

STATEMENT OF NEED AND FISCAL IMPACT

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

Department of Human Services, Public Health Division

333

Agency and Division

Administrative Rules Chapter Number

Edits, amendments, and adoption of rules related to Radiation Protection Services, including fee increases.

Rule Caption

In the Matter of: Amending and adopting rules in Oregon Administrative Rules chapter 333, divisions 100, 102, 103, 106, 111, 116, 118, 119, 120 pertaining to Radiation Protection Services, editing rule text, amending Table 1 of OAR 333-106-0045, and implementing licensing and registration fee increases as outlined in division 103.

Statutory Authority: ORS 431.925 – 431.955, ORS 453.605 - 453.807

Other Authority:

Stats. Implemented: ORS 431.655, 431.930, 431.935, 431.945, ORS 453.605 – 453.807

Need for the Rule(s):

The Department of Human Services, Public Health Division is proposing to amend OARs relating to Radiation Protection Services to comply with the Nuclear Regulatory Commission (NRC) Code of Federal Regulations (CFR); Adopt two new rules to comply with implemented CFRs for compatibility with NRC regulations per state agreement; Amend OARs affecting renewal dates; and implement fee increases approved by HB 2193 in the 2007 Legislative Session.

Documents Relied Upon, and where they are available:

Title 10 Code of Federal Regulations, Part 20 through Part 71

Title 49 Code of Federal Regulations, Parts 170 through 173

HB 2193 – Oregon 2007 Laws, chapter 856

Documents may be obtained by contacting the Department of Human Services, Public Health Division, Radiation Protection Services Section, 800 NE Oregon Street, Suite 640, Portland Oregon 97232, 971-673-0490

Fiscal and Economic Impact:

The following licensees and registrants will be impacted with fee increases:

Radiation Machines defined by OAR 333-100-0005

Microwave Oven Services

Accredited Hospital Radiology Inspectors

Tanning Devices defined by OAR 333-119-010

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): State and local governments required to have a validated radiological license or registration could be affected by fee increases. Devices or services provided to the user could increase user fees.

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: Approximately 3,200 facilities registered to use radiation machines, 690 tanning facilities and 50 microwave oven repair services will be affected by the implementation of these proposed rules.

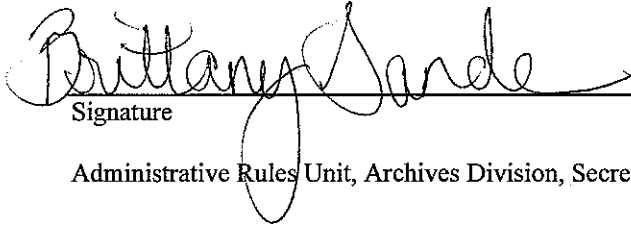
b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: Licensees using sources of radiation will be required additional recordkeeping regarding radiological source accountability.

c. Equipment, supplies, labor and increased administration required for compliance: Licensees using sources of radiation will be required additional recordkeeping regarding radiological source accountability.

d. How were small businesses involved in the development of this rule? Small businesses were represented on the Radiation Advisory Committee during the crafting and draft approval of these rules. In addition, several public hearings for HB 2193 were conducted to receive testimony concerning the statutory changes authorizing fee increases related to these rules.

Administrative Rule Advisory Committee consulted?: Yes

If not, why?:



Signature

Brittany Sande, PH Rules Coordinator

Printed name

May 13, 2008

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007