

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Health Authority, Public Health Division

333

Agency and Division
Number

Administrative Rules Chapter

Update Radiation Protection Service's X-ray and radioactive materials program administrative rules

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Amending, repealing and adopting rules in Oregon Administrative Rules Chapter 333, Divisions 100, 102, 106, 116, 118, 120, and proposed Division 125 pertaining to Radiation Protection Services (RPS).

Statutory Authority: ORS 453.605 – 453.807

Other Authority: Nuclear Regulatory Commission's (NRC) 10 CFR Parts 20 through 71

Stats. Implemented: ORS 453.605 – 453.807

Need for the Rule(s):

The Oregon Health Authority, Public Health Division, Center for Health Protection is proposing to amend, adopt and repeal Oregon Administrative rules relating to the X-ray and radioactive materials programs within the Radiation Protection Services (RPS) section.

The Radioactive Materials Licensing (RML) program is proposing to adopt, repeal and amend rules for compatibility with the Nuclear Regulatory Commission's regulations 10 CFR parts 20 through 71 within divisions 100, 102, 116, 118, 120, and proposed division 125. The amendments are in reference to updating decommissioning planning, notification to American Tribes of materials being transported and requirements for the distribution of radioactive materials. The proposed Division 125, titled Materials Safety and Security centralizes all rules related to the security, protection and tracking the quantities of radionuclides of concern and adopts all regulations within 10 CFR Part 37. In addition, OAR 333-120-0800, Reports of Transactions Involving Nationally Traced Sources, will be repealed and become OAR 333-125-0001 within the centralize rules pertaining to radionuclide security.

In addition, RML is amending rules relating to exempt quantities of source material and general licensing requirements. RML also proposes to adopt rules relating to compatibility with federal regulations for the physical protection of byproduct materials. Proposed rules will require no changes to the licensee's administrative or operational functions. Licensees affected by the rules in proposed division 125 will experience no impacts due to NRC's Order EA-05-090 issued in 2005 and Order EA-07-305 issued in 2008 to Oregon licensees.

The X-ray program is amending rules in division 106 by realigning X-ray equipment operator requirements to the beginning of OAR 33-106-0055 for better clarity. No additional requirements are being established with this rule revision. In OAR 333-106-0325, RPS proposes to repeal the requirement that dental X-ray facilities provide all patients with a leaded apron during X-ray exposures.

Documents Relied Upon, and where they are available:

Nuclear Regulatory Commission:

10 CFR Parts 20 through 71

<http://www.nrc.gov/reading-rm/doc-collections/cfr/>

Nuclear Regulatory Commission:
Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material
<http://www.nrc.gov/reading-rm/doc-collections/cfr/part037/>

Nuclear Regulatory Commission
NRC's Order EA-05-090
NRC's Order EA-07-305
<http://www.nrc.gov/security/byproduct/orders.html>

Fiscal and Economic Impact:

RPS does not anticipate any impacts to radioactive material licensees or X-ray device registrants by amending OARs for federal compatibility, or relating to X-ray device operator requirements.

RPS will experience no impact to administrative and operational functions within the licensing, registration and enforcement programs as a result of the proposed rules.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

There is no cost of compliance to state agencies, units of local government or the public as a result of the proposed rule changes.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

Radiation Protection Services currently does not have any licensees that will be impacted by the proposed rules relating to exempt quantities of source material and general licensing of by product materials for transfer or distribution. Businesses providing X-ray services will not experience any fiscal or regulatory burden from revised rules relating to X-ray operator requirements. Small businesses will not be impacted by the proposed Division 125 relating to security of radionuclides.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

Oregon's radioactive materials licensees will not see an increase in administrative requirements from the proposed Division 125 due to the Nuclear Regulatory Increased Control Orders enacted both in 2005 and 2008. Businesses will not need to revise any administrative activities to the proposed revisions relating to exempt quantities of source material or general licensing requirements for by product materials.

c. Equipment, supplies, labor and increased administration required for compliance:

No additional supplies, labor or administrative oversight will be required for compliance with the proposed rules.

How were small businesses involved in the development of this rule? Small businesses were not involved in the proposed rulemaking due to the State of Oregon required to comply with the provisions of Section 651(c) of the Energy Policy Act of 2005. Proposed rulemaking for X-ray has no impacts to small businesses.

Administrative Rule Advisory Committee consulted?:

If not, why?:

Legacy Health Systems
Oregon State University Radiation Center
Kaiser Permanente
Oregon Health Science University
Oregon State University Radioactive Materials Program
Suns Up Tanning
