

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

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Oregon Health Authority, Public Health Division

333

Agency and Division

Administrative Rules Chapter Number

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RULE CAPTION

Updated Computed Tomography (CT) operator requirements and amended radiation rules for federal compatibility

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

RULEMAKING ACTION

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

ADOPT:

AMEND:

333-100-0080, 333-102-0305, 333-102-0355, 333-106-0370, 333-118-0020, 333-118-0052, 333-118-0053, 333-118-0070, 333-118-0100, 333-118-0140, 333-118-0170, 333-118-0200, 333-120-0200, 333-125-0025, 333-125-0120, 333-125-0180

REPEAL:

333-118-0080

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

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:

Nuclear Regulatory Commission's (NRC) 10 CFR Parts 37, 40, and 71

Statutes Implemented:

ORS 453.605 - 453.807

RULE SUMMARY

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

The Radioactive Materials Licensing (RML) program is proposing to amend rules for compatibility with the Nuclear Regulatory Commission (NRC)'s regulations 10 CFR parts 37, 40, and 71 within OAR divisions 100, 102, 106, 118, and 125. Amended rules pertain to the domestic licensing, transportation, safety and security of radioactive materials.

Proposed amended rules for domestic licensing will require the licensee to retain records pertaining to the transfer of radioactive materials until the Authority terminates the license rather than the licensee only retaining the records for three years. Amended rules also correct federal regulation referencing within division 102. Amended rules within division 118 relate to the transportation of radioactive materials. Federal regulations require RPS to update rules within the division to maintain compatibility with the NRC's and U.S. Department of Transportation regulations. OAR 333-118-0080 is being repealed due to amended rules referencing 10 CFR Part 71.1 Amended rules within division 125 pertain to radioactive materials safety and security and are revised to correct Oregon Administrative Rule references within OAR 333-125-0025 and distinguish "plan" and "procedure" within OAR 333-125-0120(1).

The X-ray program is proposing to amend OAR 333-106-0370 to only allow operation of Computed Tomography (CT) machines by individuals who have received CT credentialing through the Nuclear Medicine Technology Certification Board or the American Registry of Radiologic Technologists and are licensed by the Oregon Board of Medical Imaging.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the

publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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>09-22-2017 5:00 p.m.</u>	<u>Brittany Hall</u>	<u>brittany.a.hall@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.