

Date: August 17, 2015

TO: Interested Parties

FROM: David Howe, Section Manager 
Radiation Protection Services

RE: Notice of Proposed Rulemaking for OAR chapter 333, divisions 100, 102, 103, 105, 106, 116, 118, 120, 125 – "Update of Radiation Protection Service's X-ray and radioactive materials program administrative rules"

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

The Radioactive Materials Licensing (RML) program is proposing to adopt and amend rules for compatibility with the Nuclear Regulatory Commission's regulations 10 CFR parts 20 through 71 within divisions 100, 102, 105, 116, 118, 120, and proposed division 125. The X-ray program is amending rules OAR 333-103-0005, 333-106-0055 and 333-106-0325.

Proposed rules in division 101 are to adopt additional definitions, division 102 is amended to further clarify exempt quantities and general licensing requirements of by-product and source materials. OAR 333-103-0005 is being amended to reflect a 25% fee increase relating to X-ray device registration fees as directed by Senate Bill 228 (Oregon Laws 2015, chapter 778), passed during the 2015 legislative session. Division 105 is being amended to update the address of the American National Standards Institute. Division 106 is being amended by providing better clarity relating to X-ray operator requirements and to repeal the requirement that patients being exposed to radiation from a dental X-ray device are not required to be provided a leaded apron or thyroid collar. OAR 333-116-0680 is being amended by revising one rule title for better clarity. OAR 333-118-0040, Transportation Exemptions, is being revised to meet federal compatibility requirements relating to the transportation of by-product materials. Division 120 is amended to correct rule cross references and correct an error relating to shallow dose equivalent to the skin.

Within division 120, OAR 333-120-0800, Report of Transactions Involving Nationally Tracked Sources, is being repealed and moved to the proposed division 125. Proposed division 125 is being adopted to meet the Nuclear Regulatory Commission's requirement to have rules developed in order to be compatible with the Physical

Protection of Category 1 and Category 2 Quantities of Radioactive Materials federal regulations.

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 St, Room 615, on September 22, 2015 at 10:00 a.m. You may also file written comments before 5:00 p.m. on September 22, 2015** 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. 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 Todd Carpenter at (971) 673-0500 or todd.s.carpenter@state.or.us