

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form

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ARCHIVES DIVISION
SECRETARY OF STATE

Oregon Health Authority, Public Health Division

333

Agency and Division

Administrative Rules Chapter Number

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RULE CAPTION

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

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

Hearing Date	Time	Location	Hearings Officer
9-22-15	10:00 a.m.	Portland State Office Building; 800 NE Oregon St. Room 615; Portland,	Jana Fussell

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

333-102-0033, 333-102-0102, 333-102-0104, 333-125-0001, 333-125-0005, 333-125-0010, 333-125-0015, 333-125-0020, 333-125-0025, 333-125-0030, 333-125-0035, 333-125-0040, 333-125-0045, 333-125-0050, 333-125-0055, 333-125-0060, 333-125-0065, 333-125-0070, 333-125-0075, 333-125-0080, 333-125-0085, 333-125-0090, 333-125-0095, 333-125-0100, 333-125-0105, 333-125-0110, 333-125-0115, 333-125-0120, 333-125-0125, 333-125-0130, 333-125-0135, 333-125-0140, 333-125-0145, 333-125-0150, 333-125-0155, 333-125-0165, 333-125-0170, 333-125-0175, 333-125-0180, 333-125-0185, 333-125-0190, 333-125-0195, 333-125-0200

AMEND:

333-100-0005, 333-102-0005, 333-102-0015, 333-102-0025, 333-102-0030, 333-102-0035, 333-102-0075, 333-102-0101, 333-102-0190, 333-102-0200, 333-102-0203, 333-102-0235, 333-102-0285, 333-102-0290, 333-102-0293, 333-102-0305, 333-102-0310, 333-103-0005, 333-105-0420, 333-106-0055, 333-106-0325, 333-116-0680, 333-118-0040, 333-118-0190, 333-120-0710

REPEAL:

333-102-0105, 333-120-0800

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

333-102-0103 to 333-102-0106

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 453.605 - 453.807

Other Authority:

Statutes Implemented:

ORS 453.605 - 453.807

RULE SUMMARY

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.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

<u>09-22-2015 5:00 p.m.</u>	<u>Brittany Sande</u>	<u>brittany.a.sande@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Rules Coordinator Name	Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.