The X-ray program is also proposing to amend OAR 333-122-0005 to correct rule cross referencing.

The Tanning program is proposing to amend various rules within division 119. Amended rules with potential impact to the tanning registrant are:

The addition of the Fitzpatrick Skin Type Scale to the rule definitions and having the tanning operator use this process to establish the tanning client's skin type; having the tanning operator be responsible for verifying the age of the person using the tanning device; requiring all users of tanning devices to present acceptable identification; and recording the date of birth on the client's card during their initial visit. Additional rules direct the registrant to assure that required "Warning", "Notice to the Public" and "Persons Under Age 18" signs are not covered or obscured and are visible within a public space,

You are being invited to review and comment on the proposed rules. **If you wish to present oral testimony, a public hearing will be held in Portland, Oregon at 800 NE Oregon Street, Room 221, on November 19, 2014 at 11:00 a.m. You may also file written comments before 5:00 p.m. on November 24, 2014** by submitting them to the Public Health Division Rules Coordinator at the following address:

OHA, Public Health Division
Brittany Sande, Administrative Rules Coordinator
800 NE Oregon Street, Suite 930
Portland, Oregon 97232

E-mail comments to: Brittany.a.sande@state.or.us; or you may also send comments by fax to (971) 673-1299.

Final rules will be filed after consideration of all comments.

For more details, please see the Notice of Proposed Rulemaking, Statement of Need and Fiscal Impact, and the full text of the proposed rules at the following website: <https://public.health.oregon.gov/HealthyEnvironments/RadiationProtection/Pages/proposedchanges.aspx>

If you have any questions or would prefer a hardcopy be sent, please contact
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