

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking accompanies this form.

FILED
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ARCHIVES DIVISION
SECRETARY OF STATE

Oregon Health Authority, Public Health Division
Agency and Division

333
Administrative Rules Chapter Number

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

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

In the Matter of:

Amending and repealing rules in Oregon Administrative Rules chapter 333, divisions 100, 102, 106, 118 and 125 pertaining to Radiation Protection Service's (RPS) programs.

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

Need for the Rule(s):

The Oregon Health Authority (Authority), Public Health Division, Center for Health Protection is proposing to 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, 120, 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. 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 OAR 333-118-0080 is being repealed due to amended rules referencing 10 CFR Part 71.1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.

Documents Relied Upon, and where they are available:

Nuclear Regulatory Commission:

10 CFR Parts 37 through 71

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

Fiscal and Economic Impact:

RPS does not anticipate any impacts to radioactive material licensees by amending OARs for federal compatibility since the NRC's rules currently supersede OARs pertaining to the licensing and transportation of radioactive materials. Amended rules within division 106 will have no impact since the Oregon Board of Medical Imaging requires its licensees to have these credentials in order to be eligible for licensing by the Board.

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 impact to state agencies, units of local government or the public as a result of these proposed rule amendments.

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

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

RPS does not possess the data to determine how many small businesses providing X-ray and radioactive materials services will be subject to

these rules. It is not anticipated that small businesses will be negatively impacted by these proposed amended rules.

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

Radioactive Material Licensees will have to retain records of radioactive materials transfers until their license is terminated by the Authority. Current rules direct the licensee to retain records for three years.

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. Proposed rules being amended are based on federal regulation requirements and existing Oregon Board of Medical Imaging licensing requirements for CT operators. No impacts to small businesses are anticipated.

Administrative Rule Advisory Committee consulted?: Yes

If not, why?:

09-22-2017 5:00 p.m.	Brittany Hall	brittany.a.hall@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address